

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 4, 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

Budget and Appropriations Committee

Supervisors Chan, Mandelman, Safai, Ronen, Walton

Budget and Finance Committee

Supervisors Chan, Mandelman, Safai

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Homelessness and Behavioral Health Select Committee

Supervisors Ronen, Mandelman, Walton

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Dorsey, Walton, Safai

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Engardio

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

2nd and 4th Friday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

2nd Friday

10:00 AM

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

Members Present: Connie Chan, Matt Dorsey, 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, April 4, 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, in-person public comment (prioritized before remote public comment), remote access, and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may also submit their comments by email to: bos@sfgov.org; all comments received will be made a part of the official record.

Live watch San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider) or stream meetings on the SFGovTV website (www.sfgovtv.org). Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Board Agendas and their associated documents are available at <https://sfbos.org/meetings/42>.

Visit the Board's website (www.sfbos.org) for additional information or contact the Office of the Clerk of the Board at (415) 554-5184.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

All Members 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

*(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.)*

APPROVAL OF MEETING MINUTES

President Peskin inquired whether any Member of the Board had any corrections to the February 28, 2023, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Walton, seconded by Supervisor Mandelman, moved to approve the February 28, 2023, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

221162 [Business and Tax Regulations Code - Extending Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers]

Sponsors: Peskin; Chan and Mandelman

Ordinance amending the Business and Tax Regulations Code to extend through Fiscal Year 2027-2028 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

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)

PASSED ON FIRST READING

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)

PASSED ON FIRST READING

230119 [Settlement of Lawsuit - William Bailey - \$52,500]

Ordinance authorizing settlement of the lawsuit filed by William Bailey against the City and County of San Francisco for \$52,500; the lawsuit was filed on October 27, 2020, in San Francisco Superior Court, Case No. CGC-20-587323; entitled William Bailey v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

230188 [Settlement of Lawsuit - Precious Espinosa - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Precious Espinosa against the City and County of San Francisco for \$75,000; the lawsuit was filed on June 15, 2021, in San Francisco Superior Court, Case No. CGC-21-592684; entitled Precious Espinosa v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

PASSED ON FIRST READING

230189 [Settlement of Lawsuit - Charlene Tuchman/Ellen Tuchman Rothmann - City to Receive \$250,000]

Ordinance authorizing settlement of the lawsuits filed by Charlene Tuchman and by Ellen Tuchman Rothmann, as successor in interest to Charlene Tuchman, against the City and County of San Francisco for a payment to the City of \$250,000; the lawsuits were filed on March 24, 2021, and March 9, 2022, in San Francisco Superior Court, Case Nos. CGC-21-590596 and CGC-22-598595; the lawsuits involve personal injuries sustained on a City sidewalk; other material terms of the settlement are payment of \$250,000 to Plaintiff from 3800 Washington, LLC. (City Attorney)

PASSED ON FIRST READING

230190 [Settlement of Lawsuit - Jose Chavarria - \$3,000,000]

Ordinance authorizing settlement of the lawsuit filed by Jose Chavarria against the City and County of San Francisco for \$3,000,000; the lawsuit was filed on September 30, 2020, in San Francisco Superior Court, Case No. CGC-20-586880; entitled Jose Chavarria v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising out of police vehicle collision; other material terms of the settlement are City to waive \$33,607.51 offset for unpaid Zuckerberg San Francisco General Hospital bills. (City Attorney)

PASSED ON FIRST READING

230191 [Settlement of Lawsuit - MJM Management Group - City to Receive \$400,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against MJM Management Group for \$400,000; the lawsuit was filed on April 29, 2020, in San Francisco Superior, Case No. CGC-20-584294; entitled City and County of San Francisco v. MJM Management Group, et al.; the lawsuit involves allegations of false claims for reimbursement in connection with property management expenses at Yerba Buena Gardens; consistent with the requirements of the California False Claims Act, a portion of the City's recovery shall be allocated to the qui tam plaintiff and to the City Attorney's Office. (City Attorney)

