

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, May 16, 2023 - 2:00 PM

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

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

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

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, 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, May 16, 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 (www.sfbos.org) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: www.sfgovtv.org), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>).

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisor Stefani was noted not present.

A quorum of the Board was 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.

Supervisor Stefani Excused from Attendance

Supervisor Dorsey, seconded by Supervisor Preston, moved that Supervisor Stefani be excused from attending today's meeting. The motion carried by the following vote:

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

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments in-person or by dialing the telephone number published on the agenda and scrolling across the screen. In-person public comment will be taken before remote public comment is called.

*(Those who are providing public comment remotely must dial *3 to be added to the remote queue to speak. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)*

APPROVAL OF MEETING MINUTES

President Peskin inquired whether any Member of the Board had any corrections to the April 11, 2023, Regular Board Meeting Minutes or the April 12, 2023, Recessed Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Ronen, moved to approve the April 11, 2023, Regular Board Meeting Minutes and the April 12, 2023, Recessed Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

230281 [Administrative Code - Purchase and Sale of Electricity and Related Products - Public Utilities Commission]

Ordinance amending the Administrative Code to modify the waivers of specified contract-related requirements in the Administrative and Environment Codes for electricity and related product transactions, authorize binding arbitration for contracts with Investor Owned Utilities, and increase the annual expenditure limit for energy procurements from \$150,000,000 to \$200,000,000. (Public Utilities Commission)

(Fiscal Impact)

FINALLY PASSED by the following vote:

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

Recommendations of the Land Use and Transportation Committee

President Peskin requested File Nos. 221021 and 221105 be called together.

221021 [Planning, Administrative Codes - HOME-SF]

Sponsors: Dorsey; Peskin

Ordinance amending the Planning Code to allow projects to qualify for a density bonus under the Housing Opportunities Mean Equity (HOME-SF) Program by agreeing to subject new dwelling units to the rent increase limitations of the Rent Ordinance; modifying the zoning changes available to HOME-SF projects; making conforming amendments in the Administrative Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

FINALLY PASSED by the following vote:

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

221105 [Planning Code - HOME-SF]

Sponsor: Peskin

Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity-San Francisco (HOME-SF) Program; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

FINALLY PASSED by the following vote:

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

230216 [Administrative Code - Displaced Tenant Preference in City Affordable Housing]

Sponsors: Ronen; Walton, Chan and Dorsey

Ordinance amending the Administrative Code to expand the Displaced Tenant Preference in City Affordable Housing Programs to cover tenants where the tenant's unlawful unit has been removed as a residential unit by a written approval by the Planning Commission of the demolition, conversion, or merger of the residential unit, or denial by the Planning Commission of an application to legalize the unlawful unit.

Supervisor Dorsey requested this Ordinance be DUPLICATED ON FINAL PASSAGE.

See Duplicated File No. 230560.

FINALLY PASSED by the following vote:

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

230560 [Administrative Code - Displaced Tenant Preference in City Affordable Housing]**Sponsors: Ronen; Walton, Chan and Dorsey**

Ordinance amending the Administrative Code to expand the Displaced Tenant Preference in City Affordable Housing Programs to cover tenants where the tenant's unlawful unit has been removed as a residential unit by a written approval by the Planning Commission of the demolition, conversion, or merger of the residential unit, or denial by the Planning Commission of an application to legalize the unlawful unit.

Duplicated from File No. 230216.

Supervisor Dorsey, seconded by Supervisor Ronen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 8, by adding ‘; and 2) displacement has been caused by flooding’; on Page 2, Line 25, through Page 3, Line 1, by adding ‘, including the San Francisco Fire Marshal and/or Building Inspection official’; on Page 2, Line 1, by adding ‘and/or flooding’; on Page 5, Line 11, by adding ‘(fire)’, and Line 13, by adding ‘Category 3 (flooding) and; and making other conforming changes.’ The motion carried by the following vote:

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

Ordinance amending the Administrative Code to expand the Displaced Tenant Preference in City Affordable Housing Programs to cover tenants where 1) the tenant's unlawful unit has been removed as a residential unit by a written approval by the Planning Commission of the demolition, conversion, or merger of the residential unit, or denial by the Planning Commission of an application to legalize the unlawful unit; and 2) displacement has been caused by flooding.

