

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 23, 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, AHSHA SAFAI, CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Appropriations Committee

Supervisors Haney, Safai, Mar, Ronen, Walton

Wednesday

1:00 PM

Budget and Finance Committee

Supervisors Haney, Safai, Mar

Wednesday

10:30 AM

Government Audit and Oversight Committee

Supervisors Preston, Chan, Mandelman

1st and 3rd Thursday

10:00 AM

Joint City, School District, and City College Select Committee

Supervisors Ronen, Safai, Haney (Alt), Trustee Davila, Williams, Selby (Alt)

2nd Friday

10:00 AM

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Monday

1:30 PM

Public Safety and Neighborhood Services Committee

Supervisors Mar, Stefani, Haney

2nd and 4th Thursday

10:00 AM

Rules Committee

Supervisors Peskin, Mandelman, Chan

Monday

10:00 AM

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, March 23, 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, Mandelman, Mar, Melgar, Preston, Peskin, Safai, Stefani, and Walton were noted present.

A quorum of the Board was present.

President Walton presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.

Supervisors Haney and Ronen were noted present at 2:02 p.m.

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.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

210180 [Business and Tax Regulations Code - Extending Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers]

Sponsors: Peskin; Safai

Ordinance amending the Business and Tax Regulations Code to extend through Fiscal Year 2021-2022 the temporary suspension of the application of the business registration and fee requirements for transportation network company drivers and taxi drivers.

FINALLY PASSED by the following vote:

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

Referred Without Recommendation from the Land Use and Transportation Committee

President Walton requested File Nos. 201385 and 201386 be called together.

201385 [Planning Code, Zoning Map - 542-550 Howard Street]**Sponsor: Haney**

Ordinance amending the Planning Code and Zoning Map to rezone and reclassify a portion of the 542-550 Howard Street project site (Assessor's Parcel Block No. 3721, Lot Nos. 016, 135, 136, and 138, also known as Transbay Parcel F) and as shown on Figure 1 of the Transit Center District Plan, specifically to rezone a portion of the project site from the split P (Public) District/C-3-O (SD) to the C-3-O (SD) Downtown Office Special Development District and to reclassify the height and bulk district designations for a portion of the project site; waiving certain provisions of the Planning Code to allow the project to satisfy its affordable housing requirement through payment of an in-lieu affordable housing fee to the Office of Community Investment and Infrastructure for use within the Transbay Redevelopment Project Area, to modify timing for payment of fees, and to permit the footprint of the portion of the project site dedicated to dwellings to exceed 15,000 square feet; adopting findings 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 welfare under Planning Code, Section 302.

FINALLY PASSED by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Preston, Ronen, Safai, Stefani, Walton

Noes: 1 - Peskin

201386 [Development Agreement - Parcel F Owner, LLC - 542-550 Howard Street Transbay Redevelopment Project Area]**Sponsor: Haney**

Ordinance approving a Development Agreement between the City and County of San Francisco and Parcel F Owner, LLC, for certain real property known as 542-550 Howard Street (Assessor's Parcel Block No. 3721, Lot Nos. 016, 135, 136, and 138, also known as Transbay Parcel F), located in the Transbay Redevelopment Project Area, consisting of four parcels located on the north side of Howard Street between 1st and 2nd Streets; waiving certain provisions of Administrative Code, Chapter 56; adopting findings under the California Environmental Quality Act; and making findings of conformity with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b), and findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

FINALLY PASSED by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Preston, Ronen, Safai, Stefani, Walton

Noes: 1 - Peskin

NEW BUSINESS

Recommendations of the Budget and Finance Committee

210028 [Appropriation - Refunding General Obligation Bond Proceeds - \$220,000,000 - FY2020-2021]

Sponsor: Mayor

Ordinance appropriating \$220,000,000 from the issuance of one or more series of Refunding General Obligation Bonds; and placing such amounts on Controller's reserve.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

210183 [Issuance and Sale of General Obligation Refunding Bonds, Series 2021-R1 and Series 2021-R2 - Not to Exceed \$220,000,000]

Sponsor: Mayor

Resolution approving the issuance and sale of not to exceed \$220,000,000 aggregate principal amount of City and County of San Francisco General Obligation Refunding Bonds, Series 2021-R1, and City and County of San Francisco General Obligation Refunding Bonds, Series 2021-R2, to refund certain outstanding General Obligation Bonds of the City; approving the form and authorizing the distribution of the Preliminary Official Statement and authorizing execution, delivery and distribution of the Official Statement relating to the sale of said bonds; ratifying certain actions previously taken, as defined herein; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

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

President Walton requested File Nos. 210173 and 210174 be called together.

