

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 11, 2018 - 2:00 PM

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

Regular Meeting

MALIA COHEN, PRESIDENT

VALLIE BROWN, SANDRA LEE FEWER, JANE KIM, RAFAEL MANDELMAN,
AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI, KATY TANG,
NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Fewer, Stefani

Budget and Finance Federal Select Committee
Supervisors Cohen, Fewer, Tang

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Brown

Land Use and Transportation Committee
Supervisors Tang, Kim, Safai

Public Safety and Neighborhood Services Committee
Supervisors Mandelman, Ronen, Peskin

Rules Committee
Supervisors Safai, Yee, Stefani

Meeting Days

Thursday
10:00 AM

2nd and 4th Thursday
1:15 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

1st, 3rd and 4th Wednesday
1:00 PM

Members Present: Vallie Brown, Malia Cohen, Sandra Lee Fewer, Jane Kim, Rafael Mandelman, Aaron Peskin, Hillary Ronen, Ahsha Safai, Catherine Stefani, Katy Tang, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, December 11, 2018, with President Malia Cohen presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Cohen called the meeting to order at 2:04 p.m. On the call of the roll, Supervisor Kim was noted not present. There was a quorum.

Supervisor Kim was noted present at 2:06 p.m.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from a majority of the members of the Board, requesting a Special Meeting of the Board of Supervisors be called on December 18, 2018, at 12:30 p.m. to consider File No. 181001 (Charter Amendment, City College Fund).

President Cohen called for a moment of silence to acknowledge the one year anniversary of the passing of the late Mayor Edwin M. Lee.

APPROVAL OF MEETING MINUTES

President Cohen inquired whether any Board Member had any corrections to the November 2, 2018, Board Special Meeting Minutes. There were no corrections.

Supervisor Kim, seconded by Supervisor Peskin, moved to approve the November 2, 2018, Board Special Meeting Minutes. The motion carried by the following vote, following general public comment:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

AGENDA CHANGES

There were no agenda changes.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

181195 [Formal Policy Discussions - December 11, 2018]

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topic submitted from the Supervisor representing District 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

1. Educational Revenue Augmented Fund (ERAF) (District 10)

Mayor London Breed addressed the Board of Supervisors acknowledged the one year anniversary of the passing of the late Mayor Edwin M. Lee and remembered all his years of service to the City and County of San Francisco. Mayor Breed further thanked the outgoing Members of the Board - Supervisors Cohen, Kim, and Tang - and remembered her time working with them on the many legislative matters, policies, and programs.

Mayor Breed then discussed the above referenced topic submitted by the District 10 Supervisor. President Cohen began the discussions by asking the following question: When you think about what to invest the Educational Revenue Augmentation Fund (ERAF) funding in one-time capital expenses, how do you prioritize each population with a distinct housing need, and what will you do for those marginally housed individuals in our existing publicly funded units? Mayor Breed provided her first-hand experience residing in substandard public housing and provided the many investments and programs she has implemented and will be proposing to improve affordable housing projects. President Cohen then followed up with the following question: How do you envision this supplemental process changing - or continuing - if we continue to have this surplus in coming years? Mayor Breed responded that it will continue to be important that we invest additional funding to improving the lives of those who live in and depend on insufficient public housing. Mayor Breed did not ask any follow-up questions related to this topic.

Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

SENIORITY DETERMINATION

181198 [Seniority Lottery - Newly Elected Members of the Board of Supervisors]

Lottery to determine the seniority of the newly elected Members of the Board of Supervisors, scheduled for the regular Board Meeting of Tuesday, December 11, 2018, pursuant to Board Rule 6.2.1. (Clerk of the Board)

Angela Calvillo, Clerk of the Board, provided an overview of the process and read the names of the Supervisors-elect. Alisa Somera, Legislative Deputy Director, placed the envelopes in the drum, locked the drum, and spun it around. One by one envelopes were drawn and names were read into the record as follows:

*Supervisor-elect Gordon Mar, District 4
Supervisor-elect Matt Haney, District 6
Supervisor-elect Shamann Walton, District 10*

Therefore, beginning January 8, 2019, at 12:01 p.m. the following order will be the official order of seniority of all continuing and newly elected Board members:

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

Clerk Calvillo concluded by indicating that seniority determines the order of polling Board Members for the assignment of offices and for the appointments to compensated and non-compensated commission positions. There were no further actions.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

180646 [Environment Code - Refuse Separation Compliance]

Sponsors: Safai; Tang, Ronen and Brown

Ordinance amending the Environment Code to require audits every three years of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180932 [Appropriation - Proceeds from Special Tax Bonds - Transbay Transit Center Project - FY2018-2019 - \$200,000,000]

Sponsor: Mayor

Ordinance appropriating \$200,000,000 of Special Tax Bonds, Series 2018A and Series 2018B, for financing related to the Transbay Transit Center Project and Transbay Plan Infrastructure Project in FY2018-2019.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Ronen, Safai, Stefani, Tang, Yee

Noes: 1 - Peskin

181077 [Business and Tax Regulations Code - Validation Actions and Statute of Repose for November 2018 Proposition C]

Sponsors: Mayor; Cohen, Kim, Ronen and Yee

Ordinance amending the Business and Tax Regulations Code to permit validation actions and impose a statute of repose with respect to Proposition C, adopted by San Francisco voters on November 6, 2018.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

President Cohen requested File Nos. 181078 and 181079 be called together.