Supervisor Dorsey, seconded by Supervisor Ronen, moved that this Ordinance be RE-REFERRED AS AMENDED to the Land Use and Transportation Committee. The motion carried by the following vote:

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

230373 [Existing Building Code - Façade Inspections for Tall Buildings]**Sponsor: Peskin**

Ordinance amending the Existing Building Code to require buildings with 15 or more stories constructed after 1998 to conduct and submit façade inspection reports; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee**230309 [Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]****Sponsor: Peskin**

Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time at which a Live Performance in the Polk Street Neighborhood Commercial District under a Limited Live Performance Permit must conclude; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee

230167 [Campaign and Governmental Conduct Code - Permit Prioritization]

Sponsor: Safai

Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for developing a recommended Citywide list of prioritized permits and project types and recommending permit prioritization guidelines to the Department of Building Inspection, the Planning Department, and the Department of Public Works, requiring those departments to review and update their permit prioritization guidelines periodically, and requiring the commissions that oversee each department to approve the department's permit prioritization guidelines; and affirming the Planning Department's determination under the California Environmental Quality Act. (Supervisors Chan, Melgar, and Peskin voted No on First Reading.)

FINALLY PASSED by the following vote:

Ayes: 7 - Dorsey, Engardio, Mandelman, Preston, Ronen, Safai, Walton

Noes: 3 - Chan, Melgar, Peskin

Excused: 1 - Stefani

NEW BUSINESS

Recommendations of the Budget and Finance Committee

230307 [Business and Tax Regulations Code - Extending Sunset Date of Credit from Early Care and Education Commercial Rents Tax for Qualifying Child Care Facilities]

Sponsors: Melgar; Chan, Mandelman and Preston

Ordinance amending the Business and Tax Regulations Code to extend for five years, until December 31, 2028, the credit against the Early Care and Education Commercial Rents Tax for qualifying child care facilities.

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

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Stefani

President Peskin requested File Nos. 230368, 230369, and 230370 be called together.

230368 [Appropriation - \$275,000,000 Total Including Appropriation of \$260,878,172 in Certificates of Participation Refunding Proceeds and Deappropriation and Reappropriation of \$14,121,828 in Series 2023-R1 Refunding - FY2022-2023]

Sponsors: Mayor; Preston

Ordinance appropriating \$275,000,000 consisting of: appropriation of (1) \$260,878,172 of one or more series of Refunding Certificates of Participation Series 2023-R1 proceeds, (2) de-appropriation of \$14,121,828 of Series 2012A, 2015-R1, and 2015A Certificates of Participation prior reserve funds, and (3) re-appropriation of the same amount to Refunding Certificates of Participation Series 2023-R1; and placing these funds on Controller's Reserve pending the sale of the Certificates of Participation in Fiscal Year (FY) 2022-2023.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Stefani

230369 [Authorizing Refunding Certificates of Participation, Series 2023-R1 - Multiple Capital Improvement Projects - Not to Exceed \$275,000,000]

Sponsors: Mayor; Preston

Ordinance authorizing the execution and delivery of refunding Certificates of Participation, in one or more series from time to time ("Certificates"), in an aggregate amount not to exceed \$275,000,000 to prepay certain certificates of participation that financed and refinanced various capital improvement projects within the City and County of San Francisco ("City"); approving the form of a Supplement to Trust Agreement between the City and U.S. Bank Trust Company, National Association (as successor-in-interest to U.S. Bank National Association), as trustee ("Trustee") (including certain indemnities contained therein); approving respective forms of a Supplement to Property Lease and a Supplement to Project Lease, each between the City and the Trustee, for the lease and lease back of all or a portion of certain real property and improvements owned by the City and located at 375 Laguna Honda Boulevard within the City, at 1 Moreland Drive, San Bruno, California, and/or any other property as shall be determined by the City's Director of Public Finance; approving the form of Escrow Agreement (including certain indemnities contained therein), between the City and U.S. Bank Trust Company, National Association, as escrow agent ("Escrow Agent"); approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of an Official Statement in preliminary and final form; approving the form of a purchase contract between the City and one or more initial purchasers of the Certificates; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith, as defined herein.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Stefani

