

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, February 9, 2021 - 2:00 PM

Held via Videoconference
(remote public access provided via teleconference)

www.sfgovtv.org

Regular Meeting

SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AISHA SAFAI, CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee
Supervisors Haney, Safai, Mar, Ronen, Walton

Budget and Finance Committee
Supervisors Haney, Safai, Mar

Government Audit and Oversight Committee
Supervisors Preston, Chan, Mandelman

Joint City, School District, and City College Select Committee
Supervisors Ronen, Safai, Haney (Alt), Trustee Davila, Williams, Selby (Alt)

Land Use and Transportation Committee
Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee
Supervisors Mar, Stefani, Haney

Rules Committee
Supervisors Peskin, Mandelman, Chan

Meeting Days

Wednesday
1:00 PM

Wednesday
10:30 AM

1st and 3rd Thursday
10:00 AM

2nd Friday
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: Connie Chan, Matt Haney, Rafael Mandelman, Gordon Mar, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session through videoconferencing, and provided public comment through teleconferencing, on Tuesday, February 9, 2021, with President Shamann Walton presiding.

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

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: bos@sfgov.org; all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Board Agendas and their associated documents are available at <https://sfbos.org/meetings/42>. As the COVID-19 disease progresses, please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.

All Members were present.

COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, announced that due to the COVID-19 health emergency, Board Members will participate in the meeting remotely, through videoconference and to the same extent as if they were physically present. To the members of the public, when general public comment is called, you may contribute live comments for up to two minutes by dialing the provided telephone number. When you are connected, you will receive another prompt, dial * 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the January 5, 2021, Board Regular Meeting or January 8, 2021, Inaugural Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Preston, seconded by Supervisor Mandelman, moved to approve the January 5, 2021, Board Regular Meeting and January 8, 2021, Inaugural Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

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

210137 [Formal Policy Discussions - February 9, 2021]

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topic submitted from the Supervisor representing District 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

1. Vaccines and Vaccinations (District 10)

Mayor London N. Breed addressed the Board of Supervisors regarding the opening of new vaccination sites and services to move the vaccine as quickly as possible, with 30% of residents 65 and older having received at least one dose and 13% of eligible residents have received at least one dose. The City still has a way to go to get the second dose distributed, although progress is being made and the focus is on our seniors and healthcare workers. As the City moves forward, we need to continue to be safe and vigilant. Mayor Breed then discussed the above referenced topic submitted by the District 10 Supervisor.

President Walton began the discussions by asking the following question: How many San Francisco residents have been vaccinated to this day and when should we expect to be vaccinating at least 10,000 San Francisco residents per day? Mayor Breed indicated that as of yesterday, almost 110,000 have been vaccinated and 35,000 of which have received their second dose. Almost 6,000 people were vaccinated in one day, based on supply, and we have capacity to do 10,000 per day when we receive supplies. If we continue at this rate, we will move from Phase 1A to Phase 1B in two weeks. President Walton then followed up with the following question: What is our current capacity? Mayor Breed indicated that the Moscone site alone could do between 7,000 to 10,000 per day and additional sites could add thousands more if we had the supply. Mayor Breed did not ask any follow-up questions related to this topic.

Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

201343 [Waiver of Municipal Code Requirements for Airport Agreement with the Federal Aviation Administration]

Ordinance exempting from requirements of the Administrative Code and the Environment Code the Reimbursable Agreement between the San Francisco International Airport and the Federal Aviation Administration for services to commission a Ground Based Augmentation System at the Airport; and affirming the Planning Department's determination under the California Environmental Quality Act. (Airport Commission)
(Fiscal Impact)

Ordinance No. 016-21

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

201313 [Settlement of Consolidated Lawsuits - Abdullah Wazwaz, Jason Moore, Kenneth Yeung, Brian Kam, Taira De Bernardi, Stephen Val Kirwan - \$503,506.33]

Ordinance authorizing settlement of two consolidated lawsuits filed by Taira De Bernardi, Stephen Val Kirwan, Abdullah Wazwaz, Jason Moore, Kenneth Yeung, and Brian Kam, acting for themselves and others similarly situated, against the City and County of San Francisco for \$503,506.33; the first lawsuit was filed on July 30, 2018, in United States District Court for the Northern District of California, Case No. 3:18-cv-04597, entitled Taira De Bernardi and Stephen Val Kirwan v. City and County of San Francisco; and the second lawsuit was filed on September 14, 2018, in United States District Court for the Northern District of California, Case No. 3:18-cv-05580, entitled Abdullah Wazwaz, Jason Moore, Kenneth Yeung and Brian Kam v. City and County of San Francisco; the lawsuits involve employment disputes. (City Attorney)

