

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, January 31, 2023 - 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

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

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

Wednesday
1:00 PM

Budget and Finance Committee
Supervisors Ronen, Safai, Chan

Wednesday
10:00 AM

Government Audit and Oversight Committee
Supervisors Preston, Chan, Mandelman

1st and 3rd Thursday
10:00 AM

Land Use and Transportation Committee
Supervisors Melgar, Preston, Peskin

Monday
1:30 PM

Public Safety and Neighborhood Services Committee
Supervisors Stefani, Melgar

2nd and 4th Thursday
10:00 AM

Rules Committee
Supervisors Peskin, Mandelman, Chan

Monday
10:00 AM

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

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, Joel Engardio, Rafael Mandelman, 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, January 31, 2023, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:02 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, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani (remote), and Walton were noted present.

All Members of the Board were present.

President Peskin 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.

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 telephone number published on the agenda and scrolling across the screen. 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

Items 1 through 14

Recommendation of the Budget and Finance Committee

221267 [Accept and Expend Grant and Amendment of Annual Salary Ordinance - Retroactive - California Employment Development Department - Community Economic Resilience Fund Planning Grant - \$5,000,000]

Sponsor: Mayor

Ordinance retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$5,000,000 from the California Economic Development Department for the Community Economic Resilience Fund Planning Grant for the grant period of October 1, 2022, through September 30, 2024; and amending Ordinance No. 162-22 (Annual Salary Ordinance, File No. 220670 for Fiscal Years 2022-2023 and 2023-2024) to provide for the creation of one grant-funded full-time position, in Class 1823 Senior Administrative Analyst (1.0 FTE). (Department of Economic and Workforce Development)

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

221188 [Settlement of Lawsuit - Margarita Herrera - \$650,000]

Ordinance authorizing settlement of the lawsuit filed by Margarita Herrera against the City and County of San Francisco for \$650,000; the lawsuit was filed on July 30, 2019, in San Francisco Superior Court, Case No. CGC-19-578026; entitled Margarita Herrera v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

221189 [Settlement of Lawsuit - Dante King - \$562,500]

Ordinance authorizing settlement of the lawsuit filed by Dante King against the City and County of San Francisco for \$562,500; the lawsuit was filed on September 21, 2022, in San Francisco Superior Court, Case No. CGC-22-601923; entitled Dante King v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

221190 [Settlement of Lawsuit - Michael Oakes - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Oakes against the City and County of San Francisco for \$95,000; the lawsuit was filed on July 10, 2020, in San Francisco Superior Court, Case No. CGC-20-585373; entitled Michael Oakes v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

221191 [Settlement of Lawsuit - Jo-Theresa Elias-Jackson - \$92,000]

Ordinance authorizing settlement of the lawsuit filed by Jo-Theresa Elias-Jackson against the City and County of San Francisco for \$92,000; the lawsuit was filed on April 23, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02937-PJH; entitled Jo-Theresa Elias-Jackson v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

221229 [Settlement of Lawsuit - New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility - \$0]

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility against the City and County of San Francisco for \$0; the lawsuit was filed on April 21, 2021, in United States District Court for the Northern District of California, Case No. 4:21-cv-02871-JST; entitled New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. City and County of San Francisco, California; the lawsuit involves the denial of a Conditional Use Authorization to install a wireless telecommunications facility at 590-2nd Avenue; other material terms of the settlement are approval of the Planning Commission's Conditional Use Authorization based on a modification of the proposed facility's design which moves a screened equipment enclosure away from the building edge, rescission of Board of Supervisors Motions Nos. M21-052, M21-053, and M21-75 that disapproved that Conditional Use Authorization, directed the preparation of findings, and made findings pertaining to the same, dismissal of the lawsuit in its entirety with prejudice; and making environmental findings (City Attorney)

