

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 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 HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AISHA SAFAI, CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Appropriations Committee

Supervisors Haney, Safai, Mar, Ronen, Walton

Wednesday

1:00 PM

Budget and Finance Committee

Supervisors Haney, Safai, Mar

Wednesday

10:30 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 Mar, Stefani, Haney

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, Melgar

2nd Friday

10:00 AM

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

Members Present: Connie Chan, Matt Haney, 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 via telephone, on Tuesday, March 8, 2022, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:01 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 at (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 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, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.

All Members of the Board were present; with Supervisor Preston attending remotely.

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.

COMMUNICATIONS

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

Supervisor Safai was noted absent at 2:17 p.m.

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the February 1, 2022, Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Stefani, moved to approve the February 1, 2022, Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

Supervisor Safai was noted present at 2:19 p.m.

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

220224 [Formal Policy Discussions - March 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 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

1. Seasonal and Event Workers' Health Care Security and Employment Opportunities (District 11)
Mayor London N. Breed addressed the Board of Supervisors regarding International Women's Day and the efforts being done to bring workers back into the workforce and streamline processes to work on economic recovery. Mayor Breed then discussed the above referenced topic submitted by the District 11 Supervisor.

Supervisor Safai began the discussions by asking the following question: What can we do to help those workers maintain their health care when the minimum number of events is harder to meet? Mayor Breed responded that the City's efforts for economic recovery are underway, and they are working to increase the number of events in order to provide the hours that these employees need to be eligible for health care. It's important to remember that some industries will be slower to recover.

Supervisor Safai then followed up with the following question: What can we do to find employment opportunities for that loss of income for those who cannot get back to work? Mayor Breed responded that she is willing to work with all parties and the Office of Economic and Workforce Development will continue its efforts to bring people back to the City and connect them to job opportunities.

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

220014 [Appropriation and De-Appropriation - Children, Youth and Their Families - Public Works - \$85,000 - FY2021-2022]

Sponsor: Safai

Ordinance de-appropriating \$85,000 previously appropriated to the Department of Children, Youth and Their Families (CHF) and re-appropriating \$85,000 to the Department of Public Works (DPW) for street maintenance for Fiscal Year (FY) 2021-2022.

FINALLY PASSED

220040 [Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Board of State and Community Corrections - Resentencing Pilot Program - \$750,000]

Sponsor: Safai

Ordinance retroactively authorizing the Public Defender's Office (PDR) to accept and expend a grant in the amount of \$750,000 from the Board of State and Community Corrections, to comply with Penal Code, Section 1170.01(e)'s mandate to use these funds to support the resentencing of individuals under newly enacted Penal Code, Section 1170.03, for example, by "ensuring adequate staffing of deputy public defenders and other support staff to represent incarcerated persons under consideration for resentencing, identifying and recommending incarcerated persons" who should be considered for resentencing, "and developing reentry and release plans" for the period of September 1, 2021, through September 1, 2024; and to amend the Annual Salary Ordinance No. 109-21 (Annual Salary Ordinance, File No. 210644 for Fiscal Years 2021-2022 and 2022-2023) to provide for the addition of two grant-funded positions, one FTE in Class 8446 Court Alternative Specialist I and one FTE in Class 8173 Legal Assistant for the PDR Resentencing Pilot Program. (Public Defender)

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee

210116 [Planning Code, Zoning Map - Central Neighborhoods Large Residence Special Use District]

Sponsor: Mandelman

Ordinance amending the Planning Code and Zoning Map to create the Central Neighborhoods Large Residence Special Use District (the area within a perimeter established by Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey Boulevard, Joost Avenue, Congo Street, Bosworth Street, O'Shaughnessy Boulevard, Portola Drive, Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West, Haight Street, and Buena Vista Avenue East), to preserve and enhance neighborhood context and affordability by, among other things, requiring Conditional Use authorization for large residential developments in the district and prohibiting new residential development or expansion of an existing Residential Building that would result in any Dwelling Unit exceeding 4,000 square feet of Gross Floor Area in most circumstances; making a determination of compliance with 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 convenience, necessity, and welfare under Planning Code, Section 302.

(Pursuant to Charter Section 4.105, this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to reverse the Planning Commission's finding of non-conformity with the General Plan).

