

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO MEETING MINUTES

Tuesday, September 27, 2022 - 2:00 PM

IN-PERSON MEETING

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

(remote access provided)

(remote public comment provided via teleconference)

www.sfgovtv.org

Regular Meeting

SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT DORSEY, RAFAEL MANDELMAN, GORDON MAR,
MYRNA MELGAR, AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI,
CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee
Supervisors Ronen, Safai, Chan, Mar, Walton

Budget and Finance Committee
Supervisors Ronen, Safai, Chan

Government Audit and Oversight Committee
Supervisors Preston, Chan, Mandelman

Land Use and Transportation Committee
Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee
Supervisors Mar, Stefani, Melgar

Rules Committee
Supervisors Peskin, Mandelman, Chan

Youth, Young Adult, and Families Committee
Supervisors Ronen, Safai, Dorsey

Meeting Days

Wednesday
1:30 PM

Wednesday
10:00 AM

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

Monday
10:00 AM

2nd Friday
10:00 AM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Members Present: Connie Chan, Matt Dorsey, Rafael Mandelman, Gordon Mar, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session, in-person with remote access and public comment also available via telephone, on Tuesday, September 27, 2022, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:00 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).

Members of the public may submit their comments by email to: bos@sfgov.org; all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Committee agendas and their associated documents are available at <https://sfbos.org/meetings/42>.

Please visit the Board's website (www.sfbos.org) 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 or bos@sfgov.org.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.

All Members of the Board were present.

Supervisors Chan and Safai were noted not present.

A quorum of the Board was present.

President Walton presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.

Supervisor Chan was noted present at 2:01 p.m.

Supervisor Safai was noted present at 2:02 p.m.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

220199 [Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment]

Sponsors: Melgar; Mar, Stefani, Ronen, Safai and Mandelman

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using gas-powered landscaping equipment to perform a City function starting July 1, 2024, with temporary waivers for City departments that document to the satisfaction of the Director of the Department of the Environment ("Department") the unavailability of needed technology to replace such equipment; 2) prohibit the City from contracting for the use of gas-powered landscaping equipment to perform a City function starting July 1, 2024, with waivers for City departments that document to the satisfaction of the Purchaser the necessity of such waiver; 3) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, except such equipment for which the Department determines replacement technology is unavailable, and penalize property owners and business owners and managers that violate that prohibition; 4) establish a buy-back and/or incentive program ("Buy-Back Program") to assist owners of such equipment in transitioning away from its use; 5) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the Buy-Back Program; 6) establish a fund to receive penalties collected for violation of the ban and other monies, to use for purchases of equipment for City departments to replace gas-powered landscaping equipment, for the Buy-Back Program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department's public education campaign; 7) designate the Department to administer and enforce the ordinance; and 8) require the Department, starting in 2026 and ending on December 31, 2036, to report to the Board of Supervisors by March 31 of each year on progress over the prior calendar year in enforcing the restrictions on gas-powered landscaping equipment, conducting the public education campaign, administering the Buy-Back Program, and using the monies in the fund.
(Fiscal Impact)

Ordinance No. 202-22

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

220506 [Board Response - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

Resolution No. 409-22

ADOPTED

220786 [Settlement of Lawsuit - Khalid Barrow - \$42,500]

Ordinance authorizing settlement of the lawsuit filed by Khalid Barrow against the City and County of San Francisco for \$42,500; the lawsuit was filed on June 19, 2020, in United States District Court, Case No. 20-cv-04099; entitled Khalid Barrow v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

PASSED ON FIRST READING

220809 [Settlement of Lawsuit - Eric Taylor - \$37,500]

Ordinance authorizing settlement of the lawsuit filed by Eric Taylor against the City and County of San Francisco for \$37,500; the lawsuit was filed on November 24, 2020, in San Francisco Superior Court, Case No. CGC-20-587959; entitled Eric Taylor v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

220840 [Settlement of Lawsuit - Linda Howdysshell - \$750,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Howdysshell against the City and County of San Francisco for \$750,000; the lawsuit was filed on October 28, 2020, in San Francisco Superior Court, Case No. CGC-20-587334; entitled Linda Howdysshell v. City and County of San Francisco; the lawsuit involves alleged personal injury due to a fall from a retaining wall on a raised planter adjacent to a City sidewalk. (City Attorney)

PASSED ON FIRST READING

220842 [Settlement of Lawsuit - Theresa Moorehouse - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Theresa Moorehouse against the City and County of San Francisco for \$150,000; the lawsuit was filed on October 7, 2020, in San Francisco Superior, Case No. CGC-20-587190; entitled Theresa Moorehouse v. City and County of San Francisco, et al.; the lawsuit involves an alleged trip and fall on a City sidewalk. (City Attorney)

PASSED ON FIRST READING

220797 [Settlement of Unlitigated Claim - Benefit Cosmetics LLC - \$228,182.93]

Resolution approving the settlement of the unlitigated claim filed by Benefit Cosmetics LLC against the City and County of San Francisco for \$228,182.93; the claim was filed on November 9, 2021; the claim involves a refund of gross receipts and homelessness gross receipts taxes. (City Attorney)

Resolution No. 415-22

ADOPTED

220846 [Settlement of Unlitigated Claims - Webcor Construction, L.P. - City to Receive \$361,412]

Resolution approving the settlement of unlitigated claims through the payment of \$361,412 by Webcor Construction, L.P. to the City and County of San Francisco; the claims arise from Webcor's work on Public Works Contract No. 6694A, the San Francisco General Hospital Rebuild Program, and involve claimed defects to or problems with flooring and doors at the hospital; additional material terms of the settlement are that the City will release Webcor from responsibility for any and all demands, damages, obligations, causes of action, suits, and costs related to the subject claims. (City Attorney)

Resolution No. 417-22

ADOPTED

Recommendation of the Land Use and Transportation Committee**220643 [Planning Code - Tenderloin Neon Special Sign District]**

Sponsors: Preston; Peskin and Melgar

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; amending Sheet SS01 of the Zoning Map to show the Tenderloin Neon Special Sign District; 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 public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

Ordinance No. 206-22

FINALLY PASSED

Recommendations of the Rules Committee**220427 [Administrative Code - County Veterans Service Officer Role and Duties]****Sponsor: Safai**

Ordinance amending the Administrative Code to place the County Veterans Service Officer ("Officer") under the Department of Disability and Aging Services (DAS) rather than the Department of Administrative Services; give the Director of the DAS authority to nominate the Officer; update annual reporting requirements of the Officer to the Board of Supervisors and Mayor; and provide administrative support to the Veterans' Affairs Commission.

