Regular Meeting

Tuesday, June 2, 2020 - 2:00 PM

Held via Videoconference
(remote public access provided)

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BOARD COMMITTEES

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<th>Committee Membership</th>
<th>Meeting Days</th>
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<tr>
<td><strong>Budget and Appropriations Committee</strong></td>
<td>Wednesday</td>
</tr>
<tr>
<td>Supervisors Fewer, Walton, Mandelman, Yee, Ronen</td>
<td>1:00 PM</td>
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<tr>
<td><strong>Budget and Finance Committee</strong></td>
<td>Wednesday</td>
</tr>
<tr>
<td>Supervisors Fewer, Walton, Mandelman</td>
<td>10:30 AM</td>
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<tr>
<td><strong>Government Audit and Oversight Committee</strong></td>
<td>1st and 3rd Thursday</td>
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<tr>
<td>Supervisors Mar, Peskin, Haney</td>
<td>10:00 AM</td>
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<tr>
<td><strong>Joint City, School District, and City College Select Committee</strong></td>
<td>2nd Friday</td>
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<tr>
<td>Supervisors Haney, Fewer, Mar (Alt), Commissioners Moliga, Collins, Cook (Alt), Trustees Randolph, Williams, Selby (Alt)</td>
<td>10:00 AM</td>
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<tr>
<td><strong>Land Use and Transportation Committee</strong></td>
<td>Monday</td>
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<tr>
<td>Supervisors Peskin, Safai, Preston</td>
<td>1:30 PM</td>
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<tr>
<td><strong>Public Safety and Neighborhood Services Committee</strong></td>
<td>2nd and 4th Thursday</td>
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<tr>
<td>Supervisors Mandelman, Stefani, Walton</td>
<td>10:00 AM</td>
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<tr>
<td><strong>Rules Committee</strong></td>
<td>Monday</td>
</tr>
<tr>
<td>Supervisors Ronen, Stefani, Mar</td>
<td>10:00 AM</td>
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First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.
The Board of Supervisors of the City and County of San Francisco met in regular session through videoconferencing on Tuesday June 2, 2020, with President Norman Yee presiding.

President Yee called the meeting to order at 2:02 p.m.

Remote Access to Information and Participation

In accordance with Governor Gavin Newsom’s statewide order for all residents to “Stay at Home” - and the numerous preceding local and state proclamations, orders and supplemental directions - aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment; therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

As the COVID-19 disease progresses, please visit the Board’s website regularly to be updated on the current situation as it affects the legislative process and the Board of Supervisors.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee were noted present.

A quorum was present.

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 * 9 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 (board.of.supervisors@sfgov.org) or the US Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
APPROVAL OF MEETING MINUTES

President Yee inquired whether any Member of the Board had any corrections to the April 14, 2020, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Peskin, seconded by Supervisor Fewer, moved to approve the April 14, 2020, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

200260  [Settlement of Lawsuit - Henry McKenzie - $400,000]
Ordinance authorizing settlement of the lawsuit filed by Henry McKenzie against the City and County of San Francisco for $400,000; the lawsuit was filed on November 24, 2018, in the United States District Court Northern District of California, Case No. 4:18-cv-7141 DMR; entitled Henry McKenzie v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)
FINALLY PASSED

200330  [Settlement of Lawsuit - The Hertz Corporation, Enterprise Rent-A-Car Co. of San Francisco LLC, Avis Budget Car Rental, LLC, and Sixt Rent A Car LLC - $500,000]
Ordinance authorizing settlement of the lawsuit filed by The Hertz Corporation, Enterprise Rent-A-Car Co. of San Francisco LLC, Avis Budget Car Rental, LLC, and Sixt Rent A Car LLC, against the City and County of San Francisco for $500,000 (payment to Sixt Rent A Car LLC only); the lawsuit was filed on September 24, 2019, in San Mateo Superior Court, Case No. 19-CIV-05663; entitled The Hertz Corporation et al. v. City and County of San Francisco et al.; the lawsuit involves a challenge to the City's application of prevailing wage requirements for City-owned off-street parking lots, garages, and vehicle storage facilities to leases for the use of the Rental Car Center at the San Francisco International Airport, and the Airport Commission's failure to seek approval by the Board of Supervisors of leases that do not require such payment of prevailing wages applicable to. (City Attorney)
FINALLY PASSED
Sponsors: Ronen; Haney, Preston, Walton, Mar, Yee, Fewer and Safai  
Ordinance amending the Municipal Elections Code to require the Department of Elections to expand use of vote-by-mail ballots at the November 3, 2020, Consolidated General Election; to report to the Board of Supervisors regarding planning for that election; and to report to the Board regarding implementation of the Voter’s Choice Act in future San Francisco elections.  
(Fiscal Impact)  
FINALLY PASSED