FINALLY PASSED

210898 [Planning Code - Landmark Designation - One Montgomery Street (aka 1-25 Montgomery Street) (Crocker National Bank Building)]

Sponsors: Peskin; Safai

Ordinance amending the Planning Code to designate One Montgomery Street (aka 1-25 Montgomery Street), Crocker National Bank Building, Assessor's Parcel Block No. 0292, Lot Nos. 001A and 002, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

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

FINALLY PASSED

220037 [Planning Code - Landmark Designation - “Allegory of California,” The City Club of San Francisco (formerly Pacific Stock Exchange Luncheon Club), 155 Sansome Street]

Sponsors: Peskin; Melgar, Preston, Mandelman and Safai

Ordinance amending the Planning Code to designate the fresco, titled “Allegory of California,” in the grand stairwell between 10th and 11th floors of The City Club of San Francisco (former Pacific Stock Exchange Luncheon Club), within 155 Sansome Street, Assessor’s Parcel Block No. 0268, Lot No. 001A, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

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

FINALLY PASSED

Recommendation of the Youth, Young Adult, and Families Committee

211293 [Forgiveness of Appropriation Advances for San Francisco Unified School District - \$26,600,000]

Sponsors: Mayor; Ronen, Safai and Mar

Ordinance waiving the condition in Ordinance Nos. 33-19 and 169-19 that required the San Francisco Unified School District to repay the City a total amount of \$26,600,000 using revenues from the voter-approved parcel tax in June 2018’s Proposition G; and rescinding the direction in those Ordinances to the Controller to transfer funds from accumulated balances of Proposition G revenues to repay the General Fund advances.

(Fiscal Impact)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Transportation Committee

211263 [Planning Code - Massage Establishment Zoning Controls]

Sponsors: Mandelman; Ronen and Preston

Ordinance amending the Planning Code to revise Massage Establishment zoning controls to regulate Massage Establishments generally consistent with regulation of Health Services, with some exceptions, including to make Massage Establishments principally permitted if accessory to a Health Service; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

FINALLY PASSED by the following vote:

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

Recommendation of the Youth, Young Adult, and Families Committee

211296 [Administrative Code - Amending the Family Friendly Workplace Ordinance]

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

Ordinance amending the Administrative Code to provide under the Family Friendly Ordinance that Employees shall be permitted a Flexible or Predictable Working Arrangement unless such an arrangement would cause an Employer undue hardship; requiring Employers to engage in an interactive process to find a mutually agreeable Flexible or Predictable Working Arrangement; strengthening enforcement of the Ordinance; and making other changes, as defined herein.

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

211292 [Various Codes - Street Vendor Regulation]

Sponsors: Mayor; Safai, Ronen, Mar and Haney

Ordinance amending the Public Works Code to regulate vending, require permits for vending, and authorize permit fees and enforcement actions; amending provisions of the Administrative, Business and Tax Regulations, Park, and Police Codes to conform with those amendments; amending the Port Code to merge its permit program with the Public Works permit program; repealing reporting provisions from the Health Code; and adopting findings under the California Environmental Quality Act.

(Fiscal Impact)

(Racial Equity Impact)

PASSED ON FIRST READING by the following vote:

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

211295 [Park Code - Admission Fees at the Gardens of Golden Gate Park]

Sponsors: Mayor; Mar

Ordinance amending the Park Code to waive fees for admission by San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers; to authorize the Recreation and Park Department to waive or discount other admission fees at these facilities as well as at the San Francisco Botanical Garden (all three collectively, "the Gardens"); to require the Recreation and Park Department to begin waiving admission fees for Veterans at the Gardens; to fund these changes by reauthorizing the Recreation and Park Department to set admission fees for non-resident adults at the Gardens through flexible pricing, based on certain factors and to ensure consistency among all three Gardens; and affirming the Planning Department's determination under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Preston, Ronen, Safai, Stefani, Walton

Noes: 1 - Peskin

220001 [Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Department of Cannabis Control - Local Jurisdiction Assistance Grant Program - \$3,075,769]

Ordinance authorizing the Office of Cannabis to accept and expend a grant award in the amount of \$3,075,769 from the Department of Cannabis Control for the Local Jurisdiction Assistance Grant Program for a term of on-or-around February 11, 2022, through March 31, 2025; and amending Ordinance No. 109-21 (Annual Salary Ordinance File No. 210644 for Fiscal Years 2021-2022 and 2022-2023) to provide for the addition of one grant funded Class 1824 Principal Administrative Analyst position (FTE 0.20), one grant funded Class 1823 Senior Administrative Analyst position (FTE 1.0), and three grant funded class 1822 Administrative Analyst positions (FTE 3.0) at the Office of Cannabis for the period of on-or-around February 11, 2022, through March 31, 2025. (City Administrator)

