

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, June 13, 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.

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**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

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*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, June 13, 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](http://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](http://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, Stefani and Walton were noted present.*

*Supervisor Safai 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.*

## **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](mailto:bos@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)*

*Supervisor Safai was noted present at 2:04 p.m.*

## APPROVAL OF MEETING MINUTES

*President Peskin inquired whether any Member of the Board had any corrections to the May 9, 2023, Regular Board Meeting Minutes, or the May 10, 2023, Special Meeting Minutes at the Budget and Appropriations Committee Meeting, which constituted a quorum of the Board of Supervisors, as presented. There were no corrections requested from any Member of the Board.*

**Supervisor Mandelman, seconded by Supervisor Walton, moved to approve the May 9, 2023, Regular Board Meeting Minutes, and the May 10, 2023, Special Meeting Minutes at the Budget and Appropriations Committee Meeting, which constituted a quorum of the Board of Supervisors, 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.*

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

### 230722 [Formal Policy Discussions - June 13, 2023]

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

The following topic was noticed on the agenda representing District 5:

#### 1. Overdose Prevention

*Mayor London N. Breed addressed the Board of Supervisors regarding the vacant spaces in downtown that the City is working to address as retail changes and the nature of work changes. She spoke on what is happening on the streets of the City, particularly fentanyl, and the City's efforts to put an end to open drug markets and arresting the drug dealers who operate where our kids play and in front of businesses trying to stay open. As of yesterday, 38 drug dealers have been arrested or cited; 12 had warrants, only three have been identified as San Francisco residents, and zero have accepted the services offered after their arrest. Addiction is powerful and in order to change lives the City must change our approach, which will also require a change in state law and a commitment from everyone in the room. She thanked those who are supportive and urges the Members to continue doing what is necessary and urgent to make the changes needed.*

*Supervisor Preston began the discussions by asking the following question: Will your Department of Public Health issue a Request for Proposals (RFP) for a Tenderloin wellness hub by June 30, 2023? Mayor Breed responded that the Board has already received advice that wellness hubs have legal repercussions that must be considered. She has heard from those who are in these wellness hubs who report that drug users are happy and excited to be able to consume their drugs in safe places and are not there to receive assistance or get help. Constituents in the Tenderloin want to see safety addressed and a police presence increased to change their neighborhood, they do not want services that continue to burden their community and add layers of problems that plague the Tenderloin. She is here to work in partnership with the Board to address the problems of the City and urged the policymakers to help fix things and not reference information that is based on how they perceive things for their agenda.*

*Supervisor Preston then followed up with the following question: Will you follow your own Department of Public Health's advice and end punitive policies – specifically arrest and incarceration of drug users – that increase fatal overdoses or will you ramp up these strategies, ignoring the advice of public health experts, and cause even more overdose deaths? Mayor Breed responded with her own family's experience losing a sister to drugs and inquired whether the Supervisor has any real-life experience dealing with a loved one who is an addict or spoken to the families of those who have lost their loved ones to this crisis. Quoting statistics is one thing, but she is here to listen to the real-life experiences of those dealing with drug addicted family members who need help and services rather than facilitating their continued use.*

*Mayor Breed did not ask any follow-up questions related to this topic. Following public comment this matter was filed. No further action was taken.*

**HEARD AND FILED**

## CONSENT AGENDA

### Recommendations of the Government Audit and Oversight Committee

#### **230400 [Settlement of Lawsuit - New Cingular Wireless PCS LLC - \$463,593]**

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless PCS LLC against the City and County of San Francisco for \$463,593; the lawsuit was filed on December 12, 2022, in San Francisco Superior Court, Case No. CGC-22-603406; entitled New Cingular Wireless PCS LLC. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of penalties and interest related to the access line tax for tax periods February 1, 2021, through and including August 31, 2021. (City Attorney)

**PASSED ON FIRST READING**

#### **230494 [Settlement of Lawsuit - Esquivel Grading & Paving, Inc. and Con-Quest Contractors, Inc. - \$250,000]**

Ordinance authorizing settlement of the lawsuit filed by Esquivel Grading & Paving, Inc. against the City and County of San Francisco by the payment of \$250,000; the action against the City was filed on April 12, 2022, in the Superior Court of California, County of San Francisco, Case No. CGC-20-587321; entitled Con-Quest Contractors, Inc. v. Esquivel Grading & Paving, Inc., et al.; the lawsuit involves alleged breach of contract; material terms of the settlement are that the City will pay Con-Quest Contractors, Inc. \$250,000 and Esquivel will pay Con-Quest \$150,000. (City Attorney)

**PASSED ON FIRST READING**

#### **230495 [Settlement of Lawsuit - Richard F. Bettencourt, et al. - City to Receive \$300,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco for payment to San Francisco for \$300,000; the lawsuit was filed on November 15, 2019, in Stanislaus County Superior Court, Case No. CV-19-006916; entitled City and County of San Francisco v. Richard F. Bettencourt, et al.; the lawsuit involves damage to approximately 500 feet of San Joaquin Pipeline ("SJPL No. 1"); other material terms of the settlement are the City shall receive \$300,000. (City Attorney)

**PASSED ON FIRST READING**

#### **230496 [Settlement of Lawsuit - Cheryl Thornton - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Cheryl Thornton against the City and County of San Francisco for \$100,000; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02938-SI; entitled Cheryl Thornton v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

