

Board of Supervisors



City Hall
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Legislation Introduced at Roll Call

Tuesday, November 19, 2019

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

191178 [Appropriation \$29,978,864 in Port Revenue Bond Refunding Proceeds - De-Appropriation \$1,920,024 in Series 2010A and Series 2010B - Re-Appropriation \$31,898,888 in Series 2020A and Series 2020B at the Port - FY2019-2020]

Sponsor: Mayor

Ordinance appropriating \$29,978,864 of one or more series of bond refunding proceeds, de-appropriating \$1,920,024 of revenue bonds, Series 2010A and Series 2010B, and re-appropriating \$31,898,888 of refunding revenue bonds, Series 2020A and Series 2020B; and placing these funds on Controller's reserve subject to the refunding of certain Port of San Francisco bonds for FY2019-2020. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

191181 [Street Vacation - Vallejo Street and Davis Street Right-of-Ways - Teatro ZinZanni Development Project]

Sponsor: Mayor

Ordinance ordering the vacation of streets on a portion of the Vallejo Street right-of-way, generally bounded by Assessor's Parcel Block No. 0138, Lot No. 001, and Assessor's Parcel Block No. 0139, Lot No. 002, between Davis Street and The Embarcadero and a portion of the Davis Street right-of-way as part of improvements for the Teatro ZinZanni hotel, entertainment venue, and public open space project; making findings about the Mitigated Negative Declaration under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

191072 [Administrative Code - Budget Approval Process]

Sponsors: Fewer; Mar

Ordinance amending the Administrative Code to modify the process for the City's adoption of the annual budget by requiring City agencies to hold public hearings prior to submission of their proposed budgets to the Controller and the Mayor; requiring the Mayor to submit to the Board of Supervisors a description of the Mayor's budget priorities after holding a public hearing regarding those priorities; and requiring the Controller to maintain a public website with information about the City's budget process. SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Rules Committee.

191183 [Administrative Code - American Indian Cultural District]

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

Ordinance amending the Administrative Code to establish the American Indian Cultural District in and around the northwestern quadrant of the Mission District; to require the Mayor's Office of Housing and Community Development to submit written reports and recommendations to the Board of Supervisors and the Mayor describing the cultural attributes of the District and proposing strategies to acknowledge and preserve the cultural legacy of the District; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

191184 [Police Code - Gun Violence Restraining Orders]

Sponsors: Stefani; Yee and Brown

Ordinance amending the Police Code to require the Police Department to obtain Gun Violence Restraining Orders in certain circumstances. ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee.

RESOLUTIONS

191179 [Resolution of Intent to Vacate Streets - A Portion of Vallejo Street Right-of-Way and a Portion of Davis Street Right-of-Way - Teatro ZinZanni Project]

Sponsor: Mayor

Resolution declaring the intention of the Board of Supervisors to order the vacation of the Vallejo Street right-of-way generally bounded by Assessor's Parcel Block No. 0138, Lot No. 001, and Assessor's Parcel Block No. 0139, Lot No. 002, between Davis Street and The Embarcadero and a portion of the Davis Street right-of-way generally located between Broadway Street and The Embarcadero, as part of the improvements for the Teatro ZinZanni hotel, theater, and public park development project on Seawall Lots 323 and 324; and setting the hearing date for all persons interested in the proposed vacation of said public right-of-way. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

191182 [Lease Agreement - TZK Broadway, LLC - Seawall Lots 323 and 324 - Teatro ZinZanni - \$1,000,000 Annual Minimum Base Rent]

Sponsor: Mayor

Resolution approving and authorizing a 50-year Lease with one 16-year option to extend between the Port Commission and TZK Broadway, LLC for the mixed-use hotel, entertainment venue, and a public open space development at Seawall Lots 323 and 324, with an annual minimum base rent equal to no less than \$1,000,000 to commence following Board approval; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; authorizing and directing the Port Executive Director to execute documents and take necessary actions to implement this Resolution, as defined herein; and affirming the Planning Department's determination under the California Environmental Quality Act. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 191185 [Port Commission Revenue Bonds - Not to Exceed \$27,000,000]**
Sponsor: Mayor
 Resolution authorizing the issuance of Port Commission of the City and County of San Francisco Refunding Revenue Bonds, Series 2020, in an aggregate principal amount not to exceed \$27,000,000 to refund certain outstanding revenue bonds of the Port; approving the forms of documents relating thereto; and approving other related matters, as defined herein. (Port). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 191186 [Accept and Expend In-Kind Gift - Consulting Services - Google, Inc. - \$750,000]**
Sponsors: Mayor; Stefani
 Resolution authorizing the Department of Technology to accept an in-kind gift of consulting services from Google, Inc., for a term of six months to commence upon Board approval, valued at \$750,000. (Department of Technology). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 191187 [Reappointment, Director of the San Francisco Bay Area Regional Water System Financing Authority - Harlan L. Kelly, Jr.]**
Sponsor: Mayor
 Resolution reappointing Harlan L. Kelly, Jr., for a four-year term ending June 30, 2023, as a Director of the San Francisco Bay Area Regional Water System Financing Authority. RECEIVED AND ASSIGNED to Rules Committee.
- 191025 [Assessment Ballots for City Parcels - Noe Valley Community Benefit District]**
Sponsor: Mandelman
 Resolution authorizing the Mayor or her designee to cast an assessment ballot in the affirmative for the proposed formation of a property and business improvement district to be named the Noe Valley Community Benefit District, with respect to certain parcels of real property owned by the City that would be subject to assessment in said district. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 191188 [Supporting United States House Resolution No. 763 (Deutch) - The Energy and Carbon Dividend Act of 2019]**
Sponsors: Mandelman; Mar, Fewer and Yee
 Resolution supporting United States House Resolution No. 763, authored by United States Representative Theodore E. Deutch, the Energy Innovation and Carbon Dividend Act of 2019, to encourage market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 191189 [Initiating Landmark Designation - 4767-4773 Mission Street (aka New Royal Bakery and Metapan Pupuseria)]**
Sponsors: Safai; Peskin
 Resolution initiating a landmark designation under Article 10 of the Planning Code for 4767-4773 Mission Street (aka New Royal Bakery and Metapan Pupuseria), Assessor's Parcel Block No. 6084, Lot No. 021. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