Privilege of the floor was granted unanimously to Anne Pearson (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisor Haney, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, by adding 'Retroactive', Line 3, by adding 'retroactively', Lines 5-6, by changing 'on-or-around February 11' to 'January 1', Line 6, by changing 'March 31' to 'June 30', and Line 12, by changing 'on-or-around February 11' to 'January 1' and changing 'March 31' to 'June 30'; on Page 2, Lines 6-9, by adding '(c) In May 2021, the Department notified the Office of Cannabis of its intent to award a grant of \$3,075,769 to support the processing of commercial cannabis applications by the Office of Cannabis for a term of on or around February 11, 2022 through March 31, 2025.', Lines 20-22, by striking '(d) In May 2021, Department notified the Office of Cannabis of its intent to award a grant of \$3,075,769 to the Office of Cannabis to support the processing of commercial cannabis applications on or around February 11, 2022 through March 31, 2025.', and Line 24, by adding retroactively'; and on Page 3, Lines 1-2, by changing 'for' to 'retroactively authorizes'. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Ordinance retroactively authorizing the Office of Cannabis to accept and expend a grant award in the amount of \$3,075,769 from the Department of Cannabis Control for the Local Jurisdiction Assistance Grant Program for a term of January 1, 2022, through June 30, 2025; and amending Ordinance No. 109-21 (Annual Salary Ordinance File No. 210644 for Fiscal Years 2021-2022 and 2022-2023) to provide for the addition of one grant funded Class 1824 Principal Administrative Analyst position (FTE 0.20), one grant funded Class 1823 Senior Administrative Analyst position (FTE 1.0), and three grant funded class 1822 Administrative Analyst positions (FTE 3.0) at the Office of Cannabis for the period of January 1, 2022, through June 30, 2025. (City Administrator)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

220035 [Accept and Expend Grant - Retroactive - The Andrew W. Mellon Foundation - Jail and Reentry Services Program - Amendment to the Annual Salary Ordinance - FYs 2021-2022 and 2022-2023 - \$2,000,000]

Sponsor: Mayor

Ordinance retroactively authorizing the San Francisco Public Library to accept and expend a grant award in the amount of \$2,000,000 from the Andrew W. Mellon Foundation for the Jail and Reentry Services Program for the period of January 1, 2022, through December 31, 2023; and amending Ordinance No. 109-21 (Annual Salary Ordinance File No. 210644 for Fiscal Years (FYs) 2021-2022 and 2022-2023) to provide for the addition of one grant-funded full-time position in Class 3630 Librarian 1 (1.0 FTE), one grant-funded full-time position in Class 1822 Administrative Analyst (1.0 FTE), and one grant-funded full-time position in Class 1823 Senior Administrative Analyst (1.0 FTE) at the Public Library for the period of January 1, 2022, though December 31, 2023. (Public Library)

PASSED ON FIRST READING by the following vote:

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

220074 [Professional Services Agreement - APX Inc. - Power Scheduling Coordination Services and Related Support Services - Not to Exceed \$134,742,800]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute Power Enterprise Operating Budget-funded Agreement No. PRO.0152 with APX Incorporated to assist with power scheduling coordination services required for the SFPUC's participation in the California Independent System Operator electricity market, for an amount not to exceed \$134,742,800 and with services anticipated to begin in April 2022, and end in March 2027, for a term of five years. (Public Utilities Commission)
(Fiscal Impact)

ADOPTED by the following vote:

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

220075 [Public Auction - Tax-Defaulted Real Property]

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

Privilege of the floor was granted unanimously to Amanda Kahn Fried (Office of the Treasurer/Tax Collector) who responded to questions raised throughout the discussion.

