

Board of Supervisors



City Hall
1 Dr. Carlton B. Goodlett Place
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Tel. No. 554-5184
TDD No. 554-5227

Legislation Introduced at Roll Call

Tuesday, January 23, 2018

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

- 180081 [Administrative Code - Reentry Council - Eligibility Age Change]**
Sponsor: Breed
Ordinance amending the Administrative Code to change the eligibility age for one of the seven former inmate members appointed to the Reentry Council by the Mayor from ages 18 to 24 to ages 18 to 35, and to require that inmate member have been an inmate before the age of 24. ASSIGNED UNDER 30 DAY RULE to Rules Committee.
- 180084 [Public Employment - Amendment to the Annual Salary Ordinance for the Office of Public Defender - Legal Unit to Defend Immigrants from Deportation - FY2017-2018]**
Sponsors: Fewer; Ronen, Sheehy and Peskin
Ordinance amending Ordinance No 157-17 (Annual Salary Ordinance FYs 2017-2018 and 2018-2019) to reflect the addition of 14 new positions (3.50 FTEs) in FY2017-2018 at the Office of Public Defender for supporting immigration unit expansion to defend immigrants from deportation. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 180085 [Appropriation - General Reserve - Support Immigration Related Legal Services - FY2017-2018 - \$1,280,468]**
Sponsors: Fewer; Ronen, Sheehy and Peskin
Ordinance appropriating \$1,280,468 from the General Reserve to the Office of Public Defender to expand immigration unit, to the Mayor's Office of Housing and Community Development to fund legal representation and rapid response social services, and to the Department of Election to fund non-citizen voter outreach and education services in FY2017-2018. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

- 180086 [Planning Code - Re-establishment of Nonconforming Self-Storage Use]**
Sponsor: Kim
Ordinance amending the Planning Code to allow the owner of premises leased to the City and County of San Francisco for a public safety-related use to resume a pre-existing legal nonconforming self-storage use after the City vacates the property; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 180087 [Park, Health Codes - Transbay Rooftop Park]**
Sponsor: Kim
Ordinance amending the Park Code to treat the rooftop park located above the Transbay Transit Center as a City park for certain purposes; amending the Health Code to prohibit smoking on the rooftop park; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee.
- 180088 [Administrative Code - Mayoral Appearance at the Board of Supervisors]**
Sponsor: Peskin
Ordinance amending the Administrative Code to modify the process for the Mayor to appear at the Board of Supervisors for a question-and-answer session. ASSIGNED UNDER 30 DAY RULE to Rules Committee.
- 180089 [Transportation Code - Board of Supervisors Review of Certain Municipal Transportation Agency Decisions]**
Sponsors: Safai; Peskin
Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency Decisions. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 180090 [Building Code - Electric Vehicle Charging Stations - Expedited Permit Process]**
Sponsor: Tang
Ordinance amending the Building Code to enact an expedited and streamlined permit process for Electric Vehicle Charging Stations; 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. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

