

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 6, 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

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

Budget and Finance Committee
Supervisors Haney, Safai, Mar

Government Audit and Oversight Committee
Supervisors Preston, Chan, Mandelman

Land Use and Transportation Committee
Supervisors Melgar, Preston, Peskin

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

Youth, Young Adult, and Families Committee
Supervisors Ronen, Safai, Melgar

Meeting Days

Wednesday
1:00 PM

Wednesday
10:30 AM

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

2nd Friday
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, April 6, 2021, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:01 p.m.

Remote Access to Information and Participation

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, 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.

Supervisor Melgar was noted present at 2:08 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.

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the February 23, 2021, or March 2, 2021, Board Regular Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Preston, seconded by Supervisor Peskin, moved to approve the February 23, 2021, and March 2, 2021, Board Regular Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation 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)

FINALLY PASSED

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)

FINALLY PASSED

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

Sponsors: Mayor; Ronen, Safai, Haney and Mandelman

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)

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

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

210160 [Settlement of Lawsuit - Jose Poot, Kishawn Norbert, Kenyon Norbert, Marshall Higginbotham, Antoine DeWhitt, Corey Butler, Montrail Brackens, Delon Barker, Javonn Allen - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Jose Poot, Kishawn Norbert, Kenyon Norbert, Marshall Higginbotham, Antoine DeWhitt, Cory Butler, Montrail Brackens, Delon Barker, Javonn Allen against the City and County of San Francisco for \$30,000; the lawsuit was filed on May 20, 2019, in United States District Court - Northern District of California, Case No.

19-cv-02722; entitled Jose Poot, Kishawn Norbert, Kenyon Norbert, Marshall Higginbotham, Antoine DeWhitt, Cory Butler, Montrail Brackens, Delon Barker, Javonn Allen v. San Francisco County Sheriff's Department, et al.; the lawsuit involves claims that the sleep schedule and frequent sleep disruptions at County Jails 4 and 5 created unconstitutional conditions of confinement for the inmates; other material terms of the settlement are that the court approve the settlement. (City Attorney)

PASSED ON FIRST READING

210206 [Settlement of Lawsuit - Jose Parra - \$115,000]

Ordinance authorizing settlement of the lawsuit filed by Jose Parra against the City and County of San Francisco for \$115,000; the lawsuit was filed on January 27, 2020, in San Francisco Superior Court, Case No. CGC-20-582468; entitled Jose Parra v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City walkway. (City Attorney)

PASSED ON FIRST READING

210207 [Settlement of Unlitigated Claim - Sharon Eastman - \$99,000]

Resolution approving the settlement of the unlitigated claim filed by Sharon Eastman against the City and County of San Francisco for \$99,000; the claim was filed on June 20, 2018; the claim involves property damage arising from sewer main pipe overflow as a result of heavy rain. (City Attorney)

ADOPTED

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)

FINALLY PASSED

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

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

FINALLY PASSED

210216 [Administrative Code - Health Care Requirements for Certain Employers at San Francisco International Airport]**Sponsors: Mandelman; Walton and Safai**

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.

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

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****From the Board****210324 [Appropriation - Property Tax Revenue - \$15,000,000 to the Department of Children, Youth and Their Families - Youth Learning Initiatives - FY2020-2021]****Sponsors: Mayor; Stefani, Walton, Ronen, Haney, Safai, Mandelman, Mar and Melgar**

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)

Privilege of the floor was granted unanimously to Maria Su, Director (Department of Children, Youth and Their Families), and Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisors Mar 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

Recommendation of the Budget and Appropriations Committee

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 \$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 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, de-appropriating \$28,200,000 of business fee revenue, and placing \$6,520,705 on reserve in FY 2020-21.

(Fiscal Impact)

FINALLY PASSED 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

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.)