210173 [Accept and Expend Grant - Retroactive - California Department of Insurance - Automobile Insurance Fraud Program - \$316,939]

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$316,939 from the California Department of Insurance for the Automobile Insurance Fraud Program, for the grant period of July 1, 2020, through June 30, 2021. (District Attorney)

ADOPTED by the following vote:

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

210174 [Accept and Expend Grant - Retroactive - California Department of Insurance - Workers' Compensation Insurance Fraud Program - \$928,617]

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$928,617 from the California Department of Insurance for the Workers' Compensation Insurance Fraud Program, for the grant period of July 1, 2020, through June 30, 2021. (District Attorney)

ADOPTED by the following vote:

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

210185 [Contract Agreement - Color Health, Inc. - End-to-End Community COVID-19 Testing Services - Not to Exceed \$52,289,523]

Sponsor: Mayor

Resolution approving the agreement between Color Health, Inc. and the Department of Public Health for end-to-end community COVID-19 testing services, for an amount not to exceed \$52,289,523 for a total agreement term of April 6, 2021, through March 31, 2022. (Fiscal Impact)

ADOPTED by the following vote:

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

210186 [Accept and Expend Grant - Retroactive - Federal Highway Administration - Emergency Relief Program - O'Shaughnessy Boulevard Emergency Relief Project - \$3,015,619.50]

Sponsor: Mayor

Resolution retroactively authorizing Public Works to accept and expend an increased amount of \$226,265.50 for a total grant amount of \$3,015,619.50 from the United States Department of Transportation Federal Highway Administration Federal Emergency Relief Program to fund the construction of the Public Works' O'Shaughnessy Boulevard Emergency Relief Project, for the period of September 23, 2019, through June 30, 2025. (Public Works)

ADOPTED by the following vote:

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

210219 [Accept and Expend Grant - Federal Aviation Administration - ACRGP Funds - Operating Expenses of the Airport Commission and Concessionaire Relief - Up to \$46,543,901]

Sponsor: Mayor

Resolution authorizing the Airport Commission to accept and expend one or more grants in the amount of up to \$46,543,901 plus additional amounts up to 15% of the original grant amount that may be offered from the Federal Aviation Administration, including up to \$40,594,314 for certain general Airport purposes and up to \$5,949,587 for the purpose of providing financial relief to eligible Airport concessions, for a period of up to four years from the date of grant acceptance, contingent on receipt by the Airport Commission of one or more grant offers from the Federal Aviation Administration. (Airport Commission)

ADOPTED by the following vote:

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

Recommendation of the Budget and Appropriations Committee

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

Sponsors: Mayor; Ronen and Safai

Ordinance extending the deadline to pay the business registration fee for the fiscal year ending June 30, 2022, to November 1, 2021, for certain businesses that commenced business in the City before January 1, 2021, and had \$25,000,000 or less in San Francisco gross receipts in 2020 or that commenced business in the City on or after January 1, 2021; extending the deadline to pay the business registration fee for the fiscal year ending June 30, 2022, to June 30, 2021, for certain businesses that commenced business in the City on or before January 1, 2021, and had over \$25,000,000 in San Francisco gross receipts in 2020; temporarily suspending through November 1, 2021, penalties for late payment of certain weights and measures fees and point of sale station fees billed by the Tax Collector on or after March 17, 2020, and on or before October 1, 2021; and refunding suspended penalties paid to the City.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Land Use and Transportation Committee

201175 [Administrative Code, Planning Code - Technical Corrections; Amendments to Various Central South of Market Area Zoning Provisions]

Ordinance amending the Planning Code to correct and clarify Administrative and Planning Code amendments approved in Ordinance No. 296-18, which gave effect to the Central South of Market Area (SoMa) Plan, including provisions regarding transfer of development rights, privately owned public open space, renewable electricity, PDR (Production Distribution Repair) floor height, development impact fee deposits and uses, among others; to restore with modifications inadvertently deleted provisions regarding low-income affordable housing in the SALI (Service/Arts/Light Industrial) Zoning District; and to amend open space, height limit, apparent mass reduction, lot coverage, exposure, PDR replacement, and development impact fee waiver and reduction provisions; 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. (Planning Commission)