Resolutions

- 180091 [Adopting a Fixed Two-Year Budget - Various City Departments - FYs 2018-2019 and 2019-2020]**
Sponsor: Breed
Resolution adopting a fixed two-year budgetary cycle for the following various City departments: Airport, Child Support Services, Port, and Public Utilities Commission; defining terms, and setting deadlines. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 180092 [Disposition and Development Agreement - Seawall Lot 337 Associates, LLC - Mission Rock Project]**
Sponsors: Breed; Kim
Resolution approving a Disposition and Development Agreement between the Port and Seawall Lot 337 Associates, LLC, for 28 acres of real property known as Seawall Lot 337, located east of Third Street between China Basin Channel and Mission Rock Street, China Basin Park, and the portion of Terry A. Francois Boulevard abutting the park, Pier 48, the marginal wharf between Pier 48 and Pier 50, and Parcel P20; adopting findings under the California Environmental Quality Act; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); and adopting public trust consistency findings. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180093 [Pier 48 Lease - China Basin Ballpark Company, LLC - Mission Rock Project]**
Sponsors: Breed; Kim
Resolution approving a Lease between the Port and China Basin Ballpark Company, LLC, for Pier 48; and adopting findings under the California Environmental Quality Act. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.
- 180094 [Memorandum of Understanding Regarding Interagency Cooperation - Mission Rock Project]**
Sponsors: Breed; Kim
Resolution approving a Memorandum of Understanding between the Port and other City Agencies regarding Interagency Cooperation; adopting findings under the California Environmental Quality Act; and adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1(b). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180095 [Memorandum of Understanding - Port Commission - Mission Rock Special Use District Financing Districts]**
Sponsors: Breed; Kim
Resolution approving a Memorandum of Understanding relating to and appointing Port Commission as agent of Mission Special Use District financing districts; and approving related matters, as defined herein. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180096 [Street Name Change - 1600 Block of Galvez Avenue - "Sam Jordan's Way"]**
Sponsor: Cohen
Resolution changing the street name of the 1600 block of Galvez Avenue, between Third Street and Phelps Street, to "Sam Jordan's Way," to honor Sam Jordan's legacy and impact on the Bayview Community. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

- 180097 [Real Property Lease - HV Partners Block 10, L.P. - 901 Fairfax Avenue, Hunters View Phase 2B, Block 10 - \$0 Monthly Base Rent with Reimbursement to Landlord Up To \$100,000]**
Sponsor: Cohen
 Resolution authorizing the lease of approximately 794 square feet at 901 Fairfax Avenue, Hunters View Phase IIB - Block 10 with HV Partners Block 10, L.P., a California limited partnership, at the monthly base rent of \$0 with reimbursement up to \$100,000 to the landlord for tenant improvements, furniture, fixtures, and equipment, and additional \$800 charge for utilities and services per month, for a 15-year term with options to extend for one-year terms commencing upon approval by the Board of Supervisors and Mayor; adopting findings under the California Environmental Quality Act, Public Resources Code, Section 21000 et seq.; and finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 180098 [Declaration of Support - XXIII Winter Olympics - PyeongChang, the Republic of Korea]**
Sponsor: Kim
 Resolution declaring San Francisco's support of having the XXIII Winter Olympics hosted in PyeongChang, the Republic of Korea. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 180099 [Enoch Yee-Ching Fung Day - February 2, 2018]**
Sponsor: Peskin
 Resolution declaring February 2, 2018, as Enoch Yee-Ching Fung Day in the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 180100 [Accept and Expend Grant - Association of Bay Area Governments - Bay Area Regional Network - Energy Efficiency Program Implementation - \$511,017]**
Sponsor: Yee
 Resolution retroactively authorizing the Department of the Environment to accept and expend grant funds from the Association of Bay Area Governments in the amount of \$511,017 to perform energy efficiency program implementation, as part of a Bay Area Regional Energy Network program, an energy efficiency program for the term from January 1, 2018, to December 31, 2018. RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests for Hearing

- 180075 [Hearing - Initiative Ordinance - Business and Tax Regulations and Administrative Codes - Additional Gross Receipts Tax on Commercial Rents]**
Sponsors: Safai; Sheehy, Tang and Cohen
 Hearing to consider the proposed initiative ordinance submitted by four or more Supervisors to the voters at the June 5, 2018, Election, entitled "Ordinance amending the Business and Tax Regulations Code and Administrative Code to impose an additional tax of 1.7% on the gross receipts from the lease of commercial space in the City, to fund low- and middle-income housing and homelessness services and the General Fund; exempting from the additional tax rents from productions, distribution, and repair uses, retail sales and services uses, entertainment, arts and recreation uses, and nonprofit uses; and increasing the City's appropriations limit by the amount collected under the new tax for four years from June 5, 2018." RECEIVED AND ASSIGNED to Rules Committee.