FINALLY PASSED by the following vote:

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

Noes: 1 - Stefani

NEW BUSINESS

Recommendations of the Budget and Finance Committee

210226 [Accept and Expend In-Kind Grant - KABOOM! - Nature Playspace - Valued at \$204,000]

Sponsor: Walton

Resolution authorizing the Recreation and Park Department to accept and expend an in-kind grant valued at \$204,000 from KABOOM! for the design and construction of a nature playspace at Heron's Head Park, to commence upon Board approval. (Recreation and Park Department)

Privilege of the floor was granted unanimously to Daliah Khoury (Recreation and Park Department) who responded to questions raised throughout the discussion.

ADOPTED by the following vote:

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

210262 [Agreement - Creative Bus Sales, Inc. - Procurement of Low Floor Diesel-Hybrid Coaches - Not to Exceed \$26,071,700]

Sponsors: Melgar; Safai

Resolution approving an agreement with Creative Bus Sales, Inc. to procure 30 32-foot, low floor, diesel-hybrid buses and related tools, training, manuals, and spare parts through a procurement by the State of Georgia, in an amount not to exceed \$26,071,700 and for a term not to exceed six years to commence following Board approval. (Municipal Transportation Agency)
(Fiscal Impact)

Privilege of the floor was granted unanimously to Jeffrey Tumlin (Municipal Transportation Agency) who responded to questions raised throughout the discussion.

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

ADOPTED 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

201326 [Planning Code - Chinatown Mixed Use Districts]

Sponsors: Mayor; Peskin and Safai

Ordinance amending the Planning Code to prohibit retail workspace in Chinatown Mixed-Use Districts; 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 and convenience under Planning Code, Section 302.

Supervisor Safai 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

Recommendations of the Public Safety and Neighborhood Services Committee

201283 [Police Code - Gun Violence Restraining Orders]

Sponsors: Stefani; Mar, Haney, Mandelman and Safai

Ordinance amending the Police Code to require peace officers who request a temporary emergency gun violence restraining order to serve and file a copy with the court as specified and to apply the California Penal Code provision penalizing violations of different types of gun violence restraining orders under California law to persons who are subject to parallel gun violence restraining orders issued by an out-of-state jurisdiction.

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

PASSED ON FIRST READING by the following vote:

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

President Walton requested File Nos. 210109 and 210111 be called together.

210109 [Liquor License - 496-14 Street - Bar Part Time]

Resolution determining that the issuance of a Type-42 on-sale beer and wine public premises liquor license to Bar Part Time, LLC, doing business as Bar Part Time, located at 496-14 Street (District 8), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

210111 [Liquor License Transfer - 845 Market Street - Bloomingdale's]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Bloomingdale's Inc., doing business as Bloomingdale's, located at 845 Market Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

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

Sponsor: Peskin

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

PASSED ON FIRST READING by the following vote:

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

210244 [Mayoral Appointment, Treasure Island Development Authority Board of Directors - LaShawndra Price-Breston]

Motion approving the Mayor's nomination for appointment of LaShawndra Price-Breston to the Treasure Island Development Authority Board of Directors, for a term ending April 28, 2022. (Clerk of the Board)

(Pursuant to the Treasure Island Conversion Act of 1997, appointments of Directors who are not City Officers are effective upon the approval of a majority vote (6 votes) of the Board of Supervisors. Transmittal Date: March 4, 2021.)

Motion No. M21-056

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.

Board of Supervisors Sitting as a Committee of the Whole

210230 [Hearing - Committee of the Whole - Public Health Officer - April 6, 2021, at 3:00 p.m.]

