

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, April 2, 2019 - 2:00 PM**

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

### **Regular Meeting**

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**NORMAN YEE, PRESIDENT**

**VALLIE BROWN, SANDRA LEE FEWER, MATT HANEY, RAFAEL MANDELMAN,  
GORDON MAR, AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI,  
SHAMANN WALTON  
*Angela Calvillo, Clerk of the Board***

### **BOARD COMMITTEES**

#### **Committee Membership**

##### **Budget and Finance Committee**

Supervisors Fewer, Stefani, Mandelman, Ronen, Yee

##### **Budget and Finance Federal Select Committee**

Supervisors Fewer

##### **Budget and Finance Sub-Committee**

Supervisors Fewer, Stefani, Mandelman

##### **Government Audit and Oversight Committee**

Supervisors Mar, Brown, Peskin

##### **Land Use and Transportation Committee**

Supervisors Peskin, Safai, Haney

##### **Public Safety and Neighborhood Services Committee**

Supervisors Mandelman, Stefani, Walton

##### **Rules Committee**

Supervisors Ronen, Walton, Mar

#### **Meeting Days**

Wednesday

1:00 PM

2nd and 4th Thursday

1:15 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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

**Members Present:** Vallie Brown, Sandra Lee Fewer, Matt Haney, Rafael Mandelman, Gordon Mar, Aaron Peskin, Hillary Ronen, Ahsha Safai, Catherine Stefani, Shamann Walton, 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, April 2, 2019, with President Norman Yee presiding.*

*President Yee called the meeting to order at 2:01 p.m.*

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*On the call of the roll, Supervisors Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, and Yee were noted present.*

*A quorum was present.*

## **COMMUNICATIONS**

*There were no communications.*

## **APPROVAL OF MEETING MINUTES**

*President Yee inquired whether any Board Member had any corrections to the February 26, 2019, Board Meeting Minutes. There were no corrections.*

**Supervisor Peskin, seconded by Supervisor Walton, moved to approve the February 26, 2019, Board Meeting Minutes. The motion carried by the following vote, following general public comment:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

## **AGENDA CHANGES**

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendations of the Government Audit and Oversight Committee

#### **190101 [Settlement of Lawsuit - Satinder Singh - \$425,000]**

Ordinance authorizing settlement of the lawsuit filed by Satinder Singh against the City and County of San Francisco for \$425,000; the lawsuit was filed on January 23, 2014, in San Francisco Superior Court, Case No. CGC-14-536941; entitled Satinder Singh v. Xuong Lu, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

**Ordinance No. 063-19**

**FINALLY PASSED**

#### **190102 [Settlement of Lawsuit - Brandon Simpson - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Brandon Simpson against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 11, 2017, in the United States District Court, Northern District of California, Case No. 17-CV-00133 KAW; entitled Brandon Simpson v. City and County of San Francisco, et al.; the lawsuit involves alleged damages stemming from civil rights violations; other material terms of the settlement are that Mr. Simpson's court ordered criminal restitution will be paid from the settlement proceeds. (City Attorney)

**Ordinance No. 064-19**

**FINALLY PASSED**

#### **190137 [Settlement of Lawsuit - Logan Rachel Ury - \$80,000]**

Ordinance authorizing settlement of the lawsuit filed by Logan Rachel Ury against the City and County of San Francisco for \$80,000; the lawsuit was filed on February 14, 2017, in San Francisco Superior Court, Case No. CGC-17-557062; entitled Logan Rachel Ury v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in Golden Gate Park. (City Attorney)

**Ordinance No. 066-19**

**FINALLY PASSED**

#### **190189 [Settlement of Lawsuit - Jamal Rashid Trulove - \$13,100,000]**

Ordinance authorizing settlement of the lawsuit filed by Jamal Rashid Trulove against the City and County of San Francisco for \$13,100,000; the lawsuit was filed on January 7, 2016, in United States District Court, Case No. 16-cv-00050; entitled Jamal Rashid Trulove v. Maureen D'Amico et al.; the lawsuit involves alleged unlawful prosecution and incarceration. (City Attorney)

**Ordinance No. 067-19**

**FINALLY PASSED**

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

### **171194 [Building Code - Installation of Solar Energy Systems]**

**Sponsor: Peskin**

Ordinance amending the Building Code to enact an expedited and streamlined permit process for solar energy systems; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage.

**Ordinance No. 062-19**

**FINALLY PASSED**

### **190045 [Building, Business and Tax Regulations Codes - Temporary Homeless Shelter Provisions During Shelter Crisis]**

**Sponsors: Mayor; Brown, Walton, Haney, Mandelman and Stefani**

Ordinance amending the Building Code to adopt standards for constructing homeless shelters, and to create an alternative approval procedure for homeless shelters, during a shelter crisis, pursuant to California Government Code, Section 8698.4; amending the Business and Tax Regulations Code to provide for an expedited permit appeals process for homeless shelters during a shelter crisis; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission and the California Department of Housing and Community Development upon final passage.

**Ordinance No. 060-19**

**FINALLY PASSED**

### **190047 [Administrative, Planning Codes - Streamlined Contracting for Homeless Services and Siting for Homeless Shelters]**

**Sponsors: Mayor; Brown, Walton, Haney, Mandelman and Stefani**

Ordinance amending the Administrative Code and Planning Code to streamline contracting for homeless shelters, and siting of homeless shelters by, among other things, authorizing the Department of Homelessness and Supportive Housing (HSH) to enter into and amend contracts without requiring competitive bidding for professional and other services relating to sites and programs for people experiencing homelessness (Projects Addressing Homelessness); authorizing Public Works to enter into and amend contracts without adhering to the Environment Code or to provisions relating to competitive bidding, equal benefits, local business enterprise utilization, and other requirements, for construction work and professional and other services relating to Projects Addressing Homelessness; permitting Homeless Shelters in PDR (Production Distribution Repair) and SALI (Service/Arts/Light Industrial) Districts; authorizing HSH to operate Navigation Centers for more than two years; 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.

