

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, February 26, 2019 - 2:00 PM

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

Regular Meeting

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

Budget and Finance Federal Select Committee
Supervisors Fewer

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

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

Monday
10:00 AM

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

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, February 26, 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, Haney, Mar, Peskin, Ronen, Safai, Stefani, Walton, and Yee were noted present.

Supervisors Fewer and Mandelman were noted not present. A quorum was present.

COMMUNICATIONS

There were no communications.

Supervisors Fewer and Mandelman were noted present at 2:04 p.m.

President Yee asked for a moment of silence to honor the life and legacy of the beloved late Public Defender, Jeff Adachi, who passed away unexpectedly on February 22, 2019.

After the moment of silence, President Yee spoke on the late Public Defender's life, accomplishments, and many contributions to the City and County of San Francisco. As a lifelong warrior for justice, he will always be remembered for the countless ways he shifted criminal justice reform and what it means to uphold the rights and liberties of every individual. President Yee, on behalf of the entire Board, expressed their deepest condolences to his wife, Mutsuko, and his daughter, Lauren. Matt Gonzales, Chief Attorney within the office of the Public Defender, was granted privilege of the floor, unanimously, to express a few words of remembrance. The Members of the Board shared their own various memories of late Public Defender Adachi and his accomplishments, and expressed their condolences.

President Yee, seconded by Supervisor Peskin, moved to adjourn today's Board meeting in honor of the late Public Defender Jeff Adachi, on behalf of the entire Board of Supervisors. The motion carried without objection.

APPROVAL OF MEETING MINUTES

President Yee inquired whether any Board Member had any corrections to the January 15, 2019, Board Meeting Minutes. There were no corrections.

Supervisor Brown, seconded by Supervisor Walton, moved to approve the January 15, 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 Budget and Finance Committee

181186 [Appropriation - Educational Revenue Augmentation Fund Property Tax \$220,551,322 - Rainy Day One-Time Reserve Funds \$52,000,000 - SFPUC Revenue Bonds \$10,000,000 - Various Services - FY2018-2019]

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

Ordinance appropriating \$220,551,322 of excess Educational Revenue Augmentation Fund Property Taxes and \$52,000,000 of Rainy Day One-Time Reserve funds for affordable housing small site, single residence occupancy hotel, and behavioral health acquisition and renovation, homelessness and behavioral health services, early care and SFUSD educator funding, for a utility distribution acquisition assessment, various mandatory baseline contributions, and to establish a Teacher and Early Care Educator Unappropriated Emergency Reserve, and \$10,000,000 from San Francisco Public Utilities Commission Revenue Bonds for a utility substation.

(Fiscal Impact)

FINALLY PASSED

190044 [Appropriation - Educational Revenue Augmentation Fund Property Tax - New Light Rail Vehicles, Energy Efficiency Audits, Small Business Mitigation Fund, and Mandatory City Services Auditor Baseline - SFMTA - \$38,124,000 - FY2018-2019]

Sponsor: Mayor

Ordinance appropriating \$38,124,000 in excess Educational Revenue Augmentation Fund Property Taxes to the San Francisco Municipal Transportation Agency (SFMTA), including \$19,247,904 to purchase Light Rail Vehicles, \$13,800,000 to conduct energy efficiency audits and improvements at SFMTA facilities, \$5,000,000 to a Small Business Impact Mitigation Fund and a mandatory City Services Auditor baseline in FY 2018-2019; and placing \$38,124,000 on Controller's Reserve pending confirmation of cash flow timing from the State of California.

