

City and County of San Francisco Meeting Agenda

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

Budget and Finance Committee

Members: Connie Chan, Rafael Mandelman, Myrna Melgar

Clerk: Brent Jalipa

(415) 554-7712 ~ <u>brent.jalipa@sfgov.org</u>

Wednesday, July 17, 2024

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

A quorum of the Board of Supervisors may be present at this committee meeting. If a quorum is present, the meeting will also constitute a Special Meeting of the Board of Supervisors. However, the meeting will be conducted in all respects as a committee meeting, and any substantive decision will constitute a recommendation of the committee rather than an action taken by the Board. The Clerk will make a note of the special meeting in the committee minutes, and discussion will be limited to items noticed on this agenda.

ROLL CALL AND ANNOUNCEMENTS

COMMUNICATIONS

AGENDA CHANGES

REGULAR AGENDA

1. 240731 [Real Property Lease - Twin Peaks Petroleum, Inc. - 598 Portola Drive - \$156,600 Initial Annual Base Rent]

Sponsor: Melgar

Resolution approving and authorizing the Director of Property to enter into a real property lease with Twin Peaks Petroleum, Inc., a California corporation, doing business as Twin Peaks Auto Care, successor-in-interest to Michael Gharib, for approximately 14,499 square feet located at 598 Portola Drive, for an initial term of twenty years with one ten-year option to extend, at an initial base rent of \$156,600 with annual adjustments of three percent thereafter, effective upon approval of this Resolution by the Board of Supervisors and Mayor, and full execution of the Lease; requiring Tenant to complete certain improvements by December 31, 2025, with a waiver of rent up to three months; approving a finding that competitive bidding procedures required under San Francisco Administrative Code, Chapter 23, Section 23.33, are impractical; approving a finding that the Premises is exempt surplus land under California Code, Section 54421(f)(1)(B); and authorizing the Director of Property to enter into amendments or modifications to the lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the lease or this Resolution.

(Fiscal Impact)

6/25/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

2. <u>240674</u> [Contract Agreement - Rexel USA, Inc. - Electrical Supplies - Not to Exceed \$26,200,000]

Resolution authorizing the Office of Contract Administration to execute Contract 1000032452 between the City and County of San Francisco and Rexel USA, Inc. for the purchase of citywide electrical supplies for a total contract amount not to exceed \$26,200,000 and an initial term of three years commencing on August 1, 2024, through July 31, 2027, with an option to extend the term for four additional years. (Office of Contract Administration)

(Fiscal Impact)

6/10/24; RECEIVED FROM DEPARTMENT.

6/18/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

3. 240698

[Business and Tax Regulations Code - Gross Receipts Tax Rates for NAICS Code 721 (Accommodation)]

Sponsors: Mayor; Peskin

Ordinance amending the Business and Tax Regulations Code to lower the gross receipts tax rates for business activities described in North American Industry Classification System (NAICS), Code 721 (Accommodation), the classification generally applicable (with some exceptions) to providing lodging or short-term accommodations for travelers, vacationers, and others, applicable to taxable gross receipts between \$2,500,000.01 and \$25,000,000 in tax years 2025 and 2026, from 0.253% to 0.201%; in tax year 2027, from 0.264% to 0.209%; and in tax year 2028 and subsequent tax years, from 0.271% to 0.215%, all conditioned on the passage of the ballot measure, entitled the "Local Small Business Tax Cut Ordinance," at the November 5, 2024, General Election.

(Fiscal Impact)

6/18/24; ASSIGNED to the Budget and Finance Committee.

4. **240702**

[Accept and Expend Grant - Retroactive - San Francisco Health Plan - Specialty Services Access Grant - \$250,000]

Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$250,000 from the San Francisco Health Plan for participation in a program, entitled "Specialty Services Access Grant," for the period of February 28, 2024, through December 31, 2024. (Public Health Department)

6/18/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

5. 240703

[Accept and Expend Grant - Retroactive - San Francisco General Hospital Foundation - Geriatric Emergency Department Planning Grant, Pilot Project 2020 - \$376,000]

Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$376,000 from the San Francisco General Hospital Foundation for participation in a program, entitled "Geriatric Emergency Department Planning grant, Pilot Project 2020," for the period of January 1, 2020, through June 30, 2025. (Public Health Department)

6/18/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

6. 240582

[Professional Services Agreement Amendment - Calpine Energy Solutions LLC - Community Choice Aggregation Program - Not to Exceed \$34,975,340.40]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 4 to Agreement No. CS-247[R], Customer and Administrative Services for Community Choice Aggregation Program with Calpine Energy Solutions LLC, for continued meter data management, billing, and customer care support for the CleanPowerSF Program, increasing the agreement amount by \$2,500,000 for a total not to exceed agreement amount of \$34,975,340.40 and extending the agreement duration by six months from November 1, 2024, for a total agreement duration from November 20, 2015, through April 30, 2025. (Public Utilities Commission)

(Fiscal Impact)

5/17/24; RECEIVED FROM DEPARTMENT.