Ordinance No. 015-21

FINALLY PASSED

210002 [Settlement of Lawsuit - Pacific Bell Telephone Company - \$72,036]

Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for \$72,036; the lawsuit was filed on November 25, 2019, in San Francisco Superior Court, Case No. CGC-19-581035; entitled Pacific Bell Telephone Company v. City and County of San Francisco; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

Ordinance No. 017-21

FINALLY PASSED

210003 [Settlement of Lawsuit - Jane Doe - City to Receive \$100,000 from The Regents of The University of California]

Ordinance authorizing settlement of the lawsuit filed by Jane Doe against the City and County of San Francisco for payment of \$100,000 by The Regents of The University of California to the City and County of San Francisco; the lawsuit was filed on April 22, 2016, in San Francisco Superior Court, Case No. CGC-16-551618; entitled Jane Doe v. The City and County of San Francisco, et al.; the lawsuit involves an alleged unauthorized disclosure of medical information. (City Attorney)

Ordinance No. 018-21

FINALLY PASSED

210004 [Settlement of Lawsuit - Sibyl Moore, Charlene Roberts, Antonio Rucker, and Thomas Anderson - \$1,200,000]

Ordinance authorizing settlement of the lawsuit filed by Sibyl Moore, Charlene Roberts, Antonio Rucker, and Thomas Anderson against the City and County of San Francisco for \$1,200,000; the lawsuit was filed on June 28, 2019, in San Francisco Superior Court, Case No. CGC-19-577141; entitled Sibyl Moore, et al. v. City and County of San Francisco, et al.; the lawsuit involves the alleged wrongful death of Ruby Anderson, Plaintiffs' mother, who was a resident of the Residential Care for the Elderly (RCFE) located at the San Francisco Behavioral Health Center (BHC). (City Attorney)

Ordinance No. 019-21

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

President Walton requested File Nos. 210027 and 210034 be called together.

210027 [Appropriation - Municipal Transportation Agency Revenue Bond Proceeds - Street and Transit Projects - \$129,000,000 - FY2020-2021]

Sponsor: Mayor

Ordinance appropriating \$287,000,000 of Revenue Bond proceeds to the Municipal Transportation Agency for street and transit projects in Fiscal Year (FY) 2020-2021; and placing these funds on the Controller's Reserve pending receipt of proceeds of indebtedness.

(Fiscal Impact)

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 1 and 3, by changing '\$287,000,000' to '\$129,000,000'; on Page 2, Lines 4-5, by changing '\$244,042,000' to '\$87,000,000', Lines 12-13, by changing '\$42,957,091' to '\$42,000,000', and Lines 19-20, by changing '\$287,000,000' to '\$129,000,000'; on Page 3, Lines 4-5, by changing '\$212,042,909' to '\$76,000,000', Lines 12-13, by striking '\$42,957,091' to '\$42,000,000', and Lines 19-24, by changing '597070 Reserve For Debt Services' to '574120 Bond Interest-Capitalized', 'Debt Service Reserve' to 'Capitalized Interest', and '\$22,500,00' to '\$5,238,200'; on Page 4, Lines 10-11, by changing '573112' to '573111', and '\$7,690,000' to '\$4,225,800', Lines 17-18, by changing '\$510,000' to '\$236,000', and Lines 22-23, by changing '\$287,000,000' to '\$129,000,000'; and on Page 5, Line 1, by changing '\$510,000' to '\$236,000', and Line 8, by changing '\$287,000,000' to '\$129,000,000'. The motion carried by the following vote:

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

Ordinance appropriating \$129,000,000 of Revenue Bond proceeds to the Municipal Transportation Agency for street and transit projects in Fiscal Year (FY) 2020-2021; and placing these funds on the Controller's Reserve pending receipt of proceeds of indebtedness.