230370 [Authorizing Tax-Exempt and/or Taxable Certificates of Participation - Multiple Affordable Housing and Community Facilities Projects - Not to Exceed \$146,800,000]

Sponsors: Mayor; Preston

Ordinance authorizing the execution and delivery of Certificates of Participation, in one or more series on a tax-exempt and/or taxable basis and from time to time, evidencing and representing an aggregate principal amount of not to exceed \$146,800,000 ("Certificates"), to finance and refinance certain capital improvement, affordable housing and community facilities development projects within the City and County of San Francisco's ("City"), including site acquisition, demolition and site preparation, design work, construction, repairs, renovations, improvements and the equipment of such facilities, including through the retirement of certain commercial paper notes of the City issued for such purposes; approving the form of a Supplement to Trust Agreement between the City and U.S. Bank Trust Company, National Association (as successor-in-interest to U.S. Bank National Association), as trustee ("Trustee") (including certain indemnities contained therein); approving respective forms of a Supplement to Property Lease and a Supplement to Project Lease, each between the City and the Trustee, for the lease and lease back of all or a portion of certain real property and improvements owned by the City and located at 375 Laguna Honda Boulevard within the City, at 1 Moreland Drive, San Bruno, California, and/or any other property as determined by the City's Director of Public Finance; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of an Official Statement in preliminary and final form; approving the form of a purchase contract between the City and one or more initial purchasers of the Certificates; approving the form of a Continuing Disclosure Certificate, as defined herein; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith, as defined herein.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

230450 [Transportation Code - Extension of Abandoned Vehicle Abatement Fee]

Sponsor: Mayor

Ordinance amending the Transportation Code, Division I, to authorize the Service Authority for the Abatement of Abandoned Vehicles (the San Francisco Municipal Transportation Agency Board) to extend the \$1 abandoned vehicle abatement fee on all vehicles registered to City residents for ten years, from June 1, 2023, through May 31, 2033.
(Pursuant to California Vehicle Code, Section 9250.7(g), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve the collection of this service fee on all registered vehicles.)

PASSED ON FIRST READING by the following vote:

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

President Peskin requested File Nos. 230402 and 230434 be called together.

230402 [Lease Extension Option Exercise - Michael C. Mitchell - 837 Malcolm Road, Burlingame - Annual Base Rent \$150,450]

Resolution approving the exercise of the second of two one-year extension options under Lease No. 09-0023, between Michael C. Mitchell and the City and County of San Francisco, acting by and through its Airport Commission, to extend the Lease for one year, for a period of May 1, 2024, through April 30, 2025, for a total term of April 21, 2009, through April 30, 2025, and increasing the annual rent to \$150,450 for office and industrial space occupied by the San Francisco International Airport Reprographics Department at 837 Malcolm Road, Burlingame. (Airport Commission)

ADOPTED by the following vote:

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

230434 [Lease Amendment - Smarte Carte, Inc - Airport Luggage Cart Lease and Operating Agreement - Provision of Free Luggage in the Federal Inspection Service Area of the Airport]

Resolution approving Amendment No. 3 to the Airport Luggage Cart Lease and Operating Agreement No. 19-0069 between Smarte Carte, Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, to modify the methodology used for escalating the flat service fee associated with the provision of free luggage cart service in the Federal Inspection Service (FIS) Area. (Airport Commission)

ADOPTED by the following vote:

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

230486 [Apply for Grant Application - California Department of Housing and Community Development - Local Housing Trust Fund Program Grant - Not to Exceed \$5,000,000]

Sponsors: Mayor; 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 for a grant to fund affordable housing development under the California Department of Housing and Community Development's Local Housing Trust Fund Program, for an amount not to exceed \$5,000,000. (Mayor's Office of Housing and Community Development)

ADOPTED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

President Peskin requested File Nos. 230448 and 230449 be called together.

230448 [Memorandum of Understanding - San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 1]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 1, to be effective July 1, 2023, through June 30, 2026.