- 180076 [Hearing - Initiative Ordinance - Business and Tax Regulations and Administrative Codes - Commercial Rents Tax for Early Child Care and Education]**
Sponsors: Yee; Kim, Fewer and Ronen
Hearing to consider the proposed initiative ordinance submitted by four or more Supervisors to the voters at the June 5, 2018, Election, entitled "Ordinance amending the Business and Tax Regulations Code and Administrative Code to impose an additional tax on the gross receipts from the lease of commercial space in the City, in the amount of 1% for warehouses and 3.5% for other commercial uses, to fund the Babies and Families First Fund for quality early care and education for children from birth through five years of age and the General Fund; exempting from the additional tax rents from industrial, artist, non-formula retail, nonprofit, and government uses; and increasing the City's appropriations limit by the amount collected under the new tax for four years from June 5, 2018." RECEIVED AND ASSIGNED to Rules Committee.
- 180101 [Hearing - Cannabis State Legalization Task Force - Year II Report]**
Sponsor: Cohen
Hearing on the Year II Report of the Cannabis State Legalization Task Force; and requesting the Cannabis State Legalization Task Force to report. RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services 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 ORDINANCES

- 180023 [Settlement of Lawsuit - Mikaela Anna Merchant - \$50,000]**
Ordinance authorizing settlement of the lawsuit filed by Mikaela Anna Merchant against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 29, 2016, in San Francisco Superior Court, Case No. CGC-16-555561; entitled Mikaela Anna Merchant v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180024 [Partial Settlement of Lawsuit - Cesar and Fe Ponferrada - \$34,000]**
Ordinance authorizing settlement of the lawsuit filed by Cesar and Fe Ponferrada against the City and County of San Francisco for \$34,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiffs Cesar and Fe Ponferrada, by the payment of \$34,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 180025 [Partial Settlement of Lawsuit - Rizaldi Gache - \$65,000]**
Ordinance authorizing settlement of the lawsuit filed by Rizaldi Gache against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Rizaldi Gache, by the payment of \$65,000, and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180026 [Settlement of Lawsuit - Donald Spadini - \$120,600]**
Ordinance authorizing settlement of the lawsuit filed by Donald Spadini against the City and County of San Francisco for \$120,600; the lawsuit was filed on September 13, 2016, in San Francisco Superior Court, Case No. CGC-16-554218; entitled Donald Spadini v. City and County of San Francisco, et al.; the lawsuit involves alleged negligence of doctors, nurses and staff; other material terms of the settlement are Co-Defendant The Regents of the University of California is paying \$59,400. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180027 [Settlement of Lawsuit - David Zeller (Deceased) - \$290,000]**
Ordinance authorizing settlement of the lawsuit filed by David Zeller against the City and County of San Francisco for \$290,000; the lawsuit was filed on March 14, 2013, in San Francisco Superior Court, Case No. CGC-13-529554; entitled David Zeller v. San Francisco General Hospital, et al.; the lawsuit involves alleged medical malpractice; other terms of the settlement are UC Regents to pay \$200,245 and upon approval by the probate court and Plaintiff's acceptance of the probate court's allocation of funds, California Department of Health Care Services to disgorge \$65,300 paid for MediCal lien to be paid to plaintiff. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180028 [Partial Settlement of Lawsuit - David Alfaro and Jessica Alfaro - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by David Alfaro and Jessica Alfaro against the City and County of San Francisco for \$75,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiffs David Alfaro and Jessica Alfaro, by the payment of \$75,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180029 [Partial Settlement of Lawsuit - Baikonur 1701 LLC - \$34,284.59]**
Ordinance authorizing settlement of the lawsuit filed by Baikonur 1701 LLC against the City and County of San Francisco for \$34,284.59; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Baikonur 1701 LLC, by the payment of \$34,284.59 and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 180030 [Settlement of Lawsuit - Elyse Duckett - \$250,000]**
Ordinance authorizing settlement of the lawsuit filed by Elyse Duckett against the City and County of San Francisco for \$250,000; the lawsuit was filed on May 9, 2014, in San Francisco Superior Court, Case No. CGC-14-539201; entitled Elyse Duckett vs. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 180031 [Summary Street Vacation - Portion of Panama Street; Sidewalk Acceptance - Niantic Street]**
Ordinance ordering the summary street vacation of a portion of Panama Street tangent to Niantic Street and Interstate Highway 280, in the Oceanview neighborhood; conveying the City's interest in the street vacation area to the owner of 10 Niantic Street (Assessor's Parcel Block No. 7178, Lot No. 014); accepting an irrevocable offer for a public sidewalk on Niantic Street between Panama Street and Saint Charles Avenue; dedicating the public sidewalk for pedestrian use, designating it for public right-of-way and roadway purposes, and accepting it for City maintenance and liability; establishing a new official sidewalk on Niantic Street by amending Ordinance No. 1061 entitled, "Regulating the Width of Sidewalks;" affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works). ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 180068 [Settlement of Lawsuit - MBIA Inc., MBIA Insurance Corp., MBIA Insurance Corp. of Illinois, and Jason Kissane - City to Receive \$388,591]**
Ordinance authorizing a settlement of the lawsuit filed by the City and County of San Francisco against MBIA Inc., its affiliates, MBIA Insurance Corp. and MBIA Insurance Corp. of Illinois, and its former employee, Jason Kissane, for \$388,591; the lawsuit was filed on October 8, 2008, in San Francisco Superior Court, Case No. CGC-08-480708; entitled City and County of San Francisco v. Ambac Financial Group Inc., et al.; the lawsuit involves breach of contract, fraud and antitrust claims against bond insurance companies; this settlement applies to claims against the last remaining defendants in the case, the MBIA entities. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