PASSED ON FIRST READING

221181 [Settlement of Unlitigated Claim - Grievance: Service Employees International Union, Local 1021 and 2320 Registered Nurses and 2328 Nurse Practitioners - \$236,895.29]

Resolution approving the settlement of the unlitigated claim filed by Service Employees International Union, Local 1021 on behalf of a class of 2320 Registered Nurses and 2328 Nurse Practitioners against the City and County of San Francisco by the payment of \$236,895.29; the claim was filed on January 30, 2020; the claim involves a labor dispute. (City Attorney)

ADOPTED

221192 [Settlement of Unlitigated Claim - Cassandra McQuaid - \$75,000]

Resolution approving the settlement of the unlitigated claim filed by Cassandra McQuaid against the City and County of San Francisco for \$75,000; the claim was filed on September 10, 2021; the claim involves an employment dispute. (City Attorney)

ADOPTED

221193 [Settlement of Unlitigated Claim - Osterweis Capital Management, LLC - \$106,978.79]

Resolution approving the settlement of the unlitigated claim filed by Osterweis Capital Management, LLC against the City and County of San Francisco for \$106,978.79; the claim was filed on September 26, 2022; the claim involves a refund of gross receipts tax. (City Attorney)

ADOPTED

221230 [Settlement of Unlitigated Claims - A2Z Development USA, Inc. - \$1,399,196]

Resolution approving the settlement of the unlitigated claims filed by A2Z Development USA, Inc. against the City and County of San Francisco for \$1,399,196; the claims were filed on February 28, 2022; the claims involve a refund of payroll expense and gross receipts taxes. (City Attorney)

ADOPTED

221231 [Settlement of Unlitigated Claim - AmerisourceBergen Drug Corporation - \$76,250]

Resolution approving the settlement of the unlitigated claim filed by AmerisourceBergen Drug Corporation against the City and County of San Francisco for \$76,250; the claim was filed on July 11, 2022; the claim involves an alleged overpayment of Homelessness Gross Receipts Tax penalties and interest for the 2019 tax year. (City Attorney)

ADOPTED

221232 [Tolling Agreement - A-N SFD Owner, LLC - Sir Francis Drake Hotel - Real Property Transfer Tax Dispute]

Resolution approving a Tolling Agreement to extend the statute of limitations for A-N SFD Owner, LLC for the former Sir Francis Drake Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

ADOPTED

Recommendations of the Land Use and Transportation Committee**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; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

FINALLY PASSED**230001 [General Plan Amendments - Housing Element 2022 Update]**

Ordinance amending the San Francisco General Plan by adopting the Housing Element 2022 Update as the Housing Element of the General Plan, and making conforming amendments to the Air Quality, Commerce & Industry, Environmental Protection, and Urban Design Elements of the General Plan; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and general welfare under Planning Code, Section 340. (Planning Commission)

Ordinance No. 010-23**FINALLY PASSED****The foregoing items were acted upon by the following vote:**

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

220876 [Appropriation and De-Appropriation - District 7 Participatory Budgeting - General City Responsibility - \$292,674; SFMTA - Vision Zero Projects - \$77,500 - FY2022-2023]

Sponsor: Melgar

Ordinance de-appropriating \$292,674 from District 7 General City Responsibility (GEN) and re-appropriating \$128,000 to the Department of Children, Youth and Their Families (CHF) for creating a community space, a sports hub, and teen workforce development program in District 7; \$50,000 to the Department of Emergency Management (DEM) for neighborhood and community building activities in District 7; \$114,674 to the Department of Public Works (DPW) for a parklet installation in public space, increased refuse bins installations, and cleaning supplies for District 7; and de-appropriating \$77,500 from San Francisco Municipal Transportation Agency (SFMTA) and re-appropriating \$77,500 for improving traffic flow and pedestrian safety, and building a pedestrian island for District 7 Vision Zero projects at SFMTA in Fiscal Year (FY) 2022-2023.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

President Peskin requested File Nos. 221265, 221266, 221273, and 221274 be called together.