MOTIONS

191088 [Amending Board Rules of Order - Budget Process]

Sponsors: Fewer; Mar

Motion amending the Board of Supervisors Rules of Order to rename the five-member Budget and Finance Committee as the Budget and Appropriations Committee, and to require that Committee to hold special hearings regarding the Mayor's budget instructions and budget priorities. SUBSTITUTED AND ASSIGNED to Rules Committee.

190695 [Initiative Ordinance - Business and Tax Regulations, Administrative Codes - Tax on Businesses With Disproportionate Executive Pay to Fund Mental Health Services]

Sponsors: Haney; Ronen, Walton, Mar, Brown and Yee

Motion ordering submitted to the voters at an election to be held on November 3, 2020, an Ordinance amending the Business and Tax Regulations Code and Administrative Code to impose an additional gross receipts tax or an administrative office tax on businesses with a greater than 100:1 ratio of the compensation of the business's highest-paid employee to the median compensation paid to the business's employees based in the City, to fund Mental Health SF or other mental health services; and increasing the City's appropriations limit by the amount collected under the additional tax for four years from November 3, 2020. SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

REQUEST FOR HEARING

191190 [Hearing - Implementing the Affordable Homes for Educators and Families Now Initiative]

Sponsors: Haney; Fewer, Peskin and Yee

Hearing on the implementation of the Affordable Homes for Educators and Families Now Initiative, and the partnership between the City and County of San Francisco with the San Francisco Unified School District and/or City College of San Francisco to finance projects that are streamlined under the Initiative; and requesting the Mayor's Office of Housing and Community Development, San Francisco Unified School District, and City College of San Francisco to report. RECEIVED AND ASSIGNED to Joint City, School District, and City College Select Committee.

191191 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - December 10, 2019]

Closed Session for the Board of Supervisors to convene on December 10, 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; scheduled pursuant to Motion No. M19-171, approved November 19, 2019. (Clerk of the Board). 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

191137 [Settlement of Lawsuit - Academy of Art University - City to Receive \$57,960,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the People of the State of California against the Stephens Institute and 23 of its affiliated limited liability companies (collectively "Academy") that owned properties in San Francisco, in *People v. Stephens Institute, et. al*, San Francisco Superior Court Number CGC-16-551832; the lawsuit alleged that the Academy had violated the City's Administrative Code, Planning Code, and Building Code, and the State Unfair Competition Law, Business and Professions Code, Section 17200 et seq.; under the settlement, the Academy agrees to: bring its existing uses into compliance with the Planning Code; relocate existing uses or change uses in buildings in accordance with applicable laws in those limited instances where the Planning Department has determined that legalization is not appropriate; compensate the People and the City for alleged past violations by paying approximately \$58,000,000 including providing affordable housing public benefits to the City in the amount of \$37,600,000 and a payment of approximately \$8,200,000 to the City's Small Sites Fund; and work cooperatively with the City in planning for future growth in a manner that accounts for the urban nature of the Academy's campus, without adversely impacting the City's affordable or rent-controlled housing stock, or burdening its transportation system, including, as a part of that plan, building new housing, or converting existing buildings, for its students on property that is zoned for such use. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

191138 [Settlement of Lawsuit - Manconia Green - \$82,500]

Ordinance authorizing settlement of the lawsuit filed by Manconia Green against the City and County of San Francisco for \$82,500; the lawsuit was filed on July 25, 2017, in the San Francisco County Superior Court, Case No. CGC-17-560392; entitled *Manconia Green 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.

PROPOSED RESOLUTIONS

191139 [Donation of Retired Ambulance to City College of San Francisco]

Resolution authorizing the Fire Department to donate a retired ambulance to the City College of San Francisco's Emergency Medical Services Academy. (Fire Department). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

191140 [Prevailing Wage Rates - Various Workers Pursuant to Administrative Code, Section 6.22(e) and Sections 21C.1 through 21C.11]

Resolution fixing prevailing wage rates for 1) workers performing work under City contracts for public works and improvements; 2) workers performing work under City contracts for janitorial services; 3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; 4) workers engaged in theatrical or technical services for shows on property owned by the City; 5) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City; 6) workers performing moving services under City contracts at facilities owned or leased by the City; 7) workers engaged in exhibit, display, or trade show work at special events on property owned by the City; 8) workers engaged in broadcast services on property owned by the City; 9) workers engaged in loading or unloading into or from a commercial vehicle on City property of materials, goods, or products in connection with a show or special event, or engaged in driving a commercial vehicle into which or from which materials, goods, or products are loaded or unloaded on City property in connection with a show or special event; 10) workers engaged in security guard services under City contracts or at facilities or on property owned or leased by the City; and 11) motor bus service contracts. (Civil Service Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

Clerk to Act - November 19, 2019

No Board Meeting Minutes were approved.

Requests Granted

None

In Memoriam

Ata Olla Safai - Entire Board

Jack Porter - Supervisors Brown and Mandelman

Jimmy Hardy - Supervisor Peskin