**PASSED ON FIRST READING**

**230497 [Settlement of Lawsuit - Darlene Daevu - \$90,000]**

Ordinance authorizing settlement of the lawsuit filed by Darlene Daevu against the City and County of San Francisco for \$90,000; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 4:21-cv-02936-JST; entitled Darlene Daevu v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

**PASSED ON FIRST READING**

**230498 [Settlement of Lawsuit - Dellfinia Hardy - \$116,250]**

Ordinance authorizing settlement of the lawsuit filed by Dellfinia Hardy against the City and County of San Francisco for \$116,250; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02934-SI; entitled Dellfinia Hardy v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

**PASSED ON FIRST READING**

**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)

**PASSED ON FIRST READING**

**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)

**PASSED ON FIRST READING**

**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)

**PASSED ON FIRST READING**

**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)

**PASSED ON FIRST READING**

**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)

**PASSED ON FIRST READING**

**230555 [Settlement of Lawsuit - David Cordero - \$69,999]**

Ordinance authorizing settlement of the lawsuit filed by David Cordero against the City and County of San Francisco for \$69,999; the lawsuit was filed on April 9, 2019, in U.S. District Court for the Northern District of California, Case No. 19-cv-01834; entitled David Cordero v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations arising out of a traffic stop on August 12, 2018. (City Attorney)

**PASSED ON FIRST READING**

**230556 [Settlement of Lawsuit - Xavier Pittman - \$195,000]**

Ordinance authorizing settlement of the lawsuit filed by Xavier Pittman against the City and County of San Francisco for \$195,000; the lawsuit was filed on April 19, 2022, in United States District Court for the Northern District of California, Case No. 22-cv-02412-LB; entitled Xavier Pittman v. City and County of San Francisco, et al.; the lawsuit involves an officer involved shooting. (City Attorney)

**PASSED ON FIRST READING**

**230431 [Settlement of Unlitigated Claim - Bonifacio Rei Q Salvador - \$39,223.18]**

Resolution approving the settlement of the unlitigated claim filed by Bonifacio Rei Q Salvador against the City and County of San Francisco for \$39,223.18; the claim was filed on December 21, 2021; the claim involves alleged property damage and personal injury from a vehicle collision. (City Attorney)

**ADOPTED**

**230470 [Settlement of Unlitigated Claim - Euphoria Hospitality, Inc., dba Nob Hill Hotel - \$245,152.11]**

Resolution approving settlement of the unlitigated claim filed by Euphoria Hospitality, Inc., dba Nob Hill Hotel, against the City and County of San Francisco for \$245,152.11; the claim was filed on February 3, 2023; the claim involves allegations of property damage to the Nob Hill 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)

**ADOPTED**

**230471 [Settlement of Unlitigated Claim - SF Good LLC - \$3,893,862]**

Resolution approving the settlement of the unlitigated claim filed by SF Good LLC, against the City and County of San Francisco for \$3,893,862; the claim was filed on February 21, 2023; the claim involves allegations of property damage to the Good 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)

**ADOPTED**

**230472 [Settlement of Unlitigated Claim - Goodwill of San Francisco, San Mateo, and Marin Counties, Inc., dba Goodwill of the San Francisco Bay - \$240,280.15]**

Resolution approving the settlement of the unlitigated claim filed by Goodwill of the San Francisco Bay against the City and County of San Francisco for \$240,280.15; the claim was filed on September 23, 2022; the claim involves allegations of unpaid State Unemployment Insurance charges; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

**ADOPTED**

**230499 [Settlement of Unlitigated Claim - Wing Kwok and Lai Leng Lei - \$71,000]**

Resolution approving the settlement of the unlitigated claim filed by Wing Kwok and Lai Leng Lei against the City and County of San Francisco for \$71,000; the claim was filed on November 8, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

**ADOPTED**

**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)

**ADOPTED**

**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

### Recommendations of the Government Audit and Oversight Committee

*President Peskin requested File Nos. 230448, 230449, 230561, 230563, 230564, 230565, 230566, 230567, and 230568 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.

**FINALLY PASSED by the following vote:**

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

#### **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.

**FINALLY PASSED by the following vote:**

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

#### **230561 [Memorandum of Understanding - Municipal Executives Association - Fire]**

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association - Fire, to be effective July 1, 2023, through June 30, 2026.

**FINALLY PASSED by the following vote:**

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

**230563 [Compensation for Unrepresented Employees]****Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2023.

**FINALLY PASSED by the following vote:**

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

**230564 [Memorandum of Understanding - Service Employees International Union, Local 1021 - Amendment No. 2]****Sponsors: Mayor; Safai and Mandelman**

Ordinance adopting and implementing the Second Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, effective July 1, 2023, to adopt a side letter agreement to undertake classification studies and equity adjustments for certain represented classifications.

**FINALLY PASSED by the following vote:**

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

**230565 [Memorandum of Understanding - Service Employees International Union, Local 1021 - Amendment No. 3]****Sponsors: Mayor; Safai and Mandelman**

Ordinance adopting and implementing the Third Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union Local 1021, effective July 1, 2023, to amend the compensation provision for 8238 Public Safety Communications Dispatcher and 8239 Senior Police Communications Dispatcher to provide an additional sixth salary step to both classifications.

