

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, October 29, 2019 - 2:00 PM

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

### Regular Meeting

NORMAN YEE, PRESIDENT

VALLIE BROWN, SANDRA LEE FEWER, MATT HANEY, RAFAEL MANDELMAN,  
GORDON MAR, AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI,  
SHAMANN WALTON  
*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

**Budget and Finance Committee**  
Supervisors Fewer, Stefani, Mandelman

**Government Audit and Oversight Committee**  
Supervisors Mar, Brown, Peskin

**Joint City, School District, and City College Select Committee**  
Supervisors Haney, Walton, Mar (Alt), Commissioners Cook, Collins, Moliga (Alt),  
Trustees Randolph, Williams, Selby (Alt)

**Land Use and Transportation Committee**  
Supervisors Peskin, Safai, Haney

**Public Safety and Neighborhood Services Committee**  
Supervisors Mandelman, Stefani, Walton

**Rules Committee**  
Supervisors Ronen, Walton, Mar

#### Meeting Days

Wednesday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

2nd Friday  
10:00 AM

Monday  
1:30 PM

2nd and 4th Thursday  
10:00 AM

Monday  
10:00 AM

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**Members Present:** Vallie Brown, Sandra Lee Fewer, Matt Haney, Rafael Mandelman, Gordon Mar, Aaron Peskin, Hillary Ronen, Ahsha Safai, Catherine Stefani, Shamann Walton, and Norman Yee

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, October 29, 2019, with President Norman Yee presiding.*

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

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

*Supervisors Brown and Walton were noted not present.*

*A quorum was present.*

*Supervisor Brown was noted present at 2:04 p.m.*

## **COMMUNICATIONS**

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of a communication from Supervisor Shamann Walton, dated October 29, 2019, informing the Board of his absence or possible late arrival and requesting to be excused from today's meeting or until he arrives.*

### **Supervisor Walton Excused from Attendance**

**Supervisor Mar, seconded by Supervisor Stefani, moved that Supervisor Walton be excused until his arrival at 3:40 p.m. The motion carried by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

## **APPROVAL OF MEETING MINUTES**

*President Yee inquired whether any Board Member had any corrections to the September 24, 2019, Regular Board Meeting Minutes. There were no corrections requested.*

**Supervisor Fewer, seconded by Supervisor Mandelman, moved to approve the September 24, 2019, Regular Board Meeting Minutes. The motion carried by the following vote, following general public comment:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

## AGENDA CHANGES

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendation of the Budget and Finance Committee

#### **190703 [Memorandum of Agreement - Issuance of Revocable Licenses and Easements Agreements - City of Mountain View - Waiver of Administrative Code Appraisal Requirements]**

Ordinance approving the terms and conditions of, and authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to seek approval from the Board of Supervisors and Mayor to execute, a Memorandum of Agreement (MOA) with the City of Mountain View, California with a term of up to 20 years, providing for the SFPUC's issuance to Mountain View of eight revocable licenses (New Licenses) for the use of SFPUC lands for public recreational purposes in exchange for Mountain View's grant to the SFPUC of nine easements (Proposed Easements) and Mountain View's agreement to perform other services, subject to Board of Supervisors approval pursuant to Charter, Section 9.118; exempting the MOA, the New Licenses, and the Proposed Easements from the appraisal requirements of San Francisco Administrative Code, Sections 23.3 and 23.30; affirming the SFPUC's determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b). (Public Utilities Commission)

**FINALLY PASSED**

### Recommendations of the Government Audit and Oversight Committee

#### **190832 [Memorandum of Understanding - Fire Fighters Union Local 798, Unit 1]**

##### **Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, Unit 1, to update the Union Security and Surf Rescue Premium provisions.

**FINALLY PASSED**

#### **190833 [Memorandum of Understanding - Fire Fighters Union Local 798, Unit 2]**

##### **Sponsor: Mayor**

Ordinance adopting and implementing the Second Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, Unit 2, to update the Union Security and Surf Rescue Premium provisions.

**FINALLY PASSED**

**190834 [Memorandum of Understanding - Laborers International Union, Local 261]****Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to update the Overtime Compensation and Health Insurance provisions.