(Fiscal Impact)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

210034 [New Money Revenue Bonds - Municipal Transportation Agency - Not to Exceed \$129,000,000]**Sponsor: Mayor**

Resolution authorizing the sale, issuance and execution of not to exceed \$300,000,000 aggregate principal amount on a tax-exempt or taxable basis of revenue bonds by the Municipal Transportation Agency to provide funds to finance capital improvements for the Municipal Transportation Agency's purposes, approving the form of certain financing documents including a bond purchase contract, the sixth supplement to indenture of trust, one or more escrow agreements, and a continuing disclosure certificate; authorizing the taking of appropriate actions in connection therewith, as defined herein, and related matters approving the forms of documents relating thereto, as defined herein; approving the maximum interest thereon; finding that the authorization and issuance of revenue bonds by the Agency is not a project under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and approving related matters, as defined herein.
(Fiscal Impact)

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 1-2 and 3-4, by changing '\$300,000,000' to '\$129,000,000'; and on Page 3, Line 4, by changing '\$300,000,000' to '\$129,000,000'. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Resolution authorizing the sale, issuance and execution of not to exceed \$129,000,000 aggregate principal amount on a tax-exempt or taxable basis of revenue bonds by the Municipal Transportation Agency to provide funds to finance capital improvements for the Municipal Transportation Agency's purposes, approving the form of certain financing documents including a bond purchase contract, the sixth supplement to indenture of trust, one or more escrow agreements, and a continuing disclosure certificate; authorizing the taking of appropriate actions in connection therewith, as defined herein, and related matters approving the forms of documents relating thereto, as defined herein; approving the maximum interest thereon; finding that the authorization and issuance of revenue bonds by the Agency is not a project under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and approving related matters, as defined herein.
(Fiscal Impact)

Resolution No. 060-21

ADOPTED AS AMENDED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

201414 [Administrative Code - San Francisco Music and Entertainment Venue Recovery Fund]

Sponsors: Haney; Walton, Safai, Mar, Ronen and Preston

Ordinance amending the Administrative Code to establish the San Francisco Music and Entertainment Venue Recovery Fund to provide grants to certain music and entertainment venues whose operations have been negatively impacted by the COVID-19 emergency.

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

PASSED ON FIRST READING by the following vote:

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

President Walton requested File Nos. 201290 and 201424 be called together.

201290 [Accept and Expend Grant - Retroactive - North Valley Workforce Development Board - SlingShot 3.0 Regional Plan Implementation - \$160,000]

Sponsor: Mayor

Resolution retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$160,000 from the North Valley Workforce Development Board, a recipient of the grant award from United States Department of Labor for SlingShot 3.0 Regional Plan implementation coordination, a regional tech apprenticeship coordination, during the grant period of April 1, 2020, through March 31, 2022.

Resolution No. 053-21

ADOPTED by the following vote:

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

201424 [Accept and Expend Grant - Retroactive - California Employment Development Department - Workforce Innovation and Opportunity Act (WIOA) Workforce Accelerator Fund 8.0 - \$150,000]

Sponsor: Mayor

Resolution retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$150,000 from the California Employment Development Department, a recipient of the grant award from the United States Department of Labor for Workforce Innovation and Opportunity Act (WIOA) Workforce Accelerator Fund 8.0 Project, for the period of April 1, 2020, through September 30, 2021.

Resolution No. 056-21

ADOPTED by the following vote:

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

201349 [Airport Professional Services Agreement Modification - KONE Inc. - Escalator and Electric Walk Maintenance - Not to Exceed \$18,265,600]

Resolution approving Modification No. 3 to Airport Contract No. 50205, Escalator and Electric Walk Maintenance, Repair, and On-Call Services, with KONE Inc., to increase the contract amount by \$8,500,000 for a new not to exceed contract amount of \$18,265,600 with no change to the contract term, to commence upon approval by the Board of Supervisors, pursuant to Charter, Section 9.118(b). (Airport Commission)
(Fiscal Impact)

Resolution No. 055-21

ADOPTED by the following vote:

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

210007 [Amended and Restated Trust Agreement - Airport Hotel Special Facility Bonds]

Resolution approving the form of an Amended and Restated Trust Agreement providing for the restructuring of the Airport Commission's \$260,000,000 aggregate principal amount of outstanding Special Facility Revenue Bonds (San Francisco International Airport Hotel), Series 2018; and approving certain related matters, as defined herein. (Airport Commission)
(Fiscal Impact)

Resolution No. 059-21

ADOPTED by the following vote:

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

201425 [Accept and Expend Grant - Retroactive - State Transportation Development Act, Article 3 - Pedestrian and Bicycle Projects - FY2020-2021 - \$1,215,999]

Sponsor: Mayor

Resolution retroactively authorizing the acceptance and expenditure of State Transportation Development Act, Article 3, Pedestrian and Bicycle Project funding for Fiscal Year (FY) 2020-2021, in the amount of \$1,215,999 which includes \$607,999 for Public Works and \$608,000 for the Municipal Transportation Agency, for the term of July 1, 2020, through June 30, 2023.