**FINALLY PASSED by the following vote:**

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

**230566 [Memorandum of Understanding - Service Employees International Union, Local 1021 - Amendment No. 4]****Sponsors: Mayor; Safai and Mandelman**

Ordinance adopting and implementing the Fourth Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, effective July 1, 2023, to adopt a side letter agreement for a retention payment program for certain Human Services Agency employees who provide child welfare emergency response services.

**FINALLY PASSED by the following vote:**

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

**230567 [Memorandum of Understanding - Municipal Executives Association - Amendment No. 1]****Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association, effective July 1, 2023, to adopt a side letter agreement for a retention payment program for certain Human Services Agency employees who provide child welfare emergency response services.

**FINALLY PASSED by the following vote:**

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

**230568 [Memorandum of Understanding - Municipal Executives Association - Amendment No. 2]****Sponsor: Mayor**

Ordinance adopting and implementing the Second Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association, effective July 1, 2023, to adopt a side letter agreement to reinstate the Airport Employee Transit Pilot Program at San Francisco International Airport.

**FINALLY PASSED by the following vote:**

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

**230562 [Memorandum of Understanding - Municipal Executives Association - Police]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association - Police, to be effective July 1, 2023, through June 30, 2026.

(Supervisor Peskin voted No on First Reading.)

**FINALLY PASSED by the following vote:**

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

**Recommendations of the Land Use and Transportation Committee****230164 [Planning Code - Non-Conforming Public Parking Lots in the Mission Street NCT District]****Sponsors: Ronen; Mandelman**

Ordinance amending the Planning Code to allow continued use of existing shared spaces in specified public parking lots in the Mission Street Neighborhood Commercial Transit (NCT) District without triggering abandonment of the underlying vehicular parking use; 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.

**FINALLY PASSED by the following vote:**

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

**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 Peskin voted No on First Reading.)

**FINALLY PASSED by the following vote:**

Ayes: 8 - Chan, Dorsey, Engardio, Mandelman, Melgar, Preston, Safai, Stefani

Noes: 3 - Peskin, Ronen, Walton

**Recommendations of the Public Safety and Neighborhood Services Committee****200144 [Police Code - Ceasing Acceptance of New Applications - Cannabis Retail Permits]****Sponsors: Safai; Walton, Stefani and Dorsey**

Ordinance amending the Police Code to provide that cannabis retail permit applications will not be accepted by the Office of Cannabis during the period between the effective date of this ordinance and December 31, 2027; and affirming the Planning Department's determination under the California Environmental Quality Act.

**FINALLY PASSED by the following vote:**

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

**220814 [Health Code - Designating City Attorney to Represent City in Certain Conservatorship Proceedings]****Sponsors: Mandelman; Chan and Engardio**

Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to represent the City in judicial proceedings to establish a "Murphy Conservatorship," a conservatorship for individuals who have been found mentally incompetent during a criminal proceeding involving a charge of death, great bodily harm, or a serious threat to the physical well-being of another person; there has been a finding of probable cause and the proceeding has not been dismissed; as a result of a mental health disorder, the individual is unable to understand the nature and purpose of the criminal proceeding or assist counsel in the conduct of the defense; and the individual represents a substantial danger of physical harm to self or others by reason of mental disease, defect, or disorder.

*FINALLY PASSED by the following vote:*

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

*Supervisor Walton, seconded by Supervisor Preston, moved to rescind the previous vote. The motion carried by the following vote:*

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

*FINALLY PASSED by the following vote:*

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

*The first request to rescind the vote was incorrectly requested; therefore, Supervisor Walton, seconded by Supervisor Ronen, moved to rescind the previous votes and allow the original unanimous vote on the question to stand. The motion carried by the following vote:*

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

**FINALLY PASSED by the following vote:**

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

## NEW BUSINESS

### Recommendations of the Government Audit and Oversight Committee

**230474 [Airport Professional Services Agreement - SP Plus SF Joint Venture - Management and Operations of Airport Public and Employee Parking Facilities - Not to Exceed \$214,947,987]**

Resolution approving the Professional Services Agreement, Contract No. 50337, for a five-year term commencing July 1, 2023, through June 30, 2028, in an amount not to exceed \$214,947,987 for the Management and Operations of Airport Public and Employee Parking Facilities between SP Plus SF Joint Venture and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**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)

**ADOPTED by the following vote:**

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

**190785 [Follow-Up Board Response - Civil Grand Jury Report - Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System]**

Motion responding to the Civil Grand Jury's request to provide a status update on the Board of Supervisor's response to Recommendation Nos. R1, R2, R3, R6, R7, and R8 contained in the 2018-2019 Civil Grand Jury Report, entitled "Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System." (Government Audit and Oversight Committee)

**Motion No. M23-089**

**APPROVED by the following vote:**

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

## **Recommendation of the Land Use and Transportation Committee**

### **230493 [Planning Code - Landmark Designation - The Church for the Fellowship of All Peoples]**

**Sponsors: Peskin; Preston and Melgar**

Ordinance amending the Planning Code to designate The Church for the Fellowship of All Peoples, at 2041 Larkin Street, Assessor's Parcel Block No. 0572, Lot No. 003, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

**PASSED ON FIRST READING by the following vote:**

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

## **Recommendations of the Rules Committee**

### **230451 [Administrative Code - Official Animal - Wild Parrot]**

**Sponsors: Melgar; Peskin and Mandelman**

Ordinance amending the Administrative Code to designate the wild parrot as the official animal of the City and County of San Francisco.