221265 [Sale of General Obligation Bonds (Health and Recovery, 2020), Series 2023A, - Not to Exceed \$30,000,000]

Sponsor: Mayor

Resolution authorizing the issuance and sale of not to exceed \$30,000,000 aggregate principal amount of one or more series of bonds on a tax-exempt or taxable basis of City and County of San Francisco General Obligation Bonds (Health and Recovery, 2020), Series 2023A; prescribing the form and terms of such bonds and any subseries designation; providing for the appointment of depositories and other agents for such bonds; providing for the establishment of accounts and/or subaccounts related to such bonds; authorizing the sale of such bonds by competitive or negotiated sale; approving the forms of the Official Notice of Sale and Notice of Intention to Sell Bonds and directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Purchase Contract; approving the form of the Preliminary Official Statement and the execution of the Official Statement relating to the sale of such bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to such documents; ratifying certain actions previously taken, as defined herein; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of such bonds, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

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

221266 [Appropriation - GO Bond Proceeds - Health & Recovery Series 2023A - RPD - \$30,000,000 - Embarcadero Seawall Series 2023B - PRT - \$42,000,000 - Affordable Housing Series 2023C - MOHCD - \$172,000,000 - FY2022-2023]

Sponsors: Mayor; Safai

Ordinance appropriating \$30,000,000 of proceeds from Series 2023A Health and Recovery General Obligation (GO) Bonds to the Recreation and Park Department (RPD) for improvements to parks, recreation facilities, and open spaces; \$42,000,000 of proceeds from Series 2023B Embarcadero Seawall GO Bonds to the Port of San Francisco (PRT) for planning, engagement, program management, pilot projects, Embarcadero project pre-design and detailed design, and a flood study with the United States Army Corps of Engineers; \$172,000,000 from Series 2023C Affordable Housing to the Mayor's Office of Housing and Community Development (MOHCD) for public, low-income, preservation and middle income, and senior housing projects in Fiscal Year (FY) 2022-2023; and placing these funds on Controller's Reserve pending receipt of bond proceeds. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

221273 [Sale of General Obligation Bonds (Embarcadero Seawall Earthquake Safety, 2018), Series 2023B - Not to Exceed \$42,000,000]**Sponsor: Mayor**

Resolution authorizing the issuance and sale of not to exceed \$42,000,000 aggregate principal amount in one or more series of bonds on a tax-exempt or taxable basis of City and County of San Francisco General Obligation Bonds (Embarcadero Seawall Earthquake Safety, 2018) Series 2023B; prescribing the form and terms of such bonds; providing for the appointment of depositories and other agents for such bonds; providing for the establishment of accounts and/or subaccounts related to such bonds; authorizing the sale of such bonds by competitive or negotiated sale; approving the forms of the Official Notice of Sale and Notice of Intention to Sell Bonds and directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Purchase Contract; approving the form of the Preliminary Official Statement and the execution of the Official Statement relating to the sale of such bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to such documents; ratifying certain actions previously taken, as defined herein; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of such bonds, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

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

221274 [Sale of General Obligation Bonds (Social Bonds - Affordable Housing, 2019), Series 2023C - Not to Exceed \$172,000,000]**Sponsor: Mayor**

Resolution authorizing the issuance and sale of not to exceed \$172,000,000 aggregate principal amount on a tax-exempt or taxable basis of City and County of San Francisco General Obligation Bonds (Social Bonds-Affordable Housing, 2019) Series 2023C; prescribing the form and terms of such bonds; providing for the appointment of depositories and other agents for such bonds; providing for the establishment of accounts and/or subaccounts related to such bonds; authorizing the sale of such bonds by competitive or negotiated sale; approving the forms of the Official Notice of Sale and Notice of Intention to Sell Bonds and directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Purchase Contract; approving the form of the Preliminary Official Statement and the execution of the Official Statement relating to the sale of such bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to such documents; ratifying certain actions previously taken, as defined herein; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of such bonds, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

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

President Peskin requested File Nos. 221184, 221185, and 221194 be called together.