Recommendations of the Land Use and Transportation Committee

200397  [Summary Street Vacation - 25th Street - Continued Operation of Temporary Navigation Center for Homeless Residents]  
Sponsors: Mayor; Walton  
Ordinance ordering the summary vacation of a portion of 25th Street, which is generally bounded by Assessor's Parcel Block No. 4241, Lot No. 002 to the north, Seawall Lot No. 355 (portions of Assessor’s Parcel Block No. 4298, Lot No. 002, Assessor’s Parcel Block No. 4299, Lot No. 001, and Assessor’s Parcel Block No. 4300, Lot No. 001) to the south, Michigan Street to the west, and Seawall Lot No. 356 to the east, to enable extended operation of a temporary Navigation Center for homeless residents; affirming the Planning Department’s determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in furtherance of this Ordinance, as defined herein.  
FINALLY PASSED

200457  [Administrative Code - COVID-19 Tenant Protections For SRO Residents]  
Sponsors: Peskin; Safai, Fewer, Walton and Yee  
Ordinance amending the Administrative Code to prohibit landlords of residential hotel units (SROs) from evicting tenants for non-payment of rent that was not paid due to the COVID-19 pandemic, and from imposing late fees, penalties, or similar charges on such tenants; to establish a COVID-19 SRO Relief Fund to cover such rent payments; and making findings as required by the California Tenant Protection Act of 2019.  
FINALLY PASSED

The foregoing items were acted upon by the following vote:  
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Government Audit and Oversight Committee

President Yee requested File Nos. 200331, 200332, 200333, and 200334 be called together.

200331 [Lease Agreement - Avis Budget Car Rental, LLC - On-Airport Rental Car Operations - $11,076,378 Minimum Annual Guarantee]
Resolution approving the On-Airport Rental Car Operations Lease No. 18-0343, between Avis Budget Car Rental, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years with two two-year options to extend, and a minimum annual guarantee of $11,076,378 for the first year of the Lease, to commence upon Board approval. (Airport Commission)
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Resolution approving the On-Airport Rental Car Operations Lease No. 18-0342, between Enterprise Rent-A-Car Co of San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years with two two-year options to extend, and a minimum annual guarantee of $16,087,548 for the first year of the Lease, to commence following Board approval. (Airport Commission)
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200333 [Lease Agreement - The Hertz Corporation - On-Airport Rental Car Operations - $16,501,462 Minimum Annual Guarantee]
Resolution approving the On-Airport Rental Car Operations Lease No. 18-0341, between The Hertz Corporation, as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years with two two-year options to extend, and a minimum annual guarantee of $16,501,462 for the first year of the Lease, to commence following Board approval. (Airport Commission)
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
Resolution approving the On-Airport Rental Car Operations Lease No. 18-0344, between Sixt Rent a Car, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years with two two-year options to extend, and a minimum annual guarantee of $3,501,004.32 for the first year of the Lease, to commence following Board approval.

ADOPTED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Resolution authorizing the Executive Director of the Human Services Agency to execute a Grant Agreement between the City and County of San Francisco, acting by and through its Human Services Agency, and Homebridge, Inc., for the provision of contract mode in-home supportive services for the period of July 1, 2020, to June 30, 2025, in an amount not-to-exceed $142,265,270. (Human Services Agency)

ADOPTED by the following vote:

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

Resolution approving an updated Conditional Property Exchange Agreement (CPEA) with EQX JACKSON SQ HOLDCO LLC, a Delaware limited liability company, for a proposed future transfer of City real property at 530 Sansome Street (Assessor's Parcel Block No. 0206, Lot No. 017) under the jurisdiction of the Fire Department in exchange for a portion of the real property at 425-439 Washington Street (Assessor's Parcel Block No. 0206, Lot Nos. 013 and 014), subject to several conditions, as defined herein; and finding that the CPEA is a conditional land acquisition agreement under California Environmental Quality Act Guidelines, Section 15004(b)(2)(A), and subject to the City's discretionary approval after the completion of environmental review.

ADOPTED by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
President Yee requested File Nos. 200458 and 200459 be called together.