**FINALLY PASSED**

**190867 [Settlement of Lawsuit - California Department of Public Health - City to Pay \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against California Department of Public Health for \$100,000 and a reduction of the citation from AA to A; the lawsuit was filed on April 13, 2017, in San Francisco Superior Court Case No. CGC-17-558162; entitled City and County of San Francisco v. California Department of Public Health; the lawsuit involves affirmative litigation for relief from citation and fine. (City Attorney)

**PASSED ON FIRST READING**

**190868 [Settlement of Lawsuit - Lorena Pedraza - \$175,000]**

Ordinance authorizing settlement of the lawsuit filed by Lorena Pedraza against the City and County of San Francisco for \$175,000; the lawsuit was filed on September 19, 2018, in San Francisco Superior Court, Case No. CGC-18-569880; entitled Lorena Pedraza v. City and County of San Francisco; the lawsuit involves alleged medical negligence. (City Attorney)

**PASSED ON FIRST READING**

**190916 [Settlement of Attorney's Fee Claim - Contest Promotions, LLC - City to Receive \$500,000]**

Ordinance authorizing settlement by payment of \$500,000 to the City and County of San Francisco, of the City's claim for attorney's fees and costs arising from the lawsuit that Contest Promotions, LLC, filed against the City; the lawsuit was filed on August 26, 2015, in San Francisco Superior Court, Case No. CGC-15-547630; entitled Contest Promotions, LLC vs. City and County of San Francisco; San Francisco Superior Court Case No. CPF-16-514771 was filed on February 9, 2016, and the actions were consolidated; the lawsuit involves a dispute about the City's compliance with a prior settlement agreement between the parties, and the constitutionality of sections of the Planning Code regulating on-site and off-site commercial signs. (City Attorney)

**PASSED ON FIRST READING**

**190917 [Settlement of Lawsuit - Fidelis Cybersecurity, Inc. - City to Receive \$850,978]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Fidelis Cybersecurity, Inc. and others for \$850,978; the lawsuit was filed on November 27, 2018, in San Francisco Superior Court, Case No. CGC-18-571572; entitled City and County of San Francisco and the People of the State of California v. Fidelis Cybersecurity, Inc.; Maarek Zalatimo (aka Mark Zalatimo); Heather Zalatimo; Jeff Jorgenson, and Does One through Ten; the lawsuit involves the sale of products to the City in violation of conflict of interest laws; other material terms of the settlement are that Fidelis will pay the settlement amount over 18 months and that the City will return hardware purchased from Fidelis within 30 days. (City Attorney)

**PASSED ON FIRST READING**

**190918 [Settlement of Lawsuit - Cheryl Jarne - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by Cheryl Jarne against the City and County of San Francisco for \$40,000; the lawsuit was filed on March 2, 2018, in San Francisco Superior Court, Case No. CGC-18-564726; entitled Cheryl Jarne v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury on a City sidewalk. (City Attorney)

**PASSED ON FIRST READING**

**190993 [Settlement of Lawsuit - Lu Xia Tan Chen - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Lu Xia Tan Chen against the City and County of San Francisco for \$50,000; the lawsuit was filed on April 19, 2018, in San Francisco Superior Court, Case No. CGC-18-565891; entitled Lu Xia Tan Chen v. City and County of San Francisco; the lawsuit involves alleged injuries when plaintiff was struck in a crosswalk. (City Attorney)

**PASSED ON FIRST READING**

**Recommendation of the Rules Committee****190843 [Administrative Code - General Obligation Bond Pass-Throughs to Tenants]**

**Sponsors: Peskin; Ronen, Mandelman and Fewer**

Ordinance amending the Administrative Code to allow tenants who have received a pass-through of general obligation bond repayment costs from their landlords to seek relief from the Rent Board based on financial hardship; to limit the number of years that a landlord can cover in a single pass-through; and to extend the time period for tenants to pay such pass-throughs.