221184 [Contract Amendment - Special Service for Groups, Inc. - Therapeutic and Specialty Mental Health Services for Children and Youth - Not to Exceed \$31,513,419]

Resolution approving Amendment No. 2 to the agreement between Special Service for Groups, Inc. and the Department of Public Health, for therapeutic and specialty mental health services, to increase the agreement by \$21,540,706 for an amount not to exceed \$31,513,419; to extend the term by four years and six months, from June 30, 2023, for a total agreement term of July 1, 2018, through December 31, 2027; and to authorize the Department of Public Health to enter into amendments or modifications to the contract prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Public Health Department)
(Fiscal Impact)

ADOPTED by the following vote:

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

221185 [Contract Amendment - Retroactive - Progress Foundation - Behavioral Health Services - Not to Exceed \$221,847,999]

Sponsor: Safai

Resolution retroactively approving Amendment No. 2 to the Agreement between Progress Foundation and the Department of Public Health (DPH), for behavioral health services; to increase the Agreement by \$127,324,481 for an amount not to exceed \$221,847,999; to extend the term by five years, from December 31, 2022, for a total Agreement term of July 1, 2018, through December 31, 2027; 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)

ADOPTED by the following vote:

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

221194 [Contract Agreement - Retroactive - San Francisco AIDS Foundation - Health Access Point Services - Not to Exceed \$11,886,595]

Resolution retroactively approving an original contract agreement between the San Francisco AIDS Foundation and the Department of Public Health (DPH), to provide Health Access Point services in an amount not to exceed \$11,886,595 for a total initial contract term of January 1, 2023, 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)

ADOPTED by the following vote:

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

President Peskin requested File Nos. 221203 and 221248 be called together.

221203 [Accept and Expend Grant - Retroactive - National Institutes of Health - Brief Longitudinal Incident Sentinel Surveillance (BLISS) to End the HIV Epidemic Among Persons Who Inject Drugs (PWID) - \$178,137]

Sponsors: Mayor; Mandelman, Ronen and Dorsey

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$178,137 from the National Institutes of Health for participation in a program, entitled "Brief Longitudinal Incident Sentinel Surveillance (BLISS) to End the Human Immunodeficiency Virus (HIV) Epidemic among Persons Who Inject Drugs (PWID)," for the period of August 15, 2022, through July 31, 2023.

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

ADOPTED by the following vote:

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

221248 [Accept and Expend Grant - Retroactive - Office of Refugee Health - Refugee Health Assessment Program (RHAP) - Federal Fiscal Year (FFY) 2022-23 Award Number 22-38-90899-00 - \$324,061]

Sponsors: Mayor; Ronen

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$324,061 from the Office of Refugee Health through the California Department of Public Health for participation in a program, entitled "Refugee Health Assessment Program (RHAP) - Federal Fiscal Year (FFY) 2022-23 Award Number 22-38-90899-00," for the period of October 1, 2022, through September 30, 2023. (Public Health Department)

ADOPTED by the following vote:

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

221280 [Civic Bridge Program - Behested Payments Waiver]

Sponsors: Mayor; Safai

Resolution authorizing the Office of the Mayor and the Department of Technology to solicit in-kind donations through the Civic Bridge program from various City contractors, notwithstanding the Behested Payments Ordinance.

ADOPTED by the following vote:

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

221282 [Issuance by the California Enterprise Development Authority of Revenue Obligations and TEFRA Hearing for Chinese American International School - Not to Exceed \$20,000,000]**Sponsors: Melgar; Chan and Mandelman**

Resolution approving for purposes of Internal Revenue Code, Section 147(f), the Issuance and Sale of Revenue Obligations by the California Enterprise Development Authority, in an aggregate principal amount not to exceed \$20,000,000 to finance the cost of renovation, construction, installation, equipping and/or furnishing of educational and related facilities to be owned and operated by Chinese American International School, a California nonprofit public benefit corporation.

