

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO MEETING MINUTES

Tuesday, November 8, 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, November 8, 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, Melgar, Preston, Ronen, Safai, and Walton were noted present.

Supervisors Mandelman, Mar, Peskin, Stefani 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.

Supervisors Mandelman, Peskin, and Stefani were noted present at 2:01 p.m.

COMMUNICATIONS

*Alisa Somera, Legislative Deputy Director, 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.*

Supervisor Mar was noted present at 2:10 p.m.

AGENDA CHANGES

There were no agenda changes.

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

221133 [Formal Policy Discussions - November 8, 2022]

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topic submitted from the Supervisor representing District 1. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

1. Housing and Services for the Unhoused (District 1)

Mayor London N. Breed acknowledged today as Election Day and thanked Director John Arntz, Election staff, and poll workers for creating a seamless election process that citizens can have faith in.

Supervisor Chan began the discussion by asking the following question: Do you agree that mental healthcare is a resource that should be expanded? If so, what actions do you believe that we, the Mayor, a City Supervisor, a citizen, and the Governor should take to ensure that resources are targeted to those in need of mental healthcare? Mayor Breed responded by highlighting her work in mental health, the concerns expressed by the community, the launch of more supportive housing and shelter beds, and the collaboration with the State regarding conservatorship laws. Mayor Breed did not ask any follow-up questions related to this topic. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

220970 [Waiver of Permit, License, and Business Registration Fees for Certain Small Businesses]

Sponsors: Ronen; Chan, Safai, Dorsey, Mandelman, Mar and Stefani

Ordinance amending the program established in Ordinance No. 143-21 waiving certain first-year permit, license, and business registration fees for certain businesses, retroactive to November 1, 2021, to 1) extend the program through June 30, 2023; 2) increase the gross receipts permissible for a business to qualify for the tax and fee waiver from \$2,000,000 to \$5,000,000; 3) remove the requirement that the business be located on the ground floor; (4) expand the business types covered by the waiver from commercial businesses in certain Planning Code categories to all commercial businesses; 5) extend the period for refunds to the later of one year from the date of payment or June 30, 2023; 6) revise the procedures for challenging Tax Collector determinations that a business improperly claimed a waiver under this Ordinance; 7) increase the gross receipts above which the waiver would be retroactively revoked from \$10,000,000 to \$15,000,000 in the calendar year of, or in any calendar year during the three full calendar years following, the date the business commenced business within San Francisco or opened a new business location for commercial use; and 8) make other administrative and reporting changes, as defined herein.

(Fiscal Impact)

Ordinance No. 231-22

FINALLY PASSED

221003 [Administrative Code - Low-Value Real Property and Possessory Interest Tax Exemptions]

Sponsors: Stefani; Mandelman

Ordinance amending the Administrative Code to exempt from property taxation real property valued at \$500 or less and possessory interests valued at \$4,000 or less, beginning in the 2023-2024 assessment year.

Ordinance No. 232-22

FINALLY PASSED

Recommendations of the 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)

Ordinance No. 233-22

FINALLY PASSED

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)

Ordinance No. 234-22

FINALLY PASSED

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)

Ordinance No. 235-22

FINALLY PASSED

220794 [Settlement of Lawsuit - Phris M. Keaton - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Phris M. Keaton against the City and County of San Francisco for \$45,000; the lawsuit was filed on April 21, 2021, in San Francisco Superior Court, Case No. CGC-21-591264; entitled Phris M. Keaton v. Garret Edwards, et al.; the lawsuit involves alleged personal injury due to excessive force by Sheriff's Deputy. (City Attorney)

Ordinance No. 236-22

FINALLY PASSED

220915 [Settlement of Lawsuit - Michael Petersen - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Petersen against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 12, 2019, in San Francisco Superior Court, Case No. CGC-19-579234; entitled Michael Petersen v. City and County of San Francisco; the lawsuit involves alleged personal injury in a City park. (City Attorney)

Ordinance No. 237-22

FINALLY PASSED

220964 [Settlement of Lawsuit - Rachell Evans - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Rachell Evans against the City and County of San Francisco for \$100,000; the lawsuit was filed on May 14, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02935-SI; entitled Rachell Evans v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