181078 [Appropriation and Re-Appropriation - Federal and State Revenues - \$1,120,193 - SSI Cash Out Program - \$197,681; CalWORKs HVI Program - \$295,176; and Housing Support Program Revenue - \$968,320 - Grant and Aid Assistance - FY2018-2019]

Sponsor: Mayor

Ordinance appropriating \$1,120,193 of Federal and State revenue and re-appropriating \$197,681 for the Supplemental Security Income (SSI) Cash Out program; re-appropriating \$295,176 for the CalWORKs Home Visiting Initiative program; and appropriating \$968,320 of CalWORKs Housing Support program revenue for City grant and aid assistance at the Human Services Agency for FY2018-2019.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181079 [Public Employment - Amendment to the Salary Ordinance - Human Services Agency and Department of Public Health - Implementation of SSI Cash Out and CalWORKs Home Visiting Program - FY2018-2019]

Sponsor: Mayor

Ordinance amending Ordinance No. 182-18 (Salary Ordinance FYs 2018-2019 and 2019-2020) to reflect the addition of 37 new positions (13.0 FTEs) in FY2018-2019 at the Human Services Agency and the Department of Public Health to implement the Supplemental Security Income (SSI) Cash Out and CalWORKs Home Visiting Initiative programs.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendation of the Government Audit and Oversight Committee

181082 [Business and Tax Regulations Code - Early Care and Education Commercial Rents Tax Credit and Exclusions]

Sponsors: Kim; Yee

Ordinance amending the Business and Tax Regulations Code to provide a credit against the Early Care and Education Commercial Rents Tax for the operation of certain child care facilities, and to exclude from the Early Care and Education Commercial Rents Tax base amounts subject to the hotel tax or parking tax.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendations of the Land Use and Transportation Committee

180282 [Dedication for Public Use - Brewster Street Extension Project]

Ordinance dedicating the Brewster Street extension consisting of improvements on portions of Brewster Street and Martin Avenue in the Bernal Heights neighborhood to public use, declaring this area as shown on official Public Works drawings as open public right-of-way, and designating it for street and roadway purposes; establishing official sidewalk widths, public right-of-way widths, and street grades in connection with the Brewster Street extension; accepting the Brewster Street extension for City maintenance and liability; accepting a Public Works Order recommending dedication and acceptance of Brewster Street extension; authorizing official acts in connection with this Ordinance; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180778 [Building Code - Penalties for Constructing an Impervious Surface in the Front Yard Setback Without the Required Permit]

Sponsor: Safai

Ordinance amending the Building Code to modify the penalty for constructing an impervious surface in the front yard setback without a permit; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward the Ordinance to the California Building Standards Commission upon final passage.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180915 [Planning Code - Residential Care Facilities]

Sponsors: Mandelman; Yee

Ordinance amending the Planning Code to allow Residential Care Facilities with seven or more persons as a principally permitted use in RH-3 (Residential House, Three-Family), RC (Residential Commercial), RM (Residential Mixed), and RTO (Residential Transit Oriented) Districts, in Neighborhood Commercial Districts, and in certain Mixed Use Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180935 [Planning Code, Zoning Map - 1550 Evans Avenue Special Use District]**Sponsor: Cohen**

Ordinance amending the Planning Code and Zoning Map to create the 1550 Evans Avenue Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181026 [Public Works Code - Temporary Mobile Caterer Permit]**Sponsor: Mandelman**

Ordinance amending the Public Works Code to create a Temporary Mobile Caterer permit for restaurants that cannot operate during mandatory seismic retrofits of their buildings.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181031 [Planning Code - Permit Review Procedures for Uses in Neighborhood Commercial Districts]**Sponsors: Tang; Safai**

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; 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.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Referred Without Recommendation from the Land Use and Transportation Committee**181028 [Planning Code - Off-Street Parking Requirements]****Sponsors: Kim; Peskin, Brown and Mandelman**

Ordinance amending the Planning Code to eliminate minimum off-street parking requirements City-wide; and making findings under the California Environmental Quality Act, 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.

FINALLY PASSED by the following vote:

Ayes: 7 - Brown, Fewer, Kim, Mandelman, Peskin, Ronen, Tang

Noes: 4 - Cohen, Safai, Stefani, Yee

Recommendation of the Public Safety and Neighborhood Services Committee

181002 [Police Code - Prohibiting Criminal History Inquiries in Private College Admissions]

Sponsors: Cohen; Ronen, Mandelman, Kim and Yee

Ordinance amending the Police Code to prohibit private post-secondary educational institutions from using an application form that contains questions about an applicant's criminal history, or asking U.S. applicants about criminal history for the purpose of deciding whether to offer admission; requiring educational institutions to retain relevant records for three years authorizing the Office of Labor Standards Enforcement to investigate possible violations and impose penalties; and providing for a private right of action.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendations of the Rules Committee

180317 [Campaign and Governmental Conduct Code - Expanding Whistleblower Protections]

Sponsor: Cohen

Ordinance amending the Campaign and Governmental Conduct Code to provide additional retaliation protections for whistleblowers, establish retaliation protections for City contractors, increase the remedies available for whistleblowers who have suffered retaliation, and establish greater confidentiality protections for whistleblowers' identities.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180805 [Police Code - Apprentice Hiring Requirements for Cannabis Businesses]

Sponsor: Safai

Ordinance amending the Police Code to require Cannabis Businesses to ensure that 35% of new hires shall be registered apprentices enrolled in State-approved apprenticeship programs that have a memorandum of understanding (MOU) with one or more City-certified pre-apprenticeship programs, if a relevant State-approved apprenticeship program has such an MOU.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180912 [Police and Health Codes - Regulation of Cannabis Businesses]**Sponsors: Mayor; Mandelman and Cohen**

Ordinance amending the Police Code by making a number of changes in the regulation of commercial cannabis activity, including, among other things: 1) defining ownership interest and revising Equity Criteria, for purposes of the Equity Program; 2) modifying the Cannabis Equity Incubator Program requirements; 3) extending by one year the possible duration of a Temporary Cannabis Business Permit; 4) authorizing the Director of the Office of Cannabis to issue Cannabis Business Permits to Medical Cannabis Dispensaries forced to discontinue operations due to a no-fault lease termination before December 31, 2018; 5) modifying the order in which the Director may review and process Cannabis Business Permit applications; 6) revising requirements associated with a Cannabis Business' change in ownership and structure; 7) revising Cannabis Business Permit application requirements; 8) requiring Cannabis Businesses to comply with all permit conditions whether or not they are currently engaging in the permitted activity; 9) modifying the amount of Cannabis that may be delivered or sold to a customer; and 10) authorizing Cannabis Microbusinesses to conduct either storefront or delivery sales, but not both, and reducing from four to three the categories of Commercial activity required to operate as a Cannabis Microbusiness; and amending the Health Code by revising eligibility requirements for medical cannabis dispensaries seeking authorization to Sell Adult Use Cannabis, and extending by one year to December 31, 2019, the date on which Article 33 (Medical Cannabis Act) expires.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180925 [Administrative Code - Acceptance of Gifts - SFO Museum]