200458 [Multifamily Housing Revenue Note - Mission Bay 9 LP - Not to Exceed $49,132,841]
Sponsor: Mayor
Resolution authorizing the execution and delivery of a multifamily housing revenue note in one or more series in an aggregate principal amount not to exceed $49,132,841 for the purpose of providing financing for the construction of a 141-unit multifamily rental housing project known as "Mission Bay South Block 9;" approving the form of and authorizing the execution of a funding loan agreement, providing the terms and conditions of the loan from the funding lender to the City, and the execution and delivery of the note; approving the form of and authorizing the execution of a project loan agreement providing the terms and conditions of the loan from the City to the borrower; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; approving modifications, changes and additions to the documents; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the note and the project; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters, as defined herein.
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200459 [Multifamily Housing Revenue Note - 1049 Golden Gate Avenue - Frederick Douglas Haynes Apartments - Not to Exceed $67,760,000]
Sponsor: Mayor
Resolution authorizing the execution and delivery of a multifamily housing revenue note in one or more series in an aggregate principal amount not to exceed $67,760,000 for the purpose of providing financing for the acquisition and rehabilitation of a 104-unit (includes one resident manager unit) multifamily rental housing project located at 1049 Golden Gate Avenue, known as the "Frederick Douglas Haynes Apartments;" approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the loan from the funding lender to the City and the execution and delivery of the note; approving the form of and authorizing the execution of a borrower loan agreement providing the terms and conditions of the loan from the City to the borrower; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; approving modifications, changes and additions to the documents; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the note and the project; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters, as defined herein.
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200460 [Accept and Expend Grant - Retroactive - California Department of Public Health - Hepatitis C Virus (HCV) Prevention and Control Activities - $190,406]
Sponsor: Mayor
Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of $190,406 from the California Department of Public Health to participate in a program, entitled "Hepatitis C Virus (HCV) Prevention and Control Activities," for the period of December 1, 2019, to June 30, 2020.
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
[Agreement - Retroactive - Zones, LLC. - Microsoft 0365 Subscription and Enterprise Products - Not to Exceed $40,000,000]
Sponsor: Fewer
Resolution retroactively authorizing the Department of Technology and the Office of Contract Administration to enter an agreement between the City and County of San Francisco and Zones, LLC., for Microsoft Cloud Software and Enterprise Products, for a 39-month term from June 1, 2020, through August 31, 2023, in an amount not to exceed $40,000,000.
(Fiscal Impact)
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

President Yee requested File Nos. 200461, 200462, and 200464 be called together.

[Apply for, Accept, and Expend Grant - United States Department of Housing and Urban Development - Housing Opportunities for Persons with AIDS Program - $10,267,229 - FY2020-2021]
Sponsors: Mayor; Mandelman
Resolution approving the FY2020-2021 Housing Opportunities for Persons with AIDS (HOPWA) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2020-2021 HOPWA Program entitlement from the United States Department of Housing and Urban Development in the amount of $7,067,229 and to expend program income and reprogrammed funds in the amount of $3,200,000 for a combined total of $10,267,229 for the period of July 1, 2020, through June 30, 2025. (Mayor's Office of Housing and Community Development)
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

[Apply for, Accept, and Expend Grant - United States Department of Housing and Urban Development Emergency Solutions Grants Program - $1,595,423 - FY2020-2021]
Sponsor: Mayor
Resolution approving the FY2020-2021 Emergency Solutions Grants (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2020-2021 ESG Program entitlement from the United States Department of Housing and Urban Development, in the amount of $1,595,423 for an unspecified period starting July 1, 2020. (Mayor's Office of Housing and Community Development)
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
200464  [Apply for, Accept, and Expend Grant - United States Department of Housing and Urban Development - HOME Investment Partnership Program - $7,804,197 - FY2020-2021]
Sponsor: Mayor
Resolution approving the FY2020-2021 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2020-2021 HOME Program entitlement from the United States Department of Housing and Urban Development in the amount of $5,403,449 and to expend program income in the amount of $2,400,748 for a combined total of $7,804,197 for the period of July 1, 2020, through June 30, 2025.
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Referred Without Recommendation from the Budget and Finance Committee

200463  [Apply for, Accept, and Expend Grant - United States Department of Housing and Urban Development - Community Development Block Grant Program - $25,649,890 - FY2020-2021]
Sponsor: Mayor
Resolution approving the FY2020-2021 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2020-2021 CDBG Program entitlement from the United States Department of Housing and Urban Development in the amount of $18,653,085 and to expend program income and reprogrammed funds in the amount of $6,996,805 for a combined total of approximately $25,649,890 for a period beginning July 1, 2020, through the date when all funds are expended. (Mayor’s Office of Housing and Community Development)
ADOPTED by the following vote:
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

President Yee suspended all commendations during the declaration of local health emergency.
SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 200447 and 200448 be called together.

Board of Supervisors Sitting as a Committee of the Whole

200447  [Hearing - Committee of the Whole - Report of Delinquent Real Property Transfer Taxes - June 2, 2020, at 3:00 p.m.]

Hearing to consider objections to a report of delinquent real property transfer tax under Business and Tax Regulations Code, Section 1115.1(c), for Assessor’s Parcel Block No. 0269, Lot No. 004 (364 Bush Street), and directing transmission of said report to the Controller and Tax Collector for collection and deposit into the General Fund, scheduled pursuant to Motion No. M20-054 (File No. 200446) approved May 12, 2020. (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any individual wished to address the Board relating to the report of delinquent real property, as referenced in File Nos. 200447 and 200448. Douglas Legg (Office of the Assessor-Recorder) provided an overview of the report of delinquent real property. 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.