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

**PASSED ON FIRST READING by the following vote:**

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

### **230539 [Appointment, Children and Families First Commission - Elizabeth Winograd]**

Motion appointing Elizabeth Winograd, term ending October 8, 2026, to the Children and Families First Commission. (Rules Committee)

**Motion No. M23-090**

**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).*

*Supervisors Safai and Ronen introduced, welcomed, and presented a Certificate of Honor to Brenda Storey, Chief Executive Officer and Executive Director of the Mission Neighborhood Health Center, in recognition of her many accomplishments and continued community support.*

*Supervisor Walton introduced, welcomed, and presented a Certificate of Honor to Michael Essien, Principal of Martin Luther King, Jr. Middle School, in recognition of his accomplishments and continued community support. Supervisor Ronen shared in this commendation.*

*Supervisor Melgar introduced, welcomed, and presented a Certificate of Honor to the Lowell High School Varsity Baseball Team in recognition of their wins at the AAA/CIF San Francisco Division 5, NorCal Varsity Baseball Playoffs and Championship.*

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Public Works' Street Vendor Enforcement Team, including Michael Lennon, Jessica Salamy, Jondelle Bretz, Alejandro del Calvo, Roneisha Foster, Leah Lintz, Fady Khoury, and Darren Mayes, in recognition of their accomplishments and public service.*

*Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Monroe Lace, in honor of PRIDE Month and in recognition of her crowning as Miss San Francisco, the first transwoman to win the award in the 99-year history of the Miss California organization.*

*Supervisor Engardio introduced, welcomed, and presented a Certificate of Honor to the St. Ignatius Wildcats Baseball Team in recognition of their wins at the CIF Northern Regional Division 2 Championship. Supervisor Stefani shared in this commendation.*



## SPECIAL ORDER 3:00 P.M.

*President Peskin requested File Nos. 230640 and 230641 be called together.*

*Supervisor Safai requested File No. 230719 be severed from the For Adoption Without Committee Reference Agenda and considered with File Nos. 230640 and 230641; public comment for File No. 230719 was also taken during the Committee of the Whole hearing.*

*During the discussion on File Nos. 230640, 230641, and 230719, privilege of the floor was granted unanimously to Anne Pearson (Office of the City Attorney), Ben Rosenfield, Controller (Office of the City Controller), and Nicolas Menard (Office of the Budget and Legislative Analyst) who responded to questions raised.*

## Board of Supervisors Sitting as a Committee of the Whole

### Appointment of President Pro Tempore

*At the request of President Peskin, Supervisor Mandelman assumed the chair at 4:12 p.m. The President resumed the chair 4:24 p.m.*

### 230640 [Hearing - Committee of the Whole - Retail Water and Wastewater Rates and Capacity Changes for FYE 2024-2026 - San Francisco Public Utilities Commission - June 13, 2023, at 3:00 p.m.]

Hearing of the Board of Supervisors convening as a Committee of the Whole on June 13, 2023, at 3:00 p.m., to consider the retail water and wastewater rates and charges for Fiscal Year End (FYE) 2024-2026 from the San Francisco Public Utilities Commission; and the Board may reject these rates by resolution, pursuant to Charter, Section 8B.125; scheduled by the Clerk of the Board in response to the request by Supervisor Ahsha Safai made on May 31, 2023, pursuant to Charter, Section 8B.125. (Clerk of the Board)

*The President opened the public hearing and Supervisor Safai provided opening remarks and background information on the Retail Water and Wastewater Rates as referenced in File Nos. 230641, 230642, and 230719. The President then inquired as to whether any member of the public wished to address the Committee of the Whole. Dennis Herrera, General Manager, Matthew Freiberg, and Laura Busch (Public Utilities Commission) provided an overview of the rates and responded to questions raised throughout the discussion. Thierry Fill; Peter Drakemeyer; Katherine Howard; Otto Duffy; Paul Wells; Eileen Boken; George Wooding; Rudy Gonzalez; Molly Colton; Mary Butterwick; spoke on various concerns relating to the rates. The President closed public comment, declared the hearing heard and filed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

## **From the Board**

### **230641 [Retail Water and Wastewater Rates and Charges for Fiscal Year End 2024-2026]**

Resolution rejecting the retail water and wastewater rates and charges for Fiscal Year End (FYE) 2024-2026 from the San Francisco Public Utilities Commission, pursuant to Charter, Section 8B.125. (Clerk of the Board)

(Pursuant to Charter, Section 8B.125, the Public Utilities Commission shall set rates, fees and other charges in connection with providing utility services, which are subject to rejection by resolution of the Board of Supervisors within 30 days of submission. If the Board fails to act within 30 days, the rates shall become effective. Transmittal Date: May 26, 2023.)