Ordinance amending the Administrative Code to authorize the Airport Commission to accept certain gifts, devises, and bequests of objects or other articles for the SFO Museum collection. (Airport Commission)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180937 [Administrative Code - Composition and Sunset Date - Single Room Occupancy Task Force]**Sponsor: Kim**

Ordinance amending the Administrative Code to extend the sunset date of the Single Room Occupancy (SRO) Task Force by three years to December 31, 2021; to eliminate one seat on the Task Force; and to change the membership of one seat on the Task Force.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180960 [Administrative Code - Official Band - San Francisco Lesbian/Gay Freedom Band]
Sponsor: Mandelman

Ordinance amending the Administrative Code to designate the San Francisco Lesbian/Gay Freedom Band as the official band of the City and County of San Francisco.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181023 [Administrative Code - Extension of the Public Utilities Revenue Bond Oversight Committee]

Ordinance amending the Administrative Code to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee to extend the Committee for an additional six years to January 1, 2025. (Public Utilities Commission)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181080 [Administrative Code - African American Arts and Cultural District]

Sponsors: Cohen; Ronen

Ordinance amending the Administrative Code to establish the African American Arts and Cultural District in the Bayview Hunters Point neighborhood; to require City departments to submit written reports and recommendations to the Board of Supervisors and the Mayor describing the cultural attributes of the District, and proposing strategies to acknowledge and preserve the cultural legacy of the District; and to establish the African American Arts and Cultural District Community Advisory Committee to advise the City on the same matters; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Referred Without Recommendation from the Rules Committee**181105 [Mayoral Appointment, Residential Rent Stabilization and Arbitration Board - Jeffrey Joshua Panzer]**

Motion approving the Mayor's appointment of Jeffrey Joshua Panzer to the Residential Rent Stabilization and Arbitration Board, for a term ending September 1, 2022. (Clerk of the Board) (Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment within the 30-day period shall result in the appointee continuing to serve as appointed. Transmittal date: November 13, 2018.)

President Cohen informed the Board that Jeffrey Joshua Panzer withdrew his name from consideration for appointment to the Residential Rent Stabilization and Arbitration Board on December 10, 2018.

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

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Committee

181086 [Accept and Expend Grant - United States Department of Justice - National Incident-Based Reporting System - \$5,304,000]

Sponsors: Mayor; Cohen and Stefani

Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$5,304,000 from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, to assist with National Incident-Based Reporting System transition efforts for the project period of October 1, 2018, through September 30, 2021. (Police Department)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181094 [Lease of City Property - ArtSpan - 45 Onondaga Avenue - \$50,928 Per Year Rent]
Sponsor: Safai

Resolution authorizing the Director of Property to execute a commercial lease, between the City and County of San Francisco and ArtSpan, for the City-owned property located at 45 Onondaga Avenue for \$50,928 per year; authorizing the reimbursement of up to \$410,000 for tenant improvements; for a term of ten years with two five-year options to extend, to commence following Board approval; making findings that the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting California Environmental Quality Act findings. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181095 [Lease of City Property - Volunteers in Medicine - dba Clinic By the Bay - 35 Onondaga Avenue - \$47,520 Per Year Rent]

Sponsor: Safai

Resolution authorizing the Director of Property to execute a commercial lease, between the City and County of San Francisco and Volunteers in Medicine dba Clinic By the Bay, for the City-owned property located at 35 Onondaga Avenue for \$47,520 per year; authorizing the reimbursement of up to \$410,000 for tenant improvements; for a term of ten years with two five-year options to extend, finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting California Environmental Quality Act findings. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendations of the Government Audit and Oversight Committee

181060 [Settlement of Lawsuit - Philadelphia Indemnity Insurance Company - \$760,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against the Philadelphia Indemnity Insurance Company for \$780,000; the lawsuit was filed on October 2, 2015, in United States District Court, Case No. 15-cv-04557; entitled City and County of San Francisco v. Philadelphia Indemnity Insurance Company; the lawsuit involves a dispute over whether the City is covered under the terms of a commercial liability insurance policy. (City Attorney)

Supervisor Peskin, seconded by Supervisor Stefani, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by reducing the settlement amount from '\$780,000' to '\$760,000.' The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against the Philadelphia Indemnity Insurance Company for \$760,000; the lawsuit was filed on October 2, 2015, in United States District Court, Case No. 15-cv-04557; entitled City and County of San Francisco v. Philadelphia Indemnity Insurance Company; the lawsuit involves a dispute over whether the City is covered under the terms of a commercial liability insurance policy. (City Attorney)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisor Safai was noted absent at 3:08 p.m.

President Cohen requested File Nos. 181090 and 181091 be called together.

181090 [Resolution of Intention - SoMa West Community Benefit District]

Sponsor: Kim

Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district known as the "SoMa West Community Benefit District" and levy a multi-year assessment on all parcels in the district; approving the management district plan and engineer's report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on February 5, 2019, at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.

ADOPTED by the following vote:

*Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Stefani, Tang, Yee
Absent: 1 - Safai*

Supervisor Safai, seconded by Supervisor Ronen, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181091 [Assessment Ballots for City Parcels - SoMa West Community Benefit District]**Sponsor: Kim**

Resolution authorizing the Mayor or their designee(s) to cast an assessment ballot in the affirmative for the proposed formation of a property and business improvement district to be named the SoMa West Community Benefit District, with respect to certain parcels of real property owned by the City that would be subject to assessment in said district.

