

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, September 10, 2024 - 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, Melgar, Walton, Peskin

Budget and Finance Committee

Supervisors Chan, Mandelman, Melgar

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Walton, Safai, Peskin

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

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, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, September 10, 2024, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:00 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisors Ronen and Safai were 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.

President Peskin led the Members of the Board and the audience in the Pledge of Allegiance to the Flag of the United States of America, pursuant to Board Rule 4.9.

COMMUNICATIONS

(Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)

Supervisor Safai was noted present at 2:01 p.m.

Supervisor Ronen was noted present at 2:02 p.m.

APPROVAL OF MEETING MINUTES

President Peskin inquired whether a Member of the Board had any corrections to the July 30, 2024, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Stefani, seconded by Supervisor Walton, moved to approve the July 30, 2024, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

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

There were no questions submitted from the eligible Supervisors representing Districts 9, 10, or 11. Mayor London N. Breed addressed the Board of Supervisors regarding new reforms she will be introducing around City contracts and grants to ensure they are awarded fairly and to ensure funds are being used properly. Mayor Breed spoke on the imperativeness for City business to be handled according to all applicable laws because trust in government is essential. She further spoke on the good government reforms already effectuated, Executive Directives that she's issued to change policies around transparency and accountability, her appointment of good government leaders, and ballot measures that have led to direct benefits to the City and the public. Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

240723 [Authorizing Certificates of Participation - Concourse Garage Project - Not to Exceed \$29,000,000]

Sponsors: Mayor; Mandelman and Melgar

Ordinance authorizing the execution and delivery of Certificates of Participation on a tax-exempt or taxable basis evidencing and representing an aggregate principal amount of not to exceed \$29,000,000 to fund all or a portion of the acquisition of the Concourse Garage; authorizing the issuance of commercial paper notes in advance of the delivery of the Certificates; approving the form of Trust Agreement between the City and County of San Francisco and the Trustee (including certain indemnities contained therein); authorizing the selection of the Trustee by the Director of Public Finance; approving respective forms of a Property Lease and a Lease Agreement, each between the City and County of San Francisco and the Trustee for the lease and lease back of certain property and facilities of the City; approving the forms of Purchase Contract, Official Notice of Sale, and Notice of Intention to Sell Certificates; directing the publication of the Notice of Intention to Sell Certificates; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of the Certificates; approving the form of the Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, execution, sale and delivery of the Certificates, including termination of the Ground Lease and transfer of the Concourse Garage property and related property to the City and County of San Francisco under the jurisdiction of the Recreation and Park Commission; approving modifications to documents and agreements; declaring the City's intent to reimburse certain expenditures; and ratifying previous actions taken in connection therewith, as defined herein. (Fiscal Impact)

FINALLY PASSED

240728 [Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing]

Sponsors: Safai; Chan and Melgar

Ordinance amending the Business and Tax Regulations Code to reduce the real property transfer tax rates from 5.5% to 3% when the consideration or value of the interest or property conveyed is at least \$10,000,000 but less than \$25,000,000; and from 6% to 3% when the consideration or value of the interest or property conveyed equals or exceeds \$25,000,000 for transfers of certain properties with at least 12% rent-restricted affordable units, that were constructed using union labor, and had a debt or equity investment of at least \$25,000,000 from a union pension fund at the time of the transfer; and affirming the Planning Department's determination under the California Environmental Quality Act. (Fiscal Impact)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

240765 [De-Appropriation and Appropriation - District 7 General City Responsibility - District 7 Projects and Services - Various Departments - \$549,950 - FY2024-2025]