Ordinance No. 203-22**FINALLY PASSED****220877 [Administrative Code - Repeal of Legacy Business Registry Fee]****Sponsors: Peskin; Ronen, Chan, Mandelman, Mar, Preston, Stefani, Safai and Dorsey**

Ordinance amending the Administrative Code to remove the requirement to charge a Legacy Business Registry administrative fee.

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

Ordinance No. 208-22**FINALLY PASSED****The foregoing items were acted upon by the following vote:**

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Transportation Committee

220654 [Planning Code - Landmark Designation - City Cemetery]

Sponsors: Chan; Melgar, Peskin and Mar

Ordinance amending the Planning Code to designate City Cemetery, the majority of Assessor's Parcel Block No. 1313, Lot No. 029, located in Lincoln Park on the north side of Clement Street, to the east of the San Francisco Veteran Affairs Medical Center (formerly the Fort Miley Military Reservation), to the east and south of the Golden Gate National Recreation Area, and to the west of Assessor's Parcel Block Nos. 1312, 1392, and 1401, as a Landmark consistent with the standards set forth in 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)

Ordinance No. 201-22

FINALLY PASSED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Referred Without Recommendation from the Land Use and Transportation Committee

220736 [Street and Public Service Easement Vacation Order - Parkmerced Development Project]

Sponsor: Mayor

Ordinance ordering the conditional vacation of portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive (the "Street Vacation Area"), and certain San Francisco Public Utilities Commission public service easements (the "Easement Vacation Area"), all within the Parkmerced Development Project area, an approximately 152-acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; reserving various easement rights in favor of the City and third-party utilities, subject to specified conditions; adopting findings under the California Environmental Quality Act; adopting findings that the vacations are consistent with the Parkmerced Development Agreement, the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions by City officials in furtherance of this Ordinance, as specified herein.

Ordinance No. 207-22

FINALLY PASSED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Rules Committee

220539 [204-22 Campaign and Governmental Conduct Code - Behested Payments Exceptions]

Sponsors: Peskin; Safai, Chan, Walton, Preston and Mar

Ordinance amending the Campaign and Governmental Conduct Code to modify the rules concerning behested payment solicitations, by 1) excepting solicitations made under certain types of City programs to solicit, request, and contractually obligate charitable donations through competitively procured contracts; 2) narrowing the prohibition against soliciting from persons involved in administrative enforcement, licenses, permits, or other entitlements for use; 3) narrowing the prohibition against soliciting from persons who have attempted to influence legislative or administrative actions; 4) excepting solicitations made in connection with certain types of City contracts; 5) shortening the time periods for the prohibition as to solicitations from City contractors; 6) excepting payments less than \$1,000; 7) authorizing the Board of Supervisors to grant waivers by resolution; 8) expanding the prohibition against soliciting from registered lobbyists; and 9) making other clarifying changes.

(Pursuant to Campaign and Governmental Conduct Code, Section 3.204, this matter requires two-thirds vote of the full membership of the Board of Supervisors (8 votes) for passage.)

Ordinance No. 204-22

FINALLY PASSED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220606 [Administrative Code - Surveillance Technology Policy for Police Department Use of Non-City Entity Surveillance Cameras]

Sponsors: Mayor; Mandelman and Safai

Ordinance approving Surveillance Technology Policy for Police Department use of non-City entity surveillance cameras and establishing a sunset date fifteen months after the effective date of the ordinance.

(Supervisor Chan dissented in Committee.)

Ordinance No. 205-22

FINALLY PASSED by the following vote:

Ayes: 7 - Dorsey, Mandelman, Mar, Melgar, Peskin, Safai, Stefani

Noes: 4 - Chan, Preston, Ronen, Walton

220879 [Administrative Code - Workforce Development - Re-Establishing the Committee on City Workforce Alignment]

Sponsors: Walton; Mar

Ordinance amending the Administrative Code to re-establish the Committee on City Workforce Alignment; to give the Committee responsibility for planning and coordinating the City's Workforce Development programs; and to make other changes to the procedures governing the planning and implementation of Workforce Development programs.

Ordinance No. 209-22

FINALLY PASSED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

NEW BUSINESS

Recommendations of the Budget and Finance Committee

220791 [Planning and Engineering Services Agreement - Brown and Caldwell - Southeast Plant Biosolids Digester Facilities - Not to Exceed \$208,500,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 2 to Wastewater Enterprise Contract No. CS-235, Planning and Engineering Services, Southeast Plant (SEP) Biosolids Digester Facilities, with Brown and Caldwell, to increase the contract amount by \$55,000,000 for a total not to exceed amount of \$208,500,000 and increase the contract duration by three years and six months, for a total duration of 16 years from July 29, 2013, through July 28, 2029, pursuant to Charter, Section 9.118. (Public Utilities Commission)
(Fiscal Impact)

Resolution No. 413-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220844 [Real Property Lease - Aardvark Storage Unlimited, Inc. - 600 Amador Street, Seawall Lot 344 - Initial Monthly Rent of \$99,961.20]

Resolution approving Port Commission Lease No. L-16846 with Aardvark Storage Unlimited, Inc., a California corporation, dba American Storage, located at 600 Amador Street within Seawall Lot 344 for approximately 279,740 square feet of paved land for an initial monthly rent of \$99,961.20 and a term of five years with one one-year option to extend the term, to commence upon Board of Supervisors approval; and to authorize the Executive Director of Port to enter into any additions, amendments, or other modifications to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of this Resolution. (Port)

Resolution No. 416-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220845 [Lease Amendment No. 4 - World Duty Free Group North America, LLP - Terminal 2 Newsstands, Coffee and Specialty Store Lease No. 10-0232 - Reduction of Premises - Reduction in the Minimum Annual Guarantee of \$302,625]

Resolution approving Amendment No. 4 to the Terminal 2 Newsstands, Coffee and Specialty Store Lease No. 10-0232, between World Duty Free Group North America, LLP, as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for a reduction in the total leasehold square footage of the demised premises by approximately 20% which results in a reduction in the Minimum Annual Guarantee of \$302,625 with no change to the term of May 1, 2011, through June 30, 2023, effective upon approval of this Resolution. (Airport Commission)

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of October 18, 2022. The motion carried by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220884 [Support for Application of Infill Infrastructure Grant Program Funds - Tenderloin Neighborhood Development Corporation, 730 Stanyan Associates L.P., Mercy Housing - 2550 Irving Street, 730 Stanyan Street, 2530-18th Street]

Sponsors: Mayor; Ronen, Chan, Safai, Mandelman, Mar and Preston

Resolution supporting Tenderloin Neighborhood Development Corporation, 730 Stanyan Associates L.P., and Mercy Housing (each an "Applicant") submission of applications under the Infill Infrastructure Grant Program ("IIG Program") to the California Department of Housing and Community Development to receive IIG Program funds in order to construct 100% affordable, multifamily rental housing developments affordable to low-income households located at 2550 Irving Street, 730 Stanyan Street, and 2530-18th Street, respectively (each a "Project").