Ordinance No. 238-22

FINALLY PASSED

220965 [Settlement of Lawsuit - Aliitasi T. Alapati - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Aliitasi T. Alapati against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 11, 2020, in United States District Court, Case No. 21-cv-04144-SI; entitled Aliitasi T. Alapati v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

Ordinance No. 239-22

FINALLY PASSED

220966 [Settlement of Lawsuit - Brandon Murphy - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Brandon Murphy against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 10, 2019, in San Francisco Superior Court, Case No. CGC-19-572705; entitled Brandon Murphy v. Regents of The University of California, et al.; the lawsuit involves alleged personal injury from medical negligence. (City Attorney)

Ordinance No. 240-22

FINALLY PASSED

220967 [Settlement of Lawsuit - Gayatri Kishore - \$44,775]

Ordinance authorizing settlement of the lawsuit filed by Gayatri Kishore against the City and County of San Francisco for \$44,775; the lawsuit was filed on August 27, 2020, in San Francisco Superior Court, Case No. CGC-20-586409; entitled Gayatri Kishore v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

Ordinance No. 241-22

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

From the Board

221102 [Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract for Quality Improvement Expert - Not to Exceed \$3,000,000 - Waiver of Certain Administrative Code Provisions]

Sponsor: Mayor

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against U.S. Department of Health and Human Services and Xavier Becerra, Secretary of Health and Human Services for \$203,885; and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; the lawsuit was filed on August 3, 2022, in the United States District Court for the Northern District of California, Case No. 3:22-cv-4500-WHA; entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services; the lawsuit involves allegations that defendants violated the Administrative Procedure Act and the City's due process rights by deciding to terminate federal funding for Laguna Honda Hospital and Rehabilitation Center before residents could safely be transferred to other facilities and before the City's administrative appeal could be heard. (City Attorney)

Ordinance No. 224-22

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

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.

Resolution No. 469-22

ADOPTED by the following vote:

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

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.

PASSED ON FIRST READING by the following vote:

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

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.

PASSED ON FIRST READING by the following vote:

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

221054 [Contract Agreement - Retroactive - California Department of Health Care Services - San Francisco Mental Health Plan - \$0]

Resolution retroactively approving Agreement No. 22-20129, between Department of Public Health, Community Behavioral Health Services and the California Department of Health Care Services, for the San Francisco Mental Health Plan, in the amount of \$0 for a five 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)

Resolution No. 470-22

ADOPTED by the following vote:

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

221058 [Grant Agreement Amendment - Mid-Market Foundation - Mid-Market/Tenderloin Community-Based Safety Program - Not to Exceed \$20,490,000]

Resolution approving Amendment No. 1 to a grant agreement between the Office of Economic and Workforce Development and Mid-Market Foundation, for management of the Mid-Market/Tenderloin Community-Based Safety Program; to increase the grant amount by \$11,490,000 for a total not to exceed amount of \$20,490,000 and to extend the term for three months for the total period of July 1, 2022, through June 30, 2023, effective upon approval of this Resolution; and to authorize the Director of the Office of Economic and Workforce Development 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. (Department of Economic and Workforce Development)
(Fiscal Impact)

Resolution No. 468-22

ADOPTED by the following vote:

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

221059 [Contract - Intercare Holdings Insurance Services, Inc. - Workers' Compensation Third Party Administrator Services - \$33,771,962]

Resolution authorizing the Municipal Transportation Agency to execute an agreement with Intercare Holdings Insurance Services, Inc. for Workers' Compensation Third Party Administrator services for an amount not to exceed \$33,771,962 for a three-year base term from November 1, 2022, through October 31, 2025, and two three-year options to extend, with said options to be exercised by the Municipal Transportation Agency without further approval of the Board of Supervisors; and where applicable, affirming the Planning Department's determination under the California Environmental Quality Act. (Municipal Transportation Agency)
(Fiscal Impact)

Resolution No. 471-22

ADOPTED by the following vote:

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

221060 [Contract Agreement - Intercare Holdings Insurance Services, Inc. - Workers' Compensation Claims Management Services - Not to Exceed \$29,357,361]

