# **BOARD OF SUPERVISORS**

# CITY AND COUNTY OF SAN FRANCISCO

# AGENDA

## **IN-PERSON MEETING**

Legislative Chamber, Room 250

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

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#### **PUBLIC COMMENT CALL-IN**

1 (415) 655-0001/ Meeting ID: 2481 498 4135 ##

Tuesday, March 7, 2023 - 2:00 PM

**Regular Meeting** 

AARON PESKIN, PRESIDENT CONNIE CHAN, MATT DORSEY, JOEL ENGARDIO, RAFAEL MANDELMAN, MYRNA MELGAR, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI, SHAMANN WALTON

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES	
Committee Membership	<b>Meeting Days</b>
Budget and Appropriations Committee	Wednesday
Supervisors Chan, Mandelman, Safai, Ronen, Walton	1:30 PM
<b>Budget and Finance Committee</b>	Wednesday
Supervisors Chan, Mandelman, Safai	10:00 AM
Government Audit and Oversight Committee	1st and 3rd Thursday
Supervisors Preston, Stefani, Chan	10:00 AM
Homelessness & Behavioral Health Committee Supervisors Ronen, Mandelman, Walton	TBD
Land Use and Transportation Committee Supervisors	Monday
Supervisors Melgar, Preston, Peskin	1:30 PM
Public Safety and Neighborhood Services Committee	2nd and 4th Thursday
Supervisors Stefani, Engardio, Dorsey	10:00 AM
Rules Committee	Monday
Supervisors Dorsey, Walton, Safai	10:00 AM
Youth, Young Adult, and Families Committee	2nd Friday
Supervisors Ronen, Safai, Engardio	10:00 AM

#### **Agenda Item Information**

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

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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) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 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 the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document displayed should provide in advance of the meeting to the Clerk of the Board (bos.legislation@sfgov.org), clearly state such during testimony, and subsequently request the document be removed when they want the screen to return to live coverage of the meeting. Hard copy documents may not be shared during in-person meetings.

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#### **Americans with Disabilities Act (ADA)**

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, 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 must 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. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. 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 that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications. The Board of Supervisors and Office of the Clerk of the Board support the Mayor's Office on Disability to help make San Francisco a city where all people enjoy equal rights, equal opportunity, and freedom from illegal discrimination under disability rights laws.

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#### **Know Your Rights Under The Sunshine Ordinance**

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#### **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 [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <a href="https://www.sfgov.org/ethics">https://www.sfgov.org/ethics</a>.

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 <a href="https://sfethics.org">https://sfethics.org</a>.

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1 (415) 655-0001 / Meeting ID: 2481 498 4135 # # (Press \*3 to enter the speaker line)

Please visit the Board's website (<u>www.sfbos.org</u>) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184.

#### ROLL CALL AND PLEDGE OF ALLEGIANCE

Pursuant to Board Rule 4.7.1 the President shall present the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula.

#### COMMUNICATIONS

#### APPROVAL OF MEETING MINUTES

Approval of the January 31, 2023, Board Meeting Minutes.

#### **AGENDA CHANGES**

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

Pursuant to Charter Section 3.100(7), the Mayor shall appear, in person, at one regularly scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board. This item will be read at the Board Meeting on the second Tuesday of each month, unless rescheduled by the Mayor and the Board President. The Mayor and the Board may not discuss matters that have already been considered in Committee and that are on the Board's Agenda as an action item.

By eight (8) votes, the Board of Supervisors may, by oral motion, allow an eligible District Supervisor to ask a question that was not previously posed if the question relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy questions that were not anticipated prior to the posting of this agenda. Public comment for this item will take place during general public comment.

#### 1. <u>230208</u> [Formal Policy Discussions - March 7, 2023]

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

The following two topics were noticed on the agenda representing Districts 5 and 7:

- 1. Community Ambassadors (District 5)
- 2. Implementation of the Housing Element (District 7)

Discussion: The Mayor shall DISCUSS eligible topic(s) with the Board of Supervisors.