Supervisors Mandelman, Mar, and Preston requested to be added as co-sponsors.

Resolution No. 418-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220921 [Emergency Contract - Retroactive - Tryfacta, Inc. - Temporary Staffing Services - Not to Exceed \$1,000,000]

Resolution retroactively authorizing the Department of Public Health to award an emergency contract to Tryfacta, Inc., as authorized under Section 21.15 of the Administrative Code, for the purpose of providing temporary staffing services, in an amount not to exceed \$1,000,000 for a term of six months, from June 17, 2022, through December 17, 2022; and to authorize the Department of Public Health to enter into any amendments or modifications to the contract that do not otherwise materially increase the obligations or liabilities to the City and are necessary or advisable to effectuate the purposes of the contract or this Resolution. (Public Health Department)
(Fiscal Impact)

Resolution No. 419-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220922 [Contract Amendment - Retroactive - Health Services Advisory Group, Inc. - Specialized Consulting Services - Not to Exceed \$6,989,564]

Resolution retroactively approving Amendment No. 1 to the agreement between Health Services Advisory Group, Inc., and the Department of Public Health, as authorized under Section 21.15 of the Administrative Code, for the purpose of providing specialized consulting services, to increase the agreement by \$5,211,317 for an amount not to exceed \$6,989,564 for a total agreement term of seven and one-half months, with no changes to the term of May 9, 2022, through December 31, 2022; and to authorize the Department of Public Health to enter into any amendments or modifications to the contract that do not otherwise materially increase the obligations or liabilities to the City and are necessary or advisable to effectuate the purposes of the contract or this Resolution. (Public Health Department)
(Fiscal Impact)

Resolution No. 420-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220923 [Contract Amendment - Denali Water Solutions LLC - Biosolids and Grit Hauling Services Oceanside and Southeast Wastewater Treatment Plants - Not to Exceed \$18,800,000]

Resolution authorizing the Office of Contract Administration to amend PeopleSoft Contract ID 1000015461 between the City and County of San Francisco and Denali Water Solutions LLC for the hauling of biosolids and grit from Public Utilities Commission's Oceanside and Southeast wastewater treatment plants, increasing the contract amount by \$10,200,000 for a total not to exceed amount of \$18,800,000 and extending the contract end date by four years, with a contract duration of seven years for a total term of October 1, 2019, through September 30, 2026. (Office of Contract Administration)
(Fiscal Impact)

Resolution No. 391-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220929 [Contract Amendment - Bar None Auction - Auction Services - \$2,100,000 Anticipated Revenue]

Resolution authorizing the Office of Contract Administration to execute Amendment 2 to Contract 1000024326 with Bar None Auction for auction services on an as-needed basis; extending the duration by one year for a total contract duration of four years from October 1, 2019, through September 30, 2023, with an increase in anticipated revenue of \$800,000 for a total anticipated revenue amount of \$2,100,000. (Office of Contract Administration)

Resolution No. 392-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220948 [Apply for Grant - United States Department of Housing and Urban Development - Continuum of Care Program - Not to Exceed \$54,655,600]

Sponsors: Mayor; Dorsey

Resolution approving the 2022 grant application for the United States Department of Housing and Urban Development Continuum of Care Program in an amount not to exceed \$54,655,600; and fulfilling the Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more.

Resolution No. 393-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220959 [Setting Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2022-2023]**Sponsor: Ronen**

Resolution levying property taxes at a combined rate of \$1.17973782 on each \$100 valuation of taxable property for the City and County of San Francisco, San Francisco Unified School District, San Francisco County Office of Education, San Francisco Community College District, Bay Area Rapid Transit District, and Bay Area Air Quality Management District; and establishing a pass-through rate of \$0.0713 per \$100 of assessed value for residential tenants pursuant to Administrative Code, Chapter 37, for the Fiscal Year (FY) ending June 30, 2023.

Resolution No. 407-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendation of the Government Audit and Oversight Committee**220788 [Settlement of Unlitigated Claims - Gap, Inc. - \$9,190,511.54]**

Resolution approving the settlement of the unlitigated claims filed by Gap, Inc. against the City and County of San Francisco for \$9,190,511.54; the claims were filed on March 9, 2021; the claims involve a refund of gross receipts, homelessness gross receipts, payroll expense, and commercial rents taxes for the 2019 tax year. (City Attorney)

Resolution No. 412-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Land Use and Transportation Committee**220041 [Planning Code, Zoning Map - Production, Distribution, and Repair Uses]****Sponsor: Walton**

Ordinance amending the Planning Code and Zoning Map to eliminate the Industrial Protection Zone Special Use District, and allow Social Service or Philanthropic Facilities Uses greater than 5,000 gross square feet subject to a conditional use authorization in PDR-2 districts; allowing Self Storage in PDR-2 Districts, subject to certain conditions; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220813 [Landmark Tree Designation - Cork Oak - 20th Street at Noe Street]**Sponsor: Mandelman**

Ordinance designating the cork oak (*Quercus suber*) tree located at the public right-of-way on 20th Street at Noe Street as a landmark tree pursuant to the Public Works Code; making findings supporting the designation; and directing official acts in furtherance of the designation.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220514 [Authorizing Flexible Pricing in the Golden Gate Park Concourse Garage and Kezar Parking Lot]**Sponsors: Mayor; Mar and Mandelman**

Resolution authorizing the San Francisco Municipal Transportation Agency to begin setting rates for parking at the Golden Gate Park Concourse Garage and Kezar Parking Lot, pursuant to Park Code, Section 6.14; and authorizing the Recreation and Park Department to amend its lease agreement with the Music Concourse Community Partnership to allow the Recreation and Park Department to pay for three hours of free parking on behalf of participants using the Museums for All and Discover and Go programs at the California Academy of Sciences and the de Young Museum. (Municipal Transportation Agency)

Supervisors Mar and Mandelman requested to be added as co-sponsors.