**Ordinance No. 061-19**

**FINALLY PASSED**

**190136 [Various Department of Building Inspection Codes - Technical Corrections to Existing Code]**

Ordinance amending various sections of the Building, Existing Building, Plumbing, Electrical, and Housing Codes to correct or clarify existing Code language, re-enact a longstanding permit requirement for fences with the finding required by the California Health and Safety Code, and add enforcement provisions for the Building Facade Inspection and Maintenance Program; affirming the Planning Department's determination under the California Environmental Quality Act; adopting a finding under the California Health and Safety Code; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage. (Building Inspection Commission)

**Ordinance No. 065-19**

**FINALLY PASSED**

**190215 [Mission Bay South - Mission Bay Park P5 Acceptance and Naming Mission Bay Dog Park]**

**Sponsor: Haney**

Ordinance dedicating property under City jurisdiction and located on a portion of State Trust Parcel 2, commonly known as Mission Bay Park P5, adjacent to El Dorado Street North and El Dorado Street South between Channel Street and Long Bridge Street, as open public right-of-way in Mission Bay South; naming the new park "Mission Bay Dog Park;" accepting an irrevocable offer for the acquisition facilities that comprise the park improvements; designating said facilities for public open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations, as defined herein; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; approving a Public Works Order; and authorizing official acts in connection with this Ordinance, as defined herein.

**Ordinance No. 068-19**

**FINALLY PASSED**

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

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Land Use and Transportation Committee

#### **181154 [Planning Code - Inclusionary Housing Fee]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to require all projects using the State Density Bonus law, regardless of environmental evaluation application date, to pay the inclusionary fee on any additional units or square footage allowed by the state law; affirming the Planning Department's determination 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 making findings of public convenience, necessity, and welfare under Planning Code, Section 302. (Pursuant to Charter, Section 4.105, this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve the Ordinance for passage.)

**Supervisor Peskin, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to add findings of consistency with the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302, findings that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code. The motion carried by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee (Pursuant to Charter, Section 4.105, this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve the Ordinance for passage.)

**Supervisor Peskin, seconded by Supervisor Walton, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED. The motion carried by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

## NEW BUSINESS

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

#### **181110 [Business and Tax Regulations Code - Administration of Homelessness Gross Receipts Tax]**

Ordinance amending the Business and Tax Regulations Code to add provisions to administer the Homelessness Gross Receipts Tax; and to make conforming non-substantive changes. (Treasurer-Tax Collector)

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

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

President Yee requested that File Nos. 181225 and 181226 be called together.

**181225 [Lease Agreement - Treasure Island Enterprises - Treasure Island Marina - \$90,000 Initial Annual Base Rent]**

**Sponsor: Mayor**

Resolution approving a lease agreement between the Treasure Island Development Authority and Treasure Island Enterprises, LLC, a California limited liability company, for the development and management of Treasure Island Marina for a term of 66 years following Board approval for an initial annual base rent of \$90,000 with rent increases adjusted annually by the Consumer Price Index, as defined herein; making findings under the California Environmental Quality Act, adopting a Mitigation Monitoring and Reporting Program for the marina project, and confirming the Planning Department's determination that no additional environmental impacts that were not previously identified, would occur as a result of the proposed lease. (Treasure Island Development Authority)

**Resolution No. 153-19**

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**181226 [Lease Agreement - Treasure Island Sailing Center Foundation - Treasure Island Sailing Center - \$10,000 Minimum Annual Base Rent]**

**Sponsor: Mayor**

Resolution approving a lease agreement between the Treasure Island Development Authority and Treasure Island Sailing Center Foundation, Inc, a California nonprofit corporation, for the development and management of the Treasure Island Sailing Center for a term of 66 years following Board approval for a minimum annual base rent of \$10,000 with rent increases adjusted annually by the Consumer Price Index, as defined herein; making findings under the California Environmental Quality Act, adopting a Mitigation Monitoring and Reporting Program and confirming the Planning Department's determination that no additional environmental impacts that were not previously identified, would occur as a result of the proposed lease. (Treasure Island Development Authority)

**Resolution No. 154-19**

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190203 [Contract Amendment - Leaders in Community Alternatives, Inc. - Home Detention and Electronic Monitoring Program Rules and Regulations and Program Administrator's Evidence of Financial Responsibility - 2019 Calendar Year - Not to Exceed \$2,465,000]**

Resolution authorizing the Sheriff's Department to enter into a third amendment to the existing contract with Leaders in Community Alternatives, Inc. ("LCA") to administer the Sheriff's Department's home detention and electronic monitoring program; extending the term by three months for a total contract term of May 1, 2014, through July 31, 2019, and increasing the amount by \$465,000 for a total amount not to exceed \$2,465,000; approving the Sheriff Department's home detention and electronic monitoring program rules and regulations; and approving evidence of financial responsibility demonstrated by program administrator LCA for the 2019 calendar year. (Sheriff)  
(Fiscal Impact)

**Resolution No. 157-19**

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190205 [Contract Amendment - Black and Veatch Corporation - Water Enterprise Water System - Calaveras Dam Replacement Project - Not to Exceed \$71,800,000]**

Resolution authorizing the General Manager of the Public Utilities Commission to execute Amendment No. 4 to an agreement with Black and Veatch Corporation, increasing the length of the agreement by ten months, for a total duration of nine years and eight months, for a total agreement term of August 1, 2010, through March 29, 2020, and increasing the agreement by \$3,800,000 for a total not to exceed agreement amount of \$71,800,000 for continued construction management services for the Water Enterprise Water System Improvement Program-funded Agreement No. CS-911R, Calaveras Dam Replacement Project, pursuant to Charter, Section 9.118(b). (Public Utilities Commission)  
(Fiscal Impact)

**Resolution No.** 158-19

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190218 [Accept and Expend In-Kind Grant - Retroactive - Trust for Public Land - Gene Friend Recreation Center Feasibility Study and Concept Design - \$520,500]**

**Sponsors:** Mayor; Haney

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant from the Trust for Public Land in the amount of up to \$520,500 for a feasibility study and concept design for improvements to the Eugene L. Friend Recreation Center ("Gene Friend Recreation Center") for the project term of October 2, 2018, through March 31, 2019.

