

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, October 17, 2023 - 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT

CONNIE CHAN, MATT DORSEY, JOEL ENGARDIO, RAFAEL MANDELMAN,
MYRNA MELGAR, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI,
CATHERINE STEFANI, SHAMANN WALTON

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee

Supervisors Chan, Mandelman, Safai, Ronen, Walton

Budget and Finance Committee

Supervisors Chan, Mandelman, Safai

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Homelessness and Behavioral Health Select Committee

Supervisors Ronen, Mandelman, Walton

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Dorsey, Walton, Safai

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

2nd and 4th Friday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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

Members Present: Connie Chan, Matt Dorsey, Joel Engardio, Rafael Mandelman, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, October 17, 2023, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:01 p.m.

Remote Access to Information and Participation

During this meeting, after consideration of File No. 231020, the Board of Supervisors approved Motion No. M23-129 that discontinued the use of the remote system by the public and City employees and requiring them to attend in-person. The Motion also reiterated the continued provision made for those who require an ADA accommodation to access the remote system.

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.

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

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.

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

APPROVAL OF MEETING MINUTES

President Peskin inquired whether a Member of the Board had any corrections to the September 5, 2023, or September 12, 2023, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Stefani, moved to approve the September 5, 2023, and September 12, 2023, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

230788 [Settlement of Lawsuit - Akashni Bhan - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Akashni Bhan against the City and County of San Francisco, Sergeant Jennifer Streegan, Sergeant Steven Pomatto, Officer Anthony Oerlemans, and Officer Jennifer O'Keffee for \$175,000; the lawsuit was filed on October 4, 2019, in San Francisco Superior Court, Case No. CGC-19-579798; entitled Akashni Bhan v. City and County of San Francisco, et. al.; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

230791 [Settlement of Lawsuit - Cheri Pierce - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Cheri Pierce against the City and County of San Francisco for \$75,000; the lawsuit was filed on April 26, 2022, in San Francisco Superior Court, Case No. CGC-22-599362; entitled Cheri Pierce v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising out of fall on uneven sidewalk. (City Attorney)

FINALLY PASSED

230792 [Settlement of Lawsuit - Bi Jun Zhang - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Bi Jun Zhang against the City and County of San Francisco for \$35,000; the lawsuit was filed on May 17, 2022, in San Francisco Superior Court, Case No. CGC-22-599662; entitled Bi Jun Zhang v. City and County of San Francisco, et al.; the lawsuit involves a personal injury to Plaintiff from uneven pavement. (City Attorney)

FINALLY PASSED

230793 [Settlement of Lawsuit - Wayne Kha - \$465,000]

Ordinance authorizing settlement of the lawsuit filed by Wayne Kha against the City and County of San Francisco for \$465,000; the lawsuit was filed on September 7, 2021, in San Francisco Superior Court, Case No. CGC-21-595136; entitled Wayne Kha v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney)

FINALLY PASSED

230794 [Settlement of Lawsuit - Digital Realty Trust, Inc. - \$1,858,150.71]

Ordinance authorizing settlement of the lawsuit filed by Digital Realty Trust, Inc. against the City and County of San Francisco for \$1,858,150.71; the lawsuit was filed on April 18, 2023, in San Francisco Superior Court, Case No. CGC-23-605912, entitled Digital Realty Trust, Inc. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of Early Care and Education Commercial Rents Tax and Homelessness Gross Receipts Tax; an additional material term of the settlement is that Digital Realty Trust, Inc. and its related entities shall take certain filing positions with respect to their Early Care and Education Commercial Rents Taxes for tax year 2021 and subsequent tax years. (City Attorney)

FINALLY PASSED

230795 [Settlement of Lawsuit - Build Group, Inc. - \$211,129.46]

Ordinance authorizing settlement of the cross-complaint filed by Build Group, Inc. against the City and County of San Francisco for a payment to Build Group, Inc. of \$211,129.46; the cross-complaint was filed on November 22, 2022, in the Superior Court of the State of California, County of San Francisco, Case No. CGC-22-598717; entitled CPM Environmental, Inc. v. Build Group, Inc. and DOES 1-100, et al.; the lawsuit involves allegations of breach of contract relating to the renovation of the Maxine Hall Health Center; other material terms of the settlement are that Build Group, Inc. waives all other claims it has or may have relating to the project. (City Attorney)