#### **CONSENT AGENDA**

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Questions on the Consent Agenda are on final passage, first reading, adoption, or approved, as indicated.

## Items 2 through 9

## **Recommendations of the Budget and Finance Committee**

Present: Supervisors Chan, Mandelman, Safai

# 2. 230002 [Administrative Code Waivers - Biogas Utilization Project Agreements, Southeast Treatment Plant]

Ordinance authorizing the San Francisco Public Utilities Commission (SFPUC) to exempt certain design, construction, finance, operation, and maintenance services and related agreements for the Public-Private Partnership (P3) delivery of the Biogas Utilization Project at the Southeast Treatment Plant (SEP), located at 1800 Jerrold Avenue, from Chapters 6, 14B, and 21, and Section 23.30 of the Administrative Code, but requiring compliance with the underlying public policies, including the payment of prevailing wages, implementation of a local business enterprise participation program, and compliance with the City's local hire policy and first source hiring ordinance, as applicable to such agreements, and permitting a best-value selection of the contractor team if the City elects to proceed with the Project after completing its review under the California Environmental Quality Act. (Public Utilities Commission)

02/28/2023; PASSED ON FIRST READING.

#### 3. 230097

[De-Appropriation and Appropriation - District 10 General City Responsibility - District 10 Projects and Services - Various Departments - \$250,000 - FY2022-2023]

**Sponsor: Walton** 

Ordinance de-appropriating \$250,000 from General City Responsibility and re-appropriating \$170,000 to the Human Rights Commission for District 10 safety plan implementation, youth activities such as sports, mentoring, college exploration, and on-site school support to District 10 schools, and \$80,000 to the Department of Children, Youth and Their Families for District 10 sports programming for basketball and football in Fiscal Year (FY) 2022-2023.

(Fiscal Impact)

02/28/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

Present: Supervisors Preston, Stefani, Chan

#### 4. 230003 [Settlement of Lawsuit - Ludmila Ulitskaya - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Ludmila Ulitskaya against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 5, 2021, in San Francisco Superior Court, Case No. CGC-21-591299; entitled Ludmila Ulitskaya v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

02/28/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## 5. <u>230005</u> [Settlement of Lawsuit - Nicole Spencer - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Nicole Spencer against the City and County of San Francisco for \$225,000; the lawsuit was filed on January 18, 2021, in San Francisco Superior Court, Case No. CGC-21-589457; entitled Nicole Spencer v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

02/28/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### 6. <u>230006</u> [Settlement of Lawsuit - Francisco Valle - \$1,950,000]

Ordinance authorizing settlement of the lawsuit filed by Francisco Valle against the City and County of San Francisco for \$1,950,000; the lawsuit was filed on August 30, 2021, in United States District Court-Northern District of California, Case No. 21-cv-5636 EMC; entitled Francisco Valle v. Paolo Morgado, et al.; the lawsuit involves alleged civil rights violations including Brady violations and fabrication of evidence in violation of the Fourteenth Amendment. (City Attorney)

02/28/2023: PASSED ON FIRST READING.

## Recommendation of the Public Safety and Neighborhood Services Committee

Present: Supervisors Stefani, Engardio, Dorsey

## 7. <u>230056</u> [Health Code - Overdose Prevention Programs]

Sponsors: Mayor; Ronen, Preston, Mandelman, Walton and Dorsey

Ordinance amending the Health Code to repeal the City's permitting requirement for the operation of overdose prevention programs.

02/28/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## Recommendations of the Rules Committee

Present: Supervisors Dorsey, Safai

# 8. <u>221244</u> [Administrative Code - Extension of Sunset Date and Deadline for Required Reports of Reinvestment Working Group]

Sponsors: Preston; Chan

Ordinance amending the Administrative Code to extend the time for the Reinvestment Working Group to submit required reports to the Board of Supervisors and the Local Agency Formation Commission, from the current one-year deadline to September 30, 2023, and to extend the sunset date for the Working Group to December 31, 2023.

02/28/2023; PASSED ON FIRST READING.