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

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee**221209 [Urging the City Administrator's Office to Conduct a Disparity Study of the LBE Program]****Sponsors: Melgar; Dorsey, Mandelman and Preston**

Resolution urging the City Administrator's Office to conduct a Local Business Enterprises (LBE) disparity study to analyze disparities in the City and County of San Francisco's contracting to women-owned, minority-owned, and disabled Veteran-owned businesses.

ADOPTED by the following vote:

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

Recommendations of the Rules Committee**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 met.)

PASSED ON FIRST READING by the following vote:

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

221269 [Administrative Code - Veterans' Affairs Commission]**Sponsor: Peskin**

Ordinance amending the Administrative Code to decrease from 17 to 13 the number of members of the Veterans' Affairs Commission, and make corresponding revisions to qualifications and appointing authorities for members.

PASSED ON FIRST READING by the following vote:

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

221254 [Advanced Written Determination Regarding Statement of Incompatible Activities - Small Business Commission - Miriam Zouzounis]**Sponsor: Dorsey**

Motion finding that Miriam Zouzounis' proposal to apply for grants administered by the Office of Economic and Workforce Development ("OEWD") and to seek assistance from OEWD relating to the non-profit on whose Board she serves on are not incompatible with the Statement of Incompatible Activities of the Small Business Commission, of which she is a member, subject to conditions.

Motion No. M23-011**APPROVED by the following vote:**

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

President Peskin requested File Nos. 221227, 221262, and 221298 be called together.

221227 [Mayoral Reappointment, Redevelopment Successor Agency Oversight Board - Moses Corrette]

Motion approving the Mayor's nomination for reappointment of Moses Corrette to the Redevelopment Successor Agency Oversight Board, term ending January 24, 2026. (Clerk of the Board) (Ordinance No. 215-12, Section 6(b), provides that this member shall be appointed by the Mayor and subject to confirmation by the majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action. Transmittal date: December 2, 2022.)

Motion No. M23-012**APPROVED by the following vote:**

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

221262 [Mayoral Reappointment, Historic Preservation Commission - Lydia So]

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

(Charter, Section 4.135, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, the nominee shall be deemed approved. Transmittal date: December 7, 2022.)

Motion No. M23-013

APPROVED by the following vote:

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

221298 [Mayoral Appointment, Treasure Island Development Authority Board of Directors - Nabihah Azim]

Motion approving the Mayor's nomination for the appointment of Nabihah Azim to the Treasure Island Development Authority Board of Directors, for the term ending April 28, 2026. (Clerk of the Board)

(Appointments of Directors who are not City officers are effective only upon approval by a majority of the Board of Supervisors. Transmittal date: December 15, 2022.)

Motion No. M23-014

APPROVED by the following vote:

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

230037 [Reappointment, Citizens' General Obligation Bond Oversight Committee - Andrea Marmo Crawford]

Motion reappointing Andrea Marmo Crawford, term expiring November 21, 2024, to the Citizens General Obligation Bond Oversight Committee. (Rules Committee)

Motion No. M23-015

APPROVED by the following vote:

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

230044 [Reappointments, Golden Gate Bridge, Highway and Transportation District, Board of Directors - Sabrina Hernandez, Bert Hill, Richard Grosboll, and Michael Theriault]

Motion reappointing Sabrina Hernandez, Bert Hill, Richard Grosboll, and Michael Theriault, terms ending January 31, 2025, to the Golden Gate Bridge, Highway and Transportation District, Board of Directors. (Rules Committee)

Motion No. M23-016

APPROVED by the following vote:

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

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 Rafael Mandelman introduced, welcomed, and presented a Certificate of Honor to Mark Mazza of the Homeless Outreach Team in recognition for his relentless work in supporting people experiencing homelessness in the Castro District and his work with the Department of Public Health and the Department of Homelessness and Supportive Housing, and his continued support to the City and County of San Francisco. Supervisors Ronen and Dorsey shared in this commendation.