Sponsor: Melgar

Ordinance de-appropriating \$399,950 from General City Responsibility and \$150,000 from Municipal Transportation Agency (MTA) and re-appropriating \$50,000 to the Arts Commission (ART) for mural artwork in West Portal; \$125,000 to Children, Youth and Their Families (CHF) for picnic tables at Commodore Sloat Elementary, Playground improvements and seating at Sunnyside Elementary, and a new playground at Jefferson Elementary; \$162,750 to the Department of Public Works (DPW) for maintenance of Westwood Park pillars, benches at Monterey and Genessee, parklet planting in Inner Sunset, median planting on Marietta Drive, and fence repairs at Edgehill Way; \$13,200 to the San Francisco Public Library (LIB) for Digital Literacy courses; \$49,000 to the Department of Recreation and Parks (REC) for renovation of the Marview Way Trail; and \$150,000 to the Municipal Transportation Agency (MTA) for traffic calming on Yerba Buena Avenue, Ulloa Street, Laguna Honda Boulevard, Rockaway Avenue, and Monterey Boulevard and a Public Parklet on Slow Hearst in Fiscal Year (FY) 2024-2025.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

240737 [Real Property Acquisition - Easement from San Mateo County Flood and Sea Level Rise Resiliency District - Not To Exceed \$83,500]

Resolution approving the terms and conditions and authorizing the General Manager of the San Francisco Public Utilities Commission to execute a Purchase and Sale Agreement and Easement Deed with San Mateo County Flood and Sea Level Rise Resiliency District for the acquisition of a 1,386-square-foot easement for an aerial water pipeline crossing and associated footings and braces across a portion of San Mateo County Assessor's Parcel Block No. 011-322-200 for \$70,000 plus an administrative fee of \$3,500 and up to \$10,000 in closing costs, for a total amount not to exceed \$83,500 pursuant to Charter, Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

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

240743 [Accept and Expend Grant - Retroactive - Larkin Street Youth Services - Rising Up - Office of Financial Empowerment - \$181,368]

Sponsor: Mayor

Resolution retroactively authorizing the Office of the Treasurer and Tax Collector to accept and expend a grant increase in amount of \$65,000 for a total amount of \$181,368 from Larkin Street Youth Services for the purpose of providing one-on-one financial coaching to Transitional Age Youth through the Rising Up campaign from July 1, 2023, through October 31, 2024. (Treasurer-Tax Collector)

ADOPTED by the following vote:

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

240747 [Real Property Lease - THE KELSEY CIVIC CENTER, LLC - 240 Van Ness Avenue - Disability Community Cultural Center - Annual Base Rent \$60,353 - Tenant Improvements City Contribution Not to Exceed \$1,167,500]

Sponsors: Peskin; Mandelman and Preston

Resolution approving and authorizing the Director of Property, on behalf of the Human Services Agency, Department of Disability and Aging Services, to execute a Lease agreement with THE KELSEY CIVIC CENTER, LLC, for use of the ground floor commercial space at 240 Van Ness Avenue as a Disability Community Cultural Center for the term of 15 years with three five-year options to extend and an annual base rent of \$60,353 with 2% annual increases beginning January 1, 2026, effective upon approval of this Resolution; authorizing the City's contribution of up to \$1,167,500 towards the cost of tenant improvements; and authorizing the Director of Property to execute any amendments, options to extend the agreement term, make certain modifications and take certain actions that do not materially increase the obligations or liabilities to the City, do not materially decrease the benefits to the City and are necessary or advisable to effectuate the purposes of the lease agreement or this Resolution.

(Fiscal Impact)

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

ADOPTED by the following vote:

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

240753 [Agreement Amendment - McMillen Jacobs Associates (dba Delve Underground) - Engineering Services for the Lower Alemany Area Stormwater Improvement Project - Not to Exceed \$17,800,000]

Resolution approving Amendment No. 2 to Contract No. PRO.0164, Engineering Services for the Lower Alemany Area Stormwater Improvement Project, between the City, acting by and through the San Francisco Public Utilities Commission (SFPUC), and McMillen Jacobs Associates (dba Delve Underground), increasing the agreement by \$8,300,000 for a total not to exceed amount of \$17,800,000 and extending the duration by three years, for a total term of nine years from January 18, 2022, through January 17, 2031, due to additional engineering needed to perform analyses, refine design as part of the Caltrans encroachment permit, and to provide increased engineering support during construction, pursuant to Charter, Section 9.118; and to authorize the SFPUC to enter into amendments or modifications to Amendment No. 2 that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of Amendment No. 2. (Public Utilities Commission)
(Fiscal Impact)

ADOPTED by the following vote:

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

240813 [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 and Preston

Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute and submit 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)

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

ADOPTED by the following vote:

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

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

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

Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Martha Cohen, Director of Special Events (Mayor's Office), on the occasion of her birthday and in recognition of her countless accomplishments organizing and producing the most notable events of the City over the last 30 years.