(* Due to a speaker’s stated technical difficulties, they were not able to provide comment during the scheduled hearing. The Board provided the speaker, Kevin Rose, an opportunity during general Public Comment (see "Public Comment").)

HEARD AND FILED

Committee of the Whole Adjourn and Report

200448  [Report of Delinquent Real Property Transfer Taxes]

Resolution confirming report of delinquent real property transfer tax under Business and Tax Regulations Code, Section 1115.1(c), for Assessor’s Parcel Block No. 0269, Lot No. 004 (364 Bush Street), and directing transmission of said report to the Controller and Tax Collector for collection and deposit into the General Fund. (Assessor-Recorder)

ADOPTED by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
COMMITTEE REPORTS

Recommendation of the Land Use and Transportation Committee

200375  [Administrative Code - COVID-19 Tenant Protections]
Sponsors: Preston; Ronen, Haney and Walton
Ordinance amending the Administrative Code to prohibit landlords from evicting residential tenants for non-payment of rent that was not paid due to the COVID-pandemic; to prohibit landlords from imposing late fees, penalties, or similar charges on such tenants; and making findings as required by the California Tenant Protection Act of 2019.
(This item was not sent as a committee report.)

ROLL CALL FOR INTRODUCTIONS
See Legislation Introduced below.

PUBLIC COMMENT
Francisco Da Costa; expressed concerns regarding the Sunshine Ordinance Task Force, Ethics Commission, and Police Commission and their ability or access to meet.

(* President Yee requested that the following speaker be allowed the opportunity to provide public comment on File Nos. 200447 and 200448 (Report of Delinquent Real Property Transfer Taxes) due to technical difficulties the speaker experienced during the hearing; although, the Clerk of the Board reported that no technical issues were experienced with the public comment teleconference line. This request was upheld without objection.)
Kevin Rose; expressed concerns regarding the Resolution confirming the report of delinquent real property taxes and requested the Board reconsider their adoption of the legislation (File No. 200448).

Peter Warfield; shared information with the Board on the equity for older students, and expressed concerns regarding City College’s lease for the Fort Mason campus and the reduction of older student classes.
Adam; expressed concern regarding the City’s overall response to police reform and the need to implement oversight.
FOR ADOPTION WITHOUT COMMITTEE REFERENCE

200525 [Supporting California State Senate Bill No. 882 (Wiener) - CalFresh]
Sponsors: Mar; Walton, Mandelman, Peskin, Preston, Safai, Yee and Fewer
Resolution supporting California State Senate Bill No. 882, authored by State Senator Scott Wiener, to reduce the prevalence of food insecurity and poverty among older adults and people with disabilities in the City and County of San Francisco by increasing participation in the CalFresh Program.
Supervisors Preston, Safai, Yee, and Fewer requested to be added as co-sponsors.
ADOPTED

200553 [Concurring in Actions to Meet Local Emergency - Coronavirus Response]
Sponsor: Yee
Motion concurring in actions taken by the Mayor in the Fourteenth and Fifteenth Supplements to the Proclamation of Emergency, released on May 13, 2020, and May 18, 2020, to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic.
Motion No. M20-059
APPROVED

190655 [Final Map 9443 - Seawall Lot 337 and Pier 48 Mixed-Use Project]
Motion approving Phased Final Map 9443 (relating to a project known as Mission Rock), Seawall Lot 337 and Pier 48, the merger and re-subdivision of an existing portion of Parcel "A," as said parcel is shown on that certain map recorded in Book "W" of Maps, Pages 66 through 72 of Official Records and as Parcel "A" is further described in that document recorded May 14, 1976, in Book C19, Page 573, Official Records, resulting in up to 16 lots, including up to 46 commercial condominium units, subject to specified conditions; approving a Public Improvement Agreement related to Final Map 9443; and acknowledging findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)
Motion No. M20-060
APPROVED

200548 [Final Map 10009 - 545-555 Golden Gate Avenue and 150 Redwood Street]
Motion approving Final Map 10009, a 55 residential unit and two commercial unit, mixed-use condominium project, located at 545-555 Golden Gate Avenue and 150 Redwood Street, being a subdivision of Assessor’s Parcel Block No. 0766, Lot No. 010; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)
Motion No. M20-061
APPROVED
200549 [Final Map 9331 - 6333-6335 3rd Street]
Motion approving Final Map 9331, a two lot subdivision: lot 1 being a three residential unit and one commercial unit mixed-use condominium project and lot 2 being a three residential unit and one commercial unit mixed-use condominium project located at 6333-6335 3rd Street, being a subdivision of Assessor’s Parcel Block No. 4968, Lot No. 036; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M20-062
APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Stefani requested that File No. 200529 be severed so that it may be considered separately.