Privilege of the floor was granted unanimously to Anne Pearson (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisor Peskin, seconded by Supervisor Safai, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 14-16, by adding 'WHEREAS, Revenue to fund Vision Zero Bicycle and Pedestrian Improvements has fallen short of anticipated projects due to COVID-19, including the TNC Tax, causing delays in Vision Zero quick-build project consultation; and'; and on Page 4, Line 9, by changing 'described above' to 'further described in Attachment 2 of this File No. 201425', and Lines 11-14, by adding 'FURTHER RESOLVED, That for the SFMTA, the TDA funds will be used to fund Vision Zero Bicycle and Pedestrian Improvements already identified in the SFMTA's FY2021-25 Capital Improvement Program (CIP) which have been delayed as a result of revenue shortfalls due to COVID-19, including TNC Tax shortfalls; and, be it'. The motion carried by the following vote:

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

Resolution No. 057-21

ADOPTED AS AMENDED by the following vote:

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

201428 [Accept and Expend Grant - Retroactive - Federal Emergency Management Agency - Hiring of New Firefighters - \$13,760,604]**Sponsors: Mayor; Safai, Mar and Haney**

Resolution retroactively authorizing the Fire Department to accept and expend a grant in the amount of \$13,760,604 from the Federal Emergency Management Agency to hire thirty-six new firefighters for the performance period of February 8, 2021, through March 9, 2024, and waiving indirect costs.

Resolution No. 058-21**ADOPTED by the following vote:**

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

Recommendations of the Public Safety and Neighborhood Services Committee**200830 [Police Code - Right to Reemployment Following Layoff Due to COVID-19 Pandemic]****Sponsor: Mar**

Ordinance amending the Police Code to create a right to reemployment for certain employees laid-off due to the COVID-19 pandemic if their employer seeks to fill the same position previously held by the laid-off employee, or a substantially similar position, and to reasonably accommodate employees who cannot work because of a family care hardship. (Supervisor Stefani dissented in Committee.)

Supervisor Mar, seconded by Supervisor Ronen, moved that this Ordinance be RE-REFERRED to the Public Safety and Neighborhood Services Committee. The motion carried by the following vote:

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

201337 [Liquor License Transfer - 355 Bayshore Boulevard - Grocery Outlet]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Grocery Outlet Inc, doing business as Grocery Outlet, located at 355 Bayshore Boulevard (District 10), 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. 054-21**ADOPTED by the following vote:**

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

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

President Walton suspended all commendations during the declaration of local health emergency.

COMMITTEE REPORTS

Recommendations of the Government Audit and Oversight Committee

210052 [Emergency Ordinance - Public Health Emergency Leave]

Sponsor: Mar

Reenactment of emergency ordinance (Ordinance No. 59-20 as reenacted by Ordinance Nos. 90-20, 136-20, 217-20, and 270-20) to temporarily require private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

Ordinance No. 020-21

FINALLY PASSED by the following vote:

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

210075 [Emergency Ordinance - San Francisco COVID-19 Vaccination Plan]

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

Emergency ordinance requiring the Department of Public Health to prepare a COVID-19 Vaccination Plan and to make publicly available on its website information relating to the number and availability of COVID-19 vaccines in San Francisco, and the methods by which people who live or work in the City may access vaccines.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

Ordinance No. 021-21

FINALLY PASSED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Gilbert Crisswell; expressed the need to provide vaccinations to those with certain health issues and expand public transportation services to certain neighborhoods.

Beverly Upton; expressed support of the newly introduced legislation extending the Family Violence Council.