Resolution authorizing the Department of Human Resources to execute an agreement with Intercare Holdings Insurance Services, Inc. for Workers' Compensation Third Party Administrator services for an amount not to exceed \$29,357,361 for a three-year base term from November 1, 2022, through October 31, 2025, and two three-year options to extend, with said options to be exercised by the Department of Human Resources without further approval of the Board of Supervisors. (Human Resources Department)
(Fiscal Impact)

Resolution No. 472-22

ADOPTED by the following vote:

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

221073 [Management Agreement - LAZ Parking California, LLC - Garage Management Services - Not to Exceed \$180,000,000]

Sponsors: Mayor; Safai

Resolution approving an agreement with LAZ Parking California, LLC, for the management of seven parking garages and two lots operated by the San Francisco Municipal Transportation Agency (SFMTA), for an amount not to exceed \$180,000,000 and a term of five years, with two two-year options to extend, and with said options the SFMTA may exercise without further approval by the Board of Supervisors, effective upon approval of this Resolution. (Municipal Transportation Agency)
(Fiscal Impact)

Resolution No. 473-22

ADOPTED by the following vote:

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

221094 [Management Agreement - IMCO Parking, LLC - Garage Management Services - Not to Exceed \$180,000,000]

Sponsors: Mayor; Safai

Resolution approving an agreement with IMCO Parking, LLC, for the management of 11 parking garages and one lot operated by the San Francisco Municipal Transportation Agency (SFMTA), for an amount not to exceed \$180,000,000 and a term of five years, with two two-year options to extend, and with said options the SFMTA may exercise without further approval by the Board of Supervisors, effective upon approval of this Resolution. (Municipal Transportation Agency)
(Fiscal Impact)

Resolution No. 474-22

ADOPTED by the following vote:

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

221074 [Authorizing Expenditures - SoMa Community Stabilization Fund - Contract Extensions - \$512,500]**Sponsors: Mayor; Dorsey**

Resolution authorizing the Mayor's Office of Housing and Community Development to expend SoMa Community Stabilization Fund dollars in the amount of \$512,500 to address various impacts of destabilization on residents and businesses in SoMa and extend the term for an additional six months from December 31, 2022, for a total term of January 1, 2022, through June 30, 2023. (Mayor's Office of Housing and Community Development)
(Fiscal Impact)

Resolution No. 475-22**ADOPTED by the following vote:**

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

221075 [Grant Agreement - Mercy Housing California - Sunnydale HOPE SF Community Building - 1500 Sunnydale Avenue - Not to Exceed \$11,000,000]**Sponsors: Mayor; Walton and Safai**

Resolution approving and authorizing the Director of the Mayor's Office of Housing and Community Development to execute a Grant Agreement with Mercy Housing California, a nonprofit California public benefit corporation for a total grant amount not to exceed \$11,000,000 for a term of 55 years effective upon execution of the Grant Agreement, to finance the construction of an approximately 28,000 square foot community center, consisting of an 8,000 square foot childcare center; a 12,000 square foot space for the San Francisco Boys and Girls Club, and an 8,000 square foot neighborhood space that will include community rooms and outdoor space, which will be known as Sunnydale HOPE SF Community Building; and adopting findings that the grant agreement is consistent with the adopted Mitigation Monitoring and Reporting Program under the California Environmental Quality Act, the General Plan, and the eight priority policies of Planning Code, Section 101.1.
(Fiscal Impact)

Resolution No. 476-22**ADOPTED by the following vote:**

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

221076 [Accept and Expend In-Kind Gift - Retroactive - CORO Northern California - Consulting Services - Valued at \$300,000]**Sponsors: Mayor; Chan**

Resolution retroactively authorizing the Mayor's Office of Housing and Community Development ("MOHCD") to accept an in-kind gift of consulting services valued at \$300,000 from Coro Northern California ("CORO") for a term of September 1, 2022, through August 31, 2024. (Mayor's Office of Housing and Community Development)

Resolution No. 477-22**ADOPTED by the following vote:**

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

Recommendation of the Land Use and Transportation 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. 18IE-0725 ("Phase 1") and 18IE-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.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee

221043 [Administrative Code - Approval of Surveillance Technology Policies for Multiple City Departments]