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 Peskin, Supervisor Walton assumed the chair at 3:15 p.m. The President resumed the chair at 3:18 p.m.

Supervisor Ronen was noted absent at 4:50 p.m. and for the remainder of the meeting.

230035 [Hearing - Committee of the Whole - Laguna Honda Hospital's Strategy for Recertification and the Submission of a Closure and Patient Transfer and Relocation Plan - January 31, 2023, at 3:00 p.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on Tuesday, January 31, 2023, at 3:00 p.m., to hold a public hearing on Laguna Honda Hospital's Strategy for Recertification and the Submission of a Closure and Patient Transfer and Relocation Plan; and requesting the Department of Public Health to present; scheduled pursuant to Motion No. M23-010 (File No. 230034), approved on January 24, 2023. (Clerk of the Board)

President Peskin opened the public hearing and Supervisor Melgar provided opening remarks relating to Laguna Honda Hospital (File No. 230035). The President then inquired whether any individual wished to address the Board. Dr. Grant Colfax, Director, and Roland Pickens (Department of Public Health) presented information regarding Laguna Honda Hospital and answered questions raised throughout the discussion. Rachel Church; Norm Degelman; Melanie Grossman; Elizabeth Halifax; Paul Aguilar; Benson Adel; Roma Guy; Francisco Da Costa; George Wooding; Donna DeAsenia; Dr. Teresa Palmer; Patrick Monette-Shaw; Art Persyko; Betty Traynor; Michael Lyon; Gary Virginia; Karen Fishkin; Jessica Emoley; Jessica Inouye; Iris Biblowitz; Jessica Lehman; Mark Gleason; Susan Englander; H. Brown; Steve Zeltzer; Jean Barish; Angie O'Donnell; spoke on various concerns relating to Laguna Honda Hospital. There were no other speakers. President Peskin closed public comment, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

Supervisor Melgar, seconded by Supervisor Dorsey, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of May 9, 2023. The motion carried by the following vote:

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

Committee of the Whole Adjourn and Report

COMMITTEE REPORTS

Recommendations of the Public Safety and Neighborhood Services Committee

President Peskin requested File Nos. 221145 and 221180 be called together.

221145 [Liquor License Transfer - 499 Jackson Street - Postscript]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Postscript Collective LLC, doing business as Postscript, located at 499 Jackson 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; and requesting that the California Department of Alcoholic Beverage Control impose a condition on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

221180 [Liquor License Transfer - 1540 Mission Street - Bar Agricole]

Resolution determining that the person-to-person, premises-to-premises transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Bar Agricole, Inc., doing business as Bar Agricole, located at 1540 Mission Street (District 6), 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. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

Supervisor Engardio Excused from Voting

Supervisor Melgar, seconded by Supervisor Preston, moved that Supervisor Engardio be excused from voting on File Nos. 230084 and 230085. The motion carried by the following vote:

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

President Peskin requested File Nos. 230084 and 230085 be called together.

230084 [Appointment, Golden Gate Bridge, Highway and Transportation District, Board of Directors - Supervisor Joel Engardio]

Motion appointing Supervisor Joel Engardio, term ending January 31, 2025, to the Golden Gate Bridge, Highway and Transportation District, Board of Directors. (Clerk of the Board)

Motion No. M23-017

APPROVED by the following vote:

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

230085 [Appointment, California State Association of Counties - Supervisor Joel Engardio]

Motion appointing Supervisor Joel Engardio, term ending December 1, 2023, as an alternate to the California State Association of Counties. (Clerk of the Board)

Motion No. M23-018

APPROVED by the following vote:

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

230086 [Appointment, Association of Bay Area Governments, Executive Board - Supervisor Hillary Ronen]

Motion appointing Supervisor Hillary Ronen, term ending June 30, 2023, as an alternate member to the Association of Bay Area Governments, Executive Board. (Clerk of the Board)

(This item was not sent as a committee report.)