Present: Supervisors Dorsey, Walton, Safai

## 9. <u>230125</u>

# [Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]

Sponsors: Safai; Mandelman

Ordinance amending the Administrative Code and Business and Tax Regulations Code as required by Proposition C, adopted at the November 8, 2022 election, to provide that the Homelessness Oversight Commission ("Commission") appoint all members of the Local Homeless Coordinating Board ("Coordinating Board"); that the Coordinating Board's sole duties are to serve as the governing body required to participate in the federal Continuum of Care program and to advise the Commission on issues relating to the Continuum of Care; that the Shelter Monitoring Committee ("Monitoring Committee") advise the Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight Committee ("Oversight Committee") advise and make recommendations to the Commission and the Health Commission; and that the Oversight Committee inform the Department of Homelessness and Supportive Housing's strategic planning process; and make further amendments not required by Proposition C to increase the number of seats on the Coordinating Board from nine to eleven; decrease the number of seats on the Monitoring Committee from twelve to thirteen; align the Coordinating Board's member qualifications with Continuum of Care requirements; prohibit members of the Coordinating Board, the Monitoring Committee, and the Shelter Grievance Advisory Committee ("Grievance Committee") from serving on other City bodies related to homelessness; provide that the Commission appoint members of the Grievance Committee and the Monitoring Committee; require the Director of the Department of Homelessness and Supportive Housing ("Department") attend Commission meetings and provide administrative support to the Commission and the Monitoring Committee; remove the Mayor's sole authority to appoint and remove the Director of the Department; require the Department to report to the Commission in lieu of the Coordinating Board for the Mayor's Fund for the Homeless and the Navigation Partnerships Fund; and require that the Grievance Committee and the Monitoring Committee provide reports to the Commission.

02/28/2023; PASSED ON FIRST READING.

### **REGULAR AGENDA**

### **UNFINISHED BUSINESS**

## Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Preston, Stefani, Chan

#### 10. 230004 [Settlement of Lawsuit - Merrill Beth Ferguson - \$7,500,000]

Ordinance authorizing settlement of the lawsuit filed by Merrill Beth Ferguson against the City and County of San Francisco for \$7,500,000; the lawsuit was filed on November 12, 2020, in San Francisco Superior Court, Case No. CGC-20-587638; entitled Merrill Beth Ferguson v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle versus pedestrian collision. (City Attorney)

02/28/2023: PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## Referred Without Recommendation From the Rules Committee

Present: Supervisors Dorsey, Walton, Safai

# 11. <u>221008</u> [Limiting Teleconferencing and Remote Public Comment at Meetings of the Board of Supervisors and its Committees]

Sponsor: Mandelman

Motion discontinuing remote participation by members of the Board of Supervisors ("Board") at meetings of the Board and its committees for reasons related to COVID-19; and discontinuing 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.

02/28/2023; CONTINUED.

Question: Shall this Motion be APPROVED?

#### **NEW BUSINESS**

## Recommendations of the Budget and Finance Committee

Present: Supervisors Chan, Mandelman, Safai

# 12. 221187 [Administrative Code - Power to Sell for Nonresidential Commercial Properties]

Ordinance amending the Administrative Code to allow the Tax Collector to sell tax-defaulted nonresidential commercial property after five years of nonpayment of property taxes instead of after three years. (Treasurer-Tax Collector)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 13. 230120 [Public Auction - Tax-Defaulted Real Property]

Resolution authorizing the Tax Collector to sell, at public auction, certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

Question: Shall this Resolution be ADOPTED?