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee

201373 [Urging the Implementation of Recommendations in the October 2020 Economic Recovery Task Force Report - Bridge the Digital Divide]

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

Resolution urging the implementation of three recommendations in the October 2020 Economic Recovery Task Force Report that the City provide high-quality computers to vulnerable populations; bridge the digital divide with affordable connectivity and internet service; and build the technology capacity of new users, small businesses, and non-profits; and urging the Department of Technology to review the City's efforts over the past 20 years to close the digital divide, and provide the Board with a written estimate of the cost of implementing the three recommendations.

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

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

210142 [Administrative Code - Composition and Sunset Date of Family Violence Council]

Sponsors: Stefani; Chan and Melgar

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.

Supervisors Chan and Melgar 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

210216 [Administrative Code - Health Care Requirements for Certain Employers at San Francisco International Airport]

Sponsors: Mandelman; Walton

Ordinance amending the Administrative Code to allow contracting parties that offer multiple health benefit plans at the San Francisco International Airport to charge covered employees a limited share of premium costs on more expensive plans, to clarify who must be covered by health benefit plans that are offered, and to adjust the date by which such health benefit plans must be in effect.

PASSED ON FIRST READING by the following vote:

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

210192 [Amending Board Rules of Order - Amending Board Rules 3.25, 3.26, and 3.31 Establishing the Youth, Young Adult, and Families Committee]**Sponsors: Ronen; Walton, Chan, Safai, Melgar and Mar**

Motion amending the Rules of Order of the Board of Supervisors by amending Rules 3.25, 3.26, and 3.31 to establish the Youth, Young Adult, and Families Committee.

(Pursuant to Board Rule 3.26.1, an amendment to the Board of Supervisors' Rules of Order shall be adopted by the affirmative vote of two-thirds (8 votes) of the Board of Supervisors.)

Supervisors Safai, Melgar, and Mar requested to be added as co-sponsors.

Motion No. M21-049**APPROVED by the following vote:**

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

210212 [Mayoral Reappointment, Municipal Transportation Agency Board of Directors - Sharon Lai]

Motion approving the Mayor's nomination for the reappointment of Sharon Lai to the Municipal Transportation Agency Board of Directors, term ending March 1, 2025. (Clerk of the Board)

(Charter, Section 8A.102(a), provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority (six votes) of the Board of Supervisors after a public hearing.

Transmittal Date: March 1, 2021.)

Motion No. M21-050**APPROVED by the following vote:**

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

210254 [Appointments, Housing Stability Fund Oversight Board - Bernita Burge, Jon Jacobo, John Baranski, Han Ming How, Remhai Menelik, Gen Fujioka, Fernando Marti, Shanti Singh, Davida Sotelo Escobedo, Alex Lantsberg]**Sponsor: Preston**

Motion appointing Bernita Burge, Jon Jacobo, John Baranski (residency requirement waived), and Han Ming How, terms ending December 13, 2022, and Remhai Menelik, Gen Fujioka (residency requirement waived), Fernando Marti, Shanti Singh, Davida Sotelo Escobedo (residency requirement waived), and Alex Lantsberg, terms ending December 13, 2024, to the Housing Stability Fund Oversight Board. (Rules Committee)

Supervisor Preston requested to be added as the sponsor.

Motion No. M21-051**APPROVED 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.

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 2102420, 210241, 210242, and 210243 be called together.

210240 [Hearing - Appeal of Conditional Use Authorization Approval - 590 Second Avenue]

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 317 and 303 of the Planning Code, for a proposed project at 590 Second Avenue, Assessor's Parcel Block No. 1544, Lot No. 026, identified in Planning Case No. 2019-015984CUA, issued by the Planning Commission by Motion No. 20849, dated January 28, 2021, to install a new rooftop AT&T mobility macro wireless telecommunications facility consisting of installation of ten panel antennas, and ancillary equipment as part of the AT&T mobility telecommunications network; antenna and ancillary will be screened within two FRP enclosures, located within the RM-2 (Residential Mixed, Moderate Density) Zoning District and 40-X Height and Bulk District. (District 1) (Appellant: Ann Green) (Filed March 1, 2021) (Clerk of the Board)