(Fiscal Impact)

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

190002 [Settlement of Lawsuit - Small Property Owners of San Francisco Institute - \$110,000]

Ordinance authorizing settlement of the lawsuit filed by Small Property Owners of San Francisco Institute against the City and County of San Francisco for \$110,000; the lawsuit was filed on January 28, 2014, in San Francisco Superior Court, Case No. CPF-14-513453; entitled Small Property Owners of San Francisco Institute v. City and County of San Francisco, et al.; the lawsuit involves a claim for attorney's fees and costs following Petitioner's challenge to Ordinance No. 286-13 on the grounds, in part, that Section 181(c)(3) is preempted by the state Ellis Act. (City Attorney)

PASSED ON FIRST READING

190003 [Settlement of Unlitigated Claim - Sambou Makalou - \$124,523.97 - Appropriation - Wastewater Enterprise Fund Balance]

Ordinance approving the settlement of the unlitigated claim filed by Sambou Makalou against the City and County of San Francisco for \$124,523.97; the claim was filed on June 27, 2018; the claim involves alleged property damage arising from a water main break; and appropriating \$124,523.97 from the San Francisco Public Utilities Commission Wastewater Enterprise fund balance for payment of settlement. (City Attorney)

PASSED ON FIRST READING

190004 [Partial Settlement of Lawsuit - Susan Garduno - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$105,000; 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 Susan Garduno, by the payment of \$105,000 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)

PASSED ON FIRST READING

190005 [Settlement of Lawsuit - Winfield International, Inc. - \$500,000]

Ordinance authorizing settlement of the lawsuit filed by Winfield International, Inc. against the City and County of San Francisco for a payment by Winfield International, Inc. of \$500,000; the lawsuit was filed on March 20, 2017, in San Francisco Superior Court, Case No. CPF-17-515532 (Appeal No. A153209); entitled Winfield International, Inc. v. City and County of San Francisco; the lawsuit challenges the City's enforcement of the Below Market Rate housing conditions of approval applicable to Petitioner's real property located at 3000 23rd Street; other material terms of the settlement include recording a notice of special restrictions reflecting the Below Market Rate conditions of approval applicable to the real property; and a 12-month extension and related lease terms for the current tenant of Unit No. 205. (City Attorney)

PASSED ON FIRST READING

190006 [Settlement of Lawsuit - N.C., a Minor - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by N.C., a minor against the City and County of San Francisco for \$45,000; the lawsuit was filed on July 17, 2017, in United States District Court, Case No. 17-cv-4016; entitled N.C., a minor v. City and County of San Francisco, et al.; the lawsuit involves allegations of civil rights violations. (City Attorney)

PASSED ON FIRST READING

190008 [Settlement of Lawsuit - Rocio Guarniz Palacios - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Rocio Guarniz Palacios against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 4, 2017, in San Francisco Superior Court, Case No. CGC-17-556267; entitled Rocio Guarniz Palacios v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

190010 [Settlement of Unlitigated Claim - CSAA Insurance Exchange - \$34,000]

Resolution approving the settlement of the unlitigated claim filed by CSAA Insurance Exchange against the City and County of San Francisco for \$34,000; the claim was filed on June 20, 2018; the claim involves alleged property damage from vehicle collision. (City Attorney)

ADOPTED

Recommendation of the Land Use and Transportation Committee**181108 [Police, Housing Codes - Required Disclosure of Storm Flood Risks]**

Sponsor: Yee

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Utilities Commission)

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**NEW BUSINESS****Recommendations of the Budget and Finance Committee**

President Yee requested File Nos. 190015 and 190016 be called together.

190015 [Airport Professional Services Agreement Modification - PGH Wong Engineering, Inc. - AirTrain Extension and Improvements Program - Not to Exceed \$16,325,000]

Resolution approving Modification No. 4 to Contract No. 10504.41, Project Management Support Services for the AirTrain Extension and Improvements Program, with PGH Wong Engineering, Inc. to extend the term by 555 calendar days, from April 25, 2019, through October 31, 2020; and to increase the Contract amount by \$6,333,000 for a total not to exceed amount of \$16,325,000 pursuant to Charter, Section 9.118(b). (Airport Commission)
(Fiscal Impact)

ADOPTED by the following vote:

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

190016 [Airport Professional Services Agreement Modification - ACJV - Terminal 1 Center Renovation Project - Not to Exceed \$61,325,000]

Resolution approving Modification No. 9 to Airport Contract No. 10011.41, Project Management Support Services for the Terminal 1 Center Renovation Project, with ACJV, to extend the term by four years and eight months, from May 1, 2019, through December 31, 2023; and to increase the Contract to a not to exceed amount of \$61,325,000 pursuant to Charter, Section 9.118(b). (Airport Commission)
(Fiscal Impact)

ADOPTED by the following vote:

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

190025 [Emergency Declaration - Substructure Support, Inc. - Repairs for Damaged Storm Sewer System - Third Street, between Berry Street and Third Street Bridge - Not to Exceed \$700,000]

Resolution approving the emergency declaration of the Director of Public Works, pursuant to Administrative Code, Section 6.60(b), to repair the damaged sewer system in the vicinity of Third Street, between Berry Street and the Third Street Bridge, for a cost not to exceed \$700,000.
(Public Works)
(Fiscal Impact)

ADOPTED by the following vote:

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

President Yee requested File Nos. 190061 and 190062 be called together. During the discussions on these items, privilege of the floor was granted unanimously to Patrick Leung (Police Department) who responded to questions raised.

190061 [Accept and Expend Grant - United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance - San Francisco Crime Gun Investigations Center - \$800,000]

Sponsor: Stefani

Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$800,000 from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to help improve the collection, management, and analysis of crime gun evidence for the project period of October 1, 2018, through September 30, 2021. (Police Commission)

ADOPTED by the following vote:

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

190062 [Accept and Expend Grant - United States Department of Justice, Office of Justice Programs, National Institute of Justice - FY 2018 DNA Capacity Enhancement and Backlog Reduction Program Grant Increase: Budget Revision - \$61,170]

Sponsor: Stefani

Resolution retroactively authorizing the Police Department to accept and expend an increase to FY 2018 DNA Capacity Enhancement and Backlog Reduction Program grant funds in the amount of \$61,170 for a total of \$366,678 from the United States Department of Justice, Office of Justice Programs, National Institute of Justice, to be used to upgrade software, purchase laboratory equipment, and provide continuing education training for DNA analysts during the project period of January 1, 2019, through December 31, 2020.

ADOPTED by the following vote:

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

190070 [Grant Agreement Amendment - San Francisco Marin Food Bank - Food Assistance Program - Not to Exceed \$11,338,162]

Resolution approving Amendment No. 2, authorizing the Executive Director of the Human Services Agency to execute an amendment to the Grant Agreement between the City and County of San Francisco, by and through its Human Services Agency, and the non-profit San Francisco Marin Food Bank, to provide the Food Assistance Program to older adults and adults with disabilities for the total agreement term of July 1, 2017, to June 30, 2022, by increasing the agreement amount to \$1,225,831 with a contingent amount of \$858,058 for a total not to exceed amount of \$11,338,162. (Human Services Agency)
(Fiscal Impact)

ADOPTED by the following vote:

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

190104 [Public Auction - Tax-Defaulted Real Property]

Resolution authorizing the Tax Collector to sell at public auction certain parcels of tax-defaulted real property, as defined herein. (Treasurer-Tax Collector)

ADOPTED by the following vote:

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

President Yee requested File Nos. 190113, 190114 and 190148 be called together.