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 1 - Walton

## REGULAR AGENDA

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**190808 [Emergency Declaration - Heating, Ventilation, and Air Conditioning System Failure - 1235 Mission Street - Estimated Cost of Repairs \$775,000]**

Resolution approving the Director of Public Work's declaration of an emergency for the heating, ventilation, and air conditioning system failure of all existing chillers on the rooftop of 1235 Mission Street, a property that is operated by the Human Services Agency, estimated to cost \$775,000 to repair, pursuant to Administrative Code, Section 21.15(c). (Public Works)  
(Fiscal Impact)

**ADOPTED** by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

**190855 [Waiver of Base Rent - Volunteers in Medicine, DBA Clinic By the Bay and ArtSpan - 35 and 45 Onondaga Avenue - Up to Six Months for \$49,224]**

**Sponsor: Safai**

Resolution authorizing the Director of Property to waive up to six months base rent for a total of \$49,224 for existing leases between the City and County of San Francisco, as landlord, and Volunteers in Medicine, DBA Clinic By the Bay and ArtSpan, as tenants, for the City-owned properties located at 35 and 45 Onondaga Avenue.

**ADOPTED** by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

**190981 [Contract Amendment - Tiburon, Inc. - Computer Aided Dispatch System Software Maintenance - Not to Exceed \$7,153,056]**

**Sponsor: Mayor**

Resolution approving an amendment to the Agreement between the City and County of San Francisco and Tiburon Inc., for computer aided dispatch system software maintenance to increase the amount by \$1,905,904 for a total amount not to exceed \$7,153,056 and extending the term by five years for a total contract term of June 29, 2012, through November 30, 2024.  
(Fiscal Impact)

**ADOPTED** by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

President Yee requested File Nos. 191003 and 191020 be called together.

### **191003 [Apply for Grants - Retroactive - 2019 Emergency Preparedness Grants]**

**Sponsor: Mayor**

Resolution retroactively authorizing designated City and County officials to execute and file, on behalf of the City and County of San Francisco, any actions necessary for the purpose of obtaining State and Federal financial assistance under various grant programs, including: the Federal Fiscal Year 2019 Urban Areas Security Initiative Grant, the Federal Fiscal Year 2019 State Homeland Security Grant Program, the 2019 Emergency Management Performance Grant, the 2019 Local Government Oil Spill Contingency Plan Grant, and the 2019 Hazard Mitigation Grant Program.

**ADOPTED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

### **191020 [Accept and Expend Grant - Retroactive - Department of Homeland Security - 2018 Port Security Grant Program - Alternate Disaster Operations Center - \$105,000]**

**Sponsor: Mayor**

Resolution retroactively authorizing the Port of San Francisco to accept and expend a grant award in the amount of \$105,000 from the Department of Homeland Security's 2018 Port Security Grant Program to fund the buildout of an alternative Disaster Operations Center (DOC) at Pier 50 as a backup to the Port's primary DOC at Pier 1 for the period of September 1, 2018, through August 31, 2021. (Port)

**ADOPTED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

## **Recommendations of the Government Audit and Oversight Committee**

### **190928 [Health Code - City-Operated Adult Residential Facility]**

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

Ordinance amending the Health Code to require the Department of Public Health to maintain and operate at full capacity an adult residential facility with no fewer than 41 beds.

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

**Supervisor Ronen, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Line 3, by striking 'trauma informed care', Lines 4-8, by adding 'on the following topics: trauma-informed care, patient safety, evidence-based de-escalation techniques, medication management, risk management, first aid and cardiopulmonary resuscitation (CPR), and detention for evaluation and treatment under Section 5150 of the California Welfare and Institutions Code.', Line 8, by changing 'This' to 'These', Line 12, by adding 'objective', and Line 17, by adding 'objective'. The motion carried by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

**Supervisor Ronen requested this Ordinance be DUPLICATED.**

*See duplicated File No. 191102.*

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

**191102 [Health Code - City-Operated Adult Residential Facility]****Sponsors: Ronen, Haney, Walton, Peskin, Mar and Mandelman**

Ordinance amending the Health Code to require the Department of Public Health to maintain and operate at full capacity an adult residential facility with no fewer than 41 beds.