Resolution No. 410-22**ADOPTED by the following vote:**

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Rules Committee**220728 [Presidential Appointment, Board of Appeals - Jefferson Robert Eppler]**

Motion approving the President of the Board of Supervisors Shamann Walton's nomination of Jefferson Robert Eppler for appointment to the Board of Appeals, for a term ending July 1, 2026. (Clerk of the Board)

(Charter, Section 4.106, 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 of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date: September 9, 2022.)

Motion No. M22-148**APPROVED by the following vote:**

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220871 [Appointments, Inclusionary Housing Technical Advisory Committee - Peter Cohen, Fernando Marti, Whitney Jones, and Shannon Way]

Motion appointing Peter Cohen (residency requirement waived), Fernando Marti, Whitney Jones, and Shannon Way (residency requirement waived) to the Inclusionary Housing Technical Advisory Committee, for terms expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10. (Rules Committee)

Supervisor Melgar requested that the question be DIVIDED to consider the appointment of Peter Cohen separately.

Motion No. M22-149

The remaining balance of the question was APPROVED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Supervisor Melgar, seconded by Supervisor Safai, moved that the divided question to consider the appointment of Peter Cohen be RE-REFERRED to the Rules Committee. The motion FAILED by the following vote:

Ayes: 4 - Dorsey, Melgar, Safai, Stefani

Noes: 7 - Chan, Mandelman, Mar, Peskin, Preston, Ronen, Walton

Motion No. M22-149

The divided question to consider the appointment of Peter Cohen was APPROVED by the following vote:

Ayes: 7 - Chan, Mandelman, Mar, Peskin, Preston, Ronen, Walton

Noes: 4 - Dorsey, Melgar, Safai, Stefani

Upon approval of both the divided and remaining balance questions, the Motion was APPROVED as a whole.

President Walton requested File Nos. 220905, 220906, 220936, 220937, and 220939 be called together. During the discussion on these matters, privilege of the floor was granted unanimously to Tom Paulino (Mayor's Office) who responded to questions raised.

220905 [Mayoral Reappointment, Planning Commission - Rachael Tanner]

Motion approving the mayoral nomination for the reappointment of Rachael Tanner to the Planning Commission, for a term ending June 30, 2026. (Clerk of the Board)
(Charter, Section 4.105, 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, then the nominee shall be deemed approved. Transmittal date: July 29, 2022.)

Motion No. M22-151

APPROVED by the following vote:

Ayes: 8 - Chan, Dorsey, Mandelman, Mar, Melgar, Ronen, Safai, Stefani

Noes: 3 - Peskin, Preston, Walton

220906 [Mayoral Appointment, Planning Commission - Derek Braun]

Motion approving the Mayoral nomination for the appointment of Derek Braun to the Planning Commission, for a term ending June 30, 2026. (Clerk of the Board)
(Charter, Section 4.105, 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, then the nominee shall be deemed approved. Transmittal date: July 29, 2022.)

Motion No. M22-152

APPROVED by the following vote:

Ayes: 8 - Chan, Dorsey, Mandelman, Mar, Melgar, Ronen, Safai, Stefani

Noes: 3 - Peskin, Preston, Walton

220936 [Mayoral Reappointment, Public Utilities Commission - Sophie Maxwell]

Motion approving the Mayor's nomination for the reappointment of Sophie Maxwell to the Public Utilities Commission, for a term ending August 1, 2026. (Clerk of the Board)
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

Supervisor Preston, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 18, 2022. The motion FAILED by the following vote:

Ayes: 4 - Mar, Peskin, Preston, Ronen

Noes: 7 - Chan, Dorsey, Mandelman, Melgar, Safai, Stefani, Walton

Motion No. M22-153

APPROVED by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Ronen, Safai, Stefani, Walton

Noes: 1 - Preston

220937 [Mayoral Appointment, Public Utilities Commission - Newsha Ajami]

Motion approving the Mayor's nomination for the appointment of Newsha Ajami to the Public Utilities Commission, for a term ending August 1, 2024. (Clerk of the Board)
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

Supervisor Preston, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 18, 2022. The motion FAILED by the following vote:

Ayes: 4 - Mar, Peskin, Preston, Ronen

Noes: 7 - Chan, Dorsey, Mandelman, Melgar, Safai, Stefani, Walton

Motion No. M22-154

APPROVED by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Ronen, Safai, Stefani, Walton

Noes: 1 - Preston

220939 [Mayoral Appointment, Public Utilities Commission - Tony Rivera]

Motion approving the Mayor's nomination for the appointment of Tony Rivera to the Public Utilities Commission, for a term ending August 1, 2024. (Clerk of the Board)
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

Supervisor Preston, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 18, 2022. The motion FAILED by the following vote:

Ayes: 4 - Mar, Peskin, Preston, Ronen

Noes: 7 - Chan, Dorsey, Mandelman, Melgar, Safai, Stefani, Walton

Motion No. M22-155

APPROVED by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Ronen, Safai, Stefani, Walton

Noes: 1 - Preston

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

Without objection, Rule 5.36 of the Rules of the Board of Supervisors was suspended to grant privilege of the floor to the following guest(s).

President Walton introduced, welcomed, and presented a Certificate of Honor to the Bayview Community Hub, including the Rafiki Coalition, San Francisco African American Faith Based Coalition, Visit Healthcare, Young Community Developers, Bayview YMCA, Both Sides of the Conversation, 3rd Street Youth, and Umoja Health, in recognition of their numerous accomplishments and continued community support.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Chef Nate Norris (Zuni Café) on the occasion of his retirement after 17 years of food justice and merging the worlds of culinary excellence with intersectional social movements. Supervisors Preston and Dorsey shared in this commendation.

Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to John Scarpulla (Public Utilities Commission) on the occasion of his departure after 11 years of public service and in recognition of his many accomplishments. Supervisors Peskin, Melgar, and Walton shared in this commendation.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Supervisor Mandelman was noted absent at 3:50 p.m.