Supervisor Safai, seconded by Supervisor Dorsey, moved to accept Amendment No. 1 to the Memorandum of Understanding that revises 'Section 14.2, For Employees on a 48.7 Hours Average Work Week' by changing 'Effective July 1, 2022 through close of business June 30, 2023' to 'Upon request of the Chief of the Fire Department', by changing 'is' to 'may be', and adding 'by the DHR Director if DHR determines it is necessary to address mandatory overtime, DHR's determination on whether to provide a waiver is non-grievable.'

Supervisor Safai, seconded by Supervisor Dorsey, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee, after accepting amendments to the Memorandum of Understanding. The motion carried by the following vote:

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

230449 [Memorandum of Understanding - San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 2]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 2, to be effective July 1, 2023, through June 30, 2026.

Supervisor Safai, seconded by Supervisor Dorsey, moved to accept Amendment No. 1 to the Memorandum of Understanding that revises 'Section 14.2, For Employees on a 48.7 Hours Average Work Week' by changing 'Effective July 1, 2022 through close of business June 30, 2023' to 'Upon request of the Chief of the Fire Department', by changing 'is' to 'may be', and adding 'by the DHR Director if DHR determines it is necessary to address mandatory overtime, DHR's determination on whether to provide a waiver is non-grievable.'

Supervisor Safai, seconded by Supervisor Dorsey, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee, after accepting amendments to the Memorandum of Understanding. The motion carried by the following vote:

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

230404 [Selection of Independent Auditors - Macias Gini & O'Connell LLP - Not to Exceed \$6,806,424]**Sponsor: Peskin**

Resolution selecting Macias Gini & O'Connell LLP as independent auditors for the Controller's Office and the separately audited departments of the City, for an amount not to exceed \$6,806,424 for a four-year contract term to commence July 1, 2023, through June 30, 2027. (Controller)
(Fiscal Impact)

ADOPTED by the following vote:

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

Recommendations of the Land Use and Transportation Committee**230192 [Planning Code - Landmark Designation Amendment - 429-431 Castro Street (the Castro Theatre)]****Sponsor: Mandelman**

Ordinance amending the Landmark Designation for Landmark No. 100, 429-431 Castro Street (the Castro Theatre), Assessor's Parcel Block No. 3582, Lot No. 085, under Article 10 of the Planning Code, to list the exterior features that should be preserved or replaced in kind, to add interior features to the designation, and to capture the property's full historical significance; 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 Melgar dissented in Committee)

Supervisor Mandelman, seconded by Supervisor Safai, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of June 6, 2023. The motion carried by the following vote:

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

230401 [Acceptance and Recording of Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]

Resolution authorizing acceptance and recording of 124 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program; affirming the Planning Department's determination of "not a project" under the California Environmental Quality Act; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein. (Airport Commission)

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

230375 [Administrative Code - Including Military Service in Definition of “Public Service” for Retirement Service Credit Purchases]

Sponsors: Stefani; Safai

Ordinance amending the Administrative Code to expand the definition of “public service” to allow members of the San Francisco Employees’ Retirement System to purchase service credit for time served in the military before City employment.

PASSED ON FIRST READING by the following vote:

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

230053 [Appointment, Ethics Commission - Yaman Salah]

Motion appointing Yaman Salah, term ending February 1, 2029, to the Ethics Commission. (Rules Committee)

Motion No. M23-072

APPROVED by the following vote:

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

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

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

President Peskin introduced, welcomed, and presented a Certificate of Honor to Linda Gerull and the Department of Technology, including Michael Makstman, Michael Lat, Keith Kawas, Matt Reeves, Joseph John, Jack Chin, ChiaYu Ma, Karen Hong, and Rohit Gupta, in recognition of their many accomplishments and technological support to the numerous City departments.

Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to the Birth Companions Community Center in honor of Mother’s Day and in recognition of their many accomplishments providing support and services to expectant mothers. Supervisor Safai shared in this commendation.

Supervisor Preston introduced, welcomed, and presented a Certificate of Honor to Anjali Rimi, Executive Director of Parivar Bay Area, in recognition of their advocacy and support of the transgender community.

SPECIAL ORDER 4:00 P.M.

President Peskin requested File Nos. 230363 and 230364 be called together.

Board of Supervisors Sitting as a Committee of the Whole

230363 [Hearing - Committee of the Whole - Report of Assessment Costs - Blighted Properties - May 16, 2023, at 4:00 p.m.]