PASSED ON FIRST READING

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)

ADOPTED

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)

ADOPTED

230092 [Settlement of Unlitigated Claims - U.S. Department of Health and Human Services - City to Receive \$277,894.52]

Resolution approving the settlement of unlitigated claims in favor of the City and County of San Francisco against the U.S. Department of Health and Human Services by payment of \$277,894.52 to the City; the claims were filed on February 8, 2007, January 16, 2013, and August 18, 2017; the claims involve underpayment of Medicare costs by the U.S. Department of Health and Human Services for direct graduate medical education and indirect medical education. (City Attorney)

ADOPTED

Recommendation of the Land Use and Transportation Committee**230260 [Administrative Code - COVID-19 Tenant Protections]**

Sponsors: Preston; Walton, Peskin, Ronen, Chan and Dorsey

Ordinance amending the Administrative Code to extend by 60 days the restrictions on evicting or imposing late fees on residential tenants who could not pay rent that came due during the COVID-19 emergency.

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

FINALLY PASSED

Recommendation of the Public Safety and Neighborhood Services Committee

230162 [Police Code - Cannabis Regulation]

Sponsor: Mandelman

Ordinance amending the Police Code to allow holders of temporary cannabis business permits to transfer an aggregate ownership interest of 50% or more in the business to persons that were not owners at the time the temporary permit was issued so long as five years or more have passed since the Office of Cannabis Director first acknowledged receipt of the business's application for a temporary cannabis business permit, regardless of whether the business has received a permanent cannabis business permit.

FINALLY PASSED

Recommendation of the Rules Committee

230160 [Administrative Code - Establishing the Enhanced Infrastructure Financing District Public Financing Authority No. 1]

Sponsors: Mayor; Walton, Safai and Dorsey

Ordinance amending the Administrative Code to establish and define the membership and duties of the Enhanced Infrastructure Financing District Public Financing Authority No. 1.

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

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

UNFINISHED BUSINESS

Referred Without Recommendations From the Budget and Appropriations Committee

230158 [Appropriation - General Reserve - \$25,371,063 - Other Revenue - \$587,029 - Fund Balance - \$834,204 - Police Department - Overtime - De-Appropriation and Re-Appropriation - \$31,999,402 - Releasing \$7,430,008 from Reserve - FY2022-2023]
Sponsors: Mayor; Stefani, Dorsey, Engardio, Mandelman and Safai

Ordinance appropriating \$25,371,063 of General Fund General Reserves, \$587,029 of other revenues, and \$834,204 of special revenue fund balance to the Police Department; de-appropriating \$31,999,402 from permanent salaries, mandatory fringe benefits, equipment, budgeted debt service, budgeted project expenditures, and overtime for increased overtime budget in the Police Department in Fiscal Year (FY) 2022-2023 as required per Administrative Code, Section 3.17, required biweekly reporting to the Board of Supervisors on overtime by neighborhood, and releasing \$7,430,008 from expenditure reserve; this Ordinance requires a two-thirds approval vote of all members of the Board of Supervisors pursuant to Charter Section 9.113(c).

(Supervisors Preston and Walton voted No on First Reading.)

(Pursuant to Charter, Section 9.113(c), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve such appropriation ordinance for passage.)

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Ronen, Safai, Stefani

Noes: 2 - Preston, Walton

President Peskin requested File Nos. 230214 and 230215 be called together.

230214 [Public Employment - Amendment to the Salary Ordinance for the Department of Public Works - Street Cleaning and Graffiti Abatement - FY2022-2023]

Sponsors: Peskin; Safai, Chan, Preston and Ronen

Ordinance amending Ordinance No. 162-22 (Annual Salary Ordinance Fiscal Years (FY) 2022-2023 and 2023-2024) to reflect the addition of 56 off-budget positions (18.67 FTEs) in the Department of Public Works to support street cleaning and graffiti abatement in FY2022-2023.