Hearing for the Board of Supervisors to sit as a Committee of the Whole on April 6, 2021, at 3:00 p.m., during the Regular Board of Supervisors Meeting, to hold a public hearing to consider the appointment of a Public Health Officer. (Clerk of the Board)

President Walton opened the public hearing and inquired as to whether any member of the public wished to address the Committee of the Whole relating to the appointment of a Public Health Officer. Dr. Grant Colfax and Dr. Susan Philip (Department of Public Health) provided an overview of the Public Health Officer appointment and responded to questions raised throughout the discussion. Bryan Goldback; spoke on various concerns relating to the appointment of a Public Health Officer. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

COMMITTEE REPORTS

Recommendations 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, Safai and Melgar

Resolution extending for six months and modifying interim zoning controls enacted in Resolution Nos. 430-19 and 539-19 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.

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

ADOPTED by the following vote:

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

210223 [Commemorative Street Plaques - Historical Markers - LEATHER & LGBTQ Cultural District Leather History Cruise]**Sponsors: Haney; Ronen, Peskin, Preston, Chan, Mandelman and Safai**

Resolution urging the Mayor's Office of Housing and Community Development to prioritize small property owners and affordable housing providers in the distribution of rent relief funds through speedy review and approval timelines, technical assistance, high-quality customer service, and in-language support to non-English speakers; urging large corporate landlords to voluntarily reserve these funds for small property owners and affordable-housing providers; and requesting a monthly report from the Mayor's Office of Housing and Community Development on the amount of federal rent relief funds received by each landlord in San Francisco.

Supervisors Chan, Mandelman, and Safai 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

210292 [Urging Prioritization of Small Property Owners and Affordable Housing Providers in the Distribution of Rent Relief Funds]**Sponsors: Chan; Ronen, Mar, Walton, Preston and Peskin**

Resolution urging the Mayor's Office of Housing and Community Development to prioritize small property owners and affordable housing providers in the distribution of rent relief funds through speedy review and approval timelines, technical assistance, high-quality customer service, and in-language support to non-English speakers; urging large corporate landlords to voluntarily reserve these funds for small property owners and affordable-housing providers; and requesting a monthly report from the Mayor's Office of Housing and Community Development on the amount of federal rent relief funds received by each landlord in San Francisco.

ADOPTED by the following vote:

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

Recommendation of the Rules Committee**210297 [Appointments, Office of Early Care and Education Citizens' Advisory Committee - Monica Walters, Sara Hicks-Kilday, Patricia Sullivan, and June Lin-Arlow]**

Motion appointing Monica Walters (residency requirement waived) and Sara Hicks-Kilday (residency requirement waived), terms ending May 1, 2022, and Patricia Sullivan and June Lin-Arrow, terms ending May 1, 2023, to the Office of Early Care and Education Citizens' Advisory Committee. (Rules Committee)

Motion No. M21-057**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

Jennifer Chung; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Linda Chapman; shared concerns regarding residential living conditions in certain neighborhoods and the deficiencies when issuing building permits.

Sandra Lee; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Speaker; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Speaker; expressed concerns regarding injuries and deaths resulting from excessive vehicular speeds and the need to regulate speed limits.

Grace Shimizu; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Judith Mirkinson; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Theresa Flandrich; expressed support of the Resolution support Assembly Bill No. 854 (Lee), which creates Ellis Act Reform (File No. 210318).

Michael Wong; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Barry Toronto; expressed concerns regarding access to Golden Gate Park and the new pavement of certain streets in the City.

Speaker; expressed support of the Resolutions supporting Assembly Bill No. 43 (Friedman), Traffic Safety (File No. 210313), and Assembly Bill No. 550 (Chiu), Pedestrian Safety (File No. 210314).

Mike Honda; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Lilian Sing; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Steve Augmere; expressed support of the Resolutions supporting Assembly Bill No. 43 (Friedman), Traffic Safety (File No. 210313), and Assembly Bill No. 550 (Chiu), Pedestrian Safety (File No. 210314).

Julie Tang; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

Mei Ho Kim; expressed support of the Resolution denouncing the article, "Contracting for Sex in the Pacific War," by J. Mark Ramseyer (File No. 210319).