Supervisor Peskin, seconded by Supervisor Ronen, moved to ACCEPT the revised 'Tax Defaulted Property List Subject to Impending Tax Sale' report, dated March 4, 2022, to remove 88 properties from the previous version of the report. The motion carried by the following vote:

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

ADOPTED, after accepting the revised report, by the following vote:

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

220076 [Trustee Agreement - Retroactive - The Bank of New York Mellon Trust Company, N.A. - San Francisco International Airport Revenue Bonds - Not to Exceed \$3,800,000]

Resolution 1) approving Modification No. 6 to Airport Contract No. 9186 with The Bank of New York Mellon Trust Company, N.A., for bond trustee services, to increase the contract amount by \$1,050,000 for a new total not to exceed amount of \$3,800,000 to commence following approval by the Board of Supervisors; 2) retroactively approving Airport Contract No. 9186 with a contract amount of \$260,000 with a term date of November 4, 1991, to an indefinite term; 3) retroactively from December 4, 2001, approving Modification No. 1 to increase the contract amount by \$600,000 for a total not to exceed amount of \$860,000; 4) retroactively from February 6, 2006, approving Modification No. 2 to increase the contract amount by \$900,000 for a total not to exceed amount of \$1,760,000; 5) retroactively from April 1, 2012, approving Modification No. 3 to increase the contract amount by \$800,000 for a total not to exceed amount of \$2,560,000; 6) retroactively from April 1, 2017, approving Modification No. 4 to increase the contract amount by \$190,000 for a total not to exceed amount of \$2,750,000; and 7) retroactively from June 1, 2018, approving Modification No. 5 to update the Trustee fee payment schedule, with no changes to the contract amount. (Airport Commission)
(Fiscal Impact)

ADOPTED by the following vote:

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

220133 [Execute Standard Agreement and Accept and Expend - California Department of Housing and Community Development - 2021 Homekey Grant - 1321 Mission Street - Not to Exceed \$54,788,000]

Sponsors: Mayor and Haney; Safai

Resolution authorizing the Department of Homelessness and Supportive Housing (HSH) to execute a Standard Agreement with the California Department of Housing and Community Development for up to \$54,778,000 of Project Homekey grant funds; to accept and expend those funds for the acquisition of the property located at 1321 Mission Street (the "Property") for permanent supportive housing and to support its operations upon execution of the Standard Agreement through June 30, 2026; approving and authorizing HSH to commit approximately \$16,000,000 in required matching funds for acquisition of the property, and a minimum of five years of operating costs; authorizing the Director to enter into any additions, amendments, or other modifications to the Standard Agreement and the Homekey Documents that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City; affirming the Planning Department's determination under the California Environmental Quality Act; and adopting the Planning Department's findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
(Fiscal Impact)

ADOPTED by the following vote:

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

Recommendation of the Budget and Appropriations Committee

220136 [Board of Supervisors Budget Process - FYs 2022-2023 and 2023-2024]

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

Motion establishing goals for the Board of Supervisors' Budget and Appropriations Committee, and the process to guide the Board's deliberations on the City budget, for Fiscal Years (FYs) 2022-2023 and 2023-2024.

Motion No. M22-033

APPROVED by the following vote:

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

Recommendations of the Land Use and Transportation Committee

211021 [Planning Code - Landmark Designation - 447 Battery Street (aka Jones-Thierbach Coffee Company Building)]

Sponsor: Peskin

Ordinance amending the Planning Code to designate 447 Battery Street (aka Jones-Thierbach Coffee Company Building), Assessor's Parcel Block No. 0206, Lot No. 002, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

PASSED ON FIRST READING by the following vote:

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

220009 [Planning Code - Landmark Designation - 1801 Green Street (aka Golden Gate Valley Carnegie Library)]

Sponsors: Stefani; Peskin and Mandelman

Ordinance amending the Planning Code to designate 1801 Green Street (aka Golden Gate Valley Carnegie Library), Assessor's Parcel Block No. 0554, Lot No. 001, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

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

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Public Safety and Neighborhood Services Committee

211304 [Departmental Overdose Prevention Policies - Annual Submission - 2021]

Sponsor: Mayor

Resolution receiving the 2021 Overdose Prevention Policies for the Department of Public Health, Department of Homelessness and Supportive Housing, Healthy Streets Operation Center through the Department of Emergency Management, and Human Services Agency describing how the department and its grantees that provide direct services to clients who use drugs will promote strategies to reduce drug overdoses, submitted as required by Administrative Code, Section 15.17.