200529 [Supporting California State Senate Bill No. 939 (Wiener) - Commercial Tenancies and Evictions]
Sponsors: Stefani; Safai
Resolution supporting California State Senate Bill No. 939, authored by Senator Scott Wiener and coauthored by Assembly Members David Chiu and Phil Ting, to protect businesses and non-profit organizations from evictions, and permit small businesses or restaurants that have experienced a decline in revenue during the shelter-in-place to renegotiate or terminate their commercial leases.

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

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of June 23, 2020. The motion carried by the following vote:

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

Supervisor Haney requested that File No. 200550 and 200551 be severed so that they may be considered separately.

200550 [Authorizing the Shelter Monitoring Committee to Hold Public Meetings]
Sponsors: Haney; Preston
Motion authorizing the Shelter Monitoring Committee to meet remotely during the COVID-19 Shelter in Place Order.

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

Supervisor Haney, seconded by Supervisor Preston, moved that this Motion be CONTINUED to the Board of Supervisors meeting of June 9, 2020. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
200551 [Authorizing the Local Homelessness Coordinating Board to Hold Public Meetings]
Sponsors: Haney; Walton, Ronen and Preston
Motion authorizing the Local Homelessness Coordinating Board to meet remotely during the COVID-19 Shelter in Place Order.

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

Supervisor Haney, seconded by Supervisor Preston, moved that this Motion be CONTINUED to the Board of Supervisors meeting of June 9, 2020. The motion carried by the following vote:

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

President Yee requested that File No. 200552 be severed so that it may be considered separately.

200552 [Authorizing the Sunshine Ordinance Task Force to Meet in June 2020]
Sponsors: Yee; Preston
Motion authorizing the Sunshine Ordinance Task Force to schedule up to two meetings via teleconference during June 2020.

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

APPROVED by the following vote:
- Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Supervisor Yee, seconded by Supervisor Stefani, moved to rescind the previous vote. The motion carried by the following vote:
- Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Supervisor Yee, seconded by Supervisor Fewer, moved that this Motion be CONTINUED to the Board of Supervisors meeting of June 9, 2020. The motion carried by the following vote:
- Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Supervisor Walton requested that File No. 200554 be severed so that it may be considered separately.

Supervisor Walton Excused from Voting
Supervisor Safai, seconded by Supervisor Mandelman, moved that Supervisor Walton be excused from voting on File No. 200554. The motion carried by the following vote:
- Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Yee
- Excused: 1 - Walton

200554 [Appointment, Juvenile Justice Coordinating Council - Supervisor Shamann Walton]
Motion appointing Supervisor Shamann Walton, for an indefinite term, to the Juvenile Justice Coordinating Council. (Clerk of the Board)

Motion No. M20-063
APPROVED by the following vote:
- Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Yee
- Excused: 1 - Walton
IMPERATIVE AGENDA

President Yee requested File Nos. 200573 and 200574 be called together.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Mandelman, seconded by Supervisor Safai, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

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

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

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

200573 [Concuring in Proclamation of Local Emergency - Peril to Safety of Persons and Property]
Sponsor: Yee
Motion concurring in the May 31, 2020, proclamation by Mayor London N. Breed declaring the existence of a local emergency related to the conditions of extreme peril to the safety of persons and property.

President Yee opened discussions on the Imperative Agenda items related to the Board's concurrence in the Mayor's Emergency Declaration and Order setting a curfew during this local emergency. Anne Pearson (Office of the City Attorney), Chief William Scott (Police Department), Sheriff Paul Miyamoto (Sheriff's Department), and Sophia Kittler (Mayor's Office) presented information and answered questions raised throughout the discussions. President Yee then inquired as to whether any member of the public wished to address the Board regarding the proposed Imperative Agenda items. Francisco Da Costa; Arnold; Alena Kasa; Speaker; Speaker; Speaker; Speaker; Speaker; Speaker; Ketaj; Speaker; Calvin Rick; Carla; Adam; Speaker; Aaron Kishima; Elliott Wile; Natasha Brian; Ryan Poymono; Speaker; Matt; Anna Krasner; spoke in opposition to the Imperative Agenda items. Peter Warfield; Brooke Ashton; Speaker; Speaker; spoke in support of the Imperative Agenda items. The President declared public comment closed.

Supervisor Yee, seconded by Supervisor Safai, moved to direct the Clerk of the Board to process all matters acted upon today, refer the Imperative Agenda items to a Recessed Meeting on June 4, 2020, at 2:00 p.m., and further moved that this Motion be CONTINUED to the Recessed Meeting. The motion carried by the following vote:

Ayes: 6 - Fewer, Mandelman, Mar, Peskin, Stefani, Yee
Noes: 5 - Haney, Preston, Ronen, Safai, Walton
[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Mandelman, seconded by Supervisor Safai, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

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

[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 Safai, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

200574 [Establishment of Curfew to Meet Local Emergency - Peril to Safety of Persons and Property]
Sponsor: Yee
Motion concurring in the Mayor’s action to establish a curfew to meet the local emergency conditions of extreme peril to the safety of persons and property.