ADOPTED by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Stefani, Tang, Yee

Absent: 1 - Safai

Supervisor Safai, seconded by Supervisor Ronen, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisor Safai was noted present at 3:10 p.m.

181055 [Budget and Legislative Analyst Performance Audit - San Francisco Housing Authority and Mayor's Office of Housing and Community Development]**Sponsor: Peskin**

Motion directing the Budget and Legislative Analyst to conduct a performance audit of the San Francisco Housing Authority's reported financial shortfall that includes a prospective analysis of the City's assumption of all responsibilities for the San Francisco Housing Authority's essential functions, including the role currently performed by the Mayor's Office of Housing and Community Development and related oversight.

Motion No. M18-163

APPROVED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendation of the Land Use and Transportation Committee**180090 [Building Code - Electric Vehicle Charging Stations - Expedited Permit Process]****Sponsors: Tang; Peskin, Safai, Ronen and Brown**

Ordinance amending the Building Code to enact an expedited and streamlined permit process for Electric Vehicle Charging Stations; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage.

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

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendations of the Rules Committee

180217 [Administrative Code - Dissolving Inactive Advisory Bodies - Reauthorizing and Extending Sunset Date of Workforce Community Advisory Committee and Committee on City Workforce Alignment]

Ordinance amending the Administrative Code to dissolve the Wage Theft Task Force and Surplus Property Citizens' Advisory Committee; and to reauthorize the Workforce Community Advisory Committee and the Committee on City Workforce Alignment, and extend their sunset dates to June 30, 2019. (Clerk of the Board)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180546 [Administrative Code - Harassment Prevention Training for City Employees; Reporting Requirements for City Departments] Sponsors: Cohen; Tang, Stefani, Ronen and Yee

Ordinance amending the Administrative Code to require City employees to complete harassment prevention training annually; Department of Human Resources (DHR) to post harassment prevention training and complaint information on its website; City Attorney to report harassment settlements to the Department on the Status of Women (DOSW); DOSW to post on its website reports from DHR and the City Attorney; and recommending that the Civil Service Commission adopt a rule requiring DHR to accept complaints of harassment, discrimination, or retaliation up to one year after the date of the alleged incident.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180735 [Administrative Code - Harassment of Tenants in Single-Family Units Through Rent Increases]

Sponsors: Ronen; Peskin and Fewer

Ordinance amending the Administrative Code to prohibit landlords of single-family homes and condominiums covered by existing eviction controls from circumventing eviction controls through rent increases; and to clarify that a rent increase intended to defraud, intimidate, or coerce the tenant into vacating such a rental unit may qualify as tenant harassment.

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

Supervisor Ronen, seconded by Supervisor Stefani, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 3, Line 1, by changing 'harass tenants to 'impose a rent increase', Lines 2-3, by adding 'action constitutes' and striking 'can occur through rent increases that are imposed in bad faith', and Lines 12-15, by adding 'Evidence of bad faith may include but is not limited to the following: (1) the rent increase was substantially in excess of market rates for comparable units; (2) the rent increase was within six months after an attempt to recover possession of the unit; and (3) such other factors as a court or the Rent Board may deem relevant.'; and Page 4, Lines 5-9, by adding 'in which case evidence of bad faith may include but is not limited to the following: (1) the rent increase was substantially in excess of market rates for comparable units; (2) the rent increase was within six months after an attempt to recover possession of the unit; and (3) such other factors as a court or the Rent Board may deem relevant.' The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181029 [Municipal Elections Code - Deadline for Filing Declaration of Candidacy]**Sponsor: Peskin**

Ordinance amending the Municipal Elections Code to require that candidates for local elective office file their declaration of candidacy on the same date as they file their declaration of intention to accept or solicit campaign contributions.

Supervisor Peskin, seconded by Supervisor Yee, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 20, by adding '(c)' before 'Failure', and changing 'subsection (b)' to 'Section 201'. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181044 [Administrative Code - Increasing Compensation - Assessment Appeals Board Members]**Sponsor: Cohen**

Ordinance amending the Administrative Code to increase compensation received by members of the Assessment Appeals Board to \$125 for each hearing, or for each morning or afternoon of a hearing, not to exceed \$375 per day; except, when sitting individually as an assessment hearing officer, members receive \$125 for each morning or afternoon of service, not to exceed \$250 per day.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180972 [Official Seal of the City and County of San Francisco - Use for an Artist Publication]

Resolution approving the use of the official seal of the City and County of San Francisco for the purpose of an artist publication documenting their one month project in City Hall, The Unofficial Department of Handshakes. (Arts Commission)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181099 [Appointments, Food Security Task Force - Ave Lambert, Jennifer Siswandi, Kimberly Madsen, Meg Davidson, Raegan Sales, and Rita Mouton-Patterson]

Motion appointing Ave Lambert, Jennifer Siswandi, Kimberly Madsen (residency requirement waived), Meg Davidson, Raegan Sales, and Rita Mouton-Patterson, for indefinite terms, to the Food Security Task Force. (Rules Committee)

Motion No. M18-164

APPROVED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisors Kim and Ronen Excused from Voting

Supervisor Peskin, seconded by Supervisor Tang, moved that Supervisors Kim and Ronen be excused from voting on File No. 181150. The motion carried by the following vote:

Ayes: 9 - Brown, Cohen, Fewer, Mandelman, Peskin, Safai, Stefani, Tang, Yee
Excused: 2 - Kim, Ronen

181150 [Appointments, Metropolitan Transportation Commission - Jane Kim and Supervisor Hillary Ronen]

Motion appointing Jane Kim, for the term of January 8, 2019, through February 10, 2019, and Supervisor Hillary Ronen, for the term of February 11, 2019, through February 10, 2023, to the Metropolitan Transportation Commission. (Clerk of the Board)

Motion No. M18-165

APPROVED by the following vote:

Ayes: 9 - Brown, Cohen, Fewer, Mandelman, Peskin, Safai, Stefani, Tang, Yee
Excused: 2 - Kim, Ronen

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

Supervisor Ronen, seconded by Supervisor Peskin, 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: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisor Stefani introduced, welcomed, and presented a Certificate of Honor to the City employees and Neighborhood Emergency Response Team (NERT) volunteers for their heroic efforts when deployed to assist in the response and recovery efforts during the Northern California Camp Fire and fires in Southern California. Chief Joanne Hayes-White and Supervisors Peskin, Cohen, Ronen, Kim, Yee, Safai, and Fewer provided additional recognition and shared in this commendation.