Supervisor Preston Excused from Voting

Supervisor Ronen, seconded by Supervisor Mandelman, moved that Supervisor Preston be excused from voting on File No. 230087. The motion carried by the following vote:

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

230087 [Appointment, Local Agency Formation Commission - Supervisor Dean Preston]

Motion appointing Supervisor Dean Preston, term ending February 4, 2026, to the Local Agency Formation Commission. (Clerk of the Board)

Motion No. M23-019

APPROVED by the following vote:

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

Supervisor Chan Excused from Voting

Supervisor Melgar, seconded by Supervisor Dorsey, moved that Supervisor Chan be excused from voting on File No. 230088. The motion carried by the following vote:

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

230088 [Appointment, Local Agency Formation Commission - Supervisor Connie Chan]

Motion appointing Supervisor Connie Chan, term ending February 4, 2026, as an alternate to the Local Agency Formation Commission. (Clerk of the Board)

Motion No. M23-020

APPROVED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Myrna Hedon; spoke in support of In-Home Supportive Services, the positive impact it makes, and the need to support workers during the union contract negotiations.

Francisco Jimenez; spoke in support of In-Home Supportive Services, the positive impact it makes, and the need to support workers during the union contract negotiations.

Speaker; spoke in support of In-Home Supportive Services, the positive impact it makes, and the need to support workers during the union contract negotiations.

Speaker; spoke in support of In-Home Supportive Services, the positive impact it makes, and the need to support workers during the union contract negotiations.

Joe Kunzler; spoke in support of the Resolutions supporting the Renewal of the Assault Weapons Ban (File No. 230075) and declaring National Gun Violence Survivors Week (File No. 230076).

Steve Zeltzer; expressed concerns regarding the privatization of home care workers.

Jordan Davis; expressed concerns regarding the censorship of public comment.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

230073 [Approval of Retroactive 90-Day Extension for Planning Commission Review of Planning, Administrative Codes - HOME-SF (File No. 221021)]

Sponsor: Dorsey

Resolution retroactively extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 221021) 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.

ADOPTED

230075 [Supporting the Renewal of the Assault Weapons Ban of 2023]

Sponsors: Stefani; Walton, Mandelman, Preston, Chan and Peskin

Resolution supporting the renewed Senate Bill Assault Weapons Ban of 2023 to cease the sale, transfer, manufacture, and import of military-style assault weapons and high-capacity magazines, and raise the minimum age to purchase any assault weapon from 18 to 21 years old.

Supervisors Walton, Mandelman, Preston, Chan, and Peskin requested to be added as co-sponsors.

ADOPTED

230076 [National Gun Violence Survivors Week - February 1 through February 7, 2023]**Sponsors: Stefani; Walton, Mandelman, Preston and Chan**

Resolution declaring the week of February 1 through February 7, 2023, to be National Gun Violence Survivors Week in the City and County of San Francisco, to honor and remember all victims and survivors of gun violence and uplift the resilient voices of survivors across the nation.

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

ADOPTED**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Safai, Stefani, Walton

Absent: 1 - Ronen

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Walton requested that File No. 230077 be severed so that it may be considered separately.

230077 [Committee of the Whole - Draft San Francisco Reparations Plan and Dream Keeper Initiative Updates - February 7, 2023, at 3:00 p.m.]**Sponsor: Walton**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on Tuesday, February 7, 2023, at 3:00 p.m., to hold a public hearing on the Draft San Francisco Reparations Plan and Dream Keeper Initiative updates; and requesting the Human Rights Commission, the African American Reparations Advisory Committee, and the Dream Keeper Initiative to present.