FINALLY PASSED

230806 [Settlement of Lawsuit - Debra Crismani - \$90,000]

Ordinance authorizing settlement of the lawsuit filed by Debra Crismani against the City and County of San Francisco for \$90,000; the lawsuit was filed on March 21, 2022, in San Francisco Superior Court, Case No. CGC-22-598779; entitled Debra Crismani v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

FINALLY PASSED

230830 [Settlement of Lawsuit - Ike Ohannesyan - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Ike Ohannesyan against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 17, 2021, in San Francisco Superior Court, Case No. CGC-21-591955; entitled Ike Ohannesyan v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney)

FINALLY PASSED

230893 [Settlement of Lawsuit - Duk Soon Lee - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Duk Soon Lee against the City and County of San Francisco for \$225,000; the lawsuit was filed on October 12, 2021, in San Francisco Superior Court, Case No. CGC-21-595854; entitled Duk Soon Lee v. Jamie Austin Miller, et al.; the lawsuit involves alleged personal injury arising out of City vehicle collision. (City Attorney)

FINALLY PASSED

230894 [Settlement of Lawsuit - Breon Johnson - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Breon Johnson against the City and County of San Francisco for \$100,000; the lawsuit was filed on September 26, 2022, in San Francisco Superior Court, Case No. CGC-22-601937; entitled Breon Johnson v. The Regents of The University of California, et al.; the lawsuit involves alleged medical negligence. (City Attorney)

FINALLY PASSED

230896 [Settlement of Lawsuit - Tatiana Umnov and Anatoly Umnov - \$450,000]

Ordinance authorizing settlement of the lawsuit filed by Tatiana Umnov and Anatoly Umnov against the City and County of San Francisco for \$450,000; the lawsuit was filed on September 20, 2021, in San Francisco Superior Court, Case No. CGC-21-595303; entitled Tatiana Umnov, Anatoly Umnov v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

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

230483 [Administrative Code - Preparation of the City Budget and City Policy Regarding Multi-Year Grants]

Sponsors: Ronen; Chan, Mandelman and Safai

Ordinance amending the Administrative Code to require the Controller to prepare an initial base budget to guide each City agency in preparation of its proposed two-year budget; to provide that these base budgets must include anticipated cost increases in agreements with nonprofit organizations to reflect inflation; and to adopt a City policy that departments will enter into multi-year grants when the need for a grant program will extend beyond a single year.

PASSED ON FIRST READING by the following vote:

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

230865 [Amendment of the Salary Ordinance for the Police Department - Fiscal Years 2023-2024 and 2024-2025]**Sponsor: Peskin**

Ordinance amending Ordinance No. 145-23 (Salary Ordinance Fiscal Years 2023-2024 and 2024-2025) to reflect the deletion of two positions (2.00 FTE) in Fiscal Year 2023-2024 and the addition of four positions (4.00 FTE) in Fiscal Year 2023-2024 in the Police Department. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

230898 [Business and Tax Regulations Code - Administration of Empty Homes Tax]**Sponsor: Preston**

Ordinance amending the Business and Tax Regulations Code to add provisions to administer the Empty Homes Tax; and to make conforming non-substantive changes. (Treasurer-Tax Collector)

PASSED ON FIRST READING by the following vote:

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

President Peskin requested File Nos. 230733, 230910, 230801, 230913, 230908, and 230965 be called together.

230733 [Lease Termination Agreement - Airport Concession Lease - XpresSpa S.F. International, LLC]

Resolution approving the Lease Termination Agreement for the Terminal 2 Specialty Retail Concession Lease No. 5, Lease No. 18-0156, between XpresSpa S.F. International, LLC, as tenant, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

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

230910 [Lease Termination Agreement - Airport Concession Lease - Spa BR SFO, LLC dba Be Relax]

Resolution approving the Lease Termination Agreement for the Terminal 3 Boarding Area E and International Terminal Boarding Area G Wellness Concession Lease No. 18-0234, between Spa BR SFO, LLC dba Be Relax, as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, effective upon approval of this Resolution. (Airport Commission)

ADOPTED by the following vote:

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

230801 [Airport Professional Services Agreement Modification - BEUMER Lifecycle Management LLC - Operations and Maintenance of the Baggage Handling System in the Harvey Milk Terminal - Not to Exceed \$35,000,000]