190113 [Multifamily Housing Revenue Bonds - Parcel E2 on Pier 70 - 185 Maryland Street - Not to Exceed \$160,000,000]

Sponsors: Mayor; Walton

Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$160,000,000 for Parcel E2 on Pier 70 with a current address of 185 Maryland Street; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$160,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

ADOPTED by the following vote:

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

190114 [Multifamily Housing Revenue Bonds - 710-760 La Playa Street (Ocean Beach Apartments) - Not to Exceed \$48,000,000]

Sponsors: Mayor; Fewer

Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$48,000,000 for 710-760 La Playa Street (Ocean Beach Apartments); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$48,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

ADOPTED by the following vote:

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

190148 [Multifamily Housing Revenue Bonds - 22, 102, and 106 South Park Street - Not to Exceed \$40,000,000]**Sponsors: Mayor; Haney**

Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$40,000,000 for 22, 102, and 106 South Park Street; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$40,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

ADOPTED by the following vote:

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

190115 [Authorization to Apply for State Grant Funding - California Cannabis Equity Act of 2018 - Office of Cannabis]**Sponsors: Mayor; Walton**

Resolution authorizing the Office of Cannabis, on behalf of the City and County of San Francisco, to apply for state grant funding under the California Cannabis Equity Act of 2018.

ADOPTED by the following vote:

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

190116 [Apply for Payment Programs - California Department of Resources Recycling and Recovery Funds (CalRecycle)]**Sponsors: Mayor; Safai**

Resolution authorizing the City and County of San Francisco to submit applications for Payment Programs and related authorizations by California Department of Resources Recycling and Recovery, for the purpose of safely managing and reducing household hazardous waste and used motor oil and promoting opportunities for beverage containers recycling and litter cleanup.

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

ADOPTED by the following vote:

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

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.

Supervisor Fewer, seconded by Supervisor Safai, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of April 2, 2019. The motion carried by the following vote:

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

190151 [Authorizing the Director of Public Works to Execute Agreements - Jefferson Street Improvements, Phase II - \$6,782,000]**Sponsors: Mayor; Peskin**

Resolution authorizing the Director of Public Works to execute agreements with the California Department of Transportation pertaining to the Jefferson Street Improvements, Phase II Project, for the amount of \$6,782,000.

ADOPTED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

President Yee requested File Nos. 190051 and 190052 be called together.

190051 [Labor-Management Agreement - San Francisco Firefighters' Association, Local 798 - Workers' Compensation Alternative Dispute Resolution Program]**Sponsor: Mayor**

Resolution authorizing the Department of Human Resources to enter a Workers' Compensation Alternative Dispute Resolution Labor-Management Agreement with the San Francisco Firefighters' Association, Local 798, with an initial term of three years to commence following approval by the Board of Supervisors, and continuing year to year thereafter, in one-year terms.

ADOPTED by the following vote:

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

190052 [Labor-Management Agreement - San Francisco Police Officers Association - Workers' Compensation Alternative Dispute Resolution Program]**Sponsor: Mayor**

Resolution authorizing the Department of Human Resources to enter a Workers' Compensation Alternative Dispute Resolution Labor-Management Agreement with the San Francisco Police Officers Association, with an initial term of three years to commence following approval by the Board of Supervisors, and continuing year to year thereafter in one-year terms.

ADOPTED by the following vote:

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

190075 [Response to the Partial Federal Government Shutdown]**Sponsors: Haney; Ronen, Walton, Mar, Yee and Safai**

Resolution responding to the partial federal government shutdown, affirming San Francisco's solidarity with federal workers, and urging the Mayor and city departments to assist those impacted by the shutdown.

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

Supervisor Haney, seconded by Supervisor Stefani, moved that this Resolution be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 1, Line 7, by striking 'has', adding 'partial', and adding 'from December 22, 2018 to January 25, 2019', Line 15, by striking 'have already taken' and adding 'took', and Line 18, by adding 'during the 2018-19 Federal Shutdown'; and on Page 2, Line 2, by adding 'an', by striking 'to impacted', and by adding 'plan for', and Line 3, by adding 'impacted by future government shutdowns'. The motion carried by the following vote:

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

ADOPTED AS AMENDED 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

President Yee requested File Nos. 180003 and 180005 be called together.