# 14. <u>221223</u> [Environment Code - Repeal and Replace Chapter 7 Green Building Requirements]

Sponsors: Mayor; Mandelman and Safai

Ordinance amending the Environment Code to repeal Chapter 7: Green Building Requirements for City Buildings and replace with new Chapter 7: Municipal Green Building Requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 15. 221278 [Accept and Expend Grant - Retroactive - Blue Shield of California Foundation - Economic Security and Mobility Program - \$200,000] Sponsor: Mayor

Resolution retroactively authorizing the Department of the Status of Women to accept and expend a grant in the amount of \$200,000 from the Blue Shield of California Foundation for a two-year grant period from October 1, 2022, through September 30, 2024, to launch Women's Economic Security Pilot Programs. (Department on the Status of Women)

#### **16. 230042**

# [Design Professional Services Agreement - Mark Cavagnero Associates - Water Enterprise City Distribution Division Facilities - 2000 Marin Street - Not to Exceed \$27,800,000]

Resolution approving the Design Professional Services Agreement, Contract No. PRO.0264, with Mark Cavagnero Associates to provide architectural, engineering, and consulting services to design the new San Francisco Public Utilities Commission Water Enterprise City Distribution Division facilities at 2000 Marin Street for a total cost not to exceed \$27,800,000 with a term of five years from March 1, 2023, through February 28, 2028, subject to Board of Supervisors' approval under Charter, Section 9.118. (Public Utilities Commission)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

#### **17. 230091**

## [Professional Services Agreement - APX Inc. - Power Scheduling Coordination Services and Related Support Services - Not to Exceed \$895,742,800]

Resolution approving Amendment No. 2 to Contract No. PRO.0152, Power Scheduling Coordination and Related Support Services, with APX Inc., to allow for the processing of the California Independent System Operator power transmission service charges, to increase the contract by \$636,000,000 for a total not to exceed contract amount of \$895,742,800 subject to the Board of Supervisors approval pursuant to Charter, Section 9.118, with no change to the five year of term from March 2022 through April 2027. (Public Utilities Commission)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

#### **18. 230122**

# [Agreement Amendment - San Francisco AIDS Foundation - HIV Rental Subsidies - Not to Exceed \$51,075,213]

Sponsors: Mandelman; Chan and Safai

Resolution approving Amendment No. 1 to the Agreement between the San Francisco AIDS Foundation and the Department of Public Health, to provide HIV rental subsidies; to increase the agreement by \$41,667,580 for an amount not to exceed \$51,075,213; to extend the term by eight years from June 30, 2023, for a total agreement term of July 1, 2021, through June 30, 2031; and to authorize the Department of Public Health to enter into amendments or modifications to the contract prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Public Health Department)

(Fiscal Impact)

# 19. 230136 [Accept and Expend Grant - Retroactive - California Department of Social Services - Commercial Sexual Exploitation of Children Placement and Services Program - \$7,000,000]

**Sponsor: Mayor** 

Resolution retroactively authorizing the Department on the Status of Women to accept and expend a grant from the California Department of Social Services for the Commercial Sexual Exploitation of Children Placement and Services Program in the amount of \$7,000,000 for a three-year grant period from January 1, 2023, through December 31, 2025. (Department on the Status of Women)

Question: Shall this Resolution be ADOPTED?

# 20. <u>230173</u> [Loan Documents - 629 Post Street - Small Sites Program, Academy of Art University Settlement Fund - Not to Exceed \$30,385,225]

Sponsors: Mayor; Safai and Mandelman

Resolution approving and authorizing the Director of the Mayor's Office of Housing and Community Development to execute documents relating to a loan for the acquisition and rehabilitation of 629 Post Street, pursuant to the Small Sites Program, utilizing the Academy of Art University Settlement Fund for a total loan amount not to exceed \$30,385,225; confirming the Planning Department's determination under the California Environmental Quality Act; and finding that the Project loan is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

## Recommendation of the Land Use and Transportation Committee

Present: Supervisors Melgar, Preston, Peskin

# 21. <u>221261</u> [Planning Code, Zoning Map - The Village Special Use District] Sponsors: Mayor; Ronen, Preston, Melgar and Peskin

Ordinance amending the Planning Code and the Zoning Map to add The Village Special Use District, located adjacent to 56 Julian Avenue, at 80 Julian Avenue, and constituting Assessor's Parcel Block No. 3547, Lot No. 52; making findings 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.

Question: Shall this Ordinance be PASSED ON FIRST READING?