*Duplicated from File No. 190928.*

**Supervisor Ronen, seconded by Supervisor Safai, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 1 - Walton

*President Yee requested File Nos. 190577, 190762, 190813, and 190814 be called together.*

**190577 [Tourism Improvement District and Moscone Expansion District - Annual Report - FY2017-2018]****Sponsor: Mayor**

Resolution receiving and approving the annual report for the Tourism Improvement District and Moscone Expansion District for FY2017-2018, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4. (Department of Economic and Workforce Development)

**ADOPTED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 1 - Walton

**190762 [Civic Center Community Benefit District - Annual Report for FY2017-2018]****Sponsors: Mayor; Haney and Brown**

Resolution receiving and approving an annual report for the Civic Center Community Benefit District for FY2017-2018, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's Management Agreement with the City, Section 3.4. (Department of Economic and Workforce Development)

**ADOPTED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 1 - Walton

**190813 [Central Market Community Benefit District - Annual Report - 2017 Calendar Year]****Sponsor: Haney**

Resolution receiving and approving an annual report for the Central Market Community Benefit District for calendar year 2017, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4. (Department of Economic and Workforce Development)

**ADOPTED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 1 - Walton



**190814 [Yerba Buena Community Benefit District - Annual Report - FY2017-2018]****Sponsor: Haney**

Resolution receiving and approving an annual report for the Yerba Buena Community Benefit District for FY2017-2018, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4. (Department of Economic and Workforce Development)

**ADOPTED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

**Recommendations of the Land Use and Transportation Committee**

*Supervisor Walton was noted present at 3:40 p.m.*

**190548 [Planning Code - Jobs Housing Linkage Fee and Inclusionary Housing]****Sponsors: Haney; Fewer, Ronen, Mar, Peskin, Walton, Yee, Mandelman, Safai and Brown**

Ordinance amending the Planning Code to modify the Jobs Housing Linkage Fee by clarifying the indexing of the fee, adding options for complying with the fee, phasing increases to the fee, dedicating funds for permanent supportive housing and the preservation and acquisition of affordable housing, and to remove the monetary limit for the Small Sites Funds under the Inclusionary Housing Program; 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 pursuant to Planning Code, Section 302.  
(Economic Impact)

(Supervisor Safai dissented in committee.)

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

**Supervisor Haney, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 2, Lines 13-20, by adding a new Section 1(d) regarding the 'Jobs Housing Nexus Analysis' and its conclusions; on Page 16, Lines 14-18, by revising Table 413.5A; on Page 19, Line 6, through Page 20, Line 5, by adding additional requirements to 'Office Fees for Large Capital Projects' in Section 413.5B(c); on Page 20, Line 6, by adding a new Section 413.5B(d) regarding 'Office Fees for Small Capital Projects'; on Page 20, Lines 6-20, by revising Section 413.5B9(e) regarding 'Laboratory Fees'; on Page 24, Line 19, by revising Section 413.11(a) and (b); and making other clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee  
Ordinance amending the Planning Code to modify the Jobs Housing Linkage Fee by allowing clarifying the indexing of the fee, adding options for complying with the fee, phasing increases to the fee requiring payment of the fee no later than at the time of first certificate of occupancy, dedicating funds for permanent supportive housing and the preservation and acquisition of affordable housing, requiring periodic evaluation of the nexus study and fee, and to remove the monetary limit for the Small Sites Funds under the Inclusionary Housing Program; 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 pursuant to Planning Code, Section 302.

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

**190810 [Administrative, Public Works Codes - Recording of Jurisdictional Transfers and Street Vacations]****Sponsor: Peskin**

Ordinance amending the Administrative Code and Public Works Code to require that any resolution approving a jurisdictional transfer of real property (a transfer of the authority over City-owned real property between City departments) be recorded in the Office of the Recorder together with a legal description and map of the real property; to require that any petition to the Board of Supervisors for a street vacation include a legal description and County Surveyor-approved map, and that the Clerk of the Board record in the Office of the Recorder a copy of the adopted ordinance together with the legal description and map; and affirming the Planning Department's determination under the California Environmental Quality Act.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

**190839 [Planning Code - Fulton Street Grocery Store Special Use District]****Sponsor: Brown**

Ordinance amending the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

**Recommendation of the Public Safety and Neighborhood Services Committee****190710 [Health, Business and Tax Regulations Codes - Food Preparation and Service Establishment Categories, Disclosures, and Permit Fees]****Sponsor: Peskin**