180003 [Planning Code - Landmark Designation - 460 Arguello Boulevard (aka Theodore Roosevelt Middle School)]**Sponsor: Peskin**

Ordinance amending the Planning Code to designate 460 Arguello Boulevard (aka Theodore Roosevelt Middle School), in Assessor's Parcel Block No. 1061, Lot No. 049, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

Supervisor Peskin requested to be added as the sponsor.

PASSED ON FIRST READING by the following vote:

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

180005 [Planning Code - Landmark Designation - 2728 Bryant Street (aka Sunshine School)]**Sponsor: Peskin**

Ordinance amending the Planning Code to designate 2728 Bryant Street (aka Sunshine School), Assessor's Parcel Block No. 4273, Lot No. 008, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

Supervisor Peskin requested to be added as the sponsor.

PASSED ON FIRST READING by the following vote:

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

181045 [Planning Code, Zoning Map - 170 Valencia Street]**Sponsor: Mandelman**

Ordinance amending the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site; 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.

PASSED ON FIRST READING by the following vote:

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

181083 [Salina Lam Commemorative Plaque - 810 Silver Avenue, Hillcrest Elementary School]**Sponsor: Ronen**

Ordinance waiving permit and inspection fees and Public Works hearing, under the Commemorative Street Plaque Ordinance in the Public Works Code, for the installation of a plaque at one location on the Silver Avenue sidewalk, commemorating former Hillcrest Elementary School student Salina Lam; accepting a plaque in honor of Salina Lam as a gift to the City, and directing official acts in furtherance of this Ordinance, as defined herein; and affirming the Planning Department's determination under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

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

190108 [Planning Code - Conversion of Medical Cannabis Dispensary Uses to Cannabis Retail Uses]

Ordinance amending Section 191 of the Planning Code to deem a Grandfathered Medical Cannabis Dispensary (MCD) that receives a permit to operate as an MCD from the Department of Public Health before December 31, 2019, a Temporary Cannabis Sales Use and extending the expiration date of Section 191 to January 1, 2021; 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 public necessity, convenience, and welfare findings under Planning Code, Section 302. (City Administrator)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Public Safety and Neighborhood Services Committee

181158 [Police Code - Police Department Relationship to National Rifle Association]
Sponsors: Stefani; Mar, Ronen, Walton, Yee, Safai, Brown, Peskin, Haney, Mandelman and Fewer

Ordinance amending the Police Code to rescind the authorization for the Police Department to be a member of the National Rifle Association or to collect tournament fees for the National Rifle Association.

Supervisors Mar, Ronen, Walton, Yee, Safai, Brown, Peskin, Haney, Mandelman and Fewer 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

181228 [Supporting California State Senate Bill No. 23 (Wiener) - Unlawful Entry of a Vehicle]

Sponsors: Brown; Stefani, Yee, Mar, Safai, Mandelman, Fewer and Walton

Resolution supporting California State Senate Bill No. 23, authored by Senator Scott Wiener and co-authored by Assembly Members Joaquin Arambula, Sabrina Cervantes, Phillip Chen, David Chiu, Jordan Cunningham, Tom Lackey, Freddie Rodriguez, and Phil Ting, to expand the definition of vehicle burglary to include any unlawful entry.

Supervisors Fewer and Walton requested to be added as co-sponsors.

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

181217 [Administrative Code - Police Officers Questioning Youth]

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

Ordinance amending the Administrative Code to prohibit police officers from questioning persons 17 years of age or younger, in custody, unless certain conditions are met, providing for legal representation of the youth in connection with the interrogation, and mandating that responsible adults be given access to youth while police officers question youth.