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or abatement of blighted conditions ordered to be performed by said Director pursuant to Chapter 80 of the San Francisco Administrative Code, the costs thereof having been paid for out of a blight abatement fund; scheduled pursuant to Motion No. M23-066, approved on April 25, 2023. (Clerk of the Board)

President Peskin opened the public hearings and inquired as to whether any member of the public wished to address the Board relating to assessments as referenced in File Nos. 230363 and 230364. Alisha Whitt (Public Works) provided an overview of the assessments and responded to questions raised throughout the discussion. Jose Rojas; Speaker; Ken; Alexandra Nancy Thompson; spoke in opposition to certain assessments in the report. There were no other speakers. The President closed public comment, declared the matter heard and filed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

From the Board

230364 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works)

Alisha Whitt (Public Works) indicated that the following addresses be removed from the accompanying report due to recent resolution or receipt of payment: 2408 Bay Shore Boulevard; and 2675 Folsom Street.

Supervisor Ronen, seconded by Supervisor Walton, moved to accept the amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 230364. The motion carried without objection.

ADOPTED, after accepting the amendments to the accompanying report, by the following vote:

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

COMMITTEE REPORTS

Recommendations of the Homelessness and Behavioral Health Select Committee

230406 [Contract Amendment - Mount St. Joseph-St. Elizabeth - Behavioral Health Services - Not to Exceed \$20,541,061]

Resolution approving Amendment No. 2 to the agreement between Mount St. Joseph-St. Elizabeth and the Department of Public Health (DPH), for behavioral health services to women, children, and families; to increase the agreement by \$11,169,510 for a total amount not to exceed \$20,541,061; to extend the term by four years from June 30, 2023, for a total agreement term of January 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)

(Fiscal Impact)

ADOPTED by the following vote:

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

Excused: 1 - Stefani

230433 [Agreement - Retroactive - San Francisco Unified School District - Special Education Services - Anticipated Revenue to the City of \$1,000,000 or More]

Resolution retroactively approving an agreement between the San Francisco Department of Public Health and the San Francisco Unified School District having anticipated revenue to the City of \$1,000,000 or more for students with disabilities to receive special education and educationally related mental health services; and to authorize the Department of Public Health to enter into amendments or modifications to the agreement prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the agreement or this Resolution. (Public Health Department)

ADOPTED by the following vote:

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

Excused: 1 - Stefani

Recommendations of the Land Use and Transportation Committee

230212 [Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation]

Sponsors: Engardio; Mandelman and Safai

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

PASSED ON FIRST READING by the following vote:

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

230269 [Commemorative Street Plaque - Judith Heumann - United Nations Plaza]

Sponsors: Melgar; Safai, Peskin and Preston

Resolution authorizing the placement of a commemorative plaque or statuary in United Nations Plaza in memory of Judith Heumann; directing the Department of Public Works to carry out the installation of the aforementioned plaque or statuary.

ADOPTED by the following vote:

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

230297 [Initiating Landmark Designation - Westwood Park Entrance Gates and Pillars]

Sponsor: Melgar

Resolution initiating a landmark designation under Article 10 of the Planning Code for the Westwood Park Entrance Gates, located at the intersection of Miramar Avenue and Monterey Boulevard, and the Westwood Park Entrance Pillars located at the intersection of Miramar Avenue and Ocean Avenue.

ADOPTED by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee**221088 [Urging the Recreation and Park Commission to Remove the Name Stow from the Lake in Golden Gate Park, the Boathouse Located at the Lake, and the Drive Circling Strawberry Hill]****Sponsors: Melgar; Chan, Peskin, Stefani, Dorsey, Engardio, Mandelman and Safai**

Resolution urging the Recreation and Park Commission to remove the name Stow from the Lake at John F. Kennedy Drive and Martin Luther King Jr. Drive, the Boathouse located in Golden Gate Park surrounding Strawberry Hill, and the Drive circling Strawberry Hill; and to rename the Lake, Boathouse, and Drive to a name that reflects San Francisco's expressed values of celebrating diversity.

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

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Mark; expressed various religious concerns.

Julia Thompson; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Joshua Bell; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Jordan Davis; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Speaker; shared her appreciation of excellent City services and concerns regarding how to assist with furthering those services.