Ordinance amending the Health Code and Business and Tax Regulations Code to replace the requirement that food preparation and service establishments ("food facilities") post a symbol issued by the Department of Public Health with a requirement to post a color-coded placard indicating whether the establishment has passed (green), conditionally passed (yellow), or failed (red) a health inspection; clarifying some of the terminology pertaining to violations and remedies and penalties for same; defining new categories of food facilities; establishing annual permit fees for new categories of food facilities; and increasing permit fees for temporary permits and food vending machines.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

## **Recommendations of the Rules Committee**

### **Supervisor Mar Excused from Voting**

Supervisor Peskin, seconded by Supervisor Ronen, moved that Supervisor Mar be excused from voting on File No. 191051. The motion carried by the following vote:

Ayes: 9 - Brown, Fewer, Haney, Mandelman, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 2 - Mar, Walton

### **191051 [Appointment, Free City College Oversight Committee - Supervisor Gordon Mar]**

Motion appointing Supervisor Gordon Mar, for an indefinite term, to the Free City College Oversight Committee. (Clerk of the Board)

**Motion No. M19-146**

**APPROVED by the following vote:**

Ayes: 9 - Brown, Fewer, Haney, Mandelman, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 2 - Mar, Walton

### **191052 [Appointment, Cannabis Oversight Committee - Jessica Cry]**

Motion appointing Jessica Cry and Shawn Richard, terms ending December 3, 2020, to the Cannabis Oversight Committee. (Rules Committee)

Supervisor Ronen, seconded by Supervisor Peskin, moved that this Motion be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, by striking all verbiage appointing Shawn Richard to seat 12 on the Cannabis Oversight Committee. The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

Motion appointing Jessica Cry, term ending December 3, 2020, to the Cannabis Oversight Committee. (Rules Committee)

**Motion No. M19-147**

**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

### **191053 [Appointments, Close Juvenile Hall Working Group - Christina Gomez, Valentina Sedeno, Joanna Hernandez, Lonnie Holmes, Denise Coleman, Daniel Macallair, Constance Walker, Deborah Bill, and Samuel Carr]**

Motion appointing Christina Gomez, Valentina Sedeno (residency requirement waived), Joanna Hernandez (residency requirement waived), Lonnie Holmes, Denise Coleman, Daniel Macallair (residency requirement waived), Constance Walker, Deborah Bill (residency requirement waived), and Samuel Carr (residency requirement waived), for indefinite terms, to the Close Juvenile Hall Working Group. (Rules Committee)

**Motion No. M19-148**

**APPROVED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee  
Excused: 1 - Walton

**191058 [Appointments, Housing Conservatorship Working Group - Jessica Lehman, Jennifer Esteen, and Sara Short]**

Motion appointing Jessica Lehman (residency requirement waived), Jennifer Esteen (residency requirement waived), and Sara Short, for indefinite terms, to the Housing Conservatorship Working Group. (Rules Committee)

**Motion No. M19-149**

**APPROVED by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 1 - Walton

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

**Supervisor Mandelman, seconded by Supervisor Brown, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 1 - Walton

*President Yee provided opening remarks and acknowledged the City Attorney Chamber Desk in the room, which was draped in black cloth bearing a vase of white roses and lilies that served as a quiet homage to the late Burk "Buck" Delventhal, Deputy City Attorney (Office of the City Attorney), due to his sudden and unexpected passing on Saturday, October 26, 2019. Dennis Herrera, City Attorney, spoke on Mr. Delventhal's life and shared fond memories. Supervisor Peskin presented a posthumous in memoriam in recognition of his groundbreaking work that shaped history and San Francisco's future during his nearly 50 years of service where he played a role in nearly every civic and legal issue facing San Francisco. Supervisors Fewer, Ronen, Mandelman, Safai, Stefani, and Haney shared in this posthumous in memoriam with heavy hearts. Mark Delventhal, his brother, spoke on his life and recounted more loving memories.*

*Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to the Homeward Bound staff in recognition of their many accomplishments and efforts helping those who are experiencing homelessness to reconnect with family and establish housing.*

*Supervisor Brown introduced, welcomed, and presented a Certificate of Honor to Victor Jones in recognition of his decades of community advocacy, and for his most recent efforts addressing gun violence in District 5 and throughout San Francisco.*