(Fiscal Impact)

FINALLY PASSED by the following vote:

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

230215 [Appropriation - General Reserve - Public Works - \$25,000,000 - FY2022-2023]**Sponsors: Peskin; Safai, Chan, Preston and Ronen**

Ordinance appropriating \$25,000,000 of General Fund General Reserves for street cleaning and graffiti abatement in the Department of Public Works in Fiscal Year (FY) 2022-2023.
(Fiscal Impact)

FINALLY PASSED by the following vote:

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

NEW BUSINESS**Recommendations of the Budget and Finance Committee****221182 [Contract Modification - Jefferies LLC - Litigation Consulting Services - Not to Exceed \$15,500,000]**

Resolution authorizing the second amendment to a contract between the Office of the City Attorney and Jefferies LLC for litigation consulting services to extend the contract term for four years and five months, from April 1, 2023, for a total contract term of May 17, 2019, through September 17, 2027, and to increase the contract amount by \$5,501,000 for a new contract amount not to exceed \$15,500,000, pursuant to Charter, Section 9.118(b); and to authorize the City Attorney to enter into amendments or modifications to the contract 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.
(City Attorney)
(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. 230218, 230219, 230220, and 230261 be called together.

230218 [Apply for Grant - The Related Companies of California, LLC and San Francisco Housing Development Corporation - Assumption of Liability - Dept. of Housing and Community Development Affordable Housing and Sustainable Communities Program - 160 Freelon Family]

Sponsors: Mayor; Dorsey, Mandelman and Safai

Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute a grant application, as defined herein, under the Department of Housing and Community Development Affordable Housing and Sustainable Communities ("AHSC") Program as a joint applicant with The Related Companies of California, LLC and San Francisco Housing Development Corporation, for the 100% affordable housing project identified as 160 Freelon Family; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31. (Mayor's Office of Housing and Community Development)

ADOPTED by the following vote:

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

230219 [Apply for Grant - MidPen Housing Corporation - Assumption of Liability - Department of Housing and Community Development Affordable Housing and Sustainable Communities Program - 850 Turk Street]

Sponsors: Mayor; Stefani, Mandelman, Safai and Preston

Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute a grant application, as defined herein, under the Department of Housing and Community Development Affordable Housing and Sustainable Communities ("AHSC") Program as a joint applicant with MidPen Housing Corporation, a California public benefit corporation, for the 100% affordable housing project identified as 850 Turk Street; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31. (Mayor's Office of Housing and Community Development)

Supervisor Preston 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

230220 [Apply for Grant - BRIDGE Housing Corporation - Assumption of Liability - Department of Housing and Community Development Affordable Housing and Sustainable Communities Program - Balboa Reservoir Building A]

Sponsors: Mayor; Melgar, Safai and Mandelman

Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute a grant application, as defined herein, under the Department of Housing and Community Development Affordable Housing and Sustainable Communities ("AHSC") Program as a joint applicant with BRIDGE Housing Corporation, a California public benefit corporation, for the 159-unit 100% affordable housing project identified as Balboa Reservoir Building A; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31. (Mayor's Office of Housing and Community Development)

ADOPTED by the following vote:

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

230261 [Apply for Grant - Mercy Housing California - Assumption of Liability - Department of Housing and Community Development Affordable Housing and Sustainable Communities Program - Transbay 2 East Family]

Sponsors: Mayor; Dorsey, Mandelman and Safai

Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute a grant application, as defined herein, under the Department of Housing and Community Development Affordable Housing and Sustainable Communities ("AHSC") Program as a joint applicant with Mercy Housing California, for the 100% affordable housing project identified as Transbay 2 East Family; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31. (Mayor's Office of Housing and Community Development)

ADOPTED by the following vote:

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

230229 [Accept and Expend Grant - Retroactive - Public Defender's Adachi Project - Ford Foundation Grant - \$200,000]

Sponsors: Chan; Ronen

Resolution retroactively approving the Public Defender's Office's participation in applying for and directing the expenditure of a grant from the Ford Foundation to Even/Odd, LLC in collaboration with the creative collective Compound for implementation of the Adachi Project in the amount of \$200,000 for the period of May 1, 2022, through May 1, 2024. (Public Defender)