**Supervisor Safai, seconded by Supervisor Melgar, moved that this Resolution be TABLED. The motion carried by the following vote:**

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

## **COMMITTEE REPORTS**

### **Recommendations of the Budget and Finance Committee**

*President Peskin requested File Nos. 230597 and 230598 be called together.*

### **230597 [Contract Amendment - Regents of the University of California - Behavioral Health Services for Children, Youth and Families - Not to Exceed \$19,820,764]**

**Sponsors: Mayor; Mandelman and Safai**

Resolution approving Amendment No. 2 to the agreement between The Regents of the University of California and the Department of Public Health, for behavioral health services for children, youth and families, to increase the agreement by \$9,956,190 for an amount not to exceed \$19,820,764; 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 the Department of Public Health to enter into amendments or modifications to the contract prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Public Health Department)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**230598 [Contract Amendment - Retroactive - The Regents of the University of California - Mental Health Services for Infant Parent Program - Not to Exceed \$14,647,481]****Sponsors: Mayor; Mandelman and Safai**

Resolution retroactively approving Amendment No. 2 to the agreement between The Regents of the University of California, A Constitutional Corporation, on behalf of its San Francisco Campus University of California (UC) San Francisco General Hospital (SFGH) Clinical Practice Group SFGH/Comm Focus PGM and the Department of Public Health, for mental health services for the Infant Parent Program, to increase the agreement by \$5,208,598 for an amount not to exceed \$14,647,481; to extend the term by five years and six months, from December 31, 2022, for a total agreement term of July 1, 2018, through June 30, 2028; and to authorize the Department of Public Health to enter into amendments or modifications to the contract prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Public Health Department)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

*President Peskin requested File Nos. 230599, 230600, and 230601 be called together.*

**230599 [Accept and Expend Grant - Retroactive - Centers for Disease Control and Prevention - San Francisco Project INVEST - \$9,818,147]****Sponsors: Mayor; Safai**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$9,818,147 from the Centers for Disease Control and Prevention for participation in a program, entitled "San Francisco Project INVEST (INnovations that Value Equity and Strengthen Teams)," for the period of December 1, 2022, through November 30, 2027. (Public Health Department)

**ADOPTED by the following vote:**

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

**230600 [Accept and Expend Grant - Retroactive - California Department of Public Health - Physicians for a Healthy California - COVID-19 Test to Treat Equity Grant - \$500,000]****Sponsors: Mayor; Safai**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$500,000 from the California Department of Public Health through the Physicians for a Healthy California for participation in a program, entitled "COVID-19 Test to Treat Equity Grant," for the period of December 1, 2022, through June 30, 2023. (Public Health Department)

**ADOPTED by the following vote:**

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

**230601 [Accept and Expend Grant - Retroactive - California Department of Public Health - Syphilis Outbreak Strategy (SOS) Grant - \$2,668,251]****Sponsors: Mayor; Mandelman and Safai**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$2,668,251 from the California Department of Public Health for participation in a program, entitled "Syphilis Outbreak Strategy (SOS) Grant," for the period of July 1, 2022, through June 30, 2027. (Public Health Department)

**ADOPTED by the following vote:**

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

**Recommendations of the Budget and Appropriations Committee**

*President Peskin requested File Nos. 230642 and 230643 be called together. During the discussion, privilege of the floor was granted unanimously to Ben Rosenfield, Controller (Office of the City Controller), who responded to questions raised.*

**230642 [Proposed Interim Budget and Appropriation Ordinance for Departments - FYs 2023-2024 and 2024-2025]****Sponsor: Mayor**

Proposed Interim Budget and Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for Departments of the City and County of San Francisco as of June 1, 2023, for the Fiscal Years (FYs) ending June 30, 2024, and June 30, 2025.

**Supervisor Walton, seconded by Supervisor Preston, moved that this Ordinance be AMENDED to remove the Interim Exception for the three (3.0 FTE) District Attorney's Office 8177 positions for the ongoing work and caseload around the abatement of open-air drug market and drug trafficking prosecutions. The motion FAILED by the following vote:**

Ayes: 4 - Peskin, Preston, Ronen, Walton

Noes: 7 - Chan, Dorsey, Engardio, Mandelman, Melgar, Safai, Stefani

**PASSED ON FIRST READING by the following vote:**

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

Noes: 2 - Preston, Walton

**230643 [Proposed Interim Annual Salary Ordinance - FYs 2023-2024 and 2024-2025]****Sponsor: Mayor**

Proposed Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Years (FYs) ending June 30, 2024, and June 30, 2025, continuing, creating, or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations.

**Supervisor Walton, seconded by Supervisor Preston, moved that this Ordinance be AMENDED to remove the Interim Exception for the three (3.0 FTE) District Attorney's Office 8177 positions for the ongoing work and caseload around the abatement of open-air drug market and drug trafficking prosecutions. The motion FAILED by the following vote:**

Ayes: 4 - Peskin, Preston, Ronen, Walton

Noes: 7 - Chan, Dorsey, Engardio, Mandelman, Melgar, Safai, Stefani

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Ronen, Safai, Stefani  
Noes: 2 - Preston, Walton

**Recommendation of the Land Use and Transportation Committee****230371 [Planning and Building Codes - Commercial to Residential Adaptive Reuse and Downtown Economic Revitalization]****Sponsors: Mayor; Peskin, Mandelman and Stefani**