President Cohen recessed the meeting at 2:47 p.m. and reconvened at 2:53 p.m.

SPECIAL ORDER 3:00 P.M.

President Cohen requested File Nos. 181100, 181101, 181102, and 181103 be called together.

181100 [Hearing - Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - 2500 Turk Street]

Hearing of persons interested in or objecting to the application of the Residential Child Care Fee per Planning Code, Section 414A, for the Student Residence Hall Project at the University of San Francisco - Lone Mountain Campus located at 2500 Turk Street, Assessor's Parcel Block No. 1107, Lot No. 008. (District 1) (Appellant: Daniel Barsky of Coblenz Patch Duffy and Bass, LLP, on behalf of the University of San Francisco) (Filed October 31, 2018). (Clerk of the Board)

President Cohen opened the public hearing. Supervisor Fewer provided opening remarks and indicated she would be making a motion to continue this appeal to a future date. Jon Givner (Office of the City Attorney) provided information and answered questions raised during the discussions. President Cohen inquired as to whether any member of the public wished to address the Board. There were no public speakers. President Cohen closed public comment and declared the public hearing heard and filed.

Supervisor Fewer, seconded by Supervisor Yee, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of January 29, 2019, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181101 [Denying Appeal for Waiver, Adjustment or Reduction of Residential Child Care Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - 2500 Turk Street]

Motion denying the appeal seeking a waiver, adjustment or reduction of the Residential Child Care Fee under Planning Code, Section 414A, for the Student Residence Hall Project at the University of San Francisco - Lone Mountain Campus located at 2500 Turk Street, Assessor's Parcel Block No. 1107, Lot No. 008. (Clerk of the Board)

Supervisor Fewer, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 29, 2019, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181102 [Conditionally Approving Waiver, Adjustment or Reduction of Residential Child Care Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - 2500 Turk Street]

Motion conditionally approving a waiver, adjustment or reduction of the Residential Child Care Fee under Planning Code, Section 414A, for the Student Residence Hall Project at the University of San Francisco - Lone Mountain Campus, located at 2500 Turk Street, Assessor's Parcel Block No. 1107, Lot No. 008, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)

Supervisor Fewer, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 29, 2019, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181103 [Preparation of Findings Related to the Appeal for Waiver, Adjustment or Reduction of Residential Child Care Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - 2500 Turk Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to approve a waiver, adjustment or reduction of the Residential Child Care Fee under Planning Code, Section 414A, for the Student Residence Hall Project at the University of San Francisco - Lone Mountain Campus located at 2500 Turk Street, Assessor's Parcel Block No. 1107, Lot No. 008. (Clerk of the Board)

Supervisor Fewer, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 29, 2019, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

SPECIAL ORDER 3:00 P.M.

President Cohen requested File Nos. 181196 and 181001 be called together.

Board of Supervisors Sitting as a Committee of the Whole

181196 [Hearing - Committee of the Whole - Charter Amendment (File No. 181001) - Free City College Fund - December 11, 2018]

Hearing of the Board of Supervisors to sit as a Committee of the Whole on December 11, 2018, to hold a public hearing to consider the proposed Charter Amendment (File No. 181001) to establish the Free City College Fund to defray certain costs of City College students, and to require annual appropriations in designated amounts to the Fund; at an election to be held on November 5, 2019; scheduled pursuant to the approval of a motion made during the Board of Supervisors meeting of December 4, 2018. (Clerk of the Board)

President Cohen opened the public hearing and Supervisor Kim provided opening remarks regarding the proposed Charter Amendment. The President then inquired as to whether any individual wished to address the Board. Francisco Da Costa; Brandon Harami; Alan Wong; spoke on various concerns related to the Charter Amendment. There were no other speakers. President Cohen closed public comment, declared the public hearing heard and filed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

181001 [Charter Amendment - Free City College Fund]

Sponsors: Kim; Mandelman, Yee, Ronen, Brown, Fewer and Safai

Charter Amendment (Third Draft) to establish the Free City College Fund to defray certain costs of City College students, and to require annual appropriations in designated amounts to the Fund; at an election to be held on November 5, 2019.

Supervisor Kim, seconded by Supervisor Ronen, moved that this Charter Amendment be CONTINUED to the Board of Supervisors Special Meeting on December 18, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

COMMITTEE REPORTS

Recommendations of the Budget and Finance Committee

181043 [Administrative Code - Citywide Project Labor Agreement - Public Work or Improvement Projects]

Sponsors: Mayor; Safai, Peskin, Fewer, Cohen and Brown

Ordinance amending the Administrative Code to require a citywide project labor agreement applicable to certain types of public work or improvement projects with projected costs over the threshold amounts (ranging from \$1,000,000 to \$5,000,000 depending on the year in which the advertisement for bid is released; or \$10,000,000 if the project is funded by a source other than a general obligation bond) or where delay in completing the project may interrupt or delay services or use of facilities that are important to the City's essential operations or infrastructure.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181109 [Increase of Power Enterprise Commercial Paper Program - Not to Exceed \$250,000,000]