ADOPTED by the following vote:

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

220018 [Liquor License Transfer - 550 Sutter Street - Pacific Cocktail Haven]

Resolution determining that the transfer of a Type-48 on-sale general public premises liquor license to Pacific Cocktail Haven at 550 Sutter Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

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

Supervisor Chan, seconded by Supervisor Melgar, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest(s). The motion carried by the following vote:

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

WOMEN'S HISTORY MONTH

Supervisors Chan, Melgar, Stefani, and Ronen provided opening remarks and Kimberly Ellis, Director (Department on the Status of Women), provided a video statement in recognition of Women's History Month.

Supervisors introduced, welcomed, and presented Certificates of Honor to the following women in recognition of their countless accomplishments and continued community support, as follows:

Supervisor Melgar recognized Mary Travis-Allen;

Supervisor Ronen recognized Amanda Alvarado Ford;

Supervisor Stefani recognized Dr. Naveena Bobba (Department of Public Health);

Supervisor Chan recognized Caina Li;

President Walton recognized Dr. Saidah Leatutufu-Burch (Human Rights Commission);

Supervisor Mar recognized Anne Cassidy Carew;

Supervisor Peskin recognized Dr. Jian Zhang;

Supervisor Preston recognized Dr. Mary Ann Jones;

Supervisor Mandelman recognized Mary Ellen Carroll, Director (Department of Emergency Management);

Supervisor Safai recognized Felisia Thibodeaux; and

Supervisor Haney recognized Aria Sa'id.

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 220083, 220088, 220086, 220087, and 220084 be called together.

Board of Supervisors Sitting as a Committee of the Whole

220083 [Hearing - Committee of the Whole - Establish and Incur Bonded Indebtedness - Special Tax District No. 2022-1 (Power Station) - March 8, 2022, at 3:00 p.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on March 8, 2022, at 3:00 p.m., to hold a public hearing to consider the establishment of the City and County of San Francisco Special Tax District No. 2022-1 (Power Station), Improvement Area No. 1 and a Future Annexation Area, and determining other matters in connection therewith; and to consider incurring bonded indebtedness and other debt for the City and County of San Francisco Special Tax District No. 2022-1 (Power Station), and determining other matters in connection therewith; scheduled pursuant to Resolutions contained in the Board of Supervisors File Nos. 211308 and 211307, adopted by the Board of Supervisors on January 25, 2022. (Clerk of the Board)

President Walton inquired as to whether any member of the public wished to address the Committee of the Whole relating to Special Tax District No. 2022-1 (Power Station). Jon Lau (Office of Economic and Workforce Development) and Marisa Pereira Tully (Controller's Office of Public Finance) provided a presentation with an overview of the proposed district and responded to questions raised throughout the discussion. Francisco Da Costa; spoke on various concerns relating to the proposed district. There were no other speakers. The President closed public comment, declared the hearing heard and filed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

From the Board

220085 [Calling Special Election - Improvement Area No. 1 of City and County of San Francisco Special Tax District No. 2022-1 (Power Station)]

Sponsors: Mayor; Walton

Resolution calling a special election in Improvement Area No. 1 of the City and County of San Francisco Special Tax District No. 2022-1 (Power Station); and determining other matters in connection therewith, as defined herein.

ADOPTED by the following vote:

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

220088 [Determining Necessity to Incur Bonded Indebtedness and Other Debt - Special Tax District No. 2022-1 (Power Station)]**Sponsors: Mayor; Walton**

Resolution determining necessity to incur bonded indebtedness and other debt for the City and County of San Francisco Special Tax District No. 2022-1 (Power Station); and determining other matters in connection therewith, as defined herein.

ADOPTED by the following vote:

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

220086 [Declaring Results of Special Election - Improvement Area No. 1 of City and County of San Francisco Special Tax District No. 2022-1 (Power Station)]**Sponsors: Mayor; Walton**

Resolution declaring the results of a special election and directing recording of notice of special tax lien for Improvement Area No. 1 of the City and County of San Francisco Special Tax District No. 2022-1 (Power Station); and determining other matters in connection therewith, as defined herein.

Supervisor Walton, seconded by Supervisor Safai, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of March 22, 2022. The motion carried by the following vote:

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

220087 [Resolution of Formation - City and County of San Francisco Special Tax District No. 2022-1 (Power Station)]**Sponsors: Mayor; Walton**

Resolution of formation of City and County of San Francisco Special Tax District No. 2022-1 (Power Station), Improvement Area No. 1 and a Future Annexation Area; and determining other matters in connection therewith, as defined herein.