Supervisor Stefani introduced, welcomed, and presented a Certificate of Honor to Canine Companions, accepted by David Lasker and Janet Corsetti, on the occasion of National Service Dog Awareness Month and in recognition of their accomplishments providing service dogs to adults, children and veterans with disabilities and facility dogs to professionals.

Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Nick Gregoratos, Prison Legal Services (Sheriff's Department), on the occasion of his retirement after 27 years of public service and in recognition of his dedication improving conditions of confinement and seeking justice for those incarcerated.

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee

240762 [Settlement of Lawsuit - Build Group, Inc. - \$350,000]

Ordinance authorizing settlement of the lawsuit filed by David M. Schmitt. against Build Group, Inc., which then filed a cross-complaint against the City and County of San Francisco, for \$350,000; the lawsuit was filed on August 30, 2022, in San Francisco Superior Court, Case No. CGC-22-601503, entitled David M. Schmitt v. Build Group, Inc. et al.; the lawsuit involves allegations of breach of contract arising from cost overruns and delay on the Zuckerberg San Francisco General Hospital Building 5 Rehabilitation Department Relocation Project; other material terms of the settlement are a complete release of claims relating to the project, including any pass through claims from David M. Schmitt or other subcontractors of Build Group, Inc. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Rules Committee

240636 [Administrative Code - Use of Unassisted Aerial Vehicles]

Sponsors: Mayor; Dorsey

Ordinance approving the Police Department's inventory and policy relating to the use of unassisted aerial vehicles, or drones, and making findings consistent with the criteria in State law. (Police Department)

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Mark; shared his personal experiences and religious views.

Speaker; shared the plight of taxi medallion holders and pleaded for help with debt incurred and loss of business to ride sharing companies.

Speaker; shared the plight of taxi medallion holders and pleaded for help with debt incurred and loss of business to ride sharing companies.

Jordan Davis; expressed concerns regarding shelters and various City officials.

Lea McGeever; expressed a multitude of various grievances.

Leonard Priestly; spoke on behalf of the San Francisco Special Police Officers Association and pleaded for assistance with funding.

Speaker; spoke on behalf of the San Francisco Special Police Officers Association and pleaded for assistance with funding.

Evan Morgan; spoke on behalf of the San Francisco Special Police Officers Association and pleaded for assistance with funding.

Speaker; spoke on behalf of the San Francisco Special Police Officers Association and pleaded for assistance with funding.

Jeffrey Galbraya, Jr.; spoke on behalf of the San Francisco Special Police Officers Association and pleaded for assistance with funding.

Susan Porter Backstead; spoke on behalf of "Unite Against Hate" and invited the Board to upcoming events.

Francisco Da Costa; expressed support of the taxi medallion holders and concern around the disbursement of certain funds.

Thierry Fill; shared concerns regarding the rules of existence, beauty, and joy.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

240852 [Transit Month - September 2024]

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

Resolution proclaiming September 2024 as the Ninth Annual San Francisco Transit Month in the City and County of San Francisco.

ADOPTED

240853 [Use Agreement - Retroactive - CSUITEMUSIC, LLC - Documentary "SFPD Journey to Justice"]

Sponsors: Melgar; Safai

Resolution retroactively authorizing the San Francisco Police Department ("SFPD") to enter into a Use Agreement with CSUITEMUSIC, LLC ("Producer") to develop and produce a documentary, entitled "SFPD Journey to Justice," about Sojourn to the Past, a retracing of the Civil Rights Movement and its connection to the modern policing profession, granting all necessary trademark licenses and rights to traditional and digital networks. (Police Department)

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

ADOPTED

240854 [Consolidation of Elections Scheduled for November 5, 2024]

Sponsor: Peskin

Resolution consolidating the following elections, all of which will be held on November 5, 2024, the State of California General Election; the City and County of San Francisco Municipal Election; City and County of San Francisco's Special Bond Election; the Bay Area Rapid Transit District Election; the San Francisco Unified School District Board of Education (School Board) Election; the School Board Special Election for General Obligation Bonds; and the San Francisco Community College Board of Trustees Election; and providing that the election precincts, voting places, and officers for these elections shall be the same as for the State General Election.