# Referred Without Recommendation From the Land Use and Transportation Committee

Present: Supervisors Melgar, Preston, Peskin

# 22. 220815 [Administrative Code - Definition of Tourist or Transient Use under Hotel Conversion Ordinance; Amortization Period]

**Sponsor: Peskin** 

Ordinance amending the Administrative Code to add a definition of Tourist or Transient Use under the Residential Hotel Unit Conversion and Demolition Ordinance; to set the term of tenancy for such use at less than seven days, for two years after the effective date of this Ordinance, and, after that two-year period, at less than 30 days; to provide an amortization period applicable to hotels currently regulated under the Ordinance; to provide a process by which the owners or operators of regulated hotels can request that the amortization period be longer, on a case-by-case basis; to amend the definition of Permanent Resident, from a person who occupies a room for at least 32 days to one who occupies a room for at least 30 days; and affirming the Planning Department's determination under the California Environmental Quality Act.

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### Recommendation of the Public Safety and Neighborhood Services Committee

Present: Supervisors Stefani, Engardio, Dorsey

## 23. 221297 [Liquor License Transfer - 3336-24 Street - Las Margaritas]

Resolution determining that the transfer of a Type-48 on-sale general public premises liquor license to Francisco Javier Villalobos, to do business as Las Margaritas located at 3336-24 Street (District 9) will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

### **Recommendations of the Rules Committee**

Present: Supervisors Dorsey, Walton, Safai

# 24. <u>230098</u> [Mayoral Appointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Tamsen Drew]

Motion confirming the Mayor's nomination for appointment of Tamsen Drew to the Successor Agency Commission (commonly known as the Commission on Community Investment and Infrastructure), for a four-year term ending November 3, 2026. (Clerk of the Board)

(Ordinance No. 215-12, Section 6(b), provides that this member shall be appointed by the Mayor and subject to confirmation by the majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action. Transmittal date: February 1, 2023)

Question: Shall this Motion be APPROVED?

#### 25. 230127 [Appointment, Assessment Appeals Board No. 1 - Quirina Mitchell]

Motion appointing Quirina Mitchell, term ending September 2, 2024, to the Assessment Appeals Board No. 1. (Rules Committee)

Question: Shall this Motion be APPROVED?

## 26. <u>230131</u> [Mayoral Appointment, Historic Preservation Commission - Victoria Gray]

Motion approving the Mayor's nomination for the appointment of Victoria Gray, term ending December 31, 2026, to the Historic Preservation Commission. (Clerk of the Board)

(Charter, Section 4.135, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, the nominee shall be deemed approved. Transmittal date: February 7, 2023.)

(Supervisor Safai dissented in committee.)

Question: Shall this Motion be APPROVED?

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

#### 27. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

#### 28. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

**PUBLIC COMMENT CALL-IN** 

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(Press \*3 to enter the speaker line)

#### FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

(PUBLIC COMMENT for Items 29 through 38 will be taken during Item 28 - General Public Comment.)

#### Items 29 through 38

## 29. 230177 [Condemning House Concurrent Resolution 9]

**Sponsors: Preston; Dorsey** 

Resolution condemning the passage of "Red-Baiting" House Concurrent Resolution 9, and urging Congress not to engage in, vote for, or otherwise support fearmongering and red-baiting by the federal government.

02/14/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

02/28/2023; CONTINUED.

Question: Shall this Resolution be ADOPTED?

## 30. <u>230178</u> [Upholding San Francisco Values to Protect our Sanctuary City]

Sponsors: Ronen; Walton, Preston, Melgar, Chan and Safai

Resolution urging the Department of Homeland Security (DHS) and the Biden Administration to reject the recent attack on San Francisco's long-standing Sanctuary Ordinance and urging DHS to extradite the accused individuals without further delay.

02/14/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

02/28/2023; CONTINUED.