President Yee opened discussions on the Imperative Agenda items related to the Board’s concurrence in the Mayor’s Emergency Declaration and Order setting a curfew during this local emergency. Anne Pearson (Office of the City Attorney), Chief William Scott (Police Department), Sheriff Paul Miyamoto (Sheriff’s Department), and Sophia Kittler (Mayor’s Office) presented information and answered questions raised throughout the discussions. President Yee then inquired as to whether any member of the public wished to address the Board regarding the proposed Imperative Agenda items. Francisco Da Costa; Arnold; Alena Kasa; Speaker; Speaker; Speaker; Speaker; Speaker; Speaker; Kataj; Speaker; Calvin Rick; Carla; Adam; Speaker; Aaron Kishima; Elliott Wile; Natasha Brian; Ryan Poymono; Speaker; Matt; Anna Krasner; spoke in opposition to the Imperative Agenda items. Peter Warfield; Brooke Ashton; Speaker; Speaker; spoke in support of the Imperative Agenda items. The President declared public comment closed.

Supervisor Yee, seconded by Supervisor Safai, moved to direct the Clerk of the Board to process all matters acted upon today, refer the Imperative Agenda items to a Recessed Meeting on June 4, 2020, at 2:00 p.m., and further moved that this Motion be CONTINUED to the Recessed Meeting. The motion carried by the following vote:

Ayes: 6 - Fewer, Mandelman, Mar, Peskin, Stefani, Yee
Noes: 5 - Haney, Preston, Ronen, Safai, 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 ORDINANCES

200537 [Administrative Code - Floodplain Management and Flood Insurance Requirements]
Ordinance amending the Administrative Code to update the City’s floodplain management requirements to conform to current Federal floodplain management and National Flood Insurance Program criteria; to remove obsolete provisions; and affirming the Planning Department’s determination under the California Environmental Quality Act. (City Administrator)
05/14/20; RECEIVED FROM DEPARTMENT.
06/02/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/2/2020.

200538 [Settlement of Lawsuit - Margaret Hardgrave - $75,000]
Ordinance authorizing settlement of the lawsuit filed by Margaret Hardgrave against the City and County of San Francisco for $75,000; the lawsuit was filed on November 14, 2018, in San Francisco Superior, Case No. CGC-18-571308; entitled Margaret Hardgrave v. Ramallah Club, Incorporated, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)
05/12/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
Ordinance authorizing partial settlement of the lawsuit filed by Square, Inc. against the City and County of San Francisco for $7,017,894.75; the lawsuit was filed on September 6, 2019, in San Francisco County Superior Court, Case No. CGC-19-579061; entitled Square, Inc. v. City and County of San Francisco et al.; the lawsuit involves a claim for a refund of gross receipts taxes paid to the City and County of San Francisco; other material terms of the settlement are: (1) the partial resolution of all claims for refund of gross receipts taxes, payroll expense taxes, and business registration fees filed by Square, Inc. and its related entities for tax years 2016 through 2018 and registration years ending June 30, 2016, through June 30, 2020; and (2) the agreement that Square, Inc. and its related entities shall take certain filing positions with respect to its gross receipts taxes, homelessness gross receipts taxes, payroll expense taxes, and business registration fees for tax years 2019 and subsequent years and registration years ending June 30, 2021, and subsequent years. (City Attorney)

05/14/20; RECEIVED FROM DEPARTMENT.

06/02/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
[Settlement of Lawsuit - Plaintiffs Nicolas Adelman, et al. - $2,100,000]