Ordinance amending the Planning Code to 1) facilitate residential uses Downtown by authorizing the conversion of non-residential uses to residential use in C (Commercial) zoning districts, and exempting such projects from requirements for rear yard, open space, streetscape improvements, dwelling unit exposure, bike parking, transportation demand management, dwelling unit mix, and Intermediate Length Occupancy controls, permitting live work units in such projects, streamlining administrative approvals for projects in the C-3 zoning district, and modifying the dimensional limits on exemptions to height restrictions for mechanical equipment, elevator, stair, and mechanical penthouses; 2) economically revitalize Downtown by adding Flexible Workspace as a defined use, authorizing large scale retail uses in the C-3 zoning district, allowing window displays in the C-3 zoning district, allowing Flexible Workspace as an active ground floor commercial use along certain street frontages in C-3 zoning districts, allowing accessory storage in any C zoning district, allowing the temporary installation for 60 days of certain signs in the C-3-R district, allowing temporary non-residential uses in vacant spaces for up to one year, including formula retail, reducing density limits for Residential Dwelling Units and Senior Housing in the C-2 zoning districts east of or fronting Franklin Street/13th Street and north of Townsend Street, principally permitting Laboratory, Life Science, Agricultural and Beverage Processing, and Animal Hospitals in C-2 zoning districts, principally permitting Senior Housing, Residential Care Facilities, Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools in the C-3 zoning district, allowing formula retail as a ground floor use on Market Street, principally permitting office and design professional uses on the second floor and higher in the C-3-R zoning district, and requiring consideration of office vacancy in consideration of granting exceptions in the Transit Center Commercial Special Use District; 3) streamline sign permitting citywide and in the C-3 districts by allowing for the repair and rehabilitation of certain neon signs, and exempting existing business signs in the C-3 zoning district from certain zoning controls; 4) streamline Historic Preservation review of administrative certificates of appropriateness, and minor permits to alter for awnings, and Qualifying Scopes of Work, as may be delegated by the Historic Preservation Commission; 5) increase threshold for large projects subject to commercial to residential ratios in the C-3-O district, and provide alternatives to on-site open space in certain C-3 districts by allowing for payment of an in lieu fee as an alternative to providing open space; 6) facilitate residential adaptive reuse by amending the Building Code to add standards for adaptive reuse of non-residential buildings; and 7) principally permit formula retail and waive size limitations for such uses on a portion of Showplace Square Area (555-9th Street, Assessor's Parcel Block No. 3781, Lot No. 003); 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.

*Supervisors Mandelman and Stefani 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

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Chris Klein; expressed concerns with cyber stalking, crime rates, and the need for better cyber safety solutions.*

*Mary McAllister; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721).*

*Catherine Howard; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721).*

*Sally Stevens; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721).*

*Mark Duffey; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721).*

*Sala-Haquekyah Chandler; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721), and expressed concern with the handling of her son's murder case.*

*Judge Truth Bay; expressed the need to establish CARE Courts within the Tenderloin and urged the Supervisors and the Mayor to work together to bring this solution to the Tenderloin.*

*Otto Duffy; expressed support for previous commentors and concern for housing and issues facing San Francisco.*

*Citizen 22; shared a song regarding ADA and unsheltered residents of San Francisco.*

*Ken; expressed various concerns regarding, safe injection sites, overdose prevention, and rehabilitation sites.*

*Ephraim; expressed support for various topics discussed at today's Board meeting.*

*Thierry Fill; shared the need for happiness and beauty and expressed concerns regarding responsibility and technology.*

*Charles Head; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721).*

*Francisco Da Costa; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721) and expressed various concerns regarding the state of San Francisco, gun violence, death rates, and Supervisors conversations during Public Comment.*

*Eileen Boken; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721).*

*Peter Warfield; congratulated Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721) and expressed concerns with WiFi access provided by the library.*

*Woody LaBounty; expressed support of the Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship (File No. 230721).*

*Speaker; expressed various concerns regarding the Supervisors and state of San Francisco.*

*Joe Kunzler; expressed support for legislation introduced at today's Board meeting regarding gun control, concerns with gun violence, and the Supreme Court.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **230712 [Designating San Francisco Arts Commission as The State-Local Partner with The California Arts Council]**

**Sponsors: Chan; Mandelman**

Resolution designating the San Francisco Arts Commission as the City and County of San Francisco agency serving as the state-local partner with the California Arts Council from July 1, 2023, through June 30, 2024.

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

**ADOPTED**

### **230713 [Supporting California Assembly Bill No. 346 (Quirk-Silva): Income Tax Credits: Low-Income Housing: California Debt Limit Allocation Committee Rulemaking]**

**Sponsors: Chan; Walton and Mandelman**

Resolution supporting the passage of California State Assembly Bill No. 346, authored by Assemblymember Sharon Quirk-Silva, which would make various amendments to the Low-Income Housing Tax Credits program and the California Debt Limit Allocation Committee rulemaking.

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

**ADOPTED**

### **230714 [Urging the Appropriation of Funding and Strategic Responses for Homelessness]**

**Sponsors: Chan; Preston**

Resolution urging the Biden Administration to allocate federal funding and resources from the ALL INside Initiative to San Francisco, urging the Newsom Administration to allocate ongoing state funding for the Homeless Housing, Assistance, and Prevention (HHAP) program, extend the Project Homekey funding, and urging the San Francisco Department of Homelessness and Supportive Housing to develop a regional strategic response to the homeless crisis.