#### 31. <u>230179</u>

# [Urging Governor Gavin Newsom, Senator Scott Wiener, Assembly Member Matt Haney, and Assembly Member Phil Ting to Legalize Sex Work in California]

**Sponsor: Ronen** 

Resolution urging Governor Gavin Newsom, Senator Scott Wiener, Assembly Member Matt Haney, and Assembly Member Phil Ting to legalize consensual adult prostitution in the State of California; legalization is a proven effective method to protect the health and safety of sex workers while reducing crime and violence.

02/14/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

02/28/2023; CONTINUED.

Question: Shall this Resolution be ADOPTED?

#### 32. <u>230227</u>

# [Opposing State Ballot Initiative Limiting Voters' and Local Governments' Ability to Raise Revenues for Public Services]

Sponsors: Chan; Peskin and Preston

Resolution opposing State Ballot Initiative 21-0042A1, which qualified for the November 2024 statewide ballot, and will further severely limit the ability of voters and local governments to raise revenues for government services.

02/28/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

#### 33. 230231

# [Supporting California Senate Bill No. 593 (Wiener) and Urging State Action to Increase Funding for Affordable Replacement Housing in San Francisco] Sponsors: Peskin; Safai, Melgar, Chan, Engardio, Ronen, Mandelman, Dorsey, Preston and Walton

Resolution supporting California Senate Bill No. 593, introduced by State Senator Scott Wiener, to authorize additional tax increment funding for affordable replacement housing in the City and County of San Francisco.

02/28/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

#### **34. 230232**

## [Initiating Landmark Designation - Colombo Market Arch]

Sponsors: Peskin; Stefani

Resolution initiating a landmark designation under Article 10 of the Planning Code for the Colombo Market Arch constructed in 1894 and located at Sydney Walton Park on Front Street between Jackson Street and Pacific Avenue.

02/28/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

#### 35. 230235 [Moving Vision Zero Forward]

#### Sponsors: Preston; Peskin, Ronen, Walton, Stefani and Engardio

Resolution calling for a citywide re-commitment to Vision Zero and urging the Mayor, the Municipal Transportation Agency, Department of Public Health, San Francisco County Transportation Authority, Fire Department, Police Department, and other city agencies that signed onto Vision Zero in 2014 to prioritize this policy, provide the needed resources, and improve interagency processes and collaboration to bring our city closer to Vision Zero goals by December 2024.

02/28/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

# 36. 230236 [Supporting California State Senate Bill No. 227(Durazo) - Safety Net for All] Sponsors: Ronen; Walton

Resolution supporting California State Senate Bill No. 227 (Durazo), a Safety Net for All, to create an Excluded Workers Program to offer unemployment benefits to undocumented workers who have paid into the system through tax on their wages.

02/28/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

# 37. 230237 [Supporting California State Senate Bill No. 691 (Portantino) - Dyslexia Risk Screening]

Sponsors: Safai: Ronen and Walton

Resolution supporting California State Senate Bill No. 691, introduced by Senate Member Anthony Portantino (SD- 25), which would require the State Board of Education to establish an approved list of evidence-based culturally, linguistically, and developmentally appropriate screening instruments to be used by a local educational agency, as defined, to screen pupils for risk of dyslexia.

02/28/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

# 38. <u>230238</u> [Supporting California State Assembly Bill No. 1505 (Rodriguez) - \$250,000,000 Seismic Retrofitting Program for Soft Story Multifamily Housing]

Sponsor: Safai

Resolution supporting California State Assembly Bill No. 1505, introduced by Assembly Member Freddie Rodriguez, maintaining \$250,000,000 in funding for a state Seismic Retrofitting Program for Soft Story Multifamily Housing in California.

02/28/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### 39. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

#### [Serious Injury Finding]

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

#### [Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

#### [Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

(PUBLIC COMMENT WILL BE TAKEN on any Imperative Agenda item introduced.)