Resolution approving Modification No. 2 to Airport Professional Services Contract No. 50195 between BEUMER Lifecycle Management LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for the operations and maintenance of the baggage handling system in the Harvey Milk Terminal to increase the contract amount by \$14,000,000 for a total not to exceed contract amount of \$35,000,000 and to extend the contract term for one year and six months from December 31, 2023, for a new contract term of August 1, 2020, through June 30, 2025, pursuant to Charter, Section 9.118(b). (Airport Commission)
(Fiscal Impact)

ADOPTED by the following vote:

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

230913 [Lease Agreement - Lenlyn LTD. dba ICE Currency Services USA - Foreign Currency Exchange Services Lease - \$1,000,000 Minimum Annual Guarantee]

Resolution approving the Foreign Currency Exchange Services Lease, Lease No. 23-0198 with Lenlyn LTD. dba ICE Currency Services USA, as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of four years with two one-year options to extend at the sole discretion of the Airport Commission, and a minimum annual guarantee of \$1,000,000 for the first year of the Lease, effective upon approval of this Resolution. (Airport Commission)

ADOPTED by the following vote:

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

230908 [Airport Professional Services Contract Modification - Dignity Health dba St. Mary's Medical Center - Management and Operation of the SFO Medical Clinic - Not to Exceed \$12,700,000]

Resolution approving Modification No. 4 to Contract No. 50118.02 with Dignity Health dba St. Mary's Medical Center for Management and Operation of the SFO Medical Clinic to increase the contract amount by \$1,700,000 for a new contract amount not to exceed \$12,700,000 pursuant to Charter, Section 9.118(b), with no change to the contract term of July 1, 2019, through June 30, 2024, effective upon approval of this Resolution. (Airport Commission)
(Fiscal Impact)

ADOPTED by the following vote:

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

230965 [Lease Modification - United States Government - Offices Occupied by the U.S. Drug Enforcement Administration - Annual Rent \$620,611.20]

Resolution approving Modification No. 2 of Lease No. GS-09P-LCA03384 between the United States (U.S.) Government and the City and County of San Francisco, acting by and through its Airport Commission, to extend the term by two years from October 1, 2023, for a total term of October 1, 2015, through September 30, 2025, and increase the annual rent to \$620,611.20 for offices occupied by the U.S. Drug Enforcement Administration. (Airport Commission)

ADOPTED by the following vote:

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

230914 [Lease of City Property - Our Planet Recycling SF, LLC - Assessor's Parcel Block No. 5695, Lot No. 23 at Alemany Boulevard - Annual Base Rent of \$23,397.96]

Resolution authorizing and approving the Lease of City-owned real property located at Assessor's Parcel Block No. 5695, Lot No. 23, adjacent to Alemany Boulevard in San Francisco, with Our Planet Recycling SF, LLC, a California corporation, doing business as Our Planet Recycling, for an initial five-year term at an annual base rent of \$23,397.96 (or the monthly amount of \$1,949.83); plus 3% annual increases to base rent; plus one additional five-year extension option to further extend the term of the Lease, subject to satisfaction of certain conditions and to be readjusted to then-fair market base rent; effective upon approval of this Resolution; finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1; adopting California Environmental Quality Act (CEQA) findings; and to authorize the Director of Property to enter into amendments or modifications to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Lease or this Resolution. (Real Estate Department)

ADOPTED by the following vote:

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

President Peskin requested File Nos. 230935, 230936, and 230937 be called together.

230935 [Accept and Expend In-Kind Grant - San Francisco Parks Alliance - Dahlia Dell Hillside Garden - \$250,000]

Sponsors: Mayor; Mandelman and Safai

Resolution authorizing the Recreation and Park Department to accept and expend an in-kind grant from the San Francisco Parks Alliance (SFPA) valued at up to \$250,000 for the design and construction for maintenance and upgrades to the Dahlia Dell Hillside Garden for the project term of upon approval of Board of Supervisors until Notice of Substantial Completion; and to authorize the Recreation and Park General Manager to enter into amendments or modifications to the grant 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. (Recreation and Park Department)

ADOPTED by the following vote:

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

230936 [Accept and Expend Grant - Retroactive - United States Environmental Protection Agency - San Francisco Bay Water Quality Improvement Fund - India Basin Shoreline Park Project - \$3,768,558]