Supervisor Ronen 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

Recommendations of the Government Audit and Oversight Committee

230166 [Police Code - Displaced Worker Protections Under Certain Service Contracts]

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

Ordinance amending the Police Code to require an awarding authority, following the termination or end of a contract for janitorial, security, or building maintenance services in San Francisco, to provide information to facilitate the successor contractor's retention of the terminated or ending contractor's employees; to strengthen enforcement by permitting the City Attorney or an aggrieved employee to bring a civil action against the awarding authority for injunctive relief; to further strengthen enforcement by authorizing the Office of Labor Standards Enforcement (OLSE) to, among other things, promulgate rules, investigate possible violations, and order interim or final relief, including backpay, administrative penalties, costs of investigation, and interest; and to establish procedures for a person subject to an OLSE investigation to appeal the OLSE's determination of violation.

Supervisors Walton, Ronen, Mandelman, Melgar, and Dorsey requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

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

221284 [Urging Internet Service Providers to Provide Truly Affordable Internet for Senior and Disabled San Franciscans]

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

Resolution urging internet service providers, such as AT&T, Verizon, Comcast, and similar companies to provide affordable internet connections to seniors and people with disabilities in San Francisco.

Supervisor Safai 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

President Peskin requested File Nos. 230194 and 230195 be called together.

230194 [Settlement of Unlitigated Claims against Walmart Inc. - City to Receive Approximately \$2,600,000 to \$6,800,000 Over 6 Years]

Resolution authorizing settlement of unlitigated claims on behalf of the City and County of San Francisco and the People of the State of California against Walmart Inc. for abatement funds in the range of \$2,600,000 to \$6,800,000 to be paid over 6 years; the claims relate to Walmart Inc.'s allegedly improper and unlawful dispensing of prescription opioids at its pharmacies, which contributed to the epidemic of opioid abuse and misuse and caused a public nuisance. (City Attorney)

Supervisor Ronen, seconded by Supervisor Walton, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of April 11, 2023. The motion carried by the following vote:

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

230195 [Settlement of Unlitigated Claims against CVS Health Corporation and CVS Pharmacy, Inc. - City to Receive Approximately \$4,500,000 to \$12,000,000 Over 10 Years]

Resolution authorizing settlement of unlitigated claims on behalf of the City and County of San Francisco and the People of the State of California against CVS Health Corporation and CVS Pharmacy, Inc. for abatement funds in the range of \$4,500,000 to \$12,000,000 to be paid over 10 years; the claims relate to CVS's allegedly improper and unlawful dispensing of prescription opioids at its pharmacies, which contributed to the epidemic of opioid abuse and misuse and caused a public nuisance. (City Attorney)

Supervisor Ronen, seconded by Supervisor Walton, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of April 11, 2023. The motion carried by the following vote:

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

Recommendations of the Land Use and Transportation Committee

Supervisor Safai Excused from Voting

Out of an abundance of caution, Supervisor Safai requested to be excused from voting on File No. 210585, due to a possible conflict of interest.

Supervisor Safai, seconded by Supervisor Mandelman, moved that Supervisor Safai be excused from voting on File No. 210585. The motion carried by the following vote:

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

210585 [Planning Code - State-Mandated Accessory Dwelling Unit Controls]

Sponsor: Mayor

Ordinance amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings and to permit certain ADUs in the rear yard under the City's local, discretionary approval program; making findings under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

230134 [Police, Building Codes - Wage Theft Bonds]**Sponsors: Mandelman; Chan**

Ordinance amending the Police and Building Codes to require owners of certain residential construction projects to maintain a labor compliance bond at the time of issuance of the first construction document; and clarifying that the bonding requirement applies to projects that submitted an application for a building permit or a complete preliminary permit application pursuant to California Government Code, Section 65941.1, on or after June 6, 2022.