Andrea Mejia; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Diana Sanchez; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Speaker; shared his personal tragedies and shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Speaker; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Celebral Gavin; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Speaker; expressed concerns regarding the state of the City, the loss of businesses, City services, and the need for elected officials' attention.

Robert Sternin-Moser; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Ken; shared various concerns regarding work ethic and personal thoughts.

Ephram; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Speaker; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Ashley; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Speaker; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Charles Pitts; shared concerns regarding the treatment of a homeless individual who was mistreated and the need to address these issues.

Thierry Fill; expressed the need to work together and unite in service to benefit everyone.

Francisco Da Costa; expressed the need to protect the youth of the City and provide them the necessary services.

Speaker; expressed the need for a safe City and urged the end of open air drug markets.

Speaker; expressed concerns regarding their unhappiness with numerous issues.

Gilbert Criswell; expressed concerns regarding the attack on democracy, the Municipal Transportation Agency, and public transit system.

Speaker; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Cheryl Thornton; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Brenda Barros; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

Allison; expressed support of the District Attorney's decision to not charge a security guard for a recent shooting and in opposition to the actions being taken by the Board of Supervisors.

Leylani; shared concerns regarding the District Attorney's decision to not charge a security guard for a recent shooting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

230543 [Jewish American Heritage Month - May 2023]

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

Resolution recognizing the month of May 2023 as Jewish American Heritage Month in the City and County of San Francisco, in appreciation of the achievements and contributions made by members of the Jewish community.

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

ADOPTED

230544 [Supporting California State Senate Bill No. 272 (Laird) - Sea Level Rise: Planning and Adaptation]

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

Resolution supporting California State Senate Bill No. 272, introduced by Senator John Laird on Sea Level Rise: Planning and Adaptation, which addresses the impacts of sea level rise in California by adding Division 20.6.9 to the Public Resources Code, establishing a comprehensive approach to adapt to and mitigate the impacts of sea level rise.

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

ADOPTED

230545 [Supporting the Writers' Guild of America West in Their Campaign for Fair Compensation and Reasonable Working Conditions]

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

Resolution supporting the Writers' Guild of America West in their campaign for fair compensation and reasonable working conditions, urging the employers to negotiate in good faith to swiftly reach an agreement that recognizes the writers' important work, and urging the Film Office to report on the strike impact on a regular basis.

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

ADOPTED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Stefani

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chan requested that File Nos. 230542 and 230550 be severed so that they may be considered separately. President Peskin then requested these files be called together.

230542 [Asian American and Pacific Islander Against Bullying and Hate Day - May 18, 2023]
Sponsors: Chan; Peskin, Safai, Walton, Ronen, Mandelman, Engardio, Melgar, Preston and Dorsey

Resolution declaring May 18, 2023, as Asian American and Pacific Islander Against Bullying and Hate Day in the City and County of San Francisco.

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

ADOPTED by the following vote:

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

230550 [Urging the Administration of Equitable and Just Victim Services]

Sponsors: Chan; Preston

Resolution urging San Francisco law enforcement agencies to administer victim services and justice equitably.

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

ADOPTED by the following vote:

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

President Peskin requested that File Nos. 230549 and 230526 be severed so that they may be considered separately.

230549 [Supporting San Francisco's Inflation Reduction Act Grant Request for Urban and Community Forestry]

Sponsors: Peskin; Safai, Chan and Mandelman

Resolution supporting San Francisco's grant application to the U.S. Department of Agriculture in response to its Forest Service Urban and Community Forestry Inflation Reduction Act Notice of Funding Opportunity (NOFO), which would provide once-in-a-generation funding to restore San Francisco's urban canopy damaged by recent storms, as well as make long-term tree canopy investments in high-need environmental justice communities in San Francisco, and create urban forestry and green workforce opportunities.