Sponsors: Mayor; Walton, Mandelman and Safai

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a San Francisco Bay Water Quality Improvement Fund Grant in the amount of \$3,768,558 from the United States Environmental Protection Agency for the India Basin Shoreline Park Project for a term of June 1, 2023, through December 31, 2026; to enter into the associated Grant agreement; and to enter into modifications and amendments to the Grant Agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Agreement or this Resolution. (Recreation and Park Department)

(Fiscal Impact)

ADOPTED by the following vote:

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

230937 [Accept and Expend In-Kind Grant - Stern Grove Festival Association - Stern Grove - Up to \$300,000]

Sponsors: Mayor; Engardio, Mandelman and Safai

Resolution authorizing the Recreation and Park Department to accept and expend an in-kind grant from the Stern Grove Festival Association valued at up to \$300,000 for the design and construction of a donor recognition installation for the project term effective upon approval of this Resolution until Notice of Substantial Completion; and authorizing the Recreation and Park General Manager to enter into any modifications to the Grant do not materially increase the obligations or liabilities of the City to effectuate the purposes of the Grant or this Resolution. (Recreation and Park Department)

ADOPTED by the following vote:

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

230964 [Agreement Amendment - Mission Neighborhood Health Center - HIV Health Services - Not to Exceed \$11,300,310]

Sponsors: Mandelman; Ronen and Dorsey

Resolution approving Amendment No. 1 to the Agreement between Mission Neighborhood Health Center and the Department of Public Health, to provide HIV health services, to increase the agreement by \$6,624,852 for an amount not to exceed \$11,300,310; to extend the term by six years from February 29, 2024, for a total agreement term of March 1, 2020, through February 28, 2030; and to authorize DPH to enter into modifications of the Agreement that do not materially increase the City's obligations or liabilities and are necessary to effectuate the purposes of the Agreement or this Resolution. (Public Health Department)

(Fiscal Impact)

Supervisors Ronen 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

230983 [Accept and Expend Grant - Retroactive - San Francisco Foundation - Affirmative Litigation and Enforcement Outreach and Coordination - \$200,000]**Sponsor: Mandelman**

Resolution retroactively authorizing the Office of the City Attorney to accept and expend a grant in the amount of \$200,000 from the San Francisco Foundation to fund engagement, strategic planning, and coordination with a coalition of public law offices to support affirmative litigation and enforcement, for the period from July 1, 2023, through June 30, 2025. (City Attorney)

ADOPTED by the following vote:

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

230989 [Apply for Grants - California Department of Resources Recycling and Recovery Funds]**Sponsors: Mayor; Peskin, Mandelman and Safai**

Resolution authorizing the Department of the Environment to submit applications on behalf of the City and County of San Francisco for all grants offered by the California Department of Resources Recycling and Recovery for which it is eligible, effective for five years upon approval of this Resolution. (Environment)

ADOPTED by the following vote:

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

230993 [Accept and Expend Gift - Retroactive - Bequest from the Estate of Janet D. Kramer - Support of Laguna Honda Hospital - \$79,231.32]**Sponsors: Mayor; Melgar**

Resolution retroactively authorizing the Department of Public Health to accept and expend a cash gift in the amount of up to \$79,231.32 from the Estate of Janet D. Kramer through the Federal Reserve in support of the Laguna Honda Hospital for the period of July 1, 2022, through June 30, 2032. (Public Health Department)

ADOPTED by the following vote:

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

Recommendations of the Land Use and Transportation Committee**230256 [Delegation of Board of Supervisors Authority to Amend Certain Leases for 100% Affordable Housing]****Sponsor: Mayor**

Ordinance delegating Board of Supervisors approval authority under Charter, Section 9.118 and Administrative Code, Section 23.30 to the Real Estate Division, based on the recommendation of Mayor's Office of Housing and Community Development ("MOHCD"), to amend certain existing leases regarding residual rent payments and lender protections for 100% affordable housing projects.

PASSED ON FIRST READING by the following vote:

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

230853 [Park Code - John F. Shelley Drive - Road Closure]**Sponsors: Mayor; Walton, Melgar, Preston, Ronen and Safai**

Ordinance amending the Park Code to restrict private vehicles from a portion of John F. Shelley Drive, between the Upper Reservoir Parking Lot and Mansell Street, in McLaren Park.

Supervisors Ronen and Safai 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

Recommendations of the Public Safety and Neighborhood Services Committee**230708 [Police Code - Drawing of Firearms by Armed Guards]****Sponsors: Preston; Walton, Ronen, Peskin, Chan and Engardio**

Ordinance amending the Police Code to prohibit armed guards from drawing or exhibiting firearms, other than a holster, to protect property.