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

**ADOPTED**

### **230715 [Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the Ban on Marriage Equality in the California State Constitution]**

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

Resolution supporting Assembly Constitutional Amendment No. 5, introduced by Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-sex marriage equality in the California State Constitution and reverse Proposition 8.

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

**ADOPTED**



**230717 [Supporting California Senate Bill No. 260 (Menjivar) - Menstrual Equity Act of 2023]****Sponsors: Walton; Melgar, Mandelman, Safai, Chan and Preston**

Resolution supporting California State Senate Bill No. 260, the Menstrual Equity Act of 2023, authored by State Senator Caroline Menjivar, to expand CalWorks to cover menstrual hygiene product purchases.

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

**ADOPTED****230718 [Supporting California Senate Bill No. 729 (Menjivar) - Treatment for Infertility and Fertility Services]****Sponsors: Walton; Melgar, Mandelman, Chan, Safai and Preston**

Resolution supporting California State Senate Bill No. 729, authored by State Senator Caroline Menjivar, to expand health insurance coverage to include treatments for infertility and fertility services.

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

**ADOPTED****230626 [Committee of the Whole - Report of Delinquent Real Property Transfer Taxes - July 11, 2023, at 3:00 p.m.]**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on July 11, 2023, at 3:00 p.m., to hold a public hearing on a Resolution confirming report of delinquent real property transfer tax under Business and Tax Regulations Code, Section 1115.1(c), for Assessor's Parcel Block No. 0340, Lot No. 004 (2-16 Turk Street), and directing transmission of said report to the Controller and Tax Collector for collection and deposit into the General Fund. (Clerk of the Board)

**Motion No. M23-091****APPROVED****230696 [Final Map No. 11127 - 1580 Pacific Avenue]**

Motion approving Final Map No. 11127, a 53 Unit Residential and a 3 Unit Commercial, Mixed-Use Condominium Project, located at 1580 Pacific Avenue, being a subdivision of Assessor's Parcel Block No. 0573, Lot No. 011; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M23-092****APPROVED**

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

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



## **Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Safai requested that File No. 230719 be severed and considered with the Special Order (File Nos. 230640 and 230641); public comment was taken during for this matter during the Committee of the Whole hearing.*

### **230719 [Audit of the Public Utilities Commission's Water and Wastewater Enterprises, Rate Setting and Oversight Processes With a Focus on Reducing Rate Increases]**

**Sponsor: Safai**

Motion directing the Budget and Legislative Analyst, on a priority basis, to audit the Public Utilities Commission's Water and Wastewater Enterprises, rate setting, and contract oversight processes, with a focus on reducing rate increases.

*Although it was not required, Supervisor Safai, seconded by Supervisor Melgar, moved that this Motion be APPROVED. Before the vote was taken, Supervisor Dorsey requested this Motion be sent to committee.*

**Supervisor Dorsey requested this Motion be REFERRED to the Government Audit and Oversight Committee.**

*President Peskin requested that File No. 230721 be severed so that it may be considered separately.*

### **230721 [Commending Nancy Wuerfel for Her Exemplary Advocacy]**

**Sponsors: Peskin; Engardio, Melgar, Stefani, Safai and Dorsey**

Resolution commending Nancy Wuerfel for her exemplary advocacy and stewardship in promoting preservation and conservation efforts in the City and County of San Francisco, recognizing her significant contributions to historic preservation, environmental protection, and neighborhood-based planning, and expressing gratitude for her dedicated service to the citizens of San Francisco.

*Supervisors Engardio, Melgar, Stefani, Safai, and Dorsey 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

## **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](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

### **230686 [Settlement of Lawsuit - Walgreen Co. - City to Receive \$229,610,002 Over 15 Years]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the People of the State of California against Walgreen Co. for \$229,610,002 (the City to be paid \$200,000,002 over 15 years, the City's outside counsel to be paid \$29,610,000); the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathie A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc f/k/a Actavis Plc, Watson Pharmaceuticals, Inc. n/k/a Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves Walgreen Co.'s 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 in San Francisco. (City Attorney)

05/26/23; RECEIVED FROM DEPARTMENT.

06/13/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**230687 [Settlement of Lawsuit - Teva Pharmaceuticals USA, Inc. and Related Entities - City to Receive \$24,797,604 Over 13 Years]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the People of the State of California against Cephalon, Inc.; Teva Pharmaceuticals USA, Inc.; Teva Pharmaceutical Industries Ltd; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. (f/k/a Watson Pharma, Inc.); Actavis Elizabeth LLC; Actavis Mid Atlantic LLC; Warner Chilcott Company, LLC; Actavis South Atlantic LLC; Actavis Totowa LLC; Actavis Kadian LLC; Actavis Laboratories UT, Inc. (f/k/a/ Watson Laboratories, Inc.-Salt Lake City); Actavis Laboratories FL, Inc. (f/k/a Watson Laboratories, Inc.-Florida); and Anda, Inc. for \$24,797,604 (the City to be paid \$19,499,928 over 13 years, the City's outside counsel to be paid \$3,043,340, and the City Attorney's Office to be paid \$2,254,336) and naloxone valued at \$20,000,000; directing the Controller to allocate funds to the City Attorney's Office as provided in the settlement agreement; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc f/k/a Actavis Plc, Watson Pharmaceuticals, Inc. n/k/a Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that the Teva defendants created a public nuisance and violated the Unfair Competition Law by falsely and misleadingly marketing opioids as safer than they actually are and distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and report suspicious opioid orders as required by state and federal law. (City Attorney)

05/26/23; RECEIVED FROM DEPARTMENT.