Ordinance approving Surveillance Technology Policies governing the use of Body-Worn Cameras by the Recreation and Park Department, Security Cameras by the Department of Elections, and Third-Party Security Cameras by the Airport, and making required findings in support of said approvals. (City Administrator)

PASSED ON FIRST READING by the following vote:

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

Supervisor Mandelman Excused from Voting

Supervisor Ronen, seconded by Supervisor Stefani, moved that Supervisor Mandelman be excused from voting on File No. 221097. The motion carried by the following vote:

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

221097 [Reappointment, California State Association of Counties - Supervisor Rafael Mandelman]

Motion reappointing Supervisor Rafael Mandelman, term ending December 1, 2023, to the California State Association of Counties. (Clerk of the Board)

Motion No. M22-178

APPROVED by the following vote:

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

President Walton recessed the meeting at 2:25 p.m. and reconvened at 2:29 p.m.

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).

Supervisor Chan introduced, welcomed, and presented a Certificate of Honor to Congresswoman Jackie Speier in recognition of her countless accomplishments fighting for women's rights, working on the ban of assault rifles, and her work and dedication as a politician serving California's 14th congressional district. Supervisors Peskin, Mandelman, Melgar, Safai, Stefani, Ronen, Dorsey, Preston, and Walton joined in on the commendation.

Supervisor Stefani introduced, welcomed, and presented a Certificate of Honor to one of the two Grand Marshals of the 154th San Francisco Italian Heritage Parade, Randy DeMartini, in recognition of his contributions to San Francisco, his work with the Boys and Girls Club, and continued community support.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to the second of the 154th San Francisco Italian Heritage Parade Grand Marshals, Larry Mazzola, Jr., in recognition of his accomplishments as the Business Manager for Local UA 38, President of the San Francisco Building and Construction Trades Council, and support fighting for working men and women of San Francisco.

Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Howard Mutz in recognition of his work as a hotel historian at the St. Francis and Palace Hotel, convention management, and continued community support.

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee

221090 [Urging the Continuation of Services After the Closure of the Tenderloin Center]

Sponsors: Preston; Ronen, Chan, Peskin and Walton

Resolution urging the Mayor's Office and Department of Public Health to ensure no gap in services for the hundreds of people served daily by the Tenderloin Center.

Resolution No. 479-22

ADOPTED by the following vote:

Ayes: 6 - Chan, Mar, Peskin, Preston, Ronen, Walton

Noes: 5 - Dorsey, Mandelman, Melgar, Safai, Stefani

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Linda Chapman; shared her experience as a renter in the City and County of San Francisco.

Otto Duffy; expressed concerns of global warming and world conflicts.

Michael Petrelis; expressed concerns regarding public comment opportunities at the Board and referred to various media articles.

James Glover; spoke on indoor air quality and the availability on jobs for disenfranchised individuals.

Ellen Grant; spoke on concerns regarding drug usage.

Gilbert Criswell; expressed the need to keep the streets and transit drugs free.

Citizen 22; expressed concerns regarding indoor chain smoking.

Speaker; shared concerns on the drug crisis in San Francisco and creating incentives for recovery.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

221130 [Commending Congresswoman Jackie Speier]

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

Resolution commending Congresswoman Jackie Speier on the occasion of her retirement from the United States Congress after 14 years as a Member of the United States House of Representatives, and nearly 40 years as an elected leader for the San Francisco Bay Area.

Supervisors Stefani, Mandelman, Ronen, Preston, and Dorsey requested to be added as co-sponsors.

Resolution No. 478-22

ADOPTED by the following vote:

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

221134 [Reappointment, Child Care Planning and Advisory Council - Elizabeth Winograd]

Motion reappointing Elizabeth Winograd, term ending March 19, 2024, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Elizabeth Winograd, seat 5, succeeding herself, must be a nominee of the District 5 Supervisor and represent one of the following categories: consumers, child care providers, discretionary, community representatives, or public agency representatives, for the unexpired portion of a three-year term ending March 19, 2024.

Motion No. M22-175

APPROVED by the following vote:

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

221135 [Appointment, Child Care Planning and Advisory Council - Heather Cassandra Morado]

Motion appointing Heather Cassandra Morado (residency requirement waived), term ending March 19, 2023, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Heather Cassandra Morado (residency requirement waived), seat 8, succeeding Fonda Davidson, term expired, must be a nominee of the District 8 Supervisor and represent one of the following categories: consumers, child care providers, discretionary, community representatives, or public agency representatives, for the unexpired portion of a three-year term ending March 19, 2023.