PASSED ON FIRST READING by the following vote:

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

230139 [Commemorative Street Name Designation - "Randall Kline Alley" - 200 Block of Linden Street]**Sponsors: Peskin; Preston and Engardio**

Resolution adding the commemorative street name "Randall Kline Alley" to the 200 Block of Linden Street in recognition of Randall Kline's retirement from SFJAZZ and in celebration of founding the organization 40 years ago, while also recognizing the construction and opening of the SFJAZZ Center 10 years ago.

ADOPTED by the following vote:

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

230228 [Condemning Texas State Senate Bill No. 147 (Kolkhorst) - Banning the Purchase of Real Property by Immigrants]**Sponsors: Chan; Peskin, Preston, Walton, Dorsey, Ronen, Mandelman and Melgar**

Resolution condemning Texas State Senate Bill No. 147, introduced by Texas State Senator Lois Kolkhorst, that prohibits immigrants from owning Texas real estate.

Supervisors Ronen, Mandelman, and Melgar requested to be added as co-sponsors.

ADOPTED by the following vote:

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

Recommendations of the Public Safety and Neighborhood Services Committee

President Peskin requested File Nos. 230082 and 230089 be called together.

230082 [Liquor License Transfer - 655-22 Street - Mainstay Markets]

Resolution determining that the premise-to-premise transfer of a Type-20 off-sale beer and wine liquor license to Mainstay Markets, to do business as Mainstay Markets located at 655-22 Street (District 10), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

230089 [Liquor License Issuance - 1710-1712 Mission Street - Brick and Mortar Music Hall]

Resolution determining that the issuance of a Type-90 on-sale general music venue liquor license to The Waterslide LLC, to do business as Brick & Mortar Music Hall located at 1710-1712 Mission Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

230264 [Japantown Cultural Heritage District's Cultural, History, Housing, and Economic Sustainability Strategy Report]

Sponsors: Mayor; Chan, Safai, Engardio, Peskin, Preston, Dorsey, Mandelman and Ronen
Resolution adopting the Japantown Cultural Heritage District's Cultural, History, Housing, and Economic Sustainability Strategy ("CHHESS") Report.

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

ADOPTED by the following vote:

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

Recommendations of the Rules Committee**221245 [Administrative Code - Reentry Council; Pretrial Services Seat]****Sponsor: Ronen**

Ordinance amending the Administrative Code to add a seat to the Reentry Council, to be appointed by the Board of Supervisors, designated for a representative of the entity responsible for the administration of pretrial services involving alternatives to incarceration.

PASSED ON FIRST READING by the following vote:

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

230126 [Appointment, Public Works Commission - Gerald Demarcus Turner]

Motion appointing Gerald Demarcus Turner, term ending July 2, 2024, to the Public Works Commission. (Rules Committee)

Motion No. M23-048**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 Safai introduced, welcomed, and presented a Certificate of Honor to the San Francisco Civil Grand Jury, accepted by the 2022-2023 Foreperson, Karen Kennard, in recognition of the Civil Grand Jury's hard work and tremendous efforts scrutinizing the conduct of public business for the City and County of San Francisco.

COMMITTEE REPORTS

Recommendation of the Rules Committee

230284 [Mayoral Appointment, Port Commission - Ed Harrington]

Motion approving the Mayor's nomination for appointment of Ed Harrington to the Port Commission, term ending May 1, 2024. (Clerk of the Board)

(Charter, Section 4.114, provides that the Mayor's appointment is subject to confirmation by a majority (six votes) of the Board of Supervisors, with no timeframe to confirm specified. Transmittal Date: March 13, 2023.)

Motion No. M23-049

APPROVED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Speaker; spoke on their personal religious ideas.

Speaker; spoke in support of the Resolution urging protection of Transgender and Lesbian, Gay, Bisexual, and Queer Youth and Adults (File No. 230326).

Jordan Davis; spoke in support of the Resolution urging protection of Transgender and Lesbian, Gay, Bisexual, and Queer Youth and Adults (File No. 230326).

Lena Young; expressed concerns regarding the rent relief program and its effects on small property owners.