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(Press \*3 to enter the speaker line)

## 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 <a href="http://www.sfbos.org/legislation">http://www.sfbos.org/legislation</a> 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

#### 230203 [Settlement of Lawsuit - Christopher Wirowek - \$436,000]

Ordinance authorizing settlement of the lawsuit filed by Christopher Wirowek against the City and County of San Francisco for \$436,000; the lawsuit was filed on July 27, 2020, in San Francisco Superior Court, Case No. CGC-20-585768; entitled Christopher Wirowek v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

02/23/2023; RECEIVED FROM DEPARTMENT.

03/07/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

#### PROPOSED RESOLUTIONS

#### 230204 [Airline and Airport 2023 Lease and Use Agreement]

Resolution approving the 2023 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and 29 airlines to conduct flight operations at the San Francisco International Airport, for a term of ten years, from July 1, 2023, through June 30, 2033; affirming the Planning Department's determination under the California Environmental Quality Act; and to authorize 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)

02/17/2023; RECEIVED FROM DEPARTMENT.

03/07/2023; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### 230205 [Settlement of Unlitigated Claim - KHP III SF Sutter LLC - \$3,750,000]

Resolution approving the settlement of the unlitigated claim filed by KHP III SF Sutter LLC against the City and County of San Francisco for \$3,750,000; the claim was filed on January 10, 2023; the claim involves allegations of property damage to the Kimpton Buchanan Hotel caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

02/21/2023; RECEIVED FROM DEPARTMENT.

03/07/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

# 230206 [Grant Agreement - Retroactive - Children's Council of San Francisco - Workforce Compensation and Administrative Services - Not to Exceed \$164,346,004]

Resolution retroactively approving the grant agreement between the City and County of San Francisco and Children's Council of San Francisco for the provision of Early Care Workforce Compensation and Administrative Services to support the City's implementation of the San Francisco Citywide Plan for Early Care and Education (ECE) Workforce Development and Compensation Initiatives for the period of October 1, 2022, through June 30, 2025, in an amount not to exceed \$164,346,004.

02/24/2023; RECEIVED FROM DEPARTMENT.

03/07/2023; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

# 230207 [Contract Agreement - Michelin North America, Inc. - SFMTA Tire Lease and Associated Services - Not to Exceed \$18,900,000]

Resolution authorizing the Office of Contract Administration to enter into Contract 1000028080 between the City and County of San Francisco and Michelin North America, Inc., for the lease of tires and associated services for San Francisco Municipal Transportation Authority (SFMTA) buses and trolleys with an initial contract not to exceed amount of \$13,500,000 for five years and \$5,400,000 for an optional additional two years, for a total not to exceed amount of \$18,900,000 and total contract duration of seven years commencing on April 1, 2023, and ending on March 31, 2030 (Office of Contract Administration)

02/27/2023; RECEIVED FROM DEPARTMENT.

03/07/2023; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### **230241** [Petitions and Communications]

Petitions and Communications received from February 23, 2023, through March 2, 2023, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 7, 2023.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Office of the Mayor, making the following (re)appointments to the following body. Copy: Each Supervisor. (1)

Pursuant to Charter, Section 3.100(18):

Commission on the Environment

- § Austin Hunter term ending March 25, 2027
- § Eddie Ahn term ending March 25, 2027

From Sugary Drinks Distributor Tax Advisory Committee, submitting the March 2023 Annual Report and Recommendations. Copy: Each Supervisor (2)

From the California Fish and Game Commission, submitting an Environmental Impact Report (EIR) supplement regarding regulatory amendments allowing incidental take authorization for work on pre-existing structures in Marine Protected Areas (MPA) and Marine Managed Areas. Copy: Each Supervisor. (3)

From a member of the public, regarding anti-Asian hate crime. Copy: Each Supervisor. (4)

From members of the public, regarding the 1 California Transit San Francisco Municipal Transportation Agency (SFMTA) Hearing. 194 Letters. Copy: Each Supervisor (5)

From the Capital Planning Committee, submitting a memo regarding remote meetings. Copy: Each Supervisor. (6)

From various departments, pursuant to Administrative Code, Section 12B.5-1.3, submitting Chapter 12B Waiver Request Forms. 4 Contracts. Copy: Each Supervisor. (7)