Ordinance authorizing settlement of three consolidated lawsuits filed by the plaintiffs Nicolas Adelman a.k.a. Nicholas Addleman; Patrick Alba-Crocker; Michael Alexis; Jesse Ali; Akai Allen Sr.; Dontae Allen; Jaun-Carlos Alvarez; Andre Alverty; Lawrence Anderson; David Archer; Jamar Babers; Christopher Bailey; Ryan Baker; Tyrell Baldwin; De'lon Barker a.k.a. Delon Barker; Joseph Barnett; Khalid Barrow; Jason Edward Bell; Harry Benton; Deshawn Blake; Edward Blanche Ill; Tommy Boggs; Michael Boyle; Elijah Brandon; Michael Brown, individually and on behalf of the class; Richard Terron Brown; Ty-Reell Brown a.k.a. Tyrell Brown; Matthew Brugman, individually and on behalf of the class; Silas Omari Bryant; Darrell Buckins; Don Jaun Burrell; Cory Butler; Armando Carlos; Vernon Carmichael; Roman Carrasco; Anthony Carrion; Jose Fernandez Catala; Michael Cavness; Jesse Chamberland a.k.a. Jesse James Chamberlin; Teryll Chaplin; Ben Chase; Deshun Jamal Cobia-Augman a.k.a. Deshawn Cobia-Augman; Darius Cole; Leonard Colvin; Louis Conceicao; Justin Cooper a.k.a. Justin Cooper or Justin L Cooper; Crazy Bull a.k.a. Teo CrazyBull; Dainty Curry a.k.a. Dante Curry; Temu Curry; Andre Dangerfield; Mark Dascenzo; James Davenport; Mark Dennis; Antoine DeWhitt; Ralph Dominguez a.k.a. Roger Dominguez, individually and on behalf of the class; LaCarl Dow; Jihad Earl; Peter Elisary; Justin Eliot a.k.a. Justin Elliot; Reginald Elmore; Alejandro Estevez; Lee Farley; Ray Farr; Esau Ferdinand; Walter Ferretti; Travis Fields; Arthur D. Finch; James Flanagan; William Flubacher; Paul Frazier; Mathew Fredrickson; Dana Gains a.k.a. Dana Gains; Delonzo Gallow; Edwin Garcia a.k.a. Ediberto Garcia; Rene Garcia; Lance Gardner; Robert Gibson; Antonio Gilton; Barry Gilton; Clayton Gonzalez; Adrian Gordon; Korey Gray; Fred Green; Bryon Gross; Donell Guidry; Tyshaun Guillory; Michael Haga; Craig Hall; Henry Hall; Christopher Hardee; Monzell Harding; La Vondre Harper; Marshall Harris; Shelly Hart; Charles Heard; Nigel Henry, individually and on behalf of the class; Victor Hernandez; Phillip Hill Jr. a.k.a. Phillip Hill; Raman Hill a.k.a. Raymon Hill; Rashaad Hill; Adrian Holden; Douglass Hughes; Derrick Hunter; James R Isham a.k.a. James Isham; Kevin Jackson; Marshall Jackson; Judd Janice; Russell Jefferson; Fabian Johnson; Joseph Johnson; Damion Jones a.k.a. Damion Jones; Jarei Jones; Lavon Jones; Travis Jones; Samuel Jordan; Melvin Junior; Adrian K. Williams a.k.a. Adrian Williams; Thomas Kaina Jr. a.k.a. Thomas Kaina; Paul Keglar; Pierre Kittress-Leaks a.k.a. Pierre Kittrell-Leaks; Christopher Kjelson; Billy Ladd; Ronald Latney Ill a.k.a. Ronald Latney; Antoine Lax; Kem LeBlanc; Milton LeClaire, individually and on behalf of the class; Devante Lindsey; Fernando Madrigal; Alexis Mencia a.k.a. Alexis Mancia; Rudy Martinez; Homer Matthews a.k.a. Homer Mathews; Samaje McClure; Winston McDonald; Thomas McKay; Richard McNeil; Anthony Medina; Huibert Mendoza; Richard Merrill; Joseph Meyers a.k.a. Joseph Meyer; Lamonte Mims; Frank Mozeka; John Norman; Dejiah Northcut; Michael O'Brian; Michael Onate; Sedredt D. Parmer; Maurice Perry; Shawn Pettway; Joshua Pittman; Jose Poot, individually and on behalf of the class; Shaka Pope; Rashad Preston; Junior Pulou a.k.a. Pulou Junior Pulou; Ricky Quarels; Deandre Quinnine; Matthew Rabritt; Joseph Ramirez; Marcus Ransburg; Gerald Reader; Sedric Reynolds; Derell Richards; Troy Richardson; Derrion Riggins; Carey Paul Robertson; Damon Robinson; Sean Robinson; David Henry Rodriguez; Neville Roeback; Travis Rosette; Joseph Rowe; Alfredo Ruiz, individually and on behalf of the class; Jacques Samuel a.k.a. Samuel Jacques; Miguel Sanchez; Jonathan Santos; Kenneth Scarborough; Larry Raymond Scarborough; Vincent Scott; Leonard Seeley; Marvin Sexten; Dewayne Shelton; Juliann Shoats; Kareem Simms; Anthony Sims; Michael Smith; Roland Smith; Ruben Soto, individually and on behalf of the class; Saer Sow; Marvin Spencer; Robert Steinmiller; Bryan Stevens; Eugene Stevens; Antonio Stewart; Walter Stokes; Darnell Sullivan; Dion Taylor a.k.a. Dionn Taylor, individually and on behalf of the class; Dontae Taylor; Bernard Thomas Jr. a.k.a. Bernard Thomas; Craig Thomas; Isaiah Thompson-Bolden; Keil Thurmon; Nicholas Tiller; Geoffrey Tobias; Terrance Turner; Greg Valentine; Jesse Ray Vaughn; Robert Vella; Louise Villareal; Cameron Vincent; Charles Walker; Frank Wallace; MC Ward; Antoine Washington; Terrence Watkins; Henry White; Eddie Whitley; Alfonzo Williams; Morzell Willis; Lewis Wingfield; Derick Woods a.k.a. Dereik D Woods a.k.a. Derrick Woods; Candido Zayas, individually and on behalf of the class; Dylan Zirpoli; against the City and County of San Francisco for $2,100,000; the lawsuits were filed on August 10, 2018, August 12, 2018, and October 6, 2018, in the United States District Court for the Northern District of California, Case Nos. 18-cv-04890 JCS, 18-cv-06155 JCS and 18-cv-4857 JCS; entitled Johnson, et al. v. City and County of San Francisco, et al., Zayas, et al. v. City and County of San Francisco.
Francisco, et al., and Taylor v. City and County of San Francisco, et al.; the lawsuits involve claims that between January 1, 2017, and September 30, 2018, frequent toilet overflows in County Jail 4 created unconstitutional conditions of confinement for the inmates; other material terms of the settlement are that the court approve the settlement. (City Attorney)
05/19/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