Suzanne; expressed support of newly introduced legislation opposing state funding cuts to the Public Defense Pilot Program statewide.

Gloria Berry; expressed support of reparations.

Brandy Markman; spoke in support of the Resolution urging protection of Transgender and Lesbian, Gay, Bisexual, and Queer Youth and Adults (File No. 230326).

Francisco Da Costa; expressed concerns regarding accountability and transparency.

Alyssa Olear; expressed support of newly introduced legislation opposing state funding cuts to the Public Defense Pilot Program statewide.

Speaker; expressed concerns regarding the rent relief program and its effects on small property owners.

Krystal; expressed support of newly introduced legislation opposing state funding cuts to the Public Defense Pilot Program statewide.

Elizabeth Fraser; expressed support of newly introduced legislation opposing state funding cuts to the Public Defense Pilot Program statewide.

Speaker; expressed support of the Resolution supporting California State Assembly Bill No. 316, Autonomous Vehicles (File No. 230325).

Speaker; expressed concerns regarding the rent relief program and its effects on small property owners.

Speaker; expressed support of newly introduced legislation opposing state funding cuts to the Public Defense Pilot Program statewide.

Speaker; spoke in support of the Resolution urging protection of Transgender and Lesbian, Gay, Bisexual, and Queer Youth and Adults (File No. 230326).

Karen Kushman; spoke in support of the Resolution urging protection of Transgender and Lesbian, Gay, Bisexual, and Queer Youth and Adults (File No. 230326).

Speaker; expressed concerns regarding the rent relief program and its effects on small property owners.

Speaker; expressed concerns regarding their constitutional rights and the appropriation of funding.

Speaker; expressed support of newly introduced legislation opposing state funding cuts to the Public Defense Pilot Program statewide.

Speaker; expressed concerns regarding the rent relief program and its effects on small property owners.

Alice Bokman; spoke in support of the Resolution urging protection of Transgender and Lesbian, Gay, Bisexual, and Queer Youth and Adults (File No. 230326).

Speaker; expressed concerns regarding the rent relief program and its effects on small property owners.

Jaime Galoria; spoke in support of the Resolution urging protection of Transgender and Lesbian, Gay, Bisexual, and Queer Youth and Adults (File No. 230326).

Otto Duffy; shared concerns regarding religious times of reflection.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Walton assumed the chair at 3:28 p.m. The President resumed the chair 3:40 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

230320 [Urging Governor Gavin Newsom to Overhaul the California Employment Development Department]

Sponsors: Chan; Mandelman

Resolution urging Governor Gavin Newsom to overhaul and increase the useability of the California Employment Development Department.

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

ADOPTED

230321 [Urging Prioritization and Equitable Distribution of Rent Relief Funds to Small Property Owners and Affordable Housing Providers]

Sponsor: Chan

Resolution urging the Mayor's Office of Housing and Community Development to prioritize small property owners and affordable housing providers in the distribution of rent relief funds and design the rent relief program to be fully accessible in multiple languages and ensure equitable access to the program in all neighborhoods.

ADOPTED

230322 [Supporting California State Assembly Bill No. 645 (Friedman) - Vehicles: Speed Safety System Pilot Program]

Sponsors: Dorsey; Peskin, Mandelman, Stefani, Engardio and Ronen

Resolution supporting Assembly Bill No. 645, introduced by Assembly Member Laura Friedman, which would allow the City and County of San Francisco, and other municipalities to establish a Speed Safety System Pilot Program and to urge interagency cooperation upon its passage.

ADOPTED

230323 [Supporting California State Assembly Bill No. 1001 (Haney) - Health Facilities: Behavioral Health Emergency Services]

Sponsors: Mandelman; Safai, Ronen, Stefani, Chan, Walton, Preston and Engardio

Resolution urging the California State Legislature to pass California State Assembly Bill No. 1001, Health Facilities: Behavioral Health Emergency Services, introduced by California Assembly Member Matt Haney, to amend Article 71.1 of the Health and Safety Code.