PASSED ON FIRST READING by the following vote:

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

230766 [Health Code - Requiring Retail Pharmacies to Stock Opioid Antagonists]**Sponsors: Dorsey; Safai and Preston**

Ordinance amending the Health Code to require each retail pharmacy in the City to stock at least two boxes of an opioid antagonist, such as naloxone, used to reverse opioid overdoses.

Supervisor Preston 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

221206 [Urging Creation of Programming and Resources for Victims of Gun Violence]**Sponsors: Chan; Walton, Preston and Ronen**

Resolution urging the San Francisco Department of Public Health to create a program to provide resources and education for victims of gun violence regarding their rights to file lawsuits against gun manufacturers in accordance to California State Assembly Bill No. 1594.

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

ADOPTED by the following vote:

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

President Peskin requested File Nos. 230890 and 230891 be called together.

230890 [Liquor License Transfer - 779 Bush Street - Ad Hoc]

Resolution determining that the premise-to-premise transfer of a Type-48 on-sale general public premises liquor license to 790 Bush Street Ventures, Inc., to do business as Ad Hoc, located at 779 Bush Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

230891 [Liquor License Transfer - 999 Valencia Street - Valencia Whole Foods]

Resolution determining that the person-to-person, premise-to-premise transfer of a Type-20 off-sale beer and wine liquor license to Valencia WF Inc., to do business as Valencia Whole Foods, located at 999 Valencia Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

230705 [Administrative Code - Suspension or Debarment of Contractors Based on Violation of Labor Laws]

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

Ordinance amending the Administrative Code to clarify that a contractor may be suspended or debarred due to violations of certain state or local labor laws governing the payment of wages and unfair labor practices.

Supervisors Ronen and Preston 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

230783 [Administrative Code - Surveillance Technology Policy - Department of Elections' Use of Social Media Monitoring Technology]

Ordinance approving the Surveillance Technology Policy for the Department of Elections' use of social media monitoring technology. (Elections Department)

PASSED ON FIRST READING by the following vote:

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

230835 [Administrative, Police Codes - Establishing the Labor and Employment Code]**Sponsor: Safai**

Ordinance establishing the Labor and Employment Code; redesignating worker protection ordinances and ordinances related to employees of City contractors, currently in the Administrative Code and the Police Code, as provisions of the new Labor and Employment Code; and directing the City Attorney to renumber the provisions added to the Labor and Employment Code and to update cross-references throughout the Municipal Code.

PASSED ON FIRST READING by the following vote:

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

230921 [Appointment, Sunshine Ordinance Task Force - Maxine Anderson]

Motion appointing Maxine Anderson, term expiring April 27, 2024, to the Sunshine Ordinance Task Force. (Rules Committee)

Motion No. M23-126**APPROVED by the following vote:**

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

President Peskin requested File Nos. 230954 and 230955 be called together.

230954 [Appointment, Treasury Oversight Committee - Brenda Kwee McNulty]

Motion approving the Treasurer's nomination of Brenda Kwee McNulty, for a term ending September 30, 2027, to the Treasury Oversight Committee. (Clerk of the Board)

Motion No. M23-127**APPROVED by the following vote:**

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

230955 [Appointment, Treasury Oversight Committee - Aimee Brown]

Motion approving Treasurer's nomination of Aimee Brown, for a term ending September 30, 2027, to the Treasury Oversight Committee. (Clerk of the Board)

Motion No. M23-128**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).

President Peskin introduced, welcomed, and presented a Certificate of Honor to Andrea Carla Michaels in recognition of her efforts to reunite residents, tourists, and victims of burglaries with their belongings through a volunteer sleuthing website.

Supervisor Stefani and President Peskin introduced, welcomed, and presented a Certificate of Honor to Carl Nolte in recognition of his distinguished career at the San Francisco Chronicle and his outstanding work in journalism.

COMMITTEE REPORTS

Recommendations of the Homelessness and Behavioral Health Select Committee

President Peskin requested File Nos. 230990, 230991, and 230992 be called together. During the discussion on these matters, privilege of the floor was granted unanimously to Nicolas Menard (Office of the Budget and Legislative Analyst) who responded to questions raised.