Barry Toronto; shared memories of certain In Memoriams, and concerns regarding decisions made by various City policy bodies that pose challenges for taxi drivers who also need the vaccine.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Clerk Calvillo began to call the roll on the For Adoption Without Committee Reference when Supervisor Peskin moved, seconded by Supervisor Preston, to rescind the vote in order to severe consideration of File No. 210120. The motion passed by the following vote:

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

210122 [Urging the Establishment of a Special Advisory Committee on Federal Stimulus Spending for Small Business]

Sponsors: Haney; Walton, Ronen and Preston

Resolution urging the Office of Small Business and the Small Business Commission to establish a Special Advisory Committee on federal stimulus spending to create a citywide plan for how federal stimulus funds may support the small business sector and to submit a proposed citywide federal stimulus spending plan for small businesses.

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

Resolution No. 061-21

ADOPTED by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Peskin requested that File Nos. 210120, 210123, and 210124 be severed so that they may be considered separately.

210120 [Approval of a Six-Month Retroactive Extension for Planning Commission Review to Allow Temporary Use of Hotels and Motels for Permanent Supportive Housing (File No. 201218)]

Sponsor: Mayor

Resolution retroactively extending by six months the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 201218) amending Planning Code and Administrative Code to allow certain hotels and motels to be used for Permanent Supportive Housing purposes without thereby abandoning or discontinuing the hotel use; 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 necessity, convenience, and welfare under Planning Code, Section 302.

Privilege of the floor was granted unanimously to Sophia Kittler (Mayor's Office) who responded to questions raised throughout the discussion.

Supervisor Peskin, seconded by Supervisor Preston, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of February 23, 2021. The motion carried by the following vote:

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

President Walton requested File Nos. 210123 and 210124 be called together.

210123 [Approval of a 90-day Extension for Historic Preservation Commission Review of Initiation of Landmark Designation Status of 447 Battery Street (File No. 201298)]

Sponsor: Peskin

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may render its decision on a proposed Resolution (File No. 201298) that would initiate the designation of the Jones-Thierbach Coffee Company Building at 447 Battery Street, Assessor's Parcel Block No. 0206, Lot No. 002, as a landmark pursuant to Section 1004.1 of the Planning Code.

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 23, by changing 'February 16' to 'May 9', and Line 25, by striking 'whichever is later' to 'which occurred on February 8, 2021'; and Page 2, Line 9, by changing 'May 8' to 'August 7'. The motion carried by the following vote:

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

Resolution No. 062-21

ADOPTED AS AMENDED by the following vote:

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

210124 [Approval of a 90-Day Extension for Historic Preservation Commission Review of Initiation of Landmark Designation Status of One Montgomery Street (File No. 201404)]

Sponsor: Peskin

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may render its decision on a proposed Resolution (File No. 201404) that would initiate the designation of the One Montgomery Street, Assessor's Parcel Block No. 0292, Lot No. 002, as a landmark pursuant to Section 1004.1 of the Planning Code.

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Line 23, by changing 'March 22' to 'May 9', and Line 25, by striking 'whichever is later' to 'which occurred on February 8, 2021'; and Page 2, Line 9, by changing 'June 20' to 'August 7'. The motion carried by the following vote:

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

Resolution No. 063-21

ADOPTED AS AMENDED by the following vote:

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

President Walton requested File Nos. 210126, 210127, 210128, and 210129 be severed so that they may be considered separately.

210126 [Supporting California State Senate Bill No. 2 (Bradford) - Police Officers, Certification, and Civil Rights]

Sponsors: Walton; Melgar, Stefani, Chan, Mar, Mandelman, Safai and Preston

Resolution supporting California State Senate Bill No. 2, authored by Senator Steven Bradford and co-authored by Senate President pro Tempore Toni Atkins, on Peace Officers, Certification, and Civil Rights.

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

Resolution No. 064-21

ADOPTED by the following vote:

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

210127 [Supporting California State Assembly Bill No. 328 (Chiu) - Reentry Housing Program]

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

Resolution supporting California Assembly Bill No. 328, authored by Assembly Member David Chiu, and co-authored by Assembly Members Ash Kalra and Buffy Wicks, and co-authored by Senator Scott Wiener, to establish the Reentry Housing Program.

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

Resolution No. 065-21

ADOPTED by the following vote:

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

210128 [Urging the United States Treasury to Expedite the Process to Feature Harriet Tubman on the Twenty-Dollar Bill]

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

Resolution urging the United States Treasury to expedite the process to feature Harriet Tubman on the twenty-dollar bill for her legacy of equality, social justice, and freedom; and to reflect the history and diversity of the United States.