President Walton opened the public hearing and Supervisor Chan provided opening remarks. The President then inquired as to whether any individual wished to address the Board regarding the appeal of the Conditional Use authorization approval. David Green (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Julia; Katie; Brooke Kian; James Brasell; Speaker; Mark Campos; Speaker; spoke in support of the appeal. Aaron Starr and Kalyani Agnihotri (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Cammy Blackstone and Aaron Shank (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. David Green (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Walton closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

210241 [Approving Conditional Use Authorization - 590 Second Avenue]

Motion approving the decision of the Planning Commission by its Motion No. 20849, approving a Conditional Use Authorization, identified as Planning Case No. 2019-015984CUA, for a proposed project located at 590 Second Avenue; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

Supervisor Chan, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:

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

210242 [Conditionally Disapproving Conditional Use Authorization - 590 Second Avenue]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20849, approving a Conditional Use Authorization, identified as Planning Case No. 2019-015984CUA, for a proposed project at 590 Second Avenue, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds (8 votes) of the members of the Board.)

Motion No. M21-052

Supervisor Chan, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:

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

210243 [Preparation of Findings Related to Conditional Use Authorization - 590 Second Avenue]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization, identified as Planning Case No. 2019-015984CUA for a proposed project at 590 Second Avenue. (Clerk of the Board)

Motion No. M21-053

Supervisor Chan, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:

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

COMMITTEE REPORTS

Recommendations of the Budget and Appropriations Committee

201364 [Appropriation - Property Tax Revenue \$20,100,000 - Mayor's Office of Housing and Community Development - \$10,050,000 for Rent Relief - \$10,050,000 for Social Housing - FY2020-2021]

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

Ordinance appropriating \$10,050,000 from Property Tax Revenue to the Mayor's Office of Housing and Community Development for rent relief under the Rent Resolution and Relief Fund and \$10,050,000 for the acquisition, creation and operation of affordable, social housing under the Housing Stability Fund in Fiscal Year (FY) 2020-2021.
(Fiscal Impact)

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

PASSED ON FIRST READING by the following vote:

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

210177 [Appropriation – Property Tax Revenue \$89,900,000 - Various Departments - Small Businesses, Arts and Cultural Organizations, and Families Relief for COVID-19 and Overdose Prevention - De-appropriation - Business Fee Revenue - \$28,200,000 - FY2020-21]

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

Ordinance appropriating \$104,900,000 of property tax revenue to the Office of Economic and Workforce Development, General Services Agency-City Administrator, Arts Commission, Children Youth and Their Families, Public Health, and General City Responsibility to provide relief to small businesses, including for small businesses impacted by property crime, Grants for the Arts, Arts Impact Endowment, Cultural Centers, Cultural Equity Endowment, Cultural Districts, Youth Learning Initiatives, San Francisco Unified School District and City College Dual Enrollment Programs, overdose prevention, and support for family relief struggling as a result of COVID-19; and de-appropriating \$28,200,000 of business fee revenue, and placing \$6,520,705 on reserve in Fiscal Year (FY) 2020-2021.

(Fiscal Impact)

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

Supervisor Ronen requested this Ordinance be DUPLICATED ON FIRST READING.

(Fiscal Impact)

See duplicated File No. 210324.

Supervisor Ronen, seconded by Supervisor Chan, moved that this be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 1 and 5, by changing ‘\$104,900,000’ to ‘\$89,900,000’; on Page 2, Lines 11-12, 13-14, by changing ‘\$104,900,000’ to ‘\$89,900,000’; on Page 3, Lines 5-6, by changing ‘\$76,700,000’ to ‘\$61,700,000’; on Page 7, Lines 13-17, by striking the ‘\$15,000,000’ appropriation for ‘Summer Learning’ under ‘Youth Learning Initiatives’, Line 25, by changing ‘17,700,000’ to ‘2,700,000’; and Page 9, Lines 20-21, by changing ‘\$76,700,000’ to ‘\$61,700,000’. The motion carried by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 1 - Stefani

Ordinance appropriating \$89,900,000 of property tax revenue to the Office of Economic and Workforce Development, General Services Agency-City Administrator, Arts Commission, Children Youth and Their Families, Public Health, and General City Responsibility small businesses, including for small businesses impacted by property crime, Grants for the Arts, Arts Impact Endowment, Cultural Centers, Cultural Equity Endowment, Cultural Districts, Youth Learning Initiatives, San Francisco Unified School District and City College Dual Enrollment Programs, overdose prevention, and support for family relief struggling as a result of COVID-19, de-appropriating \$28,200,000 of business fee revenue, and placing \$6,520,705 on reserve in FY 2020-21.