- 180069 [Contract Amendment - Allied Universal Security - Security Services - Total Contract Amount \$26,062,288]**
Resolution approving Amendment No. 2 of the contract between the City and County of San Francisco and Allied Universal Security for the provision of Security Services, extending the term for five months for the total period of February 1, 2014, to June 30, 2018, and an increase in the amount of \$3,534,242 resulting in a revised total contract amount not to exceed \$26,062,288. (Human Services Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 180070 [Real Property Lease Renewal and Amendment - BRCP 1390 Market, LLC - 1390 Market Street - Initial Annual Base Rent of \$1,801,119.96]**
Resolution authorizing the potential three year renewal and amendment of a lease of approximately 27,826 square feet of space at 1390 Market Street with BRCP 1390 Market, LLC, as Landlord, for use by the Department of Public Health at the initial annual cost of \$1,801,119.96 (or \$150,093.33 monthly) and 3% annual increases thereafter, for a three year term from December 1, 2018, through November 30, 2021, subject to City's right to terminate early, and two five-year options to extend. (Real Estate Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

180071 [Site License Agreement Amendment - TriStar Investors LLC - Communications Services Facilities in Modesto, California - Total Annual License Fee \$25,758]

Resolution retroactively authorizing the General Manager of the San Francisco Public Utilities Commission to execute a second amendment to a site license agreement with TriStar Investors LLC, as Licensor for the installation of an additional microwave communications antenna at a telecommunications facility located on a portion of Stanislaus County Assessor's Parcel No 081-012-004-000, with an increase of \$6,600 in the annual rent from \$19,158 to \$25,758 effective June 1, 2017, and making findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code, Chapter 31. (Public Utilities Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

Clerk to Act – January 23, 2018

Board Meeting Minutes for December 5, 2017 and December 12, 2017 were approved.

There were no Clerk to Act requests submitted at the January 23, 2018 Board Meeting.

In Memoriam

Tam Kwong Sang - Supervisor Peskin

Peter Overmire - Supervisor Peskin

Louis Joseph Boss III - Supervisor Tang

Lisa M. Coleman - Supervisor Tang

Charles Alexander McLeran - Supervisor Tang