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

Resolution No. 066-21

ADOPTED by the following vote:

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

210129 [Black History Month - February]**Sponsors: Walton; Ronen, Melgar, Stefani, Chan, Mar, Mandelman, Preston, Safai and Haney**

Resolution recognizing every February as Black History Month in the City and County of San Francisco.

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

Resolution No. 067-21**ADOPTED by the following vote:**

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

Supervisor Melgar requested File No. 210136 be severed so that it may be considered separately.

210136 [Condemning the Military Coup in Burma and Supporting a Peaceful Transition for Democracy]**Sponsors: Melgar; Walton, Mar and Mandelman**

Resolution condemning the military coup in Burma and the detainment of its political leaders; and urging United States federal officials to take swift action to support their release and a peaceful transition to democracy.

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

Resolution No. 068-21**ADOPTED by the following vote:**

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

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

ORDINANCES

210138 [Business Registration Fee - Weights and Measures and Point of Sale Station Fees]

Sponsors: Mayor; Ronen

Ordinance extending the deadline for certain businesses to pay the business registration fee for the fiscal year ending June 30, 2022, to November 1, 2021.

(Fiscal Impact; No Budget and Legislative Analyst Report)

02/09/21; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/11/2021.

210139 [Emergency Ordinance - Limiting COVID-19 Impacts by Continuing to Make Shelter-in-Place Hotel Rooms Available to People Experiencing Homelessness]

Sponsors: Haney; Preston, Ronen, Walton, Melgar and Mar

Emergency ordinance to prohibit the City from requiring people experiencing homelessness currently housed in approximately 2,000 Shelter-in-Place ("SIP") Hotel rooms to move from those rooms until those individuals obtain a stable housing placement; to require the City to make a total of 2,200 Shelter-in-Place ("SIP") Hotel rooms available, and to fill those rooms, as they are vacated, for people experiencing homelessness; and to require the Department of Homelessness and Supportive Housing to prepare publicly available reports on the progress of placements from SIP Hotels into stable housing.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

(Fiscal Impact)

02/09/21; ASSIGNED to Budget and Finance Committee.

210140 [Administrative, Campaign and Governmental Conduct Codes - Office of the Chief Medical Examiner]

Sponsor: Peskin

Ordinance amending the Administrative Code and Campaign and Governmental Conduct Code to establish the position of Executive Director of the Office of Chief Medical Examiner, and to establish a division of responsibilities in that Office between the Executive Director and the Chief Medical Examiner.

02/09/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/11/2021.

210141 [Administrative Code - Extension Of Temporary Tenant Protections Due To COVID-19]**Sponsors: Preston; Ronen, Haney, Walton, Peskin and Melgar**

Ordinance amending the Administrative Code to limit residential evictions through June 30, 2021, unless the eviction is based on the non-payment of rent or is necessary due to violence-related issues or health and safety issues.

02/09/21; ASSIGNED to Land Use and Transportation Committee.

210142 [Administrative Code - Composition and Sunset Date of Family Violence Council]
Sponsors: Stefani; Chan, Melgar and Safai

Ordinance amending the Administrative Code to change the composition of the Family Violence Council and extend the sunset date for the Council to May 1, 2024.

02/09/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/11/2021.

RESOLUTIONS

210143 [Acquisition of Real Property - 5th and Howard Associates, L.P. - 921 Howard Street - 100% Affordable Housing - \$13,765,670 - Ground Lease with Base Rent of \$15,000 - Loan Not to Exceed \$39,148,960]**Sponsor: Mayor**

Resolution 1) approving and authorizing the Director of Property, on behalf of the San Francisco Mayor's Office of Housing and Community Development ("MOHCD"), to acquire Real Property, located at 921 Howard Street ("Property") from 5th and Howard Associates, L.P. ("Developer") for \$13,765,670; 2) placing the Property under the jurisdiction of MOHCD for use in constructing affordable housing for San Franciscans; 3) approving and authorizing a Loan Agreement in an amount not to exceed \$39,148,960 for a minimum loan term of 57 years ("Loan Agreement") to finance the construction of a 100% affordable, 203-unit multifamily rental housing development (plus one staff unit) on the Property for low income households with ancillary commercial space for public benefit or community-serving purposes ("Project"); 4) approving and authorizing an Agreement for Purchase and Sale for acquisition of the Property ("Purchase Agreement") and a Ground Lease back to the Developer for a lease term of 75 years and one 24-year option to extend and an annual base rent of \$15,000 in order to construct the Project ("Ground Lease") to commence after approval by the Board of Supervisors and Mayor; 5) adopting findings that the Purchase Agreement, Loan Agreement and Ground Lease are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and 6) authorizing the Director of Property and the Director of MOHCD to execute the Purchase Agreement, Ground Lease, and Loan Agreement, make certain modifications to such agreements, and take certain actions in furtherance of this Resolution, as defined herein.