*Privilege of the floor was granted unanimously to Beverly Ng (Recreation and Park Department) who responded to questions raised throughout the discussion.*

**Resolution No.** 159-19

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190244 [Accept and Expend Grant - The Workers Lab - Workers Fund - \$150,000]**

Resolution authorizing the Office of the Treasurer & Tax Collector to accept and expend a grant in the amount of \$150,000 from The Workers Lab for designing and piloting a Workers Fund at San Francisco International Airport from May 1, 2019, through June 30, 2020. (Treasurer-Tax Collector)

**Resolution No.** 161-19

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

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

### **190030 [Planning Code - Union Square Park, Recreation, and Open Space Fee]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to adjust the Union Square Park, Recreation, and Open Space Fee from \$4 to \$6; affirming Planning Department's determination 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

### **190222 [Declaring a Climate Emergency in San Francisco]**

**Sponsors: Mandelman; Fewer, Peskin, Mar, Brown, Haney, Yee, Safai, Ronen, Stefani and Walton**

Resolution declaring a climate emergency in San Francisco; and requesting immediate and accelerated action to address the climate crisis and limit global warming to 1.5 degrees Celsius.

*Supervisors Ronen, Stefani, and Walton requested to be added as co-sponsors.*

**Resolution No. 160-19**

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

## **Recommendation of the Public Safety and Neighborhood Services Committee**

### **190069 [Liquor License Transfer - 465 Hayes Street - The Epicurean Trader]**

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to The Epicurean Trader, LLC, doing business as The Epicurean Trader, located at 465 Hayes Street (District 5), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

**Resolution No. 155-19**

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

## **Recommendations of the Rules Committee**

### **181188 [Administrative Code - Implicit Bias Training - Department Heads and Commissioners]**

**Sponsors: Stefani; Ronen, Walton, Mar, Brown, Haney, Safai and Mandelman**

Ordinance amending the Administrative Code to require department heads and members of City boards and commissions to complete implicit bias training by December 31, 2019; to require newly appointed department heads and members of City boards and commissions to complete implicit bias training within 60 days of assuming office; and to require the Department of Human Resources to provide the training.

*Supervisors Brown, Haney, Safai, and Mandelman requested to be added as co-sponsors.*

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

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

### **190032 [Reappointments, Golden Gate Bridge, Highway and Transportation District - Sabrina Hernandez, Bert Hill, Richard Grosboll, and Michael Theriault]**

Motion reappointing Sabrina Hernandez, Bert Hill, Richard Grosboll, and Michael Theriault, for the unexpired portions of two-year terms ending January 31, 2021, to the Golden Gate Bridge, Highway and Transportation District. (Rules Committee)

**Motion No. M19-053**

**APPROVED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

### **190120 [Rules of Order - Removing Rule 3.29 Budget and Finance Select Committee on Federal Policy Changes]**

**Sponsor: Yee**

Motion amending the Rules of Order of the Board of Supervisors by striking Rule 3.29 to remove the Budget and Finance Select Committee on Federal Policy Changes.

**Motion No. M19-054**

**APPROVED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

### **190262 [Amending Board Rules of Order - Amending Board Rules 3.26 and 3.30 - Adding Board Rule 3.31 to Establish a Joint City, School District, and City College Select]**

**Sponsors: Yee; Ronen, Mar and Haney**

Motion amending the Board Rules of Order of the Board of Supervisors by making clarifying amendments to Rule 3.26 Rules Committee and Rule 3.30 Select Committee; and by adding Rule 3.31 to establish a Joint City, School District, and City College Select Committee.

**President Yee, seconded by Supervisor Stefani, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 11-12, by inserting 'The Committee shall be chaired by a Member of the Board of Supervisors designated by the President.'**

**The motion carried by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

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

**Motion No. M19-055**

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190274 [Appointment, Park, Recreation, and Open Space Advisory Committee - Rosa Chen]**

Motion appointing Rosa Chen, term ending February 1, 2021, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

**Motion No. M19-056**

**APPROVED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190284 [Reappointment, Bicycle Advisory Committee - Melyssa Mendoza]**

Motion reappointing Melyssa Mendoza, term ending November 19, 2020, to the Bicycle Advisory Committee. (Rules Committee)

**Motion No. M19-057**

**APPROVED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

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

**Supervisor Mandelman, 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.**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

*Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Daniel Bergerac of the Castro Merchants in recognition of his accomplishments and continued community support.*

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Katie Pilat, of the Flynn Elementary School PTA, in recognition of her accomplishments and continued community support.*

*Supervisor Haney introduced, welcomed, and presented a posthumous commendation to his Women's History Month Honoree Sharen Hewitt, the former Co-Chair of the Tenderloin People's Congress, in recognition of her accomplishments and community support. Supervisors Walton, Brown, Safai, and Yee shared in the posthumous commendation. DeDe Hewitt accepted the commendation on behalf of her mother.*

*President Yee presented a posthumous commendation of Francisco Hsieh, in recognition to his decades of service to the City and County of San Francisco. Supervisors Peskin, Fewer, Ronen, Mandelman, Mar, Brown, Haney, Safai, and Walton shared in the commendation.*

## SPECIAL ORDER 3:00 P.M.

*President Yee requested File Nos. 190198, 190199, 190200, and 190201 be called together.*

### **190198 [Hearing - Appeal of Determination of Exemption From Environmental Review - Outside Lands Festival Use Permit]**