Supervisor Walton, seconded by Supervisor Ronen, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 9 to add the 'Exhibit B, Rate and Method of Apportionment of Special Taxes.' The motion carried by the following vote:

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

ADOPTED AS AMENDED by the following vote:

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

220084 [Levying Special Taxes - Special Tax District No. 2022-1 (Power Station)]**Sponsors: Mayor; Walton**

Ordinance levying special taxes within the City and County of San Francisco Special Tax District No. 2022-1 (Power Station).

Supervisor Walton, seconded by Supervisor Safai, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of March 22, 2022. The motion carried by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Ace Washington; shared his thoughts on returning to the Legislative Chamber and provided various subjects he will be exploring further.

Francisco Da Costa; expressed concerns regarding the Russian invasion of Ukraine, the world response to the conflict, and the United Nations Plaza.

Gilbert Crisswell; expressed concerns regarding the Municipal Transportation Agency and fare hikes, and the need to restore Muni services.

Speaker; expressed support of the Resolution of intent to waive the Major Encroachment Permit fee for the Ramsell Street Mosaic Mural Stairs (File No. 220217).

Citizen 22; expressed concerns regarding secondhand smoke and the encroachment of sidewalks by bicycles, scooters, and vendors that cause injury.

Kurtis Woo; expressed support of the hybrid meeting system and encouraged the Board to keep the teleconference public comment line.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

220215 [Recognizing Problem Gambling Awareness Month - March]

Sponsor: Mar

Resolution recognizing March as Problem Gambling Awareness Month in the City and County of San Francisco.

ADOPTED

220216 [Declaring the Intent to Waive Fee for Major Encroachment Permit - Goettingen Street Steps of Wisdom Stairway]

Sponsor: Ronen

Resolution of intent to waive the Major Encroachment Permit fee and ongoing fees for the Goettingen Street Steps of Wisdom Stairway.

ADOPTED

220217 [Declaring the Intent to Waive Fee for Major Encroachment Permit - Ramsell Street Mosaic Mural Stairs]

Sponsor: Safai

Resolution of intent to waive the Major Encroachment Permit fee and ongoing fees for the Ramsell Street Mosaic Mural Stairs.

ADOPTED

220185 [Appointment, Child Care Planning and Advisory Council - Yensing Sihapanya]

Motion appointing Yensing Sihapanya, term ending March 19, 2023, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Motion No. M22-034

APPROVED

220188 [Appointment, Bicycle Advisory Committee - Jina Bartholomew Lux]

Motion appointing Jina Bartholomew Lux, term ending November 19, 2022, to the Bicycle Advisory Committee. (Clerk of the Board)

Motion No. M22-035

APPROVED

220221 [Findings to Allow Teleconferenced Meetings During Declared Emergency]

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

Motion No. M22-036

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Peskin requested that File No. 220222 be severed so it they may be considered separately.

220222 [Preparation of Proponent Ballot Arguments and Rebuttal Ballot Arguments - June 7, 2022, Statewide Direct Primary Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 7, 2022, Statewide Direct Primary Election. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 1 and 3, to strike ‘Opponent’, Line 16, to designate Supervisor Melgar for the Charter Amendment on the Building Inspection Commission (File No. 211286), and remove all other names; on Page 2, Lines 1-2, to designate Supervisor Peskin for the Charter Amendment on the Recall Process (File No. 211287), and remove all other names, Lines 21-22, to designate Mayor Breed for the GO Bond (File No. 211290), and remove all other names, Line 25, to designate Supervisor Mar for the Initiative Ordinance on Public health Emergency Leave (File No. 220022), and remove all other names; on Page 3, Lines 14-15, to designate Supervisor Peskin for the Initiative Ordinance on Refuse Collection and Disposal (File No. 220052), and remove all other names, Line 21, to designate Supervisor Stefani for the Initiative Ordinance on Domestic Violence Right to Counsel (File No. 220063), and remove all other names; on Page 4, Line 2, to designate Supervisor Peskin for the Initiative Ordinance on Behested Payments (File No. 220110), and remove all other names; on Page 4 Line 3, through Page 6, Line 18, to strike all references to ‘Opponent Ballot Argument’ references; on Page 6, Lines 20 and 23, to strike ‘Opponent’; and on Page 7, Lines 1, 4, and 6, to strike ‘Opponent’. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 7, 2022, Statewide Direct Primary Election. (Clerk of the Board)

Motion No. M22-037

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Chan, Haney, 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.