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

Supervisor Ronen, seconded by Supervisor Walton, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 5, by adding '(as defined)', on Line 6, by adding '(as defined)'; on Page 3, Line 12, by adding 'This Chapter 96C shall be known as the Jeff Adachi Youth Rights Ordinance.'; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee
Ordinance amending the Administrative Code to prohibit police officers from questioning persons 17 years of age or younger, in custody, unless certain conditions are met, providing for legal representation of the youth (as defined) in connection with the interrogation, and mandating that responsible adults (as defined) be given access to youth while police officers question youth.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

190161 [Appointments, Commission of Animal Control and Welfare - AnneMarie Fortier, Bunny Elizabeth Rosenberg, Brian VanHorn, and Nina Irani]

Motion appointing AnneMarie Fortier, Bunny Elizabeth Rosenberg, and Brian VanHorn, terms ending April 30, 2020, and Nina Irani, term ending April 30, 2021, to the Commission of Animal Control and Welfare. (Rules Committee)

Motion No. M19-033

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***BLACK HISTORY/BLACK FUTURES MONTH COMMENDATIONS***

Supervisor Walton provided opening remarks in recognition of Black History/Black Futures Month and Arvaughn Williams, who was unanimously granted privilege of the floor, shared a Spoken Word performance piece. Supervisors then introduced, welcomed, and presented Certificates of Honor to the following individuals for their accomplishments and continued community support, as referenced below:

Supervisor Walton recognized Kiere Garrett;

Supervisor Brown recognized the Youth Leadership Team of Citizens Film;

Supervisor Haney recognized the Transgender Gender-variant Intersex Justice Project (TGIJP);

Supervisor Mandelman recognized Julius Pikes-Prince;

Supervisor Mar recognized Deziree Rodgers, Deshawn Carter, Reuban Mendoza, Abdiel DeLaPaz, Christian Barnes, Giovanni Arriola, Desmond McElroy, Chrisdino Rojo, Angelo Bishop, Kuhron Evans, and Dawn Stueckle (Upstar Records);

Supervisor Peskin recognized Towanna Gringer-Addison;

Supervisor Ronen recognized Najiri Turner;

Supervisor Safai recognized Kendrick Martin;

Supervisor Stefani recognized John Baker, Michael Crane, Richard Hollingsworth, Robert Scott, Tramecia Garner, Kenyon Wingo, and Robin Love (Veterans from Swords to Plowshares);

Supervisor Fewer recognized the 100% College Prep Institute; and

President Yee recognized Gudu Kere.

Appointment of President Pro Tempore

At the request of President Yee, Supervisor Fewer assumed the chair at 3:40 p.m. The President resumed the chair at 3:43 p.m.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 181247, 181248, 181249 and 181250 be called together.

181247 [Hearing - Appeal of Determination of Exemption From Environmental Review - 2831-2833 Pierce Street]

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 May 10, 2018, for the proposed project at 2831-2833 Pierce Street, to remodel a three-story two-unit building and construct the addition of a fourth floor. (District 2) (Appellant: Genevieve Anderson) (Filed December 26, 2018) (Clerk of the Board)

President Yee opened the public hearing and Supervisor Stefani indicated she would be making a motion to continue this matter to a later date. The President then inquired as to whether any individual wished to address the Board on the anticipated continuance. There were no speakers. President Yee closed public comment on the continuance.

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of March 5, 2019. The motion carried by the following vote:

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

181248 [Affirming the Categorical Exemption Determination - 2831-2833 Pierce Street]

Motion affirming the determination by the Planning Department that the proposed project at 2831-2833 Pierce Street is categorically exempt from further environmental review. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 5, 2019. The motion carried by the following vote:

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

181249 [Conditionally Reversing the Categorical Exemption Determination - 2831-2833 Pierce Street]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 2831-2833 Pierce Street 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 Stefani, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 5, 2019. The motion carried by the following vote:

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

181250 [Preparation of Findings to Reverse the Categorical Exemption Determination - 2831-2833 Pierce Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 2831-2833 Pierce Street is categorically exempt from further environmental review. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 5, 2019. The motion carried 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.

PUBLIC COMMENT

Francisco Da Costa; offered condolences on the passing of the late Public Defender Jeff Adachi, and expressed concerns regarding the San Francisco Unified School District.