ADOPTED

240855 [Approval of a 180-Day Extension for Planning Commission Review of New Rooftop Floor Area or Building Volume on Noncomplying Structure at 1896 Pacific Avenue (File No. 240729)]

Sponsor: Stefani

Resolution extending by 180 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 240729) amending the Planning Code to permit new floor area or building volume on the rooftop of a noncomplying structure located at 1896 Pacific Avenue, on Assessor's Parcel Block No. 0576, Lot Nos. 27-44; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

ADOPTED

240856 [National Service Dog Awareness Month - September 2024]**Sponsors: Stefani; Ronen and Mandelman**

Resolution recognizing September 2024 as National Service Dog Awareness Month in the City and County of San Francisco.

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

ADOPTED

The foregoing items were acted upon by the following vote:

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

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by a Supervisor or the Mayor**

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

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

Introduced at the Request of a Department

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

PROPOSED RESOLUTIONS

240827 [Agreement Amendment - AECOM Technical Services, Inc. - Engineering Services for Dams and Reservoirs - Total Not to Exceed Amount of \$20,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No.1 to Contract No. PRO.0138.C with AECOM Technical Services, Inc., increasing the contract by \$9,000,000 for a total not to exceed amount of \$20,000,000 with no change to the term, for the period of April 16, 2020, through April 15, 2031, to continue providing planning, design, and engineering support of improvements to various dam and reservoir facilities, pursuant to Charter, Section 9.118(b). (Public Utilities Commission)

08/30/24; RECEIVED FROM DEPARTMENT.

09/10/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

240836 [Accept and Expend In-Kind Gift - Deloitte Tax LLP - Climate Tax Advisory Services - Estimated up to \$112,089]

Resolution authorizing the Department of the Environment to accept and expend an in-kind gift of pro bono tax services, with an estimated value of \$112,089 for a term of engagement effective upon approval of this Resolution through May 31, 2025, provided by Deloitte Tax LLP, to help the City identify opportunities to obtain federal tax credits for qualifying sustainability activities, and authorizing the Director of the Environment Department or the Director's designee, to enter into and execute the agreement, and amendments thereto, consistent with the proposal and necessary to carry out the purpose of the agreement or this Resolution, as defined herein. (Environment)

08/30/24; RECEIVED FROM DEPARTMENT.

09/10/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

240837 [Contract Agreement - Gillig, LLC - Purchase of 49 Electric Transit Buses - Not to Exceed \$69,417,759.56]

Resolution approving Contract No. 71100 between the City, acting by and through the Office of Contract Administration, and Gillig, LLC for the purchase of 49 40-foot low-floor electric transit buses, for a term of four years starting from December 1, 2024, through November 30, 2028, for a total not to exceed amount of \$69,417,759.56; and to authorize the Purchaser to make necessary, non-material changes to the Contract before its execution. (Airport Commission)

08/30/24; RECEIVED FROM DEPARTMENT.

09/10/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

240838 [Contract Amendment - W.W. Grainger, Inc - As-Needed Citywide Contract for Industrial Supplies - Not to Exceed \$32,000,000]

Resolution approving the Contract Amendment between the City, acting by and through the Office of Contract Administration (OCA), and W.W. Grainger, Inc for the purchase of Industrial Supplies by City departments, increasing the amount by 25,000,000 for a total not to exceed amount of \$32,000,000 with no changes to the term of two years, nine months and 27 days from January 12, 2024, through November 8, 2026; and to authorize OCA to enter into amendments or modifications to the Amendment that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of Amendment. (Office of Contract Administration)

08/30/24; RECEIVED FROM DEPARTMENT.

09/10/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:34 p.m.