*Supervisor Haney introduced, welcomed, and presented a Certificate of Honor to Desi Danganan and Gina Rosales in recognition of their many accomplishments and amazing work for the Pilipino community through Undiscovered SF.*

## COMMITTEE REPORTS

### **Recommendations of the Land Use and Transportation Committee**

*President Yee requested File Nos. 190866 and 190964 be called together.*

#### **190866 [Fire Code - Repealing 2016 Code, Adopting 2019 Code]**

**Sponsor: Mayor**

Ordinance repealing the existing San Francisco Fire Code in its entirety and enacting a new San Francisco Fire Code consisting of the 2019 California Fire Code and portions of the 2018 International Fire Code, together with amendments specific to San Francisco with an operative date of January 1, 2020; adopting findings of local conditions pursuant to California Health and Safety Code, Section 17958.7; directing the Clerk of the Board of Supervisors to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

**PASSED ON FIRST READING by the following vote:**

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

#### **190964 [Green Building Code - Repeal of Existing 2016 Code and Enactment of 2019 Edition]**

Ordinance repealing the 2016 Green Building Code in its entirety and enacting a 2019 Green Building Code consisting of the 2019 California Green Building Standards Code as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing for an operative date of January 1, 2020; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission as required by State law. (Building Inspection Commission)

**PASSED ON FIRST READING by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

*Supervisor Brown was noted absent at 4:00 p.m. and for the remainder of the meeting.*

### **Appointment of President Pro Tempore**

*At the request of President Yee, Supervisor Fewer assumed the chair at 4:01 p.m. The President resumed the chair at 4:10 p.m.*

## **Supervisor Brown Excused from Attendance**

Supervisor Ronen, seconded by Supervisor Peskin, moved that Supervisor Brown be excused from attending today's meeting beginning at 4:00 p.m. and for the remainder of the meeting. The motion carried by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Excused: 1 - Brown

## **PUBLIC COMMENT**

*Speaker; expressed support of the newly introduced Resolution regarding the fee-for-service pharmacy reimbursements policy for specialty medications.*

*Katherine; expressed support of the newly introduced Resolution regarding the fee-for-service pharmacy reimbursements policy for specialty medications.*

*Bennett Gabriel; expressed support of the newly introduced Resolution regarding the fee-for-service pharmacy reimbursements policy for specialty medications.*

*Linda Chapman; shared concerns regarding patient abuse and lack of protection by the Police Department.*

*Sara Greenwald; expressed concerns regarding climate change.*

*Matthew Sutter; shared concerns regarding the plight of taxi medallion holders and their issues with the Municipal Transportation Agency.*

*Speaker; shared concerns regarding the plight of taxi medallion holders and their issues with the Municipal Transportation Agency.*

*Speaker; shared concerns regarding the plight of taxi medallion holders and their issues with the Municipal Transportation Agency.*

*Speaker; expressed support of the Resolution recognizing November as Veterans Month (File No. 191093).*

*George Ishikata; expressed support of the Resolution recognizing November as Veterans Month (File No. 191093).*

*Stephen Martin-Pinto; expressed support of the Resolution recognizing November as Veterans Month (File No. 191093).*

*Ky-Ree Jordan; expressed support of the Resolution recognizing November as Veterans Month (File No. 191093).*

*Tom Gilbert; shared concerns regarding the Police Department, the Presidential Administration, transportation network companies, and the Presidential election.*

*Chris McDonald; expressed support of the Resolution recognizing November as Veterans Month (File No. 191093).*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **191093 [Recognizing Veterans Month - November]**

**Sponsor: Stefani**

Resolution recognizing every November as Veterans Month in the City and County of San Francisco, and urging all San Franciscans to recognize the veterans in their community with acts of kindness.

*Supervisor Mar requested to be added as a co-sponsor.*

**Supervisor Stefani, seconded by Supervisor Walton, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Line 8, by striking 'over 60,000' and adding 'approximately 25,000'. The motion carried by the following vote:**

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee  
Excused: 1 - Brown

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee  
Excused: 1 - Brown

## IMPERATIVE AGENDA

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

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee  
Excused: 1 - Brown

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

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee  
Excused: 1 - Brown

### **191103 [Concurring in Proclamation of Local Emergency - Kincade Fire Evacuees]**

**Sponsor: Yee**

Motion concurring in the October 27, 2019, proclamation by Mayor London N. Breed declaring the existence of a local emergency, in the actions taken to meet the emergency of the Kincade Fire in Sonoma County, and the request from State authorities that the City shelter evacuees from the Kincade Fire.