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on January 17, 2019, for the amendment to the City's Use Permit with Another Planet Entertainment for the annual three-day festival in Golden Gate Park (aka "Outside Lands"), to extend the term for an additional 10 years and to update certain provisions related to rents and cost of reimbursements based on cost of living and other increases, with terms substantially the same as the draft dated December 1, 2018. (District 1) (Appellant: Richard Drury of Lozeau Drury LLP, on behalf of Andrew Solow and Stephen Somerstein) (Filed February 14, 2019) (Clerk of the Board)

*President Yee opened the public hearing and inquired as to whether any individual wished to address the Board. Supervisor Fewer provided brief opening remarks. Richard Drury (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Derek Watry; Jean Barish; Andrew Solow; Stephen Somerstein; Martin MacIntyre; Charles Head; Speaker; Otto Dufty; Linda Miller; Ken; Ace Washington; spoke in support of the appeal. Chelsea Fordham and Lisa Gibson, Environmental Review Officer (Planning Department); Dana Ketcham, and Sarah Madland (Recreation and Park Department); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Dana Ketcham (Recreation and Park Department / Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Nick Belloni; David Muller; Andy Olive (Hook Fish Company); Schuyler Beecroft; Jason Hancock; Lisa Treadway; Lauren Godfrey; Douglas Taylor; Joanne Desmond; Jeff Fare; Walker Allen; Steffanie Goodman; BeeBe Rutledge; Steve Ward; spoke in support of the project and in opposition to the appeal. Richard Drury (Appellant); provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Yee closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

### **190199 [Affirming the Categorical Exemption Determination - Outside Lands Festival Use Permit]**

Motion affirming the determination by the Planning Department that the proposed Outside Lands Festival Use Permit is categorically exempt from further environmental review. (Clerk of the Board)

**Motion No. M19-058**

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

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190200 [Conditionally Reversing the Categorical Exemption Determination - Outside Lands Festival Use Permit]**

Motion conditionally reversing the determination by the Planning Department that the proposed Outside Lands Festival Use Permit is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190201 [Preparation of Findings to Reverse the Categorical Exemption Determination - Outside Lands Festival Use Permit]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed Outside Lands Festival Use Permit is categorically exempt from further environmental review. (Clerk of the Board)

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

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**Recommendation of the Budget and Finance Committee****190117 [Permit Amendment - Outside Lands Music Festival - Ten Year Extension - Permit Fee]**

**Sponsors: Fewer; Mar**

Resolution approving and authorizing a second amendment to the existing Permit with Another Planet Entertainment LLC, for the production of the annual Outside Lands Music Festival to extend the term ten additional years until 2031, pursuant to Charter, Section 9.118, and to modify provisions of the Permit related to the permit fee and rent payments and outreach and similar matters; affirming a categorical exemption under the California Environmental Quality Act for the amendment; and ratifying prior actions, as defined herein.

**Resolution No. 156-19**

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

**Appointment of President Pro Tempore**

*At the request of President Yee, Supervisor Peskin assumed the chair at 4:51 p.m. The President resumed the chair at 5:04 p.m.*

## PUBLIC COMMENT

*Peter Warfield, shared concerns regarding the fines and fees imposed by the San Francisco Public Library.*

*Christy Scrivano; expressed opposition to the navigation center being proposed for Seawall Lot 330.*

*Judy Dundao; expressed opposition to the navigation center being proposed for Seawall Lot 330. Speaker; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Speaker; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*David Smith; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Speaker; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Janet Lawson; expressed opposition to the navigation center being proposed for Seawall Lot 330.*

*Speaker; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*T. Singh; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Bruce Bales; expressed opposition to the navigation center being proposed for Seawall Lot 330.*

*Jake Borstein; expressed opposition to ordinances which would ban the sale of e-cigarettes.*

*Hardip; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Aldi; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Otto Duffy; expressed various concerns regarding the "Twitter Tax Break."*

*Ace Washington; expressed various concerns regarding public concerns along Fillmore Street.*

*Sarah Lee; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Speaker; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Elijah Chhom; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Ny Nourn; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Manith Seng; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Tina Seng; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Sharon Gubuan; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Bopha Pum; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Speaker; expressed support for the resolution resisting mass deportation of rehabilitated formerly incarcerated Southeast Asian nationals (File No. 190320).*

*Tom Gilbert; spoke on the centenary of Lawrence Ferlinghetti and on various concerns regarding the City.*

*Ken; spoke on various legislative concerns of the City and County of San Francisco.*

## CLOSED SESSION

### CONFERENCE WITH CITY ATTORNEY - Existing Litigation

#### **190270 [Closed Session - Existing Litigation - Tax Measures Adopted by the Voters at the June 5, 2018, and November 6, 2018 Municipal Elections - April 2, 2019]**

Closed Session for the Board of Supervisors to convene on April 2, 2019, for the purpose of conferring with, or receiving advice from the City Attorney, pursuant to California Government Code, Section 54956.9, and San Francisco Administrative Code, Section 67.10(d)(1), regarding existing litigation in which the City is a defendant, Howard Jarvis Taxpayers Ass'n, Building Owners and Managers Ass'n of California, California Business Properties Ass'n, and California Business Roundtable v. City and County of San Francisco and All Persons Interested in the Matter of Proposition C of the June 2018 Ballot, Case No. CGC 18-568657, filed in San Francisco Superior Court on August 3, 2018; existing litigation in which the City is a plaintiff, City and County of San Francisco v. All Persons Interested in the Matter of Proposition G on the June 5, 2018, San Francisco Ballot, Case No. CGC 18-569987, filed in San Francisco Superior Court on September 21, 2018; and existing litigation in which the City is a plaintiff, City and County of San Francisco v. All Persons Interested in the Matter of Proposition C on the November 6, 2018, San Francisco Ballot, Case No. CGC 19-573230, filed in San Francisco Superior Court on January 28, 2019; scheduled pursuant to Motion No. M19-047, approved March 5, 2019. (Clerk of the Board)