200777 [Hearing - Committee of the Whole - Update on Findings and Recommendations Regarding Law Enforcement Practices - May 21, 2024, at 3:00 p.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on May 21, 2024, at 3:00 p.m., for the Members of the Board of Supervisors to hear and receive updates on the progress and implementation status of the United States Department of Justice recommendations regarding reforms within the Police Department; scheduled pursuant to Motion No. M20-125, approved on September 15, 2020. (Clerk of the Board)

President Walton opened the public hearing and inquired as to whether any individual wished to address the Committee of the Whole relating to the update on findings and recommendations regarding law enforcement practices (File No. 200777). Catherine McGuire and Chief William Scott (Police Department); provided an update on the findings and recommendations regarding law enforcement practices and responded to questions raised throughout the discussion. Speaker; spoke on various concerns relating to the findings and recommendations regarding law enforcement practices. President closed public comment, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

Supervisor Walton, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of February 14, 2023. The motion carried by the following vote:

Ayes: 10 - Chan, Dorsey, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Absent: 1 - Mandelman

Committee of the Whole Adjourn and Report

Supervisor Mandelman was noted present at 3:54 p.m.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

220977 [Hearing - Committee of the Whole - Kaiser Permanente Mental Health Care Workers' Strike and its Effects on City Workers, the Majority of Whom Are Kaiser Patients, and Other San Franciscans - September 27, 2022, at 3:00 p.m.]

Sponsors: Ronen; Chan

Hearing of the Board of Supervisors sitting as a Committee of the Whole on Tuesday, September 27, 2022, at 3:00 p.m., to hold a public hearing on Kaiser Permanente Mental Health Care Workers' Strike which is entering its fifth week and its effects on city workers, the majority of whom are Kaiser patients, and other San Franciscans; and requesting the Health Service System, Department of Public Health, Chief Executive Officer of Kaiser Foundation Health Plan, Inc., and Chief Executive Officer of the Permanente Medical Group to report; scheduled pursuant to Motion No. M22-146 (File No. 220976), approved on September 20, 2022.

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

President Walton opened the public hearing and inquired as to whether any individual wished to address the Committee of the Whole relating to the Kaiser Permanente mental health care workers' strike and its effects on City workers and other San Franciscans (File No. 220977). Abbie Yant, Executive Director (Health Service System); Ian Lewis (National Union of Healthcare Workers); Anne Pearson (Office of the City Attorney); Illana Marcucci-Morris, Triage and Intake Assessment Coordinator, and Alicia Cruz, Intensive Outpatient Program Therapist (Kaiser San Francisco); Greta Christina and Mikaela Celli, Kaiser patients; provided an update on the Kaiser Permanente mental health care workers' strike and responded to questions raised throughout the discussion. Marissa Leo; Dr. Ben Lim; Julia Rogers; Walter Villavicencio; Jax Raemes; Natalie Collins; Leslie Farrell; Eliza Schifrin; Aisha Sullivan; Dr. Melinda Genn; Christine Pelsoi; Cheryl Thornton; Brenda Barros; Lea McGeever; Gary Schaller; Maggie Mullen; Steve Zeltzer; David Pinsky; Alex; Dr. Vishna Gushiken; spoke on various concerns relating to the Kaiser Permanente mental health care workers' strike.

Without objection, President Walton, on behalf of the full Board, directed the Clerk of the Board to send a letter to Kaiser Permanente expressing the Board's displeasure with their absence during this Hearing, and the Board's commitment to continue discussions.

The President closed public comment, declared the matter 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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Appointment of President Pro Tempore

At the request of President Walton, Supervisor Safai assumed the chair at 8:24 p.m. The President resumed the chair at 8:29 p.m.

221010 [Hearing - Committee of the Whole - Food and Beverage Worker Wages and Benefits at SFO and Operational Impact of an Imminent Strike - September 27, 2022, at 3:00 p.m.]

Sponsors: Mandelman; Walton

Hearing of the Board of Supervisors sitting as a Committee of the Whole on Tuesday, September 27, 2022, at 3:00 p.m., to hold a public hearing on food and beverage worker wages and benefits at the San Francisco International Airport (SFO) and the operational impact of an imminent strike on the traveling public, employees at SFO, and the City's revenue from concessions at the airport; and requesting the SFO Airport Director, the multi-employer group "SFO Restaurants," and representatives from Unite HERE! Local 2 to report; scheduled pending approval of the Motion contained in File No. 221009, to be considered by the Board on September 27, 2022.

President Walton opened the public hearing and inquired as to whether any individual wished to address the Committee of the Whole relating to the food and beverage worker wages and benefits at the San Francisco International Airport (SFO) and the operational impact of the strike (File No. 221010). Anand Singh, Lee Cunningham, Gabriela Mitose, Lucinda To, Vivian Narvarte, and Lorraine Powell (Unite Here Local 2); Ivar Satero, Director (San Francisco International Airport); Kevin Westlye (SFO Restaurants); provided an update on the food and beverage worker wages and benefits at SFO and the operational impact of the strike and responded to questions raised throughout the discussion. Kim Tavaglione; Mark Gleason; Brenda Barros; Speaker; spoke on various concerns relating to the operational impact of the SFO strike. The President closed public comment, declared the matter 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

COMMITTEE REPORTS

Recommendations of the Public Safety and Neighborhood Services Committee

Supervisor Mandelman was noted absent at 9:05 p.m.

President Walton requested File Nos. 220753, 220754, and 220793 be called together.

220753 [Liquor License Transfer - 556 Hayes Street - True Sake]

Resolution determining that the transfer of a Type-20 off-sale beer and wine liquor license, with the additional issuance of a Type-86 instructional tasting license, to True Sake, LLC, located at 556 Hayes Street (District 5), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Clerk of the Board)

Resolution No. 411-22

ADOPTED by the following vote:

Ayes: 10 - Chan, Dorsey, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Absent: 1 - Mandelman

220754 [Liquor License Transfer - 221 Sansome Street - 7-Eleven]

Resolution determining that the transfer of a Type-20 off-sale beer and wine liquor license to Mal & S Corporation and 7-Eleven, Inc., doing business as 7-Eleven, located at 221 Sansome Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Clerk of the Board)

Resolution No. 421-22

ADOPTED by the following vote:

Ayes: 10 - Chan, Dorsey, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Absent: 1 - Mandelman

220793 [Liquor License Double Transfer - 735 Montgomery Street - Chief S.F.]

Resolution determining that the premise-to-premise/person-to-person transfer, also known as a "Double Transfer," for a Type-57 special on-sale general beer, wine, and distilled spirits liquor license, converted from a Type-47 on-sale general for bona find eating place liquor license, to Project 1972, Inc., to do business as Chief S.F. located at 735 Montgomery Street (District 3), 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. (Clerk of the Board)

Resolution No. 414-22

ADOPTED by the following vote:

Ayes: 10 - Chan, Dorsey, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Absent: 1 - Mandelman

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Mandelman was noted present at 9:11 p.m.