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

Supervisor Mandelman, seconded by Supervisor Safai, moved that this Resolution be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 4, Lines 11-12, by changing 'such as the Friends of the Urban Forest and the' to 'San Francisco Public Works', Line 12, by adding 'citywide tree maintenance', Lines 12-15, by changing 'to support tree planting and long term care efforts' to 'and the Recreation and Park Department's Greenagers youth education and green workforce program, and supported the work of non-profit organizations, such as Friends of the Urban Forest through grant funding opportunities', Line 17, by changing '\$1 billion' to '\$1.5 billion', Line 19, by adding 'in disadvantaged communities', and Line 23, by adding 'and disadvantaged'. The motion carried by the following vote:

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

Excused: 1 - Stefani

ADOPTED AS AMENDED by the following vote:

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

Excused: 1 - Stefani

230526 [Appointment, Park, Recreation, and Open Space Advisory Committee - Hillary Brown]

Motion appointing Hillary Brown, term ending February 1, 2025, to the Park, Recreation, and Open Space Advisory Committee. (Clerk of the Board)

Motion No. M23-073

APPROVED by the following vote:

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

Excused: 1 - Stefani

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

230530 [Settlement of Lawsuit - Jane Doe 1, Jane Doe 4, Jane Doe 5, Jane Doe 6, Jane Doe 9, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 6, John Doe 7 - \$2,223,500]

Ordinance authorizing settlement of the lawsuit, subject to the approval of the Probate Court, filed by Jane Doe 1, Jane Doe 4, Jane Doe 5, Jane Doe 6, Jane Doe 9, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 6, John Doe 7 against the City and County of San Francisco for \$2,223,500; the lawsuit was filed on May 28, 2021, in San Francisco Superior Court, Case No. CGC-21-592296; entitled Jane Doe 1, et al. v. City and County of San Francisco, et al.; the lawsuit involves allegations of abuse and privacy violations brought by current and former residents of Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

05/03/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230531 [Settlement of Lawsuit - Jonathan Valladares - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Jonathan Valladares against the City and County of San Francisco for \$45,000; the lawsuit was filed on October 3, 2019, in San Francisco Superior Court, Case No. CGC-19-579765; entitled Jonathan Valladares v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230532 [Settlement of Lawsuit - Ricky Williams - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Ricky Williams against the City and County of San Francisco for \$75,000; the lawsuit was filed on October 1, 2020, in San Francisco Superior Court, Case No. CGC-20-587073; entitled Ricky Williams v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230533 [Settlement of Lawsuit - Patrick Jackson - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Patrick Jackson against the City and County of San Francisco et al. for \$50,000; the lawsuit was filed on February 23, 2022, in San Francisco Superior Court, Case No. CGC-22-598303; entitled Patrick Jackson v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230534 [Settlement of Lawsuit - Abdul Nevarez and Priscilla Nevarez - \$227,500]

Ordinance authorizing settlement of the lawsuit filed by Abdul Nevarez and Priscilla Nevarez against the City and County of San Francisco for \$227,500; the lawsuit was filed on September 27, 2019, in United States District Court, Northern District of California, Case No. 19-CV-06155-SK; entitled Abdul Nevarez and Priscilla Nevarez v. City of San Francisco, et al.; the lawsuit involves disability access violations in the City's golf courses; other material terms of the settlement are making certain disability access improvements at the Harding Park and Fleming Park golf courses. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

230535 [Tolling Agreement - The Mexican Museum - Lawsuit Statute of Limitations]

Resolution approving a tolling agreement to toll the statute of limitations on The Mexican Museum's lawsuit against the City in exchange for a dismissal without prejudice in The Mexican Museum v. City and County of San Francisco, et al., San Francisco Superior Case No. CGC-14-542509. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230536 [Settlement of Unlitigated Claim - 1231 Market Street Owner L.P. - \$19,500,000]

Resolution approving the settlement of the unlitigated claim filed by 1231 Market Street Owner L.P. against the City and County of San Francisco for \$19,500,000; the claim was filed on April 13, 2023; the claim involves allegations of property damage to the Hotel Whitcomb 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)

05/08/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230537 [Contract Amendment - HealthRIGHT 360 - Check-Writing Services - Not to Exceed \$107,416,172]

Resolution approving Amendment No. 2 to the agreement between HealthRIGHT 360 and the Department of Public Health (DPH), for check-writing services; to increase the agreement by \$60,650,012 for an amount not to exceed \$107,416,172; to extend the term by two years and six months from June 30, 2023, for a total agreement term of January 1, 2021, through December 31, 2025; 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)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:47 p.m.