*CONVENED IN CLOSED SESSION*

*The Board recessed at the hour of 6:11 p.m. to convene in closed session pursuant to Motion No. M19-047 (File No. 190231), approved on March 5, 2019.*

*The following Supervisors were noted present: Supervisors Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee*

*Persons in attendance: Jon Givner, Scott M. Reiber, and Wayne Snodgrass, Deputy City Attorneys (Office of the City Attorney); Ben Rosenfield, City Controller (Office of the Controller); and Angela Calvillo, Clerk of the Board, and John Carroll, Acting Legislative Deputy Director (Office of the Clerk of the Board).*

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

*RECONVENED AS THE BOARD OF SUPERVISORS*

*The Board reconvened at the hour of 7:01 p.m.*

**HEARD IN CLOSED SESSION**

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.*

**Supervisor Fewer, seconded by Supervisor Haney, moved not to disclose the Closed Session deliberations. The motion carried by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

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**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****190321 [Recognizing Problem Gambling Awareness Month - March 2019]****Sponsors: Yee; Mar, Peskin and Fewer**

Resolution recognizing March 2019 as Problem Gambling Awareness Month in the City and County of San Francisco.

**Resolution No. 165-19****ADOPTED****190322 [Liquor License - 1168 Folsom Street - Decant SF]**

Resolution determining that the issuance of a Type-42 on-sale beer and wine public premises liquor license to Decant SF, LLC, doing business as Decant SF, located at 1168 Folsom 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; correcting a resolved clause in File No. 190135; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Clerk of the Board)

**Resolution No. 166-19****ADOPTED****190336 [Final Map 4273 - 722 Montgomery Street]**

Motion approving Final Map 4273, a two lot vertical subdivision, lot one being five commercial units and lot two being 12 residential units, mixed-use condominium project, located at 722 Montgomery Street, being a subdivision of Assessor's Parcel Block No. 0196, Lot No. 056; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M19-059****APPROVED****190337 [Final Map 9766 - 606 Capp Street]**

Motion approving Final Map 9766, a two lot merger and 20 residential unit condominium project, located at 606 Capp Street, being a subdivision of Assessor's Parcel Block No. 3615, Lot No. 055; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M19-060****APPROVED****The foregoing items were acted upon by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

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**Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Peskin requested that File No. 190320 be severed so that it may be considered separately.*

**190320 [Urging the Trump Administration - Stop Mass Deportation - Rehabilitated Formerly Incarcerated Southeast Asian Nationals]**

**Sponsors: Walton; Ronen, Yee, Haney, Mar, Fewer, Brown, Safai, Peskin, Stefani and Mandelman**

Resolution respectfully urging the Trump Administration to stop the massive deportation of rehabilitated formerly incarcerated Southeast Asian nationals.

*Supervisors Brown, Safai, Peskin, Stefani, and Mandelman requested to be added as co-sponsors.*

**Resolution No. 164-19**

**ADOPTED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

*President Yee requested that File Nos. 190339 and 190341 be severed so that they may be considered separately.*

*Supervisor Walton was noted absent at 6:09 p.m. and present at 6:10 p.m.*

**190339 [Closed Session - Labor Negotiations - April 16, 2019]**

Motion that the Board of Supervisors convene in closed session on April 16, 2019, at 4:00 p.m., pursuant to California Government Code, Section 54957.6, and San Francisco Administrative Code, Section 67.10(e), to confer with the Mayor's Office and the Department of Human Resources regarding negotiations with labor unions representing City employees. (Clerk of the Board)

**Motion No. M19-061**

**APPROVED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Absent: 1 - Walton

**190341 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - April 9, 2019]**

Motion that the Board of Supervisors convene in closed session on April 9, 2019, 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 following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: In re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 19-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. EL19-38-000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18-1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; California Public Utilities Commission Case No. I.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; and California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019. (Clerk of the Board)

*ADOPTED by the following vote:*

*Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee*

*Supervisor Yee, seconded by Supervisor Peskin, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee*

*Absent: 1 - Walton*

**Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 4, by inserting 'at 4:00 p.m.' and on Page 5, Line 21, by inserting 'at 4:00 p.m.' The motion carried by the following vote:**

*Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee*

Motion that the Board of Supervisors convene in closed session on April 9, 2019, at 4:00 p.m., 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 following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: In re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 19-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. EL19-38-000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18-1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed, February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; California Public Utilities Commission Case No. I.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; and California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019. (Clerk of the Board)

**Motion No. M19-062**

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, 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.*

## ORDINANCES

### **190355 [Planning Code - Authorizing Interim Activities at Development Sites]**

**Sponsors: Mayor; Haney**

Ordinance amending the Planning Code to enable the use of development project sites during the project approval and entitlement process by authorizing the Planning Department to authorize certain interim activities at development project sites as Temporary Uses for up to 36 months, subject to extension at the discretion of the Planning Director in increments for up to a maximum possible total of 36 additional months; adopting the Planning Department's determination 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 making findings of public convenience, necessity, and welfare under Planning Code, Section 302.

04/02/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/2/2019.

### **190309 [Appropriating \$398,561 in Fire Service Fees - De-Appropriation and Re-Appropriation - Expenditures of \$5,750,492 - Supporting Increased Overtime and Professional Services Expenditures - FY2018-2019]**

**Sponsor: Mayor**

Ordinance appropriating \$398,561 to overtime in the Fire Department, de-appropriating \$5,750,492 from permanent salaries, mandatory fringe benefits, and capital projects, and appropriating \$5,750,492 to overtime and professional services in the Sheriff's Department, and to overtime in the San Francisco Public Utilities Commission, in order to support the Departments' projected increases in overtime as required per Administrative Code, Section 3.17; this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for the Sheriff's Department appropriations approval, pursuant to Charter, Section 9.113(c).

(Pursuant to Charter, Section 9.113(c), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve such appropriation ordinance for passage.)

(Fiscal Impact)

03/19/19; ASSIGNED to Budget and Finance Sub-Committee.