Ordinance authorizing an increase of the principal amount of the Power Enterprise's Commercial Paper Program by \$160,000,000 from a principal amount not to exceed \$90,000,000 to a principal amount not to exceed \$250,000,000 with such Commercial Paper Notes to be issued or caused to be issued from time to time by the San Francisco Public Utilities Commission to finance and refinance on an interim basis various capital projects benefitting the Power Enterprise; and ratifying previous actions taken in connection therewith, as defined herein. (Public Utilities Commission)
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181089 [Real Property Lease Extension - 1700-1740-17th Street and 1415-16th Street - \$256,281 Monthly Base Rent]

Sponsor: Cohen

Resolution retroactively authorizing the Director of Property to exercise a Lease Extension approving a First Amendment for the real property located at 1700-1740-17th Street and 1415-16th Street with 1415-16th Street Associates, LLC, a California limited liability corporation, extending the Lease by ten years, from November 3, 2018, for a total term of November 3, 2008, through November 2, 2028, with a monthly base rent of \$256,281 for a total annual base rent of \$3,075,375 on behalf of the Police Department, to commence upon approval by the Board of Supervisors and the Mayor.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181073 [Contract Amendment - Toyon Associates, Inc. - Not to Exceed \$10,051,977]

Resolution retroactively approving an Amendment No. 2 to the contract between the Department of Public Health and Toyon Associates, Inc., to provide regulatory reporting/reimbursement and revenue optimization services, to increase the agreement amount by \$5,055,360 for an amount not to exceed \$10,051,977 and extend the term by four years from March 31, 2018, for a total eight-year term of April 1, 2014, through March 31, 2022. (Public Health Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

President Cohen requested File Nos. 181074, 181075, and 181134 be called together.

181074 [Agreement Amendment - Health RIGHT 360 - Behavioral Health Fiscal Intermediary Services - Not to Exceed \$79,058,563]

Resolution approving an Amendment No. 3 to the agreement between Health RIGHT 360 and the Department of Public Health, for behavioral health fiscal intermediary services, to increase the agreement amount by \$16,260,767 for an amount not to exceed \$79,058,563 and extend the term by five years from December 31, 2018, for a total agreement term of January 1, 2014, through December 31, 2023. (Public Health Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181075 [Agreement Amendment - Progress Foundation - Behavioral Health Services - Not to Exceed \$94,523,518]

Resolution approving an Amendment No. 1 to the agreement between the Progress Foundation and the Department of Public Health, for behavioral health services, to increase the agreement amount by \$84,877,827 for an amount not to exceed \$94,523,518 and extend the term by four years from December 31, 2018, for a total agreement term of July 1, 2018, through December 31, 2022. (Public Health Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181134 [Agreement Amendment - Cross Country Staffing, Inc. - Department of Public Health Registry Services - Not to Exceed \$24,652,390]

Resolution approving Amendment No. 1 to the agreement between the Cross Country Staffing, Inc. and the Department of Public Health, for as-needed registry personnel to respond to the increase in patient census at Zuckerberg San Francisco General Hospital and for a technical adjustment to the contract, to increase the agreement amount by \$14,812,390 for an amount not to exceed \$24,652,390 with no change to the term length to expire on June 30, 2019, to commence upon approval by the Board of Supervisors. (Public Health Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181136 [Contract Amendment - Kennedy/Jenks Consultants - Engineering Design and Services - Not to Exceed \$22,000,000]

Resolution approving Amendment No. 5 to Water Enterprise, Water System Improvement Program-funded Agreement No. CS-879.C, Engineering Project Design Services, with Kennedy/Jenks Consultants, for continued engineering design and engineering services during construction for the Regional Groundwater Storage and Recovery Project and the San Francisco Groundwater Supply Project; and authorizing the General Manager to execute this amendment increasing the agreement by \$3,500,000 for a total not to exceed agreement amount of \$22,000,000 and extending the duration by three years for a total agreement duration of 15 years from December 6, 2007, through December 6, 2022, subject to the Board of Supervisors approval pursuant to Charter, Section 9.118. (Public Utilities Commission)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

President Cohen requested File Nos. 181159, 181160, and 181161 be called together.

181159 [Multifamily Housing Revenue Note - Market Heights Apartments - 211-291 Putnam Street and 1000 Tompkins Avenue - Not to Exceed \$18,000,000]

Sponsors: Mayor; Ronen

Resolution authorizing the execution and delivery of a multifamily housing revenue note in an aggregate principal amount not to exceed \$18,000,000 for the purpose of providing financing for the acquisition and rehabilitation of a 46-unit multifamily rental housing project located at 211-291 Putnam Street and 1000 Tompkins Avenue; approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the note and authorizing the execution and delivery thereof; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a project loan agreement; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the note and the project, as defined herein; granting general authority to City officials to take actions necessary to implement this Resolution, and related matters, as defined herein.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181160 [Ground Lease Amendment - Market Heights 2, LP - 211-291 Putnam Street - \$15,000 Annual Base Rent]

Sponsors: Mayor; Ronen

Resolution approving and authorizing a long term amended and restated ground lease with Market Heights 2, LP, on City owned land at 211-291 Putnam Street, Assessor's Parcel Block No. 5731, Lot 002, for a term of 75 years, to commence following approval by the Board of Supervisors, with one 24-year option to extend, and with an annual base rent of \$15,000 in order to rehabilitate a 100% affordable, 45-unit multifamily rental housing development (plus one staff unit) for low-income persons; adopting findings that the amended and restated ground lease is consistent with the California Environmental Quality Act, the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property and Director of the Mayor's Office of Housing and Community Development to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181161 [Jurisdictional Transfer of City Property - Real Estate Division - Mayor's Office of Housing and Community Development - 211-291 Putnam Street - \$0]**Sponsors: Mayor; Ronen**

Resolution approving the jurisdictional transfer of City property at 211-291 Putnam Street, Assessor's Parcel Block No. 5731, Lot No. 002, from the Real Estate Division to the Mayor's Office of Housing and Community Development; approving the transfer price of \$0; making findings of consistency with the California Environmental Quality Act, the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing other actions in furtherance of this Resolution, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendations of the Land Use and Transportation Committee**180917 [Planning Code - Small Family Child Care in an Affordable Dwelling Unit on the Ground Floor]****Sponsors: Yee; Ronen, Kim, Cohen, Safai and Brown**

Ordinance amending the Planning Code to permit an affordable dwelling unit with a State-licensed Small Family Child Care Home on the ground floor on certain commercial streets; excluding certain Child Care units from the calculation of maximum density permitted on the site; 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.