6/4/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

7. 240626 [Power Purchase Agreement - IP Easley II, LLC - CleanPowerSF 2022 Renewable Energy Supplies - Not to Exceed \$75,000,000]

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute a Renewable Power Purchase Agreement, Contract No. PRO.0263 CleanPowerSF 2022 Renewable Energy Supplies (Agreement) with IP Easley II, LLC, for an amount not to exceed \$75,000,000 with a term of 10 years, beginning by January 1, 2027, pursuant to Charter, Section 9.118. (Public Utilities Commission)

5/31/24; RECEIVED FROM DEPARTMENT.

6/11/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

8. 240570 [Hearing - Release of Reserved Funds - San Francisco Public Utilities Commission - New City Distribution Division Headquarters - \$2,536,607]

Hearing to consider the release of reserved funds to the San Francisco Public Utilities Commission, placed on the Budget and Finance Committee reserve by Ordinance No. 113-22 in the amount of \$2,536,607 to fund the New City Distribution Division Headquarters. (Public Utilities Commission)

5/23/24; RECEIVED FROM DEPARTMENT.

5/23/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

5/24/24; TRANSFERRED to the Budget and Appropriations Committee.

7/8/24; TRANSFERRED to the Budget and Finance Committee.

9. 240627 [Airline and Airport 2023 Lease and Use Agreement - Air Premia, Inc.]

Resolution approving the 2023 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and Air Premia, Inc. to conduct flight operations at the San Francisco International Airport, for a term commencing on the first day of the calendar month immediately following the receipt of full City approvals of the Lease through June 30, 2033; affirming the Planning Department's determination under the California Environmental Quality Act; and authorizing the Airport Director to enter into modifications to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Lease or this Resolution. (Airport Commission)

5/31/24; RECEIVED FROM DEPARTMENT.

6/11/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

10. 240672 [Section 559 Reimbursable Services Agreement - Retroactive - United States Customs and Border Protection at San Francisco International Airport]

Resolution retroactively approving the Section 559 Reimbursable Services Agreement, Contract No. 50020, between United States Customs and Border Protection and the City and County of San Francisco, acting by and through its Airport Commission, with a commencement date of November 25, 2014, for an indefinite term, terminable upon either party by 60 days' written notice. (Airport Commission)

(Fiscal Impact)

6/7/24; RECEIVED FROM DEPARTMENT.

6/18/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

11. 240673 [Lease Amendment - DFS Group, L.P. - The International Terminal Duty Free and Luxury Lease - Modify Reduced Rent Structure]

Resolution approving Amendment No. 5 to the International Terminal Duty Free and Luxury Store Lease No. 17-0303 between DFS Group, L.P. and the City and County of San Francisco, acting by and through its Airport Commission, modifying the reduced rent structure from May 1, 2023, through December 31, 2023, contingent upon Tenant's construction of its location in Harvey Milk Terminal 1 by December 31, 2024, and its other location in Terminal 2 by March 31, 2025, with no change to the 14-year term, to be effective upon approval of this Resolution by the Board of Supervisors. (Airport Commission)

(Fiscal Impact)

6/7/24; RECEIVED FROM DEPARTMENT.

6/18/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

12. 240578

[Real Property Lease - Retroactive - APA Family Support Services - 1099 Sunnydale Avenue - \$52,533.36 Initial Yearly Base Rent]

Resolution retroactively approving and authorizing the Director of Property to enter into a real property lease with APA Family Support Services, a California nonprofit public benefit corporation for approximately 3,267 square feet of The Village Community Facility located at 1099 Sunnydale Avenue, for an initial term of five years with two five-year options to extend, from December 1, 2023, through November 30, 2028, at an initial rent of \$52,533.36 per year (\$4,377.78 per month) with 3% annual increases thereafter; a finding that competitive bidding procedures required under San Francisco Administrative Code, Chapter 23, Section 23.33 are impractical or impossible; a finding that the Lease furthers a proper public purpose sufficient to meet Section 23.30 market value requirements; and authorizing the Director of Property to enter into any additions, amendments, or other modifications to the Lease that do not materially increase the obligations or liabilities of the City to effectuate the purposes of this Resolution. (Real Estate Department)

(Fiscal Impact)

5/16/24; RECEIVED FROM DEPARTMENT.