04/02/19; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

**190356 [Appropriation - General Obligation Bond Proceeds - San Francisco Seawall Earthquake Safety and Disaster Prevention Program - FY2018-2019 - \$50,000,000]**  
**Sponsors: Mayor; Peskin**

Ordinance appropriating \$50,000,000 of the Series 2019B Embarcadero Seawall Earthquake Safety General Obligation Bond Proceeds to the Port of San Francisco in FY2018-2019 for planning, site and geotechnical investigations, risk assessment, alternatives analysis, program development, identification of potential pilot projects, and the San Francisco Waterfront Storm Risk Management Study General Investigation with the United States Army Corps of Engineers; and placing these funds on Controller's Reserve pending sale of the bonds.  
(Fiscal Impact; No Budget and Legislative Analyst Report)

04/02/19; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 5/2/2019.

## RESOLUTIONS

**190357 [Issuance of General Obligation Bonds (Embarcadero Seawall Earthquake Safety, 2018) - Not to Exceed \$425,000,000]**

**Sponsors: Mayor; Peskin**

Resolution providing for the issuance of not to exceed \$425,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Embarcadero Seawall Earthquake Safety, 2018); authorizing the issuance and sale of said bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31; finding that the proposed project is in conformity with the eight priority policies of Planning Code, Section 101.1(b), and with the General Plan consistency requirement of Charter, Section 4.105, and Administrative Code, Section 2A.53; ratifying certain actions previously taken, as defined herein; and granting general authority to city officials to take necessary actions in connection with the issuance and sale of said bonds, as defined herein.  
(Fiscal Impact; No Budget and Legislative Analyst Report)

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**190358 [Sale of General Obligation Bonds - (Embarcadero Seawall Earthquake Safety, 2018), Series 2019B - Not to Exceed \$50,000,000]**

**Sponsors: Mayor; Peskin**

Resolution authorizing the issuance and sale of not to exceed \$50,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Embarcadero Seawall Earthquake Safety, 2018) Series 2019B; prescribing the form and terms of such bonds; providing for the appointment of depositories and other agents for such bonds; providing for the establishment of accounts and/or subaccounts related to such bonds; authorizing the sale of such bonds by competitive or negotiated sale; approving the forms of the Official Notice of Sale and Notice of Intention to Sell Bonds and directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Purchase Contract; approving the form of the Preliminary Official Statement and the execution of the Official Statement relating to the sale of such bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to such documents; ratifying certain actions previously taken, as defined herein; and granting general authority to City Officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of such bonds, as defined herein.  
(Fiscal Impact; No Budget and Legislative Analyst Report)

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**190359 [Approve Project List - California State Senate Bill 1 Local Streets and Road Program - Road Maintenance and Rehabilitation Account Funds]****Sponsor: Mayor**

Resolution approving the list of projects to be funded by FY2019-2020 Road Maintenance and Rehabilitation Account funds as established by California State Senate Bill 1, the Road Repair and Accountability Act of 2017. (Public Works)

04/02/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**190360 [Accept and Expend Gift - Richard and Bonnie Green Bequest - Laguna Honda Gift Fund - \$200,000]****Sponsors: Mayor; Yee**

Resolution authorizing the Department of Public Health to accept and expend a monetary gift in the amount of \$200,000 from the Richard and Bonnie Green Survivor's Trust to the Laguna Honda Gift Fund, to support resident care programs, for the period of July 1, 2019, through June 30, 2029. (Public Health Department)

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**190361 [Petitions for City Parcels - Renew and Expand the Proposed Civic Center Community Benefit District]****Sponsors: Mayor; Haney and Brown**

Resolution authorizing the Mayor to sign petitions in the affirmative for the proposed renewal and expansion of a property and business improvement district to be named the Civic Center Community Benefit District, with respect to certain parcels of real property owned by the City that would be subject to assessment in said district.

(Fiscal Impact)

04/02/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**190362 [Supporting California State Assembly Bill No. 539 (Limón) - Fair Access to Credit Act]****Sponsor: Brown**

Resolution supporting California State Assembly Bill No. 539, authored by Assembly Member Monique Limón and coauthored by Assembly Members Timothy Grayson, Cecelia Aguiar-Curry, Ash Kalra, James Ramos, Eloise Gómez Reyes, Mark Stone, and State Senators Maria Elena Durazo, Holly Mitchell, and Bob Wieckowski, to cap interest rates on consumer loans at 36% per annum plus the Federal Funds Rate for loans with a principal amount greater than \$2,500 and lesser than \$10,000.

04/02/19; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**190363 [Resolution of Intention - Renewal and Expansion - North of Market/Tenderloin Community Benefit District]****Sponsor: Haney**

Resolution declaring the intention of the Board of Supervisors to renew and expand a property-based business improvement district known as the "North of Market/Tenderloin Community Benefit District" and levy a multi-year assessment on all parcels in the district; approving the management district plan and engineer's report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on June 18, 2019, at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.

04/02/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**190364 [Bi-Annual Housing Balance Report No. 8]****Sponsor: Mar**

Resolution receiving and approving the bi-annual Housing Balance Report No. 8, dated April 1, 2019, submitted as required by Planning Code, Section 103. (Planning Department)

04/02/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**190365 [Greater Union Square Business Improvement District - Annual Report for FY2017-2018]****Sponsor: Peskin**

Resolution receiving and approving an annual report for the Greater Union Square Business Improvement District for FY2017-2018, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

04/02/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**190366 [Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District - Annual Report for FY2017-2018]****Sponsor: Peskin**

Resolution receiving and approving an annual report for the Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District for FY2017-2018, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600 et seq.), Section 36650, and the Districts' management agreements with the City, Section 3.4.