06/13/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**230688 [Settlement of Lawsuit - Allergan Finance, LLC and Allergan Limited - City to Receive \$12,916,274 Over 5 Years]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the People of the State of California against Allergan Finance, LLC (f/k/a Actavis, Inc., which, in turn, was f/k/a Watson Pharmaceuticals, Inc.) and Allergan Limited (f/k/a Allergan plc, which, in turn, was f/k/a Actavis plc) for \$12,916,274 (the City to be paid \$10,156,889 over 5 years, the City's outside counsel to be paid \$1,585,179, and the City Attorney's Office to be paid \$1,174,206); directing the Controller to allocate funds to the City Attorney's Office as provided in the settlement agreement; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc f/k/a Actavis Plc, Watson Pharmaceuticals, Inc. n/k/a Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that the Allergan defendants created a public nuisance and violated the Unfair Competition Law by falsely and misleadingly marketing opioids as safer than they actually are and distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and report suspicious opioid orders as required by state and federal law. (City Attorney)

05/26/23; RECEIVED FROM DEPARTMENT.

06/13/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**230689 [Administrative Code - Surveillance Technology Policy - Social Media Management Software]**

Ordinance approving Surveillance Technology Policy for Human Services Agency use of social media management software. (Human Services Agency)

05/26/23; RECEIVED FROM DEPARTMENT.

06/13/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/13/2023.

## PROPOSED RESOLUTIONS

**230691 [Grant Amendment - Japanese Community Youth Council - San Francisco YouthWorks - Not to Exceed \$13,395,345]**

Resolution approving a second amendment to Contract No. 1000009983 for the Japanese Community Youth Council - San Francisco YouthWorks Program between the Japanese Community Youth Council and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families, to increase the grant amount by \$1,395,345 for a total not to exceed amount of \$13,395,345 with Board of Supervisors' approval under Charter, Section 9.118, and with no changes to the grant term. (Department of Children, Youth & Their Families)

05/26/23; RECEIVED FROM DEPARTMENT.

06/13/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**230692 [Grant Amendment - Japanese Community Youth Council - Opportunities for All Intermediary Program - Not to Exceed \$13,727,411]**

Resolution approving a fourth amendment to Contract No. 10000014147 for the Japanese Community Youth Council, Opportunities for All Intermediary Program, between the Japanese Community Youth Council and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families, to increase the grant amount by \$3,400,953 for a total not to exceed amount of \$13,727,411 with Board of Supervisors' approval under Charter, Section 9.118, and with no change to the grant term. (Department of Children, Youth & Their Families)

05/26/23; RECEIVED FROM DEPARTMENT.

06/13/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**230693 [Grant Amendment - YMCA Urban Services - Truancy Assessment and Resource Center (TARC) Program - Not to Exceed \$5,390,219]**

Resolution approving a seventh amendment to Contract No. 1000014469 for the YMCA Urban Services - Truancy Assessment and Resource Center (TARC) Program between the YMCA Urban Services and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families, to increase the grant amount by \$606,040 for a total not to exceed amount of \$5,390,219 and to extend the grant term for one year from July 1, 2023, for a new term of July 1, 2013, through June 30, 2024, with Board of Supervisors' approval under Charter, Section 9.118. (Department of Children, Youth & Their Families)

05/27/23; RECEIVED FROM DEPARTMENT.

06/13/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**230694 [Agreement - Zones, LLC - Microsoft Products Enterprise Agreement - Not to Exceed \$55,000,000]**

Resolution authorizing the Department of Technology and the Office of Contract Administration to enter into an Agreement between the City and Zones, LLC for Enterprise Products for an amount not to exceed \$55,000,000 for an initial three-year term beginning on September 1, 2023, through August 31, 2026, with the option of six one-year extensions. (Department of Technology)

06/02/23; RECEIVED FROM DEPARTMENT.

06/13/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**230695 [Settlement of Unlitigated Claims - AppLovin Corporation - \$4,197,820.54 Plus Statutory Interest]**

Resolution approving the settlement of the unlitigated claims filed by AppLovin Corporation against the City and County of San Francisco for \$4,197,820.54 plus statutory interest; the claims were filed on February 15, 2023; the claims involve a refund of gross receipts taxes and homelessness gross receipts taxes; additional material terms of the settlement are: 1) the resolution of all claims and potential claims for refund of gross receipts taxes and homelessness gross receipts taxes for tax years 2019 and 2020, and 2) the agreement that AppLovin Corporation and its related entities shall take certain filing positions with respect to their gross receipts taxes, homelessness gross receipts taxes, and overpaid executive taxes for tax years 2021 and subsequent tax years, and with respect to their business registration fees for registration years ending June 30, 2022, and subsequent years. (City Attorney)

06/02/23; RECEIVED FROM DEPARTMENT.

06/13/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:59 p.m.*