PUBLIC COMMENT

Tino Felise; expressed support of newly introduced legislation establishing a Pacific Islander Cultural District.

Peejay Lulio; expressed support of newly introduced legislation establishing a Pacific Islander Cultural District.

Gaynorann Siataga; expressed support of newly introduced legislation establishing a Pacific Islander Cultural District.

Cheryl Thornton; expressed support of newly introduced legislation establishing a Pacific Islander Cultural District, and requested an investigation into the Department of Public Health.

Steve Zeltzer; expressed concerns regarding the discrimination of City employees and the settlements that have been paid in response.

Brenda Barros; requested an investigation into the Department of Public Health and the treatment of City employees.

Speaker; expressed support of newly introduced legislation establishing a Pacific Islander Cultural District.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

221007 [Clean Air Day - October 5, 2022]

Sponsors: Safai; Mandelman, Walton, Chan and Preston

Resolution supporting efforts to improve air quality in the City's neighborhoods and declaring October 5, 2022, as "Clean Air Day" in the City and County of San Francisco.

Supervisors Chan and Preston requested to be added as co-sponsors.

Resolution No. 408-22

ADOPTED

221012 [Findings to Allow Teleconferenced Meetings During Declared Emergency]

Motion making findings to allow teleconferenced meetings under California Government Code, Section 54953(e). (Clerk of the Board)

Motion No. M22-157

APPROVED

221013 [Concurring in the Continuation of the Declaration of a Local Health Emergency - MPX Virus Outbreak]

Motion concurring in the continuance of the San Francisco Health Officer's August 1, 2022, Declaration of Local Health Emergency regarding the outbreak of the MPX virus. (Clerk of the Board)

Motion No. M22-158

APPROVED

220993 [Parcel Map No. 10711 - Treasure Island]

Motion approving Parcel Map No. 10711, portions of Treasure Island, the merger and resubdivision of Lots 11, F, J and P of Final Map No. 9235; and First Amendment to the Treasure Island Public Improvement Agreement, Treasure Island - Subphase 1B, 1C and 1E Improvements; and acknowledging findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M22-159

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Safai was noted absent at 7:35 p.m.

President Walton requested that File No. 221009 be severed so that it may be considered separately.

221009 [Committee of the Whole - Food and Beverage Worker Wages and Benefits at SFO and Operational Impact of an Imminent Strike - September 27, 2022, at 3:00 p.m.]

Sponsors: Mandelman; Walton

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on September 27, 2022, at 3:00 p.m., to hold a public hearing on food and beverage worker wages and benefits at the San Francisco International Airport (SFO) and the operational impact of an imminent strike on the traveling public, employees at SFO, and the City's revenue from concessions at the airport; and requesting the SFO Airport Director, the multi-employer group "SFO Restaurants," and representatives from Unite HERE! Local 2 to attend.

This matter was called before General Public Comment; therefore, President Walton inquired whether any individual wished to address the Board relating to this Motion to Sit as a Committee of the Whole. Cheryl Thornton; spoke in support of the Board sitting as a Committee of the Whole. There were no other speakers. The President declared public comment closed.

Motion No. M22-150

APPROVED by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Stefani, Walton
Absent: 1 - Safai

Supervisor Safai was noted present at 7:39 p.m.

President Walton requested that File No. 221017 be severed so that it may be considered separately.

Supervisor Melgar Excused from Voting

Supervisor Ronen, seconded by Supervisor Peskin, moved that Supervisor Melgar be excused from voting on File No. 221017. The motion carried by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

221017 [Appointment, Bay Area Air Quality Management District - Supervisor Myrna Melgar]

Motion appointing Supervisor Myrna Melgar, term ending February 1, 2025, to the Bay Area Air Quality Management District. (Clerk of the Board)

Motion No. M22-156

APPROVED by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

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.

ORDINANCES

220947 [Contracting Process - Communications Based Train Control System - Waiver of Administrative Code Contract Prohibition and Authorization to Use Negotiated Procurement Procedures]

Sponsors: Mayor; Mandelman, Melgar, Dorsey and Safai

Ordinance authorizing the Municipal Transportation Agency to issue a Request for Proposals for a Communications Based Train Control System to be awarded by a contract with a term exceeding ten years; waiving the Administrative Code prohibition against issuing solicitations for a contract for general or professional services for a term longer than ten years; authorizing use of negotiated procurement procedures, stating that the award of the contract will be subject to the approval of the Board of Supervisors pursuant to Charter, Section 9.118(b); and adopting findings under the California Environmental Quality Act.

09/06/22; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/6/2022.

09/19/22; REFERRED TO DEPARTMENT.

09/27/22; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

221018 [5M Project - Accepting the Phase 1 and Phase 2 Public Infrastructure]

Sponsors: Mayor; Dorsey

Ordinance accepting irrevocable offers of public infrastructure and real property associated ("Public Infrastructure") with the 5M Project, a mixed use development located generally between Mission, Fifth, and Howard Streets, including the improvements described and depicted in Public Works Permit Nos. 181E-0725 ("Phase 1") and 181E-0726 ("Phase 2") and subsequent Instructional Bulletins; declaring City property and additional property as shown on official Public Works maps as open public right-of-way; dedicating the Phase 1 and Phase 2 Public Infrastructure to public use; designating said Public Infrastructure for street and roadway purposes; accepting the Phase 1 and Phase 2 Public Infrastructure for City maintenance and liability purposes, subject to specified limitations; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; establishing official public right-of-way widths; amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to establish official sidewalk widths on the abovementioned street areas; authorizing official acts, as defined herein, in connection with this Ordinance; adopting findings 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.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/27/2022.

221020 [Appropriation - \$90,000,000 in Special Tax Bond Proceeds - Transbay Transit Center Project - FY2022-2023]**Sponsors: Mayor; Dorsey**

Ordinance appropriating \$90,000,000 from the issuance of one or more series of Special Tax Bonds for the Transbay Transit Center Project and placing these on Controller's Reserve in Fiscal Year (FY) 2022-2023.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/27/2022.