Denise Alexander; expressed concerns regarding certain contract requirements.

Speaker; expressed concerns regarding tourism and the need to assist with hunger.

Denise Louie; expressed concerns regarding lack of tree maintenance in parks throughout San Francisco.

Rita Lark; expressed concerns regarding shootings in District 3 and the need for safer streets.

Otto Duffy; expressed concerns regarding the National Rifle Association.

Speaker; expressed concerns regarding certain contract requirements.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

190185 [Closed Session - Existing Litigation - American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association - February 26, 2019]

Closed Session for the Board of Supervisors to convene on February 26, 2019, for the purpose of conferring with, or receiving advice from the City Attorney, under California Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), regarding the following existing litigation in which the City is a defendant and appellee, American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association v. City and County of San Francisco, Ninth Circuit Court of Appeals Case Nos. 16-16072 and 16-16073, filed in the United States District Court for the Northern District of California on July 24, 2015; scheduled pursuant to Motion No. M19-032, approved February 12, 2019. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Stefani, moved that this Closed Session be CONTINUED to the Board of Supervisors meeting of March 19, 2019. The motion carried by the following vote:

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

190173 [Adopting the Vision, Goals and Objectives of The Bay Area Comprehensive Economic Development Strategy - Establish a Bay Area Regional Economic Development District]

Sponsors: Mayor; Haney

Resolution adopting the Vision, Goals and Objectives of The Bay Area Comprehensive Economic Development Strategy to establish an eight county regional Economic Development District recognized by the United States Economic Development Administration, to improve access to economic and workforce related grants and technical assistance from federal and state agencies and private foundations to foster greater public and private collaboration in addressing economic, workforce, and equity issues that no single jurisdiction, organization, or enterprise can solve alone.

ADOPTED

190175 [Supporting California State Senate Bill No. 233 (Wiener) - Immunity From Arrest]

Sponsors: Haney; Ronen and Mandelman

Resolution supporting California State Senate Bill No. 233, authored by Senator Scott Wiener and co-authored by Assembly Members Bill Quirk and Laura Friedman, establishing protections for sex workers when reporting a crime and preventing condoms from being used as probable cause to arrest those suspected of sex work.

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

ADOPTED

190176 [Urging Plan Approval - Interdepartmental Staff Committee on Traffic and Transportation - How Weird Street Faire Admission Fee]

Sponsor: Haney

Resolution urging the Interdepartmental Staff Committee on Traffic and Transportation to approve a proposed plan to allow the How Weird Street Faire to charge an admission fee.

ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Fewer requested that File No. 190174 be severed so that it may be considered separately.

190174 [Urging San Francisco Public Utilities Commission to Report on a Plan for Building Renewable Power Facilities on City-Owned Property]

Sponsors: Fewer; Peskin, Mar, Ronen and Brown

Resolution urging the San Francisco Public Utilities Commission to include in their preliminary report to the Mayor regarding PG&E, a plan to build out renewable power facilities on City-owned property.

Supervisors Mar, Ronen and Brown requested to be added as co-sponsors.

Supervisor Fewer, seconded by Supervisor Ronen, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 4-6, by striking 'include in their preliminary', adding 'complete a', striking 'to', adding 'for', striking 'Mayor regarding PG&E', and adding 'Board of Supervisors detailing'; on Page 2, Lines 1-2, by striking 'WHEREAS, The "Local Build Out of Energy Resources of the Community Choice Aggregation Program" report; and', Page 2, Line 10, through Page 3, Line 3, by adding six new 'WHEREAS' clauses regarding the Public Utilities Commission's efforts and actions related to the CleanPowerSF Program; on Page 3, Line 12, by adding 'with a preliminary report on its findings', and Lines 20-21, by striking 'to reduce our reliance on fossil fuels and provide', and adding 'to address climate change and create'; and on Page 4, Lines 16-19, by striking 'partner with its renewable power consultants to', adding 'acquire and', striking '500 megawatts', adding 'cost-effective', striking 'power facilities', adding 'energy resources', striking 'with 200 megawatts located within the boundaries of the City and County', and adding 'without increasing costs to ratepayers', and Lines 20-23, by adding 'San Francisco', striking 'include such', adding 'develop said', striking 'as part of its preliminary report as requested by Mayor London Breed', and adding 'by December 1, 2019 for review by the San Francisco Local Agency Formation Commission and the Board of Supervisors.' The motion carried by the following vote:

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

ADOPTED 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.