(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

210324 [Appropriation - Property Tax Revenue - \$15,000,000 to the Department of Children, Youth and Their Families - Youth Learning Initiatives - FY 2020-2021]**Sponsors: Mayor; Stefani, Walton, Ronen, Haney, Safai and Mandelman**

Ordinance appropriating \$104,900,000 of property tax revenue to the Office of Economic and Workforce Development, General Services Agency-City Administrator, Arts Commission, Children Youth and Their Families, Public Health, and General City Responsibility to provide relief to small businesses, including for small businesses impacted by property crime, Grants for the Arts, Arts Impact Endowment, Cultural Centers, Cultural Equity Endowment, Cultural Districts, Youth Learning Initiatives, San Francisco Unified School District and City College Dual Enrollment Programs, overdose prevention, and support for family relief struggling as a result of COVID-19; and de-appropriating \$28,200,000 of business fee revenue, and placing \$6,520,705 on reserve in Fiscal Year (FY) 2020-2021.

(Fiscal Impact)

Duplicated from File No. 210177.

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

Supervisor Ronen, seconded by Supervisor Melgar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking all appropriations except the '\$15,000,000' to the Department of Children, Youth and Their Families for 'Summer Learning' under 'Youth Learning Initiatives'. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Ordinance appropriating \$15,000,000 of property tax revenue to the Department of Children Youth and Their Families for Youth Learning Initiatives in Fiscal Year (FY) 2020-2021.

(Fiscal Impact)

Supervisor Ronen, seconded by Supervisor Melgar, moved that this Ordinance be CONTINUED AS AMENDED to the Board of Supervisors meeting of April 6, 2021. The motion carried by the following vote:

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

Recommendation of the Land Use and Transportation Committee**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.

(This item was not sent as a committee report.)

Recommendation 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.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 1 - Stefani

Recommendations of the Rules Committee

210257 [Mayoral Nomination of Appointment, Human Resources Director - Carol Isen]

Motion approving the Mayor's nomination of appointment of Carol Isen as the Human Resources Director of the City and County of San Francisco, pursuant to Charter, Section 10.103. (Clerk of the Board)

(Charter, Section 10.103, provides that this appointment is subject to confirmation by the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action. Transmittal date: March 9, 2021.)

Privilege of the floor was granted unanimously to Carol Isen, Acting Director (Human Resources Department), who responded to questions raised throughout the discussion.

Motion No. M21-054

APPROVED by the following vote:

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

210265 [Amending Board Rules of Order - Creating New Rules for Individual Supervisor Appointments Without Reference to Committee and Direct Supervisor Appointments]

Sponsor: Peskin

Motion amending the Rules of Order of the Board of Supervisors to create a new Rule 2.21.1 allowing for adoption without reference to Committee of appointments to subordinate bodies who are nominated by individual District Supervisors and subject to approval by the full Board, and a new Rule 2.21.2 clarifying the process for direct appointments to subordinate bodies by District Supervisors that are not subject to approval by the full Board of Supervisors.

(Pursuant to Board Rule 3.26.1, an amendment to the Board of Supervisors' Rules of Order shall be adopted by the affirmative vote of two-thirds (8 votes) of the Board of Supervisors.)

Motion No. M21-055

APPROVED 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

Anne Ricks; expressed support of newly introduced legislation urging chocolate producers to stop utilizing child forced labor.

Speaker; expressed support of newly introduced legislation urging chocolate producers to stop utilizing child forced labor.

John Holden; shared concerns regarding public corruption in certain departments and urged the Board to convene a task force.

Ryan Downing; expressed support of newly introduced legislation urging chocolate producers to stop utilizing child forced labor.

Rene Bessimi; expressed concerns regarding the closure of JFK Drive.

Christopher Christensen; expressed support of newly introduced legislation urging chocolate producers to stop utilizing child forced labor.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

210293 [Recognizing Problem Gambling Awareness Month - March]

Sponsor: Mar

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

ADOPTED by the following vote:

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

210298 [Supporting California State Senate Bill No. 17 (Pan) - California Office of Racial Equity Bill]

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

Resolution supporting California Senate Bill No. 17, authored by Senator Richard Pan, to establish the Office of Racial Equity and the Racial Equity Advisory and Accountability Council.