221021 [Planning, Administrative Codes - HOME-SF]**Sponsors: Dorsey; Peskin**

Ordinance amending the Planning Code to allow projects under Housing Opportunities Mean Equity (HOME-SF) to agree to subject new dwelling units to the rent increase limitations of the Rent Ordinance; 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.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/27/2022.

221022 [Business and Tax Regulations Code - Installment Payments for Delinquent License Fees]**Sponsors: Mandelman; Chan, Ronen and Safai**

Ordinance amending the Business and Tax Regulations Code to permit the Tax Collector to enter into payment plans on or before April 30, 2023, for the collection of delinquent Department of Public Health license fees collected on the uniform license bill that were due or payable before March 31, 2023.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/27/2022.

221023 [Planning Code - Grocery Stores in Polk Street Neighborhood Commercial District]**Sponsors: Peskin; Preston**

Ordinance amending the Planning Code to authorize replacement of a Legacy General Grocery use with a subsequent General Grocery use in excess of 4,000 square feet in the Polk Street Neighborhood Commercial District; 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.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/27/2022.

221024 [Administrative Code - Special Needs Trusts as Retirement Beneficiaries]**Sponsors: Safai; Mandelman and Chan**

Ordinance amending the Administrative Code to permit members of the San Francisco Employees' Retirement System (SFERS) to designate Special Needs Trusts as retirement beneficiaries in certain circumstances, and to specify requirements for those trusts.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/27/2022.

221025 [Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filing Requirements]**Sponsors: Walton; Chan**

Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements by adding, deleting, and changing titles of certain designated officials and employees to reflect organizational and staffing changes, and by refining disclosure requirements for certain designated officials and employees. (Meet and confer obligations not met.)

09/27/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/27/2022.

RESOLUTIONS**221026 [Accept and Expend Grant - Alternative Process County Competitive Allocation Funds - California Department of Housing and Community Development - No Place Like Home Grant Program - Up to \$26,711,719]****Sponsors: Mayor; Ronen, Safai and Mandelman**

Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to participate in the fourth round Notice of Funding Availability and accept and expend the county competitive allocation award for an amount up to \$26,711,719 under the California Department of Housing and Community Development No Place Like Home Program, which provides funding for counties to develop multifamily housing specifically for persons with serious mental illness who are homeless, chronically homeless, or at-risk of chronic homelessness, for a term effective upon approval of this Resolution. (Mayor's Office of Housing and Community Development)

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221027 [Accept and Expend Grant - Retroactive - San Francisco Bay Area Rapid Transit District - Pit Stop Public Toilet Program - \$250,000]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Works to accept and expend a grant of up to \$250,000 from the San Francisco Bay Area Rapid Transit District for the Pit Stop Public Toilet Program starting July 1, 2021, through June 30, 2022. (Fiscal Impact)

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221019 [Authorizing Issuance of Special Tax Bonds - Community Facilities District No. 2014-1 (Transbay Transit Center) - Not to Exceed Aggregate Principal Amount of \$90,000,000]**Sponsors: Mayor; Dorsey**

Resolution authorizing the issuance and sale of one or more series of Special Tax Bonds for City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) in the aggregate principal amount not to exceed \$90,000,000 approving related documents, including an Official Statement, Fourth Supplement to Fiscal Agent Agreement, Bond Purchase Agreement and Continuing Disclosure Undertaking, and determining other matters in connection therewith, as defined herein.

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221029 [Approving California Enterprise Development Authority Revenue Obligations and TEFRA Hearing for Presidio Knolls School, Inc. - Not to Exceed \$33,000,000]**Sponsors: Dorsey; Safai**

Resolution approving for purposes of Internal Revenue Code of 1986, as amended, Section 147(f) of the Issuance and Sale of Revenue Obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed \$33,000,000 to finance, refinance and/or reimburse the cost of acquisition, construction, installation, rehabilitation, equipping and furnishing of various capital facilities to be owned and operated by Presidio Knolls School, Inc., a California nonprofit public benefit corporation.

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221030 [Approval of a 90-Day Extension for Planning Commission Review of Neighborhood Commercial and Mixed-Use Zoning Districts (File No. 220340)]**Sponsor: Dorsey**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 220340) amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial buildings in Residential Enclave Districts; 3) principally permit General Entertainment and Nighttime Entertainment uses in the Folsom Street NCT District; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial Districts; 5) principally permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed Use - General (WMUG) Districts; 6) principally permit Nighttime Entertainment in the Mixed Use - General (MUG) and WMUG Districts; 7) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 8) require that large developments in South of Market Mixed use districts which contain commercial spaces provide a mix of commercial space sizes; 9) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 10) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

09/27/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

220975 [Lease Amendment - Increasing City Allowance Provided for Tenant Improvements - Volunteers in Medicine - 35 Onondaga Avenue - Reimbursement of Up to \$2,120,594]

Sponsor: Safai

Resolution authorizing the Director of Property to execute a second amendment to a ten-year commercial lease, with two five-year extension options, between the City and County of San Francisco, as landlord, and Volunteers in Medicine, DBA Clinic By the Bay, as tenant, for the City-owned property located at 35 Onondaga Avenue; authorizing the reimbursement of up to a total of \$2,120,594 for tenant improvements, to commence upon execution of the lease; and to authorize the Director of Property to enter into any amendments or modifications to the second amendment 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. (Real Estate Department)
(Fiscal Impact)

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221031 [Intent to Establish Pacific Islander Cultural District]

Sponsors: Walton; Chan, Safai, Ronen, Preston, Melgar, Mandelman, Mar and Dorsey

Resolution reflecting the intent of the Board of Supervisors to establish a Pacific Islander Cultural District to commemorate historical sites, preserve existing spaces, and plan for thriving and vibrant communities to celebrate Pacific Islander culture in the Visitacion Valley and Sunnydale neighborhoods.

09/27/22; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

MOTION

221032 [Committee of the Whole - Draft Housing Element 2022 Update - November 15, 2022, at 3:00 p.m.]

Sponsors: Mar; Melgar and Stefani

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on November 15, 2022, at 3:00 p.m., during the regular Board of Supervisors meeting, to hold a public hearing on the draft Housing Element 2022 Update, including its goals, objectives, policies, and actions; and requesting the Planning Department to report.

09/27/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

REQUESTS FOR HEARING

221034 [Hearing - Felton Institute - Employee Wages and Benefits]

Sponsors: Melgar; Safai, Preston and Walton

Hearing to discuss employee wages and benefits at the Felton Institute, which receives \$20,000,000 from the City and County of San Francisco, and the operational impact of labor disruptions on the employees and clients seeking social services at the Felton Institute; and requesting representatives from the Felton Institute, SEIU 1021, Felton unaffiliated workers, and the Department of Early Childcare to report.