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

210326 [Closed Session - Existing Litigation - American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association - April 6, 2021]

Closed Session for the Board of Supervisors to convene in closed session on April 6, 2021, pursuant to California Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the 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, Northern District of California Case No. 3:15-cv-03415 EMC, filed on July 24, 2015; pending approval of the Motion in File No. 210325. (Clerk of the Board)

The Board recessed at the hour of 6:40 p.m. to convene in closed session pursuant to the Motion contained in File No. 210325, approved on April 6, 2021.

CONVENED IN CLOSED SESSION

The following Members were noted present: Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

Persons in attendance: Jon Givner and Jeremy Goldman, Deputy City Attorneys (Office of the City Attorney); Christina Goette (Department of Public Health); and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).

Matter was heard in closed session and no action was taken.

HEARD IN CLOSED SESSION

RECONVENED AS THE BOARD OF SUPERVISORS

The Board of Supervisors reconvened at the hour of 7:05 p.m.

The following Members of the Board of Supervisors were noted present: Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Safai, seconded by Supervisor Peskin, moved not to disclose the Closed Session deliberations. The motion carried by the following vote:

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

210314 [Supporting California State Assembly Bill No. 550 (Chiu) - Pedestrian Safety]

Sponsors: Peskin; Melgar, Chan, Mandelman, Ronen, Haney, Mar and Safai

Resolution supporting California State Assembly Bill No. 550, introduced on February 10, 2021, by Assembly Member David Chiu (AD-17), which would establish and implement a five-year automated speed safety system pilot program, as long as the program meets specific equity, safety, and privacy specifications.

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

ADOPTED

210315 [Urging Major Chocolate Producers to Stop Utilizing Child Forced Labor in Global Cocoa Supply Chains]

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

Resolution urging Mars, Nestle, and major chocolate producers to stop utilizing child forced labor in their global cocoa supply chains while commending ethically made chocolate in the wake of the announcement of Dandelion Chocolate workers unionizing.

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

ADOPTED

210316 [Supporting California State Assembly Bill No. 20 (Kalra and Lee) - Corporate Free Elections Act]

Sponsors: Preston; Walton, Haney, Ronen, Peskin, Chan, Mandelman and Mar

Resolution supporting California State Assembly Bill No. 20, authored by Assembly Member Ash Kalra, and co-authored by Assembly Member Alex Lee, the Corporate-Free Elections Act, which would prohibit a candidate for elective office in California from receiving a contribution from a business entity, and a business entity from making a contribution to a candidate for elective office.

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

ADOPTED

210317 [Re-Affirming City Policy that the San Francisco Public Utilities Commission (SFPUC) Provide Electricity to City Projects and Urging Pacific Gas & Electric to Cooperate with the SFPUC to Provide City Power to Projects]

Sponsors: Ronen; Peskin, Walton, Chan, Mandelman, Haney, Mar and Safai

Resolution re-affirming City policy that the San Francisco Public Utilities Commission provide electricity to City projects where feasible and urging Pacific Gas & Electric to work with the San Francisco Public Utilities Commission to serve City electric customers efficiently.

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

ADOPTED

210325 [Closed Session - Existing Litigation - American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association - April 6, 2021]

Sponsor: Walton

Motion that the Board of Supervisors convene in closed session on April 6, 2021, pursuant to California Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the 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, Northern District of California Case No. 3:15-cv-03415 EMC, filed on July 24, 2015.

Motion No. M21-058

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chan requested that File Nos. 210313 and 210319 be severed so that they may be considered separately.

210313 [Supporting California State Assembly Bill No. 43 (Friedman) - Traffic Safety]

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

Resolution supporting Assembly Bill No. 43, authored by Assembly Member Laura Friedman, and co-authored by Assembly Members Phil Ting, David Chiu, and Bill Quirk, and co-authored by Assembly Member Tasha Boerner Horvath, which would implement policy recommendations from the California Transportation Agency as outlined in the Zero Traffic Fatalities Task Force by providing for more flexibility on setting speed limits based on safety.