*President Yee inquired as to whether any member of the public wished to address the Board relating to the Motion concurring in the proclamation of local emergency for the Kincade fire evacuees, as referenced in File No. 191103. There were no speakers. The President declared public comment closed.*

**Motion No. M19-150**

**APPROVED by the following vote:**

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee  
Excused: 1 - Brown



## 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](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

### **191060 [Settlement of Lawsuit - Joan Frost - \$105,000 - Appropriation - Wastewater Enterprise Fund Balance]**

Ordinance authorizing settlement of the lawsuit filed by Joan Frost against the City and County of San Francisco for \$105,000; the lawsuit was filed on August 3, 2018, in San Francisco Superior Court, Case No. CGC-18-568679; entitled Joan Frost v. The City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a motor vehicle collision; and appropriating \$105,000 from the San Francisco Public Utilities Commission Wastewater Enterprise fund balance for payment of settlement. (City Attorney)

10/18/19; RECEIVED FROM DEPARTMENT.

10/29/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **191061 [Settlement of Lawsuit - Pacific Bell Telephone Company - \$124,500]**

Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for \$124,500; the lawsuit was filed on April 4, 2019, in San Francisco Superior Court, Case No. CGC-19-575041; entitled Pacific Bell Telephone Company v. City and County of San Francisco; the lawsuit involves a pipe leak that damaged plaintiff's equipment. (City Attorney)

10/18/19; RECEIVED FROM DEPARTMENT.

10/29/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**191062 [Amending Ordinance No. 1061 - Sidewalk Width Change - Along Pierce Street Between O'Farrell and Ellis Streets]**

Ordinance amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to change the official sidewalk width of certain locations along the westerly side of Pierce Street between O'Farrell and Ellis Streets, in front of the Maxine Hall Health Center at 1301 Pierce Street; adopting 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. (Public Works)

10/21/19; RECEIVED FROM DEPARTMENT.

10/29/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/28/2019.

## PROPOSED RESOLUTIONS

**191063 [Settlement of Unlitigated Claim - 220 Golden Gate Associates, L.P. - \$262,184.16 Plus Interest]**

Resolution approving the settlement of the unlitigated claim filed by 220 Golden Gate Associates, L.P. against the City and County of San Francisco for \$262,184.16 plus statutory interest; the claim was filed on July 15, 2019; the claim involves an alleged overpayment of property taxes. (City Attorney)

10/16/19; RECEIVED FROM DEPARTMENT.

10/29/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**191064 [Mills Act Historical Property Contract - 2251 Webster Street]**

Resolution approving an historical property contract between Sally A. Sadosky Revocable Trust, the owner of 2251 Webster Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/15/19; RECEIVED FROM DEPARTMENT.

10/29/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**191065 [Mills Act Historical Property Contract - 1401 Howard Street]  
Sponsor: Haney**

Resolution approving an historical property contract between 1401 Howard LLC, the owner of 1401 Howard Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/15/19; RECEIVED FROM DEPARTMENT.

10/29/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**191066 [Mills Act Historical Property Contract - 64 Potomac Street]**

Resolution approving an historical property contract between Gustav Lindqvist & Caroline Ingeborn, the owners of 64 Potomac Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/15/19; RECEIVED FROM DEPARTMENT.

10/29/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**191067 [Mills Act Historical Property Contract - 2168 Market Street]**

Resolution approving an historical property contract between the Swedish Society of San Francisco, the owners of 2168 Market Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/15/19; RECEIVED FROM DEPARTMENT.

10/29/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**191068 [Mills Act Historical Property Contract - 2731-2735 Folsom Street]**

Resolution approving an historical property contract between Adele Feng, Timothy Wen Haw Yen, Brent Goldman, and 2735 Folsom Street, LLC, the owners of 2731-2735 Folsom Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/15/19; RECEIVED FROM DEPARTMENT.

10/29/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 4:49 p.m.*