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221035 [Hearing - Mayor's Undated Resignation Letter Policy/Practice]**Sponsors: Preston; Ronen**

Hearing on the Mayor's policy/practice to request or require appointees/nominees to sign undated resignation letters and any use or threatened use of such letters; and requesting the Mayor's Office to report.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221036 [Hearing - BLA Report - Update on Residential Vacancies in San Francisco]**Sponsor: Preston**

Hearing for the Budget and Legislative Analyst (BLA) to provide an updated report on Residential Vacancies in San Francisco, based on recently-released data from the American Community Survey (ACS); and requesting the BLA to report.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced at the Request of a Department

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

PROPOSED ORDINANCES**220729 [Settlement of Lawsuit - Phi Associates (Drisco Hotel) to Make Payments to Benefit the Swords to Plowshares Veterans Academy \$2,500,000]**

Ordinance authorizing settlement of the lawsuit filed by Phi Associates L.P., against the City and County of San Francisco for a payment by Phi Associates of \$2,000,000 to provide construction loan repayment and thereby support affordable housing for veterans at the Veterans Academy located at 1030 Girard Road, San Francisco, operated by Swords To Plowshares ("Veterans Academy"), in exchange for the release of 16 Residential Hotel rooms from regulation under the Hotel Conversion Ordinance; the lawsuit was filed on March 17, 2021, in San Francisco Superior Court, Case No. CPF-21-517409, entitled Phi Assoc., L.P. v. City and County of San Francisco; the lawsuit involves petitioner's challenge to the City's enforcement of the Hotel Conversion Ordinance at the Drisco Hotel, located at 2901 Pacific Avenue, San Francisco. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220730 [Settlement of Lawsuit - Theodore Belizaire - \$186,642.33]

Ordinance authorizing settlement of the lawsuit filed by Theodore Belizaire against the City and County of San Francisco for \$186,642.33; the lawsuit was filed on July 20, 2020, in San Francisco Superior Court, Case No. CGC-20-585672, entitled Theodore Belizaire v. City and County of San Francisco; the lawsuit involves alleged personal injuries in a collision with a City vehicle; other material terms of the settlement include payment of \$99,142.33 to Zuckerberg San Francisco General Hospital for a medical lien. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220731 [Settlement of Lawsuit - Donna James - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Donna James against the City and County of San Francisco for \$125,000; the lawsuit was filed on April 20, 2021, in United States District Court, Case No. 3:21-cv-02939-RS; entitled Donna James v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220732 [Settlement of Lawsuit - Susan Bell - \$160,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Bell against the City and County of San Francisco, et al. for \$160,000; the lawsuit was filed on December 6, 2018, in San Francisco Superior Court, Case No. CGC-18-571878; entitled Susan Bell v. City and County of San Francisco, et al.; the lawsuit involves claims of alleged civil rights violations and use of excessive force. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

220987 [Settlement of Unlitigated Claim - Yuna Chuquilin - \$82,500]

Resolution approving the settlement of the unlitigated claim filed by Yuna Chuquilin against the City and County of San Francisco for \$82,500; the claim was filed on August 29, 2020; the claim involves an employment dispute. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220988 [Settlement of Unlitigated Claim - Old Republic Title Company - \$25,125 Plus Statutory Interest]

Resolution approving the settlement of the unlitigated claim filed by Old Republic Title Company against the City and County of San Francisco for \$25,125 plus statutory interest; the claim was filed on April 13, 2022; the claim involves an alleged overpayment of real property transfer taxes. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220989 [Airport Professional Services Agreement - SFO Hotel Shuttle, Inc. - Airport Shuttle Bus Services - Not to Exceed \$72,612,418]

Resolution approving a Professional Services Agreement for Airport Contract No. 50303 to provide shuttle bus services at the San Francisco International Airport (Airport), between SFO Hotel Shuttle, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed \$72,612,418 for a period of five years to commence upon Board of Supervisors approval, pursuant to Charter, Section 9.118(b). (Airport Commission)
(Fiscal Impact)

09/12/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

220990 [Authorizing the Department of Public Health to Enter into Hazardous Waste Remedial Action Agreements]

Resolution authorizing the County Health Officer, the Department of Public Health's Director of Environmental Health Branch, or their respective designees, to enter into remedial action agreements and oversee remedial investigations and remedial actions at hazardous waste release sites, pursuant to California Health and Safety Code, Section 101480. (Public Health Department)

09/13/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

220991 [Contract Agreement - Retroactive - California Department of Health Care Services - Substance Use Disorder Services - Not to Exceed \$248,687,500]

Resolution retroactively approving Agreement No. 22-20154, between the Department of Public Health, Behavioral Health Services and the California Department of Health Care Services, to provide substance use disorder services, for an amount not to exceed \$248,687,500 for the seven year term of July 1, 2022, through June 30, 2027; and to authorize the Department of Public Health to enter into amendments or modifications to the agreement 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 agreement or this Resolution. (Public Health Department)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

220992 [Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]

Resolution approving the acquisition of 65 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program (Project); adopting findings that the Project is categorically exempt from environmental review under the California Environmental Quality Act, Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein. (Airport Commission)

(Fiscal Impact; No Budget and Legislative Analyst Report)

09/19/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Dean Preston

To: Mayor London Breed

Requests: Requesting a letter of inquiry that the Office of the Mayor respond to recent allegations and practices regarding Mayoral appointees, nominees, and/or commissioners being requested to sign undated resignation letters.

From: Supervisor Dean Preston

To: Board and Commission Secretaries, Director Tyra Fennell, and To Whom It May Concern.

Requests: Requesting a letter of inquiry concerning unsigned resignation letters.

From: Supervisor Ahsha Safai

To: City Attorney

Requests: Requesting the City Attorney's Office to draft legislation amending the Building Code to create the Concrete Building Safety Program requiring the Department of Building Inspection to implement a mandatory screening and retrofit program for non-ductile concrete buildings and establish a stakeholder group to monitor program implementation.

In Memoriams

Rev. Calvin Ellison Sr. – Entire Board

Roger Cook – Supervisor Gordon Mar

Jonathan Faustine – Supervisor Rafael Mandelman

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:49 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 1, 2022.

Angela Calvillo, Clerk of the Board