04/02/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**190367 [Requesting the San Francisco Public Utilities Commission to Report on Options for Improving Electric Service through Acquisition, Construction or Completion of Public Utility]****Sponsors: Ronen; Peskin and Fewer**

Resolution determining that the public interest and necessity require changing the electric service provided in San Francisco; and requesting a report from the San Francisco Public Utilities Commission, under Charter, Section 16.101, on options for improving electric service in San Francisco through acquisition, construction or completion of public utility or utilities.

04/02/19; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**190380 [Urging a Full Pardon of Kang Hen and to Vacate His Plea to Remain in the United States]**

**Sponsors: Walton; Peskin, Mandelman, Mar, Haney, Fewer, Brown, Ronen, Yee and Safai**  
Resolution urging the Honorable Gavin Newsom, Governor of California, to grant Kang Hen a full pardon, and the Santa Clara District Attorney's Office to vacate his plea to allow him to remain in the United States with his family.

**MOTIONS****190328 [Mayoral Appointment, Treasure Island Development Authority Board of Directors - Ike Kwon]**

Motion approving/rejecting the mayoral appointment of Ike Kwon to the Treasure Island Development Authority Board of Directors, for the unexpired portion of a four-year term ending April 28, 2022. (Clerk of the Board)  
(Appointments of Directors who are not City officers are effective only upon approval by a majority of the Board of Supervisors. Transmittal date: Mach 21, 2019.)

Seat 1, succeeding Sam Moss, term expired April 28, 2018, for the unexpired portion of a four-year term ending April 28, 2022.

03/25/19; RECEIVED AND ASSIGNED to Rules Committee.

**190340 [Mayoral Appointment, Planning Commission - Frank Fung]**

Motion approving/rejecting the Mayoral nomination for the appointment of Frank Fung to the Planning Commission, term ending June 30, 2022. (Clerk of the Board)  
(Charter, Section 4.105, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: March 25, 2019.)

03/27/19; RECEIVED AND ASSIGNED to Rules Committee.

**190354 [Mayoral Appointment, Residential Rent Stabilization and Arbitration Board - Reese Isbell]**

Motion approving/rejecting the Mayor's appointment of Reese Isbell to the Residential Rent Stabilization and Arbitration Board, for a term ending September 1, 2022. (Clerk of the Board)  
(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment 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 within the 30-day period shall result in the appointee continuing to serve as appointed. Transmittal date: March 29, 2019.)

04/02/19; RECEIVED AND ASSIGNED to Rules Committee.

## REQUESTS FOR HEARING

### **190368 [Hearing - Budget Priority - Affordable Housing and Homelessness]**

**Sponsors: Fewer; Ronen**

Hearing on key affordable housing and homelessness strategies and programs in the City budget, identifying funding levels, gaps, and opportunities for future spending; and requesting the Budget and Legislative Analyst, Mayor's Office of Housing and Community Development, and the Department of Homelessness and Supportive Housing to report.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **190369 [Hearing - Budget Priority - Mental Health and Substance Use]**

**Sponsors: Fewer; Ronen**

Hearing on key mental health and substance use strategies and programs in the City budget, identifying funding levels, gaps, and opportunities for future spending; and requesting the Budget and Legislative Analyst and the Department of Public Health to report.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **190370 [Hearing - Budget Priority - Public Safety Funding Strategies]**

**Sponsors: Fewer; Ronen**

Hearing on key public safety strategies and programs in the City budget, identifying funding levels, gaps, and opportunities for future spending; and requesting the Budget and Legislative Analyst, Police Department, Sheriff's Department, Office of the District Attorney, Municipal Transportation Agency, and the Office of Civic Engagement and Immigrant Affairs to report.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **190371 [Hearing - Budget Impact of City-Owned Vehicle Personal Assignment]**

**Sponsors: Fewer; Ronen**

Hearing on the practice of assigning City-owned vehicles to employees for personal use, and the related budget impact; and requesting the Budget and Legislative Analyst, Office of the City Administrator, Airport, Office of the City Attorney, Fire Department, Municipal Transportation Agency, Police Department, Office of the Public Defender, and the Sheriff's Department to report.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### **190372 [Hearing - Services to Support Housing Conservatorship Program]**

**Sponsor: Mandelman**

Hearing regarding whether the City has services, including, but not limited to, supportive housing with wraparound services and adequate beds, outpatient mental health counseling, psychiatric and psychological services, and substance use disorder services, in sufficient quantity, resources, and funding levels to serve the population that will be served by the Housing Conservatorship Program proposed in the pending Ordinance in File No. 181042; and requesting the Department of Public Health, Department of Homelessness and Supportive Housing, and Office of the Public Conservator of the Department of Aging and Adult Services to report.

04/02/19; RECEIVED AND ASSIGNED to Rules Committee.

**190373 [Hearing - Food Insecurity Among Low-Income Pregnant Women and Families]****Sponsor: Stefani**

Hearing to examine food insecurity, particularly among low-income pregnant women and families, as nutritious food is a fundamental human right essential for all people to live healthy, successful lives, but food insecurity, limited or uncertain access to adequate food still occurs in San Francisco; and requesting the Department of Public Health to report.

04/02/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

**190374 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - April 9, 2019]**

Closed session for the Board of Supervisors to convene on April 9, 2019, at 4:00 p.m., 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 following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: In re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 19-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. EL19-38-000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18-1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; California Public Utilities Commission Case No. I.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; and California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019; scheduled pursuant to Motion No. M19-062, approved on April 2, 2019. (Clerk of the Board)

04/02/19; RECEIVED AND ASSIGNED to Board of Supervisors.

**190375 [Closed Session - Labor Negotiations - April 16, 2019]**

Closed Session for the Board of Supervisors to convene on April 16, 2019, at 4:00 p.m., pursuant to California Government Code, Section 54957.6, and San Francisco Administrative Code, Section 67.10(e), to confer with the Mayor's Office and the Department of Human Resources regarding negotiations with labor unions representing City employees; scheduled pursuant to Motion No. M19-061, approved on April 2, 2019. (Clerk of the Board)

04/02/19; RECEIVED AND ASSIGNED to Board of Supervisors.