From the Department of Disability and Aging Services, submitting the County Veterans Service Office annual report for Fiscal Year (FY) 2022. Copy: Each Supervisor. (8)

From members of the public, regarding the nomination of Victoria Gray to the Historic Preservation Commission. 2 Letters. Copy: Each Supervisor. (9)

From Anastasia Glikshtern, regarding the use of herbicides in parks. Copy: Each Supervisor. (10)

From the California Building Industry Association and the Pacific Coast Builders Conference, regarding the Welcome Ambassador program. Copy: Each Supervisor. (11)

From Reva Badri, regarding the Slow Streets program. Copy: Each Supervisor. (12)

From members of the public, regarding the Police Department budget. 247 Letters. Copy: Each Supervisor. (13)

From Wynship Hillier, regarding the nomination of Peter Murphy to the Behavioral Health

Commission. 2 Letters. Copy: Each Supervisor. (14)

From members of the public, regarding John F. Kennedy Drive. 2 Letters. Copy: Each Supervisor. (15)

From members of the public, regarding GrowSF's Safe Streets Pledge. 19 Letters. Copy: Each Supervisor. (16)

From members of the public, regarding budget and spending transparency. 28 Letters. Copy: Each Supervisor. (18)

From members of the public, regarding the nomination of Vikrum Aiyer to the Homeless Oversight Commission. Copy: Each Supervisor. (19)

From the San Francisco Women's Political Committee, regarding the proposed Resolution urging Governor Gavin Newsom, Senator Scott Wiener, Assembly Member Matt Haney, and Assembly Member Phil Ting to legalize sex work in California. File No. 230179. Copy: Each Supervisor. (20)

From members of the public, regarding the proposed Resolution upholding San Francisco Values to protect our Sanctuary City. File No. 230178. 3 Letters. Copy: Each Supervisor. (21)

From Carolyn Kenady, regarding sheltering the unhoused and Place for All. File No. 230115. Copy: Each Supervisor. (22)

From members of the public, regarding the proposed Motion Limiting Teleconferencing and Remote Public Comment at Meetings of the Board of Supervisors and its Committees. File No. 221008. 16 Letters. Copy: Each Supervisor. (23)

From the San Francisco Labor Council, regarding Administrative Code, Chapter 12X. Copy: Each Supervisor. (24)

From Ruth Parker, regarding their experience at library branches. Copy: Each Supervisor. (25)

From members of the public, regarding the expiration of the Public Health Emergency Orders. 74 Letters Copy: Each Supervisor. (26)

From Nancy H. DeStefanis, regarding the Castro Theatre. Copy: Each Supervisor. (27)

From members of the public, regarding the treatment of dogs in Seoul, South Korea. Copy: Each Supervisor. (28)

From members of the public, regarding parking controls and curb management. 2 Letters. Copy: Each Supervisor. (29)

From Denise LeeMonday, regarding rent control. Copy: Each Supervisor. (30)

From the Commission on the Status of Women, submitting updated bylaws. Copy: Each Supervisor. (31)

From the Municipal Transportation Agency, responding to District 1 Supervisor Chan's Clerk to Act request from the Board meeting of January 24, 2023. Copy: Each Supervisor. (32)

From the Police Department, pursuant to Administrative Code, Chapter 96A, submitting

**Board of Supervisors** 

the Quarterly Activity and Data Report (QADR.) Copy: Each Supervisor. (33)

From the Office of the Controller, submitting the Status of the San Francisco Economy: February 2023 report. Copy: Each Supervisor. (34)

From the Port, pursuant to Administrative Code, Section 2.71, submitting the bond accountability report for the 2018 Embarcadero Seawall Earthquake Safety Bond. Copy: Each Supervisor. (35)

From the Office of the Controller, pursuant to Charter, Section F1.105, submitting the City Services Auditor Summary of Implementation Status of Recommendations Followed up on in the First & Second Quarters of Fiscal Year (FY) 2022-2023. Copy: Each Supervisor. (36)

### **ADJOURNMENT**