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

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181144 [Planning Code - Landmark Designation - 2 Henry Adams Street (the Dunham, Carrigan & Hayden Building)]**Sponsor: Cohen**

Ordinance amending the Planning Code to designate 2 Henry Adams Street (the Dunham, Carrigan & Hayden Building), Assessor's Parcel Block No. 3910, Lot No. 001, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302. (Historic Preservation Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendation of the Public Safety and Neighborhood Services Committee

181053 [Declaring Support for the Tree of Life Synagogue and the Global Jewish Community]

Sponsors: Stefani; Mandelman, Brown, Fewer, Ronen, Tang, Cohen, Peskin, Safai, Kim and Yee

Resolution declaring support for the Tree of Life Synagogue and the global Jewish community following the atrocious anti-Semitic shooting that killed eleven and injured six others on October 27, 2018, in Pittsburgh, Pennsylvania, and repeating the call for common sense gun laws to protect our families and communities.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Appointment of President Pro Tempore

At the request of President Cohen, Supervisor Yee assumed the chair at 3:54 p.m. The President resumed the chair at 4:00 p.m.

PUBLIC COMMENT

Francisco Da Costa; shared concerns regarding state legislative matters.

Speaker; shared concerns regarding street cleanliness and homelessness.

Sue; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Ellen Zhou; thanked President Cohen, Supervisor Kim, and Supervisor Tang for their legislative work and community efforts during their tenures as Members of the Board.

Steven Lee; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

David Elliott Lewis; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Chris Bradford; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Margherita Mena; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Speaker; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Speaker; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Speaker; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Mr. Wright; shared concerns regarding affordable housing and median income brackets.

Fernando Pujals; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Stephen Tennis; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Don Faulk; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Speaker; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Nancy Rubin; spoke in support of the Resolution urging a pretrial services model consistent with SB 10 (File No. 181189).

Speaker; spoke on concerns related to tenant hardships.

Speaker; spoke on concerns related to tenant hardships.

Speaker; spoke on concerns related to tenant hardships.

Speaker; spoke on concerns related to tenant hardships.

Speaker; spoke on concerns related cannabis and youth hardships.

Jennifer Freidenbach; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Lorenzo; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Speaker; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Speaker; spoke on concerns related to tenant hardships.

Speaker; spoke on concerns related to tenant hardships.

Speaker; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Isela Ford; spoke in support of the Resolution urging a pretrial services model consistent with SB 10 (File No. 181189).

Roma Guy; spoke in support of the Resolution urging a pretrial services model consistent with SB 10 (File No. 181189).

Kate Monica Klein; spoke in support of the Resolution urging a pretrial services model consistent with SB 10 (File No. 181189).

Kevin Stull; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Joe Wilson; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Marcus Williams; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Brandon Harami; thanked President Cohen, Supervisor Kim, and Supervisor Tang for their legislative work and community efforts during their tenures as Members of the Board.

Alisha Alcantar Tomovic; spoke in support of the Resolution urging a pretrial services model consistent with SB 10 (File No. 181189).

Gerald White; spoke in support of the Resolution urging a pretrial services model consistent with SB 10 (File No. 181189).

Bob Broughton; spoke in support of the Resolution urging a pretrial services model consistent with SB 10 (File No. 181189).

Captain Bryan Pennington; shared his experience with vandalism and impounding of his water vessel.

Betsy Walden; spoke in support of the Resolution urging a pretrial services model consistent with SB 10 (File No. 181189).

Claudine; thanked President Cohen, Supervisor Kim, and Supervisor Tang for their legislative work and community efforts during their tenures as Members of the Board.

Speaker; thanked President Cohen, Supervisor Kim, and Supervisor Tang for their legislative work and community efforts during their tenures as Members of the Board.

Timothy Garrish; thanked Supervisor Kim for her legislative work and community efforts during her tenure as a Member of the Board.

Honey Mahogany; thanked President Cohen, Supervisor Kim, and Supervisor Tang for their legislative work and community efforts during their tenures as Members of the Board.

*Tom Gilberty; shared accomplishments of Muhammad Ali and local legislative matters.
Wynship W. Hillier; shared concerns regarding involuntary court-ordered mental health treatment programs, and requested the Board stop funding Citywide Case Management / Community Focus.*

Appointment of President Pro Tempore

At the request of President Cohen, Supervisor Safai assumed the chair at 5:37 p.m. The President resumed the chair at 5:44 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

181190 [Approval of a 90-Day Extension for Planning Commission Review of District 11 Large Residence Special Use District (File No. 180939)]

Sponsor: Safai

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 180939) amending the Planning Code and Zoning Map to create the District 11 large residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco) to promote and enhance neighborhood character and affordability by requiring conditional use authorization for large residential developments in the district; affirming the Planning Department's California Environmental Quality Act determination; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

ADOPTED

181182 [Final Map 9019 - 119-7th Street]

Motion approving Final Map 9019, a 39 residential unit and a two commercial unit, mixed-use condominium project, located at 119-7th Street, being a subdivision of Assessor's Parcel Block No. 3726, Lot No. 103; and adopting findings pursuant to the General Plan, and the priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M18-166

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Severed from the For Adoption Without Committee Reference Agenda

President Cohen requested File No. 181189 be severed so that it may be considered separately.

181189 [Urging the Mayor's Office to Maintain the Structural Independence of the Pretrial Services Program in San Francisco]

Sponsors: Cohen; Mandelman, Peskin, Safai, Ronen, Fewer, Brown, Kim, Tang, Stefani and Yee

Resolution urging the Mayor's Office to convene a roundtable to recommend a City and County pretrial services model that is consistent with the implementation of statewide bail reform (California State Senate Bill No. 10), and maintains the tradition of independence between pretrial services and law enforcement.