Motion No. M23-021**APPROVED by the following vote:**

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Safai, Stefani, Walton

Absent: 1 - Ronen

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

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

Introduced at the Request of a Department

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

PROPOSED ORDINANCES

230045 [Settlement of Lawsuit - Andrea Cervantes - \$400,000]

Ordinance authorizing settlement of the lawsuit filed by Andrea Cervantes against the City and County of San Francisco for \$400,000; the lawsuit was filed on August 10, 2020, in San Francisco Superior Court, Case No. CGC-20-586083; entitled Andrea Cervantes v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

01/13/23; RECEIVED FROM DEPARTMENT.

01/31/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230046 [Settlement of Lawsuit - Erica Zweig - \$85,000]

Ordinance authorizing settlement of the lawsuit filed by Erica Zweig against the City and County of San Francisco for \$85,000; the lawsuit was filed on August 20, 2021, in San Francisco Superior Court, Case No. CGC-21-594634; entitled Erica Zweig v. City and County of San Francisco; the lawsuit involves an alleged trip and fall on a City Street. (City Attorney)

01/20/23; RECEIVED FROM DEPARTMENT.

01/31/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

230047 [Settlement of Unlitigated Claim - SF Vertigo LLC - \$3,367,576]

Resolution approving the settlement of the unlitigated claim filed by SF Vertigo LLC against the City and County of San Francisco by payment of \$3,367,576; the claim was filed on November 16, 2022; the claim involves allegations of property damage to the Hotel Vertigo caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

01/13/23; RECEIVED FROM DEPARTMENT.

01/31/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230048 [Settlement of Unlitigated Claim - Tapjoy, Inc. - \$54,242.10]

Resolution approving the settlement of the unlitigated claim filed by Tapjoy, Inc. against the City and County of San Francisco for \$54,242.10; the claim was filed on September 3, 2022; the claim involves a refund of Gross Receipts Tax. (City Attorney)

01/19/23; RECEIVED FROM DEPARTMENT.

01/31/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230049 [Modification to License and Services Agreement - Airport Research and Development Foundation - Application-Based Commercial Ground Transportation Trip Fee Collection Services - Aggregate Amount Not to Exceed \$1,970,000]

Resolution approving Modification No. 3 to License and Services Agreement No. 50037 between the City and County of San Francisco, acting by and through its Airport Commission, and Airport Research and Development Foundation, a not-for-profit corporation, to extend the Services Term of the Agreement for two years through March 12, 2025, and cap the payment of the Administrative Services Fee by City at up to \$144,000 annually for the period of March 13, 2023, through March 12, 2025, for an aggregate amount not to exceed \$1,970,000. (Airport Commission)

01/19/23; RECEIVED FROM DEPARTMENT.

01/31/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230050 [Agreement Amendment - AT&T dba AT&T Mobility - Wireless Communications Services - Not to Exceed \$18,582,078]

Resolution authorizing the Department of Technology approving the first amendment with AT&T dba AT&T Mobility to purchase cellular voice and data services for City departments to extend the agreement term by four years and one month from May 23, 2023, for a total term of June 1, 2020, through June 30, 2027; and increasing the agreement amount by \$9,082,078 for a total contract amount of \$18,582,078 pursuant to Charter, Section 9.118. (Department of Technology)

01/19/23; RECEIVED FROM DEPARTMENT.

01/31/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230051 [Agreement Amendment - AT&T dba AT&T Mobility - Public Safety-Grade Wireless Communications Services - Not to Exceed \$22,252,968]

Resolution authorizing the Department of Technology approving the first amendment with AT&T dba AT&T Mobility to purchase public safety-grade wireless communications services for first responders with no change to the term of up to five years and four months, increasing the agreement amount by \$13,252,968 for a total contract amount of \$22,252,968 pursuant to Charter, Section 9.118.

(Department of Technology)

01/19/23; RECEIVED FROM DEPARTMENT.

01/31/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:57 p.m.