Motion No. M22-176

APPROVED by the following vote:

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

221137 [Appointment, Child Care Planning and Advisory Council - Jonathan Skolnick]

Motion appointing Jonathan Skolnick, term ending March 19, 2025, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Jonathan Skolnick, seat 10, succeeding Nur Jehan Khalique, term expired, must be a nominee of the District 10 Supervisor and represent one of the following categories: consumers, child care providers, discretionary, community representatives, or public agency representatives, for the unexpired portion of a three-year term ending March 19, 2025.

Motion No. M22-177

APPROVED by the following vote:

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

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

220340 [Planning Code - Neighborhood Commercial and Mixed Use Zoning Districts]

Sponsor: Dorsey

Ordinance 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.

04/05/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/5/2022.

04/08/22; REFERRED TO DEPARTMENT.

04/19/22; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

04/27/22; REFERRED TO DEPARTMENT.

04/28/22; RESPONSE RECEIVED.

07/12/22; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

07/20/22; REFERRED TO DEPARTMENT.

08/10/22; RESPONSE RECEIVED.

09/08/22; RESPONSE RECEIVED.

11/08/22; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

221146 [Public Works Code - Minor Encroachment Permits for Legacy Pushcart Peddlers]**Sponsor: Peskin**

Ordinance amending the Public Works Code to create the Legacy Pushcart Peddler designation, provide that utility access in the public right-of-way for Legacy Pushcart Peddlers is a minor encroachment, and clarify the revocation and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/08/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/8/2022.

221147 [Administrative Code - Removing Construction Agreements from the Prohibition on Contracting in States with Certain Types of Discriminatory Laws]**Sponsors: Safai; Mandelman**

Ordinance amending the Administrative Code to remove agreements let under Chapter 6 for Public Works or Improvement from the prohibitions in Chapter 12X on the City's entering into a contract with a contractor that has its United States headquarters in a state that allows discrimination against LGBT individuals, has restrictive abortion laws, or has voter suppression laws, or where any or all of the contract would be performed in such a state.

(Supervisors Chan, Melgar, Preston, and Walton voted no on First Reading.)

11/08/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/8/2022.

RESOLUTIONS

221148 [Accept and Expend Grant - Retroactive - California State Water Resources Control Board - Public Beach Safety Program Grant - \$87,675]**Sponsors: Mayor; Dorsey, Stefani, Mar and Walton**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$87,675 from the California State Water Resources Control Board, Division of Water Quality Beach Safety Program, to participate in a program, entitled "Public Beach Safety Program Grant," for the period of July 1, 2022, through June 30, 2025. (Public Health Department)

11/08/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221149 [Updated Annual Fundraising Drive - 2022]**Sponsors: Mandelman; Chan**

Resolution updating the proposed designation of agencies qualified to participate in the 2022 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

11/08/22; RECEIVED AND ASSIGNED to Rules Committee.

221150 [Approval of a Six-Month Extension for Historic Preservation Commission to Respond to Landmark Designation Initiation of 429-431 Castro Street “Castro Theatre” (File No. 220550)]

Sponsor: Mandelman

Resolution extending by six months the prescribed time within which the Historic Preservation Commission may respond to the landmark designation initiation from the Board of Supervisors (File No. 220550), initiating an amendment to the landmark designation of 429-431 Castro Street (aka Castro Theatre), Assessor's Parcel Block No. 3582, Lot No. 085, under Article 10 of the Planning Code.

11/08/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

221151 [Approval of a Six-Month Extension for Planning Commission Review of Nighttime Entertainment Castro Street Neighborhood Commercial District (File No. 220709)]

Sponsor: Mandelman

Resolution extending by six months the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 220709) amending the Planning Code to change the zoning controls in the Castro Street Neighborhood Commercial District to allow Nighttime Entertainment with a Conditional Use authorization on the second floor; affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

11/08/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

221152 [Declaring the Intent to Waive Fee for Major Encroachment Permit and Street Improvement - Detroit Street Stairs]

Sponsor: Melgar

Resolution of intent to waive the Major Encroachment Permit Fee and the Street Improvement Fees for the Detroit Street Stairs project.