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

ADOPTED by the following vote:

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

IMPERATIVE AGENDA

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mandelman, seconded by Supervisor Peskin, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

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

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mandelman, seconded by Supervisor Peskin, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

210301 [Caffé Trieste Day - April 1, 2021]

Sponsor: Peskin

Resolution designating April 1, 2021, as "Caffé Trieste Day" in the City and County of San Francisco, on the occasion of the beloved North Beach institution's 65th anniversary.

President Walton opened discussions on the Imperative Agenda item declaring April 1, 2021, as 'Caffe Trieste Day' (File No. 210301), and inquired as to whether any individual wished to address the Board. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

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

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 ORDINANCE

210001 [Amendments to Real Property Leases - Forgive Tenant Rent During COVID-19 Pandemic]

Ordinance authorizing the City Administrator to amend certain leases and forgive rent due between April 2020 and December 2020 with nonresidential tenants, and waiving Administrative Code and Environmental Code requirements enacted after the most recent modification of each lease, in order to allow for expeditious rent forgiveness necessitated by the financial hardship caused by the public health emergency related to the COVID-19 pandemic; authorizing the City Administrator to further amend leases and forgive rent due between January 2021 and June 2021, and waiving Administrative Code and Environmental Code requirements enacted after the most recent modification of each lease, without further Board of Supervisors approval under Charter, Section 9.118, and Administrative Code, Chapter 23. (City Administrator)
(Fiscal Impact; No Budget and Legislative Analyst Report)

12/28/20; RECEIVED FROM DEPARTMENT.

01/05/21; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/4/2021.

03/12/21; RECEIVED FROM DEPARTMENT.

03/23/21; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

210280 [Lease Amendment - Skyline Concessions, Inc. - Boarding Area E Newsstand Lease, a Small Business Enterprise Set-Aside Lease No. 13-0136 - Term Extension]

Resolution approving Amendment No. 2 to the Boarding Area E Newsstand Lease, a Small Business Enterprise Set-Aside Lease No. 13-0136, between Skyline Concessions, Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, as landlord, to extend the Lease by two years and six months, for an extension of the term to no later than June 30, 2023, with a condition that the Airport Director, at his sole and absolute discretion, may terminate earlier by providing six months' advance written notice, with no change to the current minimum annual guarantee, subject to adjustment in accordance with the terms and conditions of the Lease, effective upon approval by the Board of Supervisors. (Airport Commission)

03/11/21; RECEIVED FROM DEPARTMENT.

03/23/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210281 [Participation Agreement and Administrative Services Agreement - Retroactive - California Department of Health Care Services - Medi-Cal County Inmate Program - Not To Exceed \$21,504.33]

Resolution retroactively authorizing the Department of Public Health to enter into two related agreements with the California Department of Health Care Services for reimbursement under the State Medi-Cal County Inmate Program, (1) Participation Agreement 20-MCIPSANFRANCISCO-38 effective July 1, 2020, and (2) Administrative Services Agreement No. 20-10239 for the period of July 1, 2020, through June 30, 2023, for an amount not to exceed \$21,504.33. (Public Health Department)

03/15/21; RECEIVED FROM DEPARTMENT.

03/23/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210282 [Contract Agreement - Mythics, Inc. - Oracle Products - Not to Exceed \$60,000,000]

Resolution authorizing the Department of Technology to enter into a contract between the City and County of San Francisco and Mythics, Inc., for the purchase of Oracle products, with a not to exceed amount of \$60,000,000 for a five year term of May 1, 2021, through April 30, 2026, and with one five-year option to extend. (Department of Technology)

03/15/21; RECEIVED FROM DEPARTMENT.

03/23/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210283 [Agreement - Oracle America, Inc. - Authorizing Participation in Programs to Provide Customer Feedback and Granting License to Use City's Feedback]

Resolution authorizing the City's Chief Information Officer to enter a customer participation agreement under which City employees will provide customer feedback to Oracle America, Inc. with an indefinite term and which will grant to Oracle America, Inc. a perpetual, irrevocable license to use the City's feedback for any purpose, including the development, modification, marketing, or publicity of products or services, without identifying the City or its employees in those materials. (Department of Technology)

03/15/21; RECEIVED FROM DEPARTMENT.

03/23/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 7:24 p.m.