200541 [Settlement of Unlitigated Claim - Bundox Restaurant Corporation - $0]
Resolution approving the settlement of the unlitigated claim filed by Bundox Restaurant Corporation against the City and County of San Francisco for no refund, the discharge of unpaid unsecured property taxes of $573,848.77, plus statutory interest, and the release of all future unsecured property tax assessments against the Claimant for tax years 2000 through 2016; the claim was filed on September 25, 2019; the claim involves a refund of unsecured property taxes for tax years 2000 through 2016. (City Attorney)
05/15/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

200542 [Concession Lease Amendment - DFS Group, L.P. - International Terminal Duty Free and Luxury Lease - Suspending Minimum Annual Guarantee]
Resolution approving Amendment No. 1 to the International Terminal Duty Free and Luxury Store Lease No. 17-0303 between DFS Group, L.P. and the City and County of San Francisco, acting by and through its Airport Commission, for the adjustment of Base Rent under the Lease for Lease Year 1 ending on December 31, 2020, to commence following Board approval. (Airport Commission)
05/15/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200543 [Lease Agreement - Books Inc. - Terminal 2 Bookstore - $220,000 Minimum Annual Guarantee]
Resolution approving Terminal 2 Bookstore Lease No. 20-0049, between Books Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of ten years, and a minimum annual guarantee of $220,000 for the first year of the Lease, to commence following Board approval. (Airport Commission)
05/15/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.
200544 [Real Property Lease - New Cingular Wireless PCS, LLC - 260 Golden Gate Avenue - $92,352 Annual Initial Base Rent]
Resolution authorizing and approving the lease of telecommunications facilities on a portion of the roof at 260 Golden Gate Avenue with New Cingular Wireless PCS, LLC, for a ten-year term at an initial annual rent of $92,352 or the monthly base rent of $7,696 with 4% annual adjustments thereafter, and two five-year options to extend, with tenant responsible for all services and utilities, to commence upon execution after approval by the Board of Supervisors and Mayor, in their respective sole and absolute discretion. (Real Estate Department)
05/15/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200545 [Agreement - San Francisco Community Health Authority - Third Party Administrator Services - Healthy San Francisco Program - Not to Exceed $35,308,339]
Resolution approving an agreement between the San Francisco Community Health Authority and the Department of Public Health for Third Party Administrator services for the Healthy San Francisco program for a total amount not to exceed $35,308,339 for a term of five years from July 1, 2020, through June 30, 2025. (Public Health Department)
05/19/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200546 [Agreement - San Francisco Community Health Authority - Fiscal Administration of Private Provider Services - Healthy San Francisco Program - Not to Exceed $24,908,092]
Resolution approving an agreement between the San Francisco Community Health Authority and the Department of Public Health for fiscal administration of Private Provider services for the Healthy San Francisco program for a total amount not to exceed $24,908,092 for a term of five years, from July 1, 2020, through June 30, 2025. (Public Health Department)
05/19/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200547 [Agreement - San Francisco Community Health Authority - Third Party Administrator Services - San Francisco City Option Program - Not to Exceed $49,054,357]
Resolution approving an agreement between the San Francisco Community Health Authority and the Department of Public Health for Third Party Administrator Services for the San Francisco City Option program for a total amount not to exceed $49,054,357 for a term of five years, from July 1, 2020, through June 30, 2025. (Public Health Department)
05/19/20; RECEIVED FROM DEPARTMENT.
06/02/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 7:39 p.m.