11/08/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221153 [Approval of Retroactive 90-Day Extension for Planning Commission Review of Planning Code - Electric Vehicle Charging Locations (File No. 220851)]

Sponsor: Peskin

Resolution retroactively extending by 90 days the prescribed time within which the Planning Commission may render its recommendations on the Ordinance (File No. 220851) amending the Planning Code to create Electric Vehicle Charging Location and Fleet Charging as Automotive Uses, allow conversion of Automotive Service Stations to Electric Vehicle Charging Locations without Conditional Use authorization and principally permit conversion of other Automotive Uses to Electric Vehicle Charging Locations, revise zoning control tables to reflect these changes, and require annual reporting by the Planning Department regarding Electric Vehicle Charging Location and Fleet Charging project approvals; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

11/08/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

221154 [Small Business Saturday - November 26, 2022]

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

Resolution declaring November 26, 2022, the Saturday after the Thanksgiving holiday, as "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses in the City and County of San Francisco, as the City recovers from the COVID-19 pandemic.

11/08/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MOTION

221155 [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)

11/08/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

221118 [Settlement of Lawsuit - Victor Jimenez - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Victor Jimenez against the City and County of San Francisco for \$100,000; the lawsuit was filed on July 20, 2021, in San Francisco Superior Court, Case No. CGC-21-593613; entitled Victor Jimenez v. City and County of San Francisco; the lawsuit alleged property damage and personal injuries arising from a dangerous condition of public property, i.e., a sinkhole that opened in the roadway underneath plaintiff's vehicle. (City Attorney)

10/28/22; RECEIVED FROM DEPARTMENT.

11/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

221119 [Contract Amendment - Richmond Area Multi Services, Inc. - Behavioral Health Peer Services - Not to Exceed \$29,116,181]

Resolution approving Amendment No. 1 to the agreement between Richmond Area Multi Services, Inc. and the Department of Public Health (DPH), to provide behavioral health peer services, to increase the agreement by \$19,253,431 for an amount not to exceed \$29,116,181; to extend the term by three and one-half years from December 30, 2022, for a total agreement term of July 1, 2021, through June 30, 2026; and to authorize DPH 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)

10/28/22; RECEIVED FROM DEPARTMENT.

11/08/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221120 [Site Use Agreement - VB Nimbus, LLC - Radio Equipment - 32322 S Corral Hollow Road, Tracy - Initial Annual Rent of \$30,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to enter into a Site Use Agreement with VB Nimbus, LLC, a Delaware limited liability company, for the installation, operation, maintenance, repair, and replacement of radio equipment at 32322 S Corral Hollow Road in Tracy, at an initial annual use fee of \$30,000 with annual increases of three percent for an initial five-year term, commencing January 1, 2023, through December 21, 2028, with four five-year extension options for the SFPUC Water Enterprise Radio Replacement Project (Project), pursuant to Charter, Section 9.118; affirming the Planning Department's determination that the project is categorically exempt from environmental review under the California Environmental Quality Act; and to authorize the General Manager of the SFPUC to enter into amendments or modifications to the Agreement 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 Utilities Commission)

10/31/22; RECEIVED FROM DEPARTMENT.

11/08/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Catherine Stefani

To: San Francisco Police Department Chief Scott, District Attorney Jenkins, Sheriff Miyamoto, Department of Homelessness and Supportive Housing Director McSpadden, Department of Public Health Director Colfax, Department on the Status of Women Director Ellis, Mayor's Office of Housing and Community Development Director Shaw, and Human Services Agency Director Rhoher
Requests: Requesting information on how departments work with and collect information from organizations that receive Violence Against Women Act (VAWA) funding from the Department of Justice, Office on Violence Against Women.

From: Supervisor Myrna Melgar

To: The Department of Public Health, the Department of Early Childcare, and the Felton Institute
Requests: Requesting information on contracts entered into between the City and County of San Francisco and the Felton Institute.

In Memoriam

Elaine Marie Tsakopoulos– Supervisor Catherine Stefani

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:04 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 December 13, 2022.

Angela Calvillo, Clerk of the Board