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

190188 [Planning Code - Amending Landmark Designation - 906 Broadway (Iglesia de Nuestra Señora de Guadalupe/Our Lady of Guadalupe Church)]

Ordinance amending the Landmark Designation for Landmark No. 204, 906 Broadway (Iglesia de Nuestra Señora de Guadalupe/Our Lady of Guadalupe Church), Assessor's Parcel Block No. 0149, Lot No. 009, under Article 10 of the Planning Code, to confirm the exterior features that should be preserved or replaced in kind, and to add interior features to the designation; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare findings under Planning Code, Section 302. (Historic Preservation Commission)

02/13/19; RECEIVED FROM DEPARTMENT.

02/26/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/28/2019.

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)

02/14/19; RECEIVED FROM DEPARTMENT.

02/26/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

190190 [Settlement of Unlitigated Claim - One Nob Hill Associates, LLC - \$65,250]

Resolution approving the settlement of the unlitigated claim filed by One Nob Hill Associates, LLC against the City and County of San Francisco for \$65,250; the claim was filed on February 28, 2018; the claim involves an alleged overpayment of real property transfer tax. (City Attorney)

02/08/19; RECEIVED FROM DEPARTMENT.

02/26/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190191 [Lease Agreement - Hudson Group (HG) Retail, LLC, RDJ Enterprises, LLC, and Stewart Manhattan Investments, Inc., a JV dba HG SFO Retailers 2017 JV - Boarding Area C Retail Concession Lease No. 1 - Lease No. 18-0367 - \$1,800,000 Minimum Annual Guarantee]

Resolution approving the Boarding Area C Retail Concession Lease No. 1 - Lease No.18-0367, between Hudson Group (HG) Retail, LLC, RDJ Enterprises, LLC, and Stewart Manhattan Investments, Inc., a Joint Venture dba HG SFO Retailers 2017 JV, as joint tenants, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and a minimum annual guarantee of \$1,800,000 for the first year of the Lease, to commence upon Board approval. (Airport Commission)

02/11/19; RECEIVED FROM DEPARTMENT.

02/26/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190192 [Contract Approval - Dominion Voting Systems, Inc. - Voting System - Not to Exceed \$12,660,000]

Resolution retroactively approving a contract agreement between the City and County of San Francisco, by and through its Department of Elections, and Dominion Voting Systems, Inc., for the lease of a voting system, a license to use the voting system software, and related maintenance and support services, for four years for a contract term from January 1, 2019, through March 31, 2023, in an amount not to exceed \$8,460,000 and with two one-year options to extend, in a total contract amount not to exceed \$12,660,000. (Elections Department)

02/14/19; RECEIVED FROM DEPARTMENT.

02/26/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190193 [Termination of Lease - Orchard Supply Company, LLC - 900 El Camino Real, Millbrae - \$1,304,915]

Resolution approving the terms and conditions of, and authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute a Termination of Lease between the City and County of San Francisco, through its Public Utilities Commission as Landlord, and Orchard Supply Company, LLC as Tenant, for a portion of SFPUC Parcel 29, representing approximately 4.438 acres of land, in Millbrae, California at a ground rental rate of approximately \$1,304,915 per year over the remaining five-year term of the Lease, with a termination date of April 30, 2019. (Public Utilities Commission)

02/11/19; RECEIVED FROM DEPARTMENT.

02/26/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 5:25 p.m.