Supervisors Mandelman, Haney, Melgar, Mar, and Safai 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

Supervisor Safai requested that File No. 210318 be severed so that it may be considered separately.

210318 [Supporting California State Assembly Bill No. 854 (Lee) - Ellis Act Reform]

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

Resolution urging support for California State Assembly Bill No. 854, authored by Assembly Member Alex Lee, and co-authored by Assembly Members David Chiu, Richard Bloom, and Phil Ting, which creates Ellis Act Reform by imposing a five year holding period before the Ellis Act can be used.

Supervisors Chan, Peskin, Haney, Ronen, Mar, Melgar, and Preston 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

210319 [Denouncing the Article, “Contracting for Sex in the Pacific War,” by J. Mark Ramseyer of the Japanese Legal Studies at Harvard Law School]

Sponsors: Walton; Melgar, Peskin, Safai, Mandelman, Ronen, Haney and Mar

Resolution denouncing the article, “Contracting for Sex in the Pacific War,” written by J. Mark Ramseyer, of the Japanese Legal Studies at Harvard Law School, which denies the history of sexual enslavement of the hundreds of thousands of women by the Japanese Imperial Army during the Pacific War.

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

Supervisor Chan requested to be removed as a co-sponsor.

ADOPTED by the following vote:

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

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

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

210328 [Public Works Code - Personal Wireless Service Facility Site Permits]

Ordinance amending the Public Works Code to authorize Public Works to issue Personal Wireless Service Facility Site Permits to install Personal Wireless Service Facilities on stand-alone poles; and making certain corrections to other provisions. (Public Works)

03/29/21; RECEIVED FROM DEPARTMENT.

04/06/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/6/2021.

210329 [Settlement of Lawsuit - Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company - San Francisco Refuse Ratepayers to Receive \$94,520,000 in Restitution; City to Receive \$7,000,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company for payment of at least \$94,520,000 in restitution and related interest as well as \$7,000,000 in civil penalties; the lawsuit was filed on March 4, 2021, in San Francisco Superior Court, Case No. CGC-21-590091; entitled People of the State of California, acting by and through Dennis J. Herrera as City Attorney of San Francisco; and City and County of San Francisco v. Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company; the lawsuit involves Defendants' violations of California's Unfair Competition Law and San Francisco Campaign and Governmental Conduct Code based on improper overcharging of San Francisco refuse Ratepayers and unlawful gifts and contributions made to city employees and officers or to third-parties at their request; other material terms of the settlement are that Defendants agree to be bound to a four-year injunction to be presented and entered by the court after the settlement agreement is approved. (City Attorney)

03/19/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210330 [Settlement of Lawsuit - Elena Ruiz-Diaz and Mercedes Arroyo - \$600,000]

Ordinance authorizing settlement of the lawsuit filed by Elena Ruiz-Diaz and Mercedes Arroyo against the City and County of San Francisco for \$600,000; the lawsuit was filed on July 30, 2020, in San Francisco Superior Court, Case No. CGC-20-585869; entitled Elena Ruiz-Diaz, by and through her attorney-in-fact, Mercedes Arroyo, and Mercedes Arroyo, individually v. City and County of San Francisco, et al.; the lawsuit involves allegations of medical negligence, elder neglect/abuse, violations of the Patient's Bill of Rights, and negligent infliction of emotional distress concerning Ms. Ruiz-Diaz's care at Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

03/22/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210331 [Settlement of Lawsuit - Armin Abdollahvand - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Armin Abdollahvand against the City and County of San Francisco for \$50,000; the lawsuit was filed on August 27, 2019, in San Francisco Superior Court, Case No. CGC-19-578732; entitled Armin Abdollahvand v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in a rear-end automobile collision involving a City employee. (City Attorney)