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

ADOPTED

230325 [Supporting California State Assembly Bill No. 316 (Aguiar-Curry and Friedman) - Vehicles: Autonomous Vehicles]**Sponsors: Peskin; Walton, Stefani, Preston, Chan, Ronen, Mandelman, Melgar, Safai, Dorsey and Engardio**

Resolution supporting California State Assembly Bill No. 316, introduced by Assembly Members Aguiar-Curry and Friedman, which restricts autonomous vehicles (AV) with a gross vehicle weight (GVW) of 10,000 pounds or more from being operated on public roads for testing purposes, transporting goods, or transporting passengers without a human safety operator physically present in the AV at the time of operation.

ADOPTED**230326 [Protection of Transgender and Lesbian, Gay, Bisexual, and Queer Youth and Adults]****Sponsors: Preston; Mandelman, Dorsey, Ronen, Walton, Safai, Melgar, Peskin, Stefani, Chan and Engardio**

Resolution urging elected representatives, schools, and youth-serving institutions in San Francisco and other jurisdictions to protect transgender and lesbian, gay, bisexual, and queer (LGBQ+) youth and adults' lives and gender expression from hate and violence amid national legislative efforts to roll back transgender and LGBQ+ protections.

ADOPTED**230327 [Commemorating the 50th Anniversary of the Chinese Progressive Association]****Sponsors: Walton; Ronen, Peskin, Chan, Preston and Mandelman**

Resolution commemorating the 50th anniversary of the Chinese Progressive Association in the City and County of San Francisco.

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

ADOPTED**230328 [Supporting California State Assembly Bill No. 912 (Jones-Sawyer) - The SAFE Act]****Sponsors: Walton; Preston and Mandelman**

Resolution supporting California State Assembly Bill No. 912, The SAFE Act, authored by Assembly Member Reggie Jones-Sawyer, to reinvest prison closure savings into community crime reduction programs.

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

ADOPTED

230347 [Concurring in Proclamation of Local Emergency - Severe Winter Storms]

Motion concurring in the March 30, 2023, Proclamation by the Mayor Declaring the Existence of a Local Emergency in connection with the sudden and severe winter storms that began on March 8, 2023, causing high winds, substantial precipitation, and flooding in the City; and concurring in actions taken to meet the emergency to: 1) require City employees and officers to take all steps requested by the Executive Director of the Department of Emergency Management ("DEM") to address the emergency conditions caused by the storms; 2) require all City employees and officers to take all steps requested by the Executive Director of DEM to qualify the City for funding as may be available to reimburse the City for the expenses it incurs in addressing this emergency; 3) expedite the procurement of services, goods, and public works relating to the emergency by exempting contracts and grants for such services from specific contract requirements, waiving Civil Service Commission approval of such contracts and grants, authorizing departments to purchase professional services through the issuance of a stand-alone purchase order, authorizing department heads or their designees to deviate from the City's standard terms and conditions where necessary to effectively respond to the emergency, and authorizing the procurement of public works as provided in Administrative Code, Section 6.60; and 4) authorize the Director of the Department of Building Inspection to require a façade inspection and/or inspection report regarding any building at a time or interval that the Director deems necessary to address the risk of unsafe conditions caused by winter storms. (Clerk of the Board)

Motion No. M23-050

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, 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

230334 [Settlement of Lawsuit - Alexis Krup - \$3,325,000]

Ordinance authorizing settlement of the lawsuit filed by Alexis Krup against the City and County of San Francisco for \$3,325,000; the lawsuit was filed on October 9, 2020, in San Francisco Superior Court, Case No. CGC-20-587218; entitled Alexis Krup v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injuries from a vehicle collision. (City Attorney)

03/21/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230335 [Settlement of Lawsuit - M. Hernandez Construction, Inc. - \$137,000]