## **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**

### **190323 [Settlement of Lawsuit - Webcor Construction, L.P. and Keenan Hopkins Suder & Stowell Contractors, Inc. - \$9,750,000]**

Ordinance authorizing settlement of the lawsuit filed by Webcor Construction, L.P. ("Webcor") against the City and County of San Francisco for \$9,750,000; the action against the City and County of San Francisco was filed on August 15, 2017, in Superior Court of California, County of San Francisco, Case No. CGC-16-555423, entitled Keenan Hopkins Suder & Stowell Contractors, Inc. vs. Webcor Construction LP et al.; the lawsuit involves an alleged failure to provide complete and accurate designs under the terms of a construction contract related to the San Francisco General Hospital Rebuild Program; material terms of the settlement are that the City will pay Keenan Hopkins Suder & Stowell Contractors, Inc. ("Keenan") \$9,750,000 and Webcor will pay Keenan \$5,500,000. (City Attorney)

03/18/19; RECEIVED FROM DEPARTMENT.

04/02/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **PROPOSED RESOLUTIONS**

### **190330 [Lease Agreement - Brookstone SFO T-2, LLC - Terminal 2 Specialty Retail Concession Lease No. 1 - Lease No. 18-0071 - \$325,000 Minimum Annual Guarantee]**

Resolution approving the Terminal 2 Specialty Retail Concession Lease No. 1 - Lease No. 18-0071, between Brookstone SFO T-2, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years, and a minimum annual guarantee of \$325,000 for the first year of the Lease, to commence upon approval by the Board of Supervisors. (Airport Commission)

03/14/19; RECEIVED FROM DEPARTMENT.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**190331 [Contract Agreement - American Water Resources - Residential Water Service and Sewer Lateral Service Line Protection Program - Anticipated Revenue of \$1,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute Agreement No. PRO.0086, Residential Water Service and Sewer Lateral Service Line Protection Program with American Water Resources (AWR); authorizing AWR to market a voluntary water service and sewer lateral insurance program to SFPUC residential customers in San Francisco in exchange for payment of \$3.61 per month to SFPUC for each enrolled customer, for a term of four years to commence upon Board approval and anticipated revenue of \$1,000,000 or more to SFPUC, subject to approval by the Board of Supervisors under Charter, Section 9.118(a). (Public Utilities Commission)

03/15/19; RECEIVED FROM DEPARTMENT.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**190332 [Emergency Declaration - Repair Transmission Line - Big Creek Shaft Road - Groveland, California - Total Estimated Cost Not to Exceed \$400,000]**

Resolution approving an emergency declaration of the San Francisco Public Utilities Commission pursuant to Administrative Code, Section 6.60, to repair Hetch Hetchy Water and Power's 230kV transmission line near Big Creek Shaft Road near Groveland, California, for a total estimated cost not to exceed \$400,000. (Public Utilities Commission)  
(Fiscal Impact)

03/15/19; RECEIVED FROM DEPARTMENT.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**190333 [Real Property Lease Extension Option - Choo Laguna, LLC - 258-A Laguna Honda Boulevard - \$51,192 Annual Base Rent]**

Resolution authorizing the Director of Real Estate to exercise a Lease Extension Option for the real property located at, 258-A Laguna Honda Boulevard with Choo Laguna, LLC as landlord, for a five-year term to commence on July 1, 2019, through June 30, 2024, at the monthly base rent of \$4,266 for a total annual base rent of \$51,192. (Public Defender)

03/15/19; RECEIVED FROM DEPARTMENT.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**190334 [Contract - Retroactive - Golden Gate Petroleum - Citywide Renewable Diesel - Not to Exceed \$45,000,000]**

Resolution authorizing the Office of Contract Administration to enter into a multi-year contract, pursuant to Charter, Section 9.118(b), with Golden Gate Petroleum, to supply the City Departments with Renewable Diesel for a three-year term of April 1, 2019, through March 31, 2022, with two one-year options to extend, in an amount not to exceed \$75,000,000. (Office of Contract Administration)  
(Fiscal Impact)

03/18/19; RECEIVED FROM DEPARTMENT.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**190335 [Contract Amendment - Ferrara Fire Apparatus, Inc. - Equipment Purchase - Not to Exceed \$15,000,000]**

Resolution approving Modification No. 2 to the contract between the Office of Contract Administration and Ferrara Fire Apparatus, Inc. to purchase equipment for the Fire Department; to increase the amount by \$5,500,000 for a total not to exceed amount of \$15,000,000; and to extend the term by two years to commence August 26, 2019, for a total contract term of August 26, 2016, through August 25, 2021. (Office of Contract Administration)  
(Fiscal Impact)

03/18/19; RECEIVED FROM DEPARTMENT.

04/02/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**Requests Granted**

*From: Supervisor Fewer*

*To: City Attorney*

*Requesting/Inquiring: Requesting that the City Attorney work with my office to draft legislation creating an "Affordable Housing Production and Preservation Fund" that shall capture 50% of all future excess Education Revenue Augmentation Fund money received. Any deposit into the Fund should be split evenly into two funding categories: 1) land acquisition and production of 100% affordable housing; and 2) small site acquisition and preservation of affordable housing.*

*From: Supervisor Walton*

*To: City Attorney*

*Requesting/Inquiring: Requesting the City Attorney for legislation on illegal dumping to: 1) Increase fines for illegal dumping; 2) Remove business licenses and vehicles from contractors who illegally dump on City streets; 3) Provide overnight clean-up service and installation of surveillance cameras for enforcement in hot spot areas.*

**In Memoriams**

*Calvert Jang - President Yee and Supervisor Peskin*

*Madlen Koteva - President Yee and Entire Board*

*Francisco Han Ping Hsieh - President Yee and Entire Board*

*Ray J. Antonio - Supervisor Peskin*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour 7:02 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on May 7, 2019.*

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Angela Calvillo, Clerk of the Board