(Fiscal Impact)

02/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210144 [Accept and Expend Grant - Retroactive - Kaiser Permanente - Adoption of Enterprise Electronic Health Record System - \$4,545,455]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$4,545,455 from Kaiser Permanente through the San Francisco General Hospital Foundation to participate in a program, entitled "Adoption of Enterprise Electronic Health Record System," for the period of November 1, 2019, through October 31, 2021. (Public Health Department)

02/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210145 [Lunar New Year 2021]**Sponsors: Chan; Walton, Mar, Peskin, Haney, Safai, Ronen, Melgar, Preston, Mandelman and Stefani**

Resolution celebrating 2021 as Year of the Ox, and recognizing February 12, 2021, as the start of Lunar New Year 4719 in the City and County of San Francisco.

02/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

210146 [Urging the Prioritization of People with Underlying Health Conditions and Disabilities in Vaccine Distribution]**Sponsors: Haney; Preston, Mar, Walton and Mandelman**

Resolution urging the State of California and San Francisco Department of Public Health to prioritize people with underlying health conditions and disabilities in COVID-19 vaccine distribution guidelines in partnership with the California Department of Developmental Services and In-Home Supportive Services programs.

02/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

210147 [Interim Zoning Controls - Extending and Modifying Requirements for Conditional Use Authorization for Conversion of Residential Care Facilities to Other Uses]**Sponsors: Mandelman; Ronen**

Resolution extending interim zoning controls for six months to require a Conditional Use Authorization and specified findings for a proposed change of use from a Residential Care Facility; 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.

02/09/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/11/2021.

210148 [Urging the State Legislature to Pass California State Senate Bill No. 314 (Wiener) - Bar and Restaurant Recovery Act]**Sponsors: Mandelman; Haney, Chan, Walton and Safai**

Resolution urging passage of California State Senate Bill No. 314, Bar and Restaurant Recovery Act, authored by Senator Scott Wiener, to provide much-needed relief for restaurants and bars and to ensure they are able to recover economically after the COVID-19 pandemic.

02/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

210149 [Urging a Fossil-Free Appointee to the Retirement Board of the San Francisco Employees' Retirement System]**Sponsors: Peskin; Safai, Walton, Ronen, Preston, Mandelman and Mar**

Resolution urging Mayor London Breed to appoint an individual to the Retirement Board of the San Francisco Employees' Retirement System (SFERS) who has experience in the divestiture of failing assets, including the system's investments in fossil fuels, and who will commit to developing a plan for full divestment from those assets.

02/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

210150 [Supporting United States Senate Bill 4865 (Brown) - Full-Service Community Schools Expansion Act of 2020]**Sponsors: Ronen; Melgar, Haney, Chan, Stefani, Mandelman and Safai**

Resolution supporting United States Senate Bill 4865, introduced on October 26, 2020, by United States Senator Sherrod Brown (D-OH), which would increase funding for the federal full-service Community Schools Program from its current level of \$30 million to \$1 billion per year by fiscal year 2025, as well as add a grant program for states, enhance technical assistance, and promote best practices in Community Schools.

02/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

210151 [Supporting California State Assembly Bill No. 71 (Rivas) - Bring California Home Act]**Sponsors: Walton; Preston, Chan, Ronen, Haney and Mandelman**

Resolution supporting California State Assembly Bill No. 71, Bring California Home Act, authored by Assembly Member Luz Rivas and co-authored by Assembly Members Richard Bloom, David Chiu, and Buffy Wicks.

02/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

210152 [Supporting California State Senate Bill No. 107 (Wiener) - CalFresh]**Sponsors: Walton; Melgar, Preston, Peskin, Chan, Ronen, Haney, Stefani, Mandelman and Safai**

Resolution supporting California State Senate Bill No. 107, authored by Senator Scott Wiener and co-authored by Senator Bill Dodd, on CalFresh to reduce the prevalence of food insecurity and poverty among older adults and people with disabilities.