Ordinance authorizing settlement of the lawsuit filed by M. Hernandez Construction, Inc. against the City and County of San Francisco by the payment of \$137,000; the lawsuit was filed on March 16, 2022, in the Superior Court of California, County of San Francisco, Case No. CGC-22-598639; entitled M. Hernandez Construction, Inc. dba Hernandez Engineering vs. City and County of San Francisco; the lawsuit involves alleged breach of contract. (City Attorney)

03/23/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

230337 [Contract Amendment - Bay Cities Produce Co, Inc. - Purchase of Fresh and Frozen Produce for ZSFGH and LHH - Not to Exceed \$12,067,569]

Resolution authorizing the Office of Contract Administration to execute a second modification (Modification 2) to Contract 1000015904 with Bay Cities Produce Co, Inc. for the purchase of fresh and frozen produce for Zuckerberg San Francisco General Hospital (ZSFGH) and Laguna Honda Hospital (LHH) by Department of Public Health, increasing the contract amount by \$6,049,853.57 for a total not to exceed amount of \$12,067,569 and extending the term by two years from September 30, 2024, for a total contract duration of seven years from October 1, 2019, through September 30, 2026. (Office of Contract Administration)

03/17/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230338 [Settlement of Unlitigated Claim - Executive Hotel Vintage Court, LLC - \$762,965]

Resolution approving the settlement of the unlitigated claim filed by Executive Hotel Vintage Court, LLC, against the City and County of San Francisco for \$762,965; the claim was filed on February 2, 2023; the claim involves allegations of property damage to the Executive Hotel Vintage Court 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)

03/17/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230339 [Settlement of Unlitigated Claim - SF Americania LLC - \$4,692,008]

Resolution approving the settlement of the unlitigated claim filed by SF Americania LLC against the City and County of San Francisco for \$4,692,008; the claim was filed on January 13, 2023; the claim involves allegations of property damage to the Americania Hotel caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

03/17/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230340 [Tolling Agreement - Treasure Island Series 1, LLC - Real Property Transfer Tax Dispute]

Resolution approving a Tolling Agreement to extend the statute of limitations for Treasure Island Series 1, LLC and Treasure Island Community Development, LLC 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)

03/20/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230341 [Lease Amendment - International Terminal Food and Beverage Lease 3, Lease No. 16-0014 - Tastes on the Fly SFO International, LLC - Reduction of Premises]

Resolution approving Amendment No. 3 to the International Terminal Food and Beverage Lease 3, Lease No 16-0014, between Tastes on the Fly SFO International, LLC, as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for a removal of one restaurant facility from the lease premises, resulting in a reduction in the total leasehold square footage of the demised premises by approximately 43%, while maintaining the Minimum Annual Guarantee of \$1,177,995.15, effective upon approval of this Resolution. (Airport Commission)

03/23/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230342 [Airline and Airport 2023 Lease and Use Agreement - Various Airlines]

Resolution approving the 2023 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and 11 airlines to conduct flight operations at the San Francisco International Airport, for a term of ten years, from July 1, 2023, through June 30, 2033; affirming the Planning Department's determination under the California Environmental Quality Act; and to authorize the Airport Director to enter into modifications to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Lease or this Resolution. (Airport Commission)

03/23/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230343 [Contract Amendment - Richmond Area Multi-Services, Inc. - Behavioral Health Services for Adults, Older Adults, and Transitional Age Youth - Not to Exceed \$61,137,386]

Resolution approving Amendment No. 2 to the agreement between Richmond Area Multi-Services, Inc. and the Department of Public Health (DPH), for behavioral health services for adults, older adults, and transitional age youth; to increase the agreement by \$37,669,562 for an amount not to exceed \$61,137,386; to extend the term by four years, from June 30, 2023, for a total agreement term of July 1, 2018, through June 30, 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)

03/24/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

04/04/23; TRANSFERRED to Homelessness and Behavioral Health Select Committee.

230344 [Authorization to Gift Debenham Comedy Recording Collection to Emerson College]

Resolution authorizing the San Francisco Public Library to gift the Debenham Comedy Recording Collection to Emerson College. (Public Library)

03/27/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:06 p.m.