Supervisors Fewer, Brown, Kim, Tang, Stefani and Yee requested to be added as co-sponsors.

Supervisor Peskin, seconded by Supervisor Safai, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Lines 20-23, by adding 'WHEREAS, On September 30, SB1054 was enacted, which granted the City and County the ability to contract with the existing not-for-profit entity that is performing pretrial services to provide continuity and sufficient time to transition the entity's employees into public employment; and'; and on Page 2, Lines 9-10, by changing 'urges the Mayor's Office' to 'reiterates the City and County of San Francisco's authority under SB1054'. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisor Yee requested File No. 181191 be severed so that it may be considered separately.

181191 [Commemorating - 75th Anniversary of the Repeal of the Chinese Exclusion Act of 1943 - Magnuson Act - December 17, 2018]

Sponsors: Yee; Fewer, Tang, Kim, Peskin, Ronen, Brown, Safai, Mandelman, Stefani and Cohen

Resolution commemorating December 17, 2018, on the 75th Anniversary of the repeal of the Chinese Exclusion Act of 1943, otherwise known as the Magnuson Act.

Supervisor Brown, Safai, Mandelman, Stefani, and Cohen requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisor Peskin requested File Nos. 181192, 181193, and 181194 be severed so that they may be considered separately.

President Cohen requested File Nos. 181192, 181193, and 181194 be called together.

181192 [Commending Supervisor Katy Tang]

Sponsor: Board of Supervisors

Resolution commending and honoring Supervisor Katy Tang for her distinguished service as a Member of the San Francisco Board of Supervisors.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181193 [Commending Supervisor Jane Kim]

Sponsor: Board of Supervisors

Resolution commending and honoring Supervisor Jane Kim for her distinguished service as a Member of the San Francisco Board of Supervisors.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

181194 [Commending Supervisor Malia Cohen]

Sponsor: Board of Supervisors

Resolution commending and honoring Supervisor Malia Cohen for her distinguished service as a Member and President of the San Francisco Board of Supervisors.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

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

Introduced at the Request of a Department

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

PROPOSED ORDINANCE

181175 [Planning Code - Landmark Designation - 22 Beaver Street (Benedict-Gieling House)]

Ordinance amending the Planning Code to designate 22 Beaver Street (Benedict-Gieling House), Assessor's Parcel Block No. 3561, Lot No. 060, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

11/26/18; RECEIVED FROM DEPARTMENT.

12/11/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/10/2019.

PROPOSED RESOLUTIONS

181176 [Lease Agreement - InMotion Entertainment Group, LLC - Terminal 1 Retail Concession - \$405,000 Minimum Annual Guarantee]

Resolution approving the Terminal 1 Retail Concession Lease 1 - Lease No. 18-0203, between Inmotion Entertainment Group, LLC, 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 \$405,000 for the first year of the Lease, to commence following Board approval. (Airport Commission)

11/26/18; RECEIVED FROM DEPARTMENT.

12/11/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

181177 [Lease Agreement - InMotion Entertainment Group, LLC - Terminal 3 Boarding Areas E and F Electronics Stores - \$500,000 Minimum Annual Guarantee]

Resolution approving the Electronics Stores Lease in Terminal 3 Boarding Areas E and F - Lease No. 18-0232, between InMotion Entertainment Group, LLC, 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 \$500,000 for the first year of the Lease, to commence following Board approval. (Airport Commission)

11/26/18; RECEIVED FROM DEPARTMENT.

12/11/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

181178 [Lease Agreement - InMotion Entertainment Group, LLC - International Terminal Boarding Area A Electronics Store - \$340,000 Minimum Annual Guarantee]

Resolution approving the Electronics Store Lease in International Terminal Boarding Area A - Lease No. 18-0231, between InMotion Entertainment Group, LLC, 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 \$340,000 for the first year of the Lease, to commence following Board approval. (Airport Commission)

11/26/18; RECEIVED FROM DEPARTMENT.

12/11/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

181179 [Service Agreement - Pacific Gas and Electric Company - CleanPowerSF - Not to Exceed \$20,000,000]

Resolution retroactively approving a service agreement between Pacific Gas and Electric Company and the City and County of San Francisco, for services to CleanPowerSF for a term of ten years, from January 1, 2019, through December 31, 2029, in a total amount not to exceed \$20,000,000. (Public Utilities Commission)

11/30/18; RECEIVED FROM DEPARTMENT.

12/11/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

181180 [Lease Agreement - Elevate Gourmet Brands, Inc., and Aimhigh ESG, LLC, a Joint Venture dba Elevate Gourmet Brands - SFO Group - Terminal 3 Coffee and Quick Serve Concession - \$375,000 Minimum Annual Guarantee]

Resolution approving the Terminal 3 Coffee and Quick Serve Concession Lease - Lease No. 18-0346, between Elevate Gourmet Brands, Inc., and Aimhigh ESG, LLC, a joint venture dba Elevate Gourmet Brands - SFO Group, as joint tenants, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of eight years, to commence following Board approval, with two one-year options to extend, and a minimum annual guarantee of \$375,000 for the first year of the Lease. (Airport Commission)

11/30/18; RECEIVED FROM DEPARTMENT.

12/11/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

181181 [Settlement of Unlitigated Claim - CDC San Francisco LLC - \$1,413,017.47]

Resolution approving the settlement of the unlitigated claim filed by CDC San Francisco LLC, against the City and County of San Francisco for \$1,413,017.47 plus statutory interest; the claim was filed on June 15, 2018; the claim involves a refund of property taxes after a reduction in assessed value by the Assessment Appeals Board on January 8, 2018. (City Attorney)

12/03/18; RECEIVED FROM DEPARTMENT.

12/11/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 8:29 p.m.