02/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MOTIONS

210153 [Board of Supervisors Budget Process - FYs 2021-2022 and 2022-2023]**Sponsors: Haney; Walton, Mar, Ronen, Safai, Preston, Peskin, Melgar, Chan, Stefani and Mandelman**

Motion establishing goals for the Board of Supervisors' Budget and Appropriations Committee, and the process to guide the Board's deliberations on the City budget, for Fiscal Years (FYs) 2021-2022 and 2022-2023.

02/09/21; RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

210154 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Thirty-Fourth Supplement]**Sponsors: Walton; Safai and Mar**

Motion concurring in actions taken by the Mayor in the Thirty-Fourth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by expanding the City's paid sick leave program to provide up to 80 hours of paid sick leave for Department of Public Health employees who work on an "as needed" basis.

02/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

REQUESTS FOR HEARING**210155 [Hearing - Interim Zoning Controls - Removal of Residential Care Facilities]****Sponsor: Mandelman**

Hearing to receive the six-month report on Interim Zoning Controls Requiring Conditional Use Authorization to Remove a Residential Care Facility, pursuant to Planning Code, Section 306.7(i); and requesting the Planning Department to report.

02/09/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

210156 [Hearing - Crime and Violence Targeting Asian-American Seniors]**Sponsors: Mar; Chan, Melgar, Preston, Safai, Walton, Haney and Ronen**

Hearing to address concerns on crime and violence targeting Asian-American seniors and other vulnerable groups and the rise of anti-Asian racism, including crime prevention efforts, status of investigations, victim services programs, other public safety resources, and strategies the departments are deploying to reduce crime and violence targeting the Asian Pacific Islander and person of color communities and to promote cross-racial solidarity; and requesting the Police Department, Office of the District Attorney, Human Rights Commission, Office of Civic Engagement and Immigrant Affairs, Adult Probation Department, and Juvenile Probation Department to report.

02/09/21; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

210157 [Hearing - Department of Homelessness and Supportive Housing Budget - FYs 2021-2022 and 2022-2023]**Sponsors: Haney; Ronen**

Hearing on the overview of the Department of Homelessness and Supportive Housing's budget for Fiscal Years (FYs) 2021-2022 and 2022-2023; and requesting the Department of Homelessness and Supportive Housing to report.

02/09/21; RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

210158 [Hearing - Mayor's Office of Housing and Community Development's Budget - FYs 2021-2022 and 2022-2023]**Sponsors: Haney; Ronen**

Hearing on the overview of the Mayor's Office of Housing and Community Development's budget for Fiscal Years (FYs) 2021-2022 and 2022-2023; and requesting the Mayor's Office of Housing and Community Development to report.

02/09/21; RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

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 ORDINANCE

210112 [Settlement of Lawsuit - Maurice Caldwell - \$2,500,000]

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiff Maurice Caldwell, and against the City and County of San Francisco, in the amount of \$2,500,000 in settlement of the lawsuit filed on April 16, 2012, in United States District Court, Case No. 12-cv-1892 DMR, entitled Maurice Caldwell v. City and County of San Francisco, et al; the lawsuit alleges fabrication of evidence and wrongful conviction. (City Attorney)

01/26/21; RECEIVED FROM DEPARTMENT.

02/09/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Request Granted

From: Supervisor Melgar

To: San Francisco District Attorney, San Francisco Police Department, San Francisco Adult Probation Department, San Francisco City Administrator, San Mateo Probation Department, California Highway Patrol

Requesting/Inquiring: Requesting data on what funding mechanisms are needed to be put in place for successful prevention and substance abuse programs in San Francisco, San Mateo, and California. What are the current funding mechanics we have in San Francisco and California for substance abuse prevention? Please see attached for memo.

In Memoriams

Sheria Musyoka - Supervisor Melgar and the Entire Board

George Shultz - Supervisor Peskin, Supervisor Stefani and the Entire Board

John Moylan - Supervisor Stefani and Supervisor Peskin

Terrrie Frye - Supervisor Mandelman, Supervisor Mar and the Entire Board

ADJOURNMENT

There being no further business, the Board adjourned at the hour 4:34 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 March 16, 2021.

Angela Calvillo, Clerk of the Board