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

220186 [Accept and Expend Grant - Retroactive - State of California - Board of State and Community Corrections - County Resentencing Pilot Program - Amendment to the Annual Salary Ordinance - FYs 2021-2022 and 2022-2023 - \$1,350,000]

Ordinance retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$1,350,000 from the State of California Board of State and Community Corrections to fund the County Resentencing Pilot Program; and amending Ordinance No. 109-21 (Annual Salary Ordinance File No. 210644 for Fiscal Years (FYs) 2021-2022 and 2022-2023) to provide for the addition of one grant-funded position in Class 8177 Attorney-Civil/Criminal (FTE 1.0) and one grant-funded position in Class 8173 Legal Assistant (FTE 1.0) in the Office of the District Attorney for the period of September 1, 2021, through September 1, 2024. (District Attorney)

02/18/22; RECEIVED FROM DEPARTMENT.

03/08/22; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/7/2022.

220190 [Planning Code - Landmark Designation - 2261 Fillmore Street (aka Clay Theatre)]**Sponsor: Stefani**

Ordinance amending the Planning Code to designate 2261 Fillmore Street (aka Clay Theatre), Assessor's Parcel Block No. 0630, Lot No. 002, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; and affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

02/24/22; RECEIVED FROM DEPARTMENT.

03/08/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 4/7/2022.

220191 [Settlement of Lawsuit - David Alfaro, et al. - \$3,626,444.85]

Ordinance authorizing final settlement of the lawsuit filed by David Alfaro, et al. against the City and County of San Francisco for \$3,626,444.85; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the claims for statutory attorney's fees, costs and interest and completely resolves the litigation. (City Attorney)

02/25/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220193 [Settlement of Lawsuit - Dennis Richards, Rachel Swann, Six Dogs, LLC - \$1,800,000]

Ordinance authorizing settlement of the lawsuit filed by Dennis Richards, Rachel Swann and Six Dogs, LLC against the City and County of San Francisco for \$1,800,000; the lawsuit was filed on February 21, 2020, in United States District Court, Case No. 20-cv-01242-JCS; entitled Dennis Richards, et al. v. Department of Building Inspection, et al.; the lawsuit involves alleged civil rights violations and claims that the Department of Building Inspection revoked building permits to retaliate against persons critical of the Department. (City Attorney)

02/25/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220194 [Settlement of Lawsuit - Leticia Avila - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Leticia Avila against the City and County of San Francisco for \$275,000.00; the lawsuit was filed on December 4, 2019, in San Francisco Superior Court, Case No. CGC-19-581286; entitled Leticia Avila vs. City and County of San Francisco, Human Services Agency; the lawsuit involves an employment dispute. (City Attorney)

02/25/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220195 [Settlement of Lawsuit - Lawrence Thomas - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Lawrence Thomas against the City and County of San Francisco for \$150,000; the lawsuit was filed on July 28, 2020, in San Francisco Superior Court, Case No. CGC-20-585622; entitled David Hawkins and Lawrence Thomas v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

02/25/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

220196 [Contract Agreement - Alliant Insurance Services, Inc. - Insurance Brokerage Services - Not to Exceed \$75,000,000]

Resolution authorizing the City Administrator, through the Director of the Risk Management Division, to enter into a contract for insurance brokerage services with Alliant Insurance Services for an amount not to exceed \$75,000,000 for a three-year term to commence on July 1, 2022, through June 30, 2025, with three two-year options to renew at the City's sole and absolute discretion, pursuant to Charter, Section 9.118. (City Administrator)

02/28/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

220197 [Contract Agreement - Arthur J. Gallagher & Co. Insurance Brokers of California, Inc. - Insurance Brokerage Services - Not to Exceed \$30,000,000]

Resolution authorizing the City Administrator, through the Director of the Risk Management Division, to enter into a contract for insurance brokerage services with Arthur J. Gallagher & Co. Insurance Brokers of California, Inc. for an amount not to exceed \$30,000,000 for a three year term to commence on July 1, 2022, through June 30, 2025, with three two-year options to renew at the City's sole and absolute discretion pursuant to Charter, Section 9.118. (City Administrator)

02/28/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 6:25 p.m.