6/4/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

13. <u>240577</u>

[Real Property Lease - Five Keys Schools and Programs - 1099 Sunnydale Avenue - \$10,870.08 Initial Yearly Base Rent]

Resolution approving and authorizing the Director of Property to enter into a real property lease with Five Keys Schools and Programs, a California nonprofit public benefit corporation, for approximately 676 square feet of The Village Community Facility located at 1099 Sunnydale Avenue, effective upon approval of this Resolution for an initial term of five years with two five-year options to extend, at an initial rent of \$10,870.08 per year (\$905.84 per month) with 3% annual increases thereafter; a finding that competitive bidding procedures required under Administrative Code, Chapter 23, Section 23.33, are impractical or impossible; a finding that the Lease furthers a proper public purpose sufficient to meet Section 23.30 market value requirements; and authorizing the Director of Property to enter into any additions, amendments, or other modifications to the Lease that do not materially increase the obligations or liabilities of the City to effectuate the purposes of this Resolution. (Real Estate Department)

(Fiscal Impact)

5/15/24; RECEIVED FROM DEPARTMENT.

6/4/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

14. 240471 [Real Property Lease Amendment - RACHRIS, LLC - 2 Gough Street - Annual Base Rent of \$312,012]

Resolution approving and authorizing the Director of Property on behalf of the Human Services Agency, to amend the lease of real property at 2 Gough Street, with RACHRIS, LLC, a California limited liability corporation, adding 7,938 square feet for a total of 21,876 square feet for the remainder of the term expiring on June 30, 2025, at a base rent of \$312,012 per year, with one option to extend for three years, effective upon approval of this Resolution; and authorizing the Director of Property to enter into any additions, amendments or other modifications to the lease that do not materially increase the obligation or liabilities of the City to effectuate the purposes of the Lease or this Resolution. (Real Estate Department)

(Fiscal Impact)

5/6/24; RECEIVED FROM DEPARTMENT.

5/14/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

15. 240704 [Ground Lease - Casa Adelante SVN Housing, L.P. - 1515 South Van Ness Avenue, 3251-3255 26th Street, and 1214 Shotwell Street - 100% Affordable Housing - \$15,000 Annual Base Rent]

Sponsors: Mayor; Ronen

Resolution 1) approving and authorizing the Director of Property and Director of the Mayor's Office of Housing and Community Development ("MOHCD") to enter into a Ground Lease for real property owned by the City located at 1515 South Van Ness Avenue, 3251-3255 26th Street, and 1214 Shotwell Street ("Property") with Casa Adelante SVN Housing, L.P. for a lease term of 75 years and one 24-year option to extend and an annual base rent of \$15,000 ("Ground Lease") in order to construct a 168-unit (including one manager's unit) multifamily rental housing development affordable to low-income households and including community-serving commercial space (the "Project"); 2) adopting findings that the Project and proposed transactions are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; 3) determining that the less than market rent payable under the Ground Lease will serve a public purpose by providing affordable housing for low-income households in need, in accordance with Administrative Code, Section 23.30; and 4) authorizing the Director of Property and the Director of MOHCD to execute the Ground Lease, and make certain modifications and take certain actions in furtherance of this Resolution, as defined herein.

(Fiscal Impact)

6/18/24; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

16. <u>240724</u> [Health Service System Plans and Contribution Rates - Calendar Year 2025]

Sponsors: Dorsey; Chan

Ordinance approving Health Service System plans and contribution rates for calendar year 2025.

(Pursuant to Charter, Section A8.422, this matter shall require a vote of three-fourths (9 votes) of all members of the Board of Supervisors to approve passage of this Ordinance.)

(Fiscal Impact)

6/25/24; ASSIGNED to the Budget and Finance Committee.

ADJOURNMENT

LEGISLATION UNDER THE 30-DAY RULE

NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

240723 [Authorizing Certificates of Participation - Concourse Garage Project - Not to Exceed \$29,000,000]

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation on a tax-exempt or taxable basis evidencing and representing an aggregate principal amount of not to exceed \$29,000,000 to fund all or a portion of the acquisition of the Concourse Garage; authorizing the issuance of commercial paper notes in advance of the delivery of the Certificates; approving the form of Trust Agreement between the City and County of San Francisco and the Trustee (including certain indemnities contained therein); authorizing the selection of the Trustee by the Director of Public Finance; approving respective forms of a Property Lease and a Lease Agreement, each between the City and County of San Francisco and the Trustee for the lease and lease back of certain property and facilities of the City; approving the forms of Purchase Contract, Official Notice of Sale, and Notice of Intention to Sell Certificates; directing the publication of the Notice of Intention to Sell Certificates; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of the Certificates; approving the form of the Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, execution, sale and delivery of the Certificates, including termination of the Ground Lease and transfer of the Concourse Garage property and related property to the City and County of San Francisco under the jurisdiction of the Recreation and Park Commission; approving modifications to documents and agreements; declaring the City's intent to reimburse certain expenditures; and ratifying previous actions taken in connection therewith, as defined herein.