03/24/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210332 [Settlement of Lawsuit - Ramsey Abouremeleh - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Ramsey Abouremeleh against the City and County of San Francisco, et al. for \$275,000; the lawsuit was filed on January 5, 2021, in the Superior Court of California, County of San Francisco, Case No. CGC-21-588689; entitled Ramsey Abouremeleh v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

03/25/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

210205 [Annual Fundraising Drive - 2021]

Resolution designating those agencies qualified to participate in the 2021 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. (City Administrator)

03/29/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210333 [Settlement of Unlitigated Claim - Luis Hernandez - \$65,602]

Resolution approving the settlement of the unlitigated claim filed by Luis Hernandez against the City and County of San Francisco for \$65,602; the claim was filed on February 18, 2020; the claim involves a cast iron water main break that caused flooding to the property. (City Attorney)

03/22/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210334 [Settlement of Unlitigated Claim - Farmers Insurance Exchange - \$60,000]

Resolution approving the settlement of the unlitigated claim filed by Farmers Insurance Exchange against the City and County of San Francisco for \$60,000; the claim was filed on January 17, 2020; the claim involves property damage arising from sewer main pipe overflow as a result of heavy rain, which resulted in loss of business income. (City Attorney)

03/22/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210335 [Lease Extension Modification - 2011 Lease and Use Agreements - Various Airlines]

Resolution approving a Lease Modification to the 2011 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and 39 various Signatory Airlines, extending the term for two years from July 1, 2021, through June 30, 2023; and affirming the Planning Department's determination under the California Environmental Quality Act. (Airport Commission)

03/22/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210336 [Contract Amendment - Department of Energy Western Area Power Administration - Delivery of Low-Cost Power - Not to Exceed \$27,691,541]

Resolution approving Amendment No. 1 to the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for delivery of low-cost power to Treasure Island and Yerba Buena Island, extending the term by 30 years for a total term of January 1, 2005, through December 31, 2054, and increasing the contract amount by \$7,691,541 for a total not to exceed amount of \$27,691,541 to commence upon Board approval. (Public Utilities Commission)

03/25/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210337 [Lease of City Property - Our Planet Recycling SF, LLC - Assessor's Parcel Block No. 5695, Lot No. 23 at Alemany Blvd. - Annual Base Rent of \$21,540]

Resolution authorizing and approving the lease of City-owned real property located at Assessor's Parcel Block No. 5695, Lot No. 23, adjacent to Alemany Boulevard in San Francisco, with Our Planet Recycling SF, LLC, a California corporation, doing business as Our Planet Recycling, for an initial five-year term at an annual base rent of \$21,540 (or the monthly amount of \$1,795) plus 3% annual increases to base rent, plus one additional five-year extension option to further extend the term of the Lease, subject to satisfaction of certain conditions and to be readjusted to then-fair market base rent; and the Lease will commence upon execution, after approval of this Resolution by the Board of Supervisors and Mayor, in their respective sole and absolute discretion. (Real Estate Department)

03/29/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210338 [Contract Modification - Thales Transport & Security Inc. - Advanced Train Control System for Central Subway - Increase Contract Amount - Not to Exceed \$27,730,300.40]

Resolution approving Modification No. 3 to Contract CN 1266-2, Design Review, Software, Implementation and Testing Services for an Advanced Train Control System (ATCS) for the Central Subway Project, with Thales Transport & Security Inc., to modify ATCS software and designs to conform to national fire codes, correct track speed limits, modify installation requirements, accelerate completion of work, and compensate Thales for costs and impacts it incurred arising from delay to the Project, increasing the contract amount \$12,831,743.60 for a modified contract amount of \$27,730,300.40; to extend the substantial completion of the ATCS by 670 days for a total contract term of December 3, 2013, through April 29, 2022, and to extend the contract warranty period to April 29, 2025, to commence upon approval by the Board of Supervisors. (Municipal Transportation Agency)

03/29/21; RECEIVED FROM DEPARTMENT.

04/06/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 7:08 p.m.