(Fiscal Impact; No Budget and Legislative Analyst Report)

6/25/24; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

240728

[Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing]

Sponsors: Safai; Chan

Ordinance amending the Business and Tax Regulations Code to reduce the real property transfer tax rates from 5.5% to 3% when the consideration or value of the interest or property conveyed is at least \$10,000,000 but less than \$25,000,000; and from 6% to 3% when the consideration or value of the interest or property conveyed equals or exceeds \$25,000,000 for transfers of certain properties with at least 12% rent-restricted affordable units, that were constructed using union labor, and had a debt or equity investment of at least \$25,000,000 from a union pension fund at the time of the transfer; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact; No Budget and Legislative Analyst Report)

6/25/24; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

7/1/24; REFERRED TO DEPARTMENT.

The Levine Act

Pursuant to California Government Code, Section 84308, Members of the Board who have received campaign contributions totaling more than \$250 may be required to disclose that fact on the record of the proceeding. Parties and their paid agents may also be required to disclose on the record any campaign contributions made to a Member of the Board that meets the following qualifications for disclosure. A Member of the Board of Supervisors is disqualified and must recuse themselves on any agenda item involving business, professional, trade, and land use licenses or permits and all other entitlements for use, if they received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant within the 12 months prior to the final decision; and for 12 months following the date of the final decision, a Member of the Board shall not accept, solicit, or direct a campaign contribution of \$250 or more from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant. The foregoing statements do not constitute legal advice. Parties, participants, and their agents are urged to consult their own legal counsel regarding the requirements of the law. For more information about these disclosures, visit www.sfethics.org.

Agenda Item Information

Each item on the Consent or Regular agenda may include the following 1) Legislation; 2) Budget and Legislative Analyst report; 3) Department or Agency cover letter and/or report; 4) Public correspondence. These items are available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244 or at www.sfbos.org/legislative-research-center-lrc.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where legislation is the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) vocal or audible support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones or electronic devices; 3) bringing in or displaying signs in the meeting room; or 4) standing in the meeting room. Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives; except that public speakers using interpretation assistance will be allowed to testify for twice the amount of time. Members of the public who want to display a document should place it on the overhead during their public comment and remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Board and Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding agenda items for the official public record. Written communications should be submitted to the Clerk of the Board or the Clerk of the Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications not received prior to the hearing may be delivered to the Clerk of the Board or the Clerk of the Committee and will be shared with the Members.

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LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino for requests made at least two (2) business days in advance of the meeting, to help ensure availability. For more information or to request services, contact (415) 554-5184.

傳譯服務: 所有常規及特別市參事會會議和常務委員會會議將提供西班牙文, 中文以及菲律賓文的傳譯服務, 但必須在會議前最少48小時作出請求, 以確保能獲取到傳譯服務. 將因應請求提供交替傳譯服務, 以便公眾向有關政府機構發表意見. 如需更多資訊或請求有關服務, 請致電(415)554-5184聯絡我們.

AVISO EN ESPAÑOL: Los servicios de idiomas están disponibles en español, chino, y filipino en todas las reunions regulares y reuniones especiales de la Junta, de los Comités, si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a (415) 554-5184.

PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol, Tsino at Pilipino para sa lahat ng mga regular at espesyal na pagpupulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Pilipino na maaaring hilingin, 48 oras (o mas maaga) bago ng pagpupulong upang matiyak na matutugunan ang inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Americans with Disabilities Act (ADA) and Reasonable Accommodations

Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. If you believe your rights under the ADA are violated, contact the ADA Coordinator. Ordinance No. 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy.

Meetings are real-time captioned and cablecast open-captioned on SFGovTV (www.sfgovtv.org) or Cable Channels 26, 28, 78 or 99 (depending on your provider). Board and Committee meeting agendas and minutes are available on the Board's website www.sfbos.org and adhere to web development Federal Access Board's Section 508 Guidelines. For reasonable accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Board of Supervisors' Rules of Order 1.3.3 does not permit remote public comment by members of the public at meetings of the Board and its committees, except as legally required to enable people with disabilities to participate in such meetings. If you require remote access as a means of reasonable accommodation under ADA, please contact the Clerk's Office to request remote access, including a description of the functional limitation(s) that precludes your ability to attend in person. Requests made at least 48 hours in advance of the meeting will help to ensure availability. For further assistance, please call (415) 554-5184.

Know Your Rights Under The Sunshine Ordinance

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at sotf@sfgov.org. Citizens may obtain a free company of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at www.sfbos.org/sunshine.

Ethics Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (Campaign & Governmental Conduct Code, Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; (415) 252-3100; fax (415) 252-3112; website www.sfgov.org/ethics.

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit www.sfethics.org.