230990 [Grant Agreement Amendment - Episcopal Community Services - Cova Non-Congregate Shelter - Not to Exceed \$15,091,353]

Sponsor: Mayor

Resolution approving the third amendment to the grant agreement between Episcopal Community Services and the Department of Homelessness and Supportive Housing ("HSH") for services at the Cova Non-Congregate Shelter; extending the grant term by 10 months from November 1, 2023, for a total term of December 18, 2021, through August 31, 2024; increasing the agreement amount by \$5,150,877 for a total amount not to exceed \$15,091,353; and authorizing HSH to enter into any additions, amendments, or other modifications to the agreement that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City. (Department of Homelessness and Supportive Housing)
(Fiscal Impact)

ADOPTED by the following vote:

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

230991 [Grant Agreement Amendment - Episcopal Community Services - Henry Hotel - Not to Exceed \$14,591,945]**Sponsor: Mayor**

Resolution approving the third amendment to the grant agreement between Episcopal Community Services and the Department of Homelessness and Supportive Housing ("HSH") for property management and supportive services at the Henry Hotel, a permanent supportive housing site; extending the grant term by 20 months from October 31, 2023, for a total term of July 1, 2019, through June 30, 2025; increasing the agreement amount by \$4,853,433 for a total amount not to exceed \$14,591,945; and authorizing HSH to enter into any additions, amendments, or other modifications to the agreement that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City. (Department of Homelessness and Supportive Housing) (Fiscal Impact)

ADOPTED by the following vote:

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

230992 [Grant Agreement Amendment - Episcopal Community Services - Housing First Permanent Supportive Housing - Not to Exceed \$47,159,399]**Sponsor: Mayor**

Resolution approving the first amendment to the grant agreement between Episcopal Community Services and the Department of Homelessness and Supportive Housing ("HSH") for property management and supportive services at five permanent supportive housing buildings; extending the grant term by 16 months from February 29, 2024, for a total term of January 1, 2021, through June 30, 2025; increasing the agreement amount by \$20,829,789 for a total amount not to exceed \$47,159,399; and authorizing HSH to enter into any additions, amendments, or other modifications to the agreement that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City. (Department of Homelessness and Supportive Housing) (Fiscal Impact)

ADOPTED by the following vote:

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

231010 [Temporary Shelter and Homeless Services - Behested Payment Waiver]**Sponsors: Mayor; Ronen, Mandelman and Engardio**

Resolution authorizing the Office of the Mayor and the Department of Homelessness and Supportive Housing to solicit donations from various private entities and organizations to support the expansion of temporary shelter and other homeless services to support people experiencing homelessness, notwithstanding the Behested Payment Ordinance.

Supervisor Engardio 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

Recommendation of the Rules Committee

231020 [Amending the Rules of Order - Limiting Remote Public Comment Opportunities]

Sponsor: Peskin

Motion amending the Board of Supervisors' Rules of Order by revising Rule 1.3.3 (In-Person and Remote Public Comment) to discontinue remote public comment by members of the public at meetings of the Board and its committees, except as legally required to enable people with disabilities to participate in such meetings.

(Pursuant to Board Rule 3.26.1, an amendment to the Board of Supervisors' Rules of Order shall be adopted by the affirmative vote of two-thirds (8 votes) of the Board of Supervisors.)

Motion No. M23-129

APPROVED by the following vote:

Ayes: 8 - Chan, Dorsey, Mandelman, Peskin, Ronen, Safai, Stefani, Walton

Noes: 3 - Engardio, Melgar, Preston

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Thierry Fill; expressed concerns regarding the weaponization of education, the arts, and food by technology.

Christopher Kline; expressed concerns regarding public health interventions and placement on public safety surveillance.

Beverly Upton; expressed support of newly introduced legislation recognizing October as Domestic Violence Awareness Month.

Jordan Davis; expressed various concerns regarding matters they are not pleased about.

Leah McGeever; expressed concerns regarding Israel and colonialism.

JConnr B. Ortega; expressed concerns regarding the regressive policy decisions made by the Board that exasperates the open-air drug market, the deterioration of the City, and antisemitic activities related to Israel.

Speaker; expressed personal religious concerns.

Marlon Jonathan Herrera Sanchez; shared his personal experience dealing with homelessness and the failure of the Police Department to protect citizens.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

(There were no items considered for adoption without committee reference.)

IMPERATIVE AGENDA

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Stefani, seconded by Supervisor Dorsey, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

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

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Stefani, seconded by Supervisor Dorsey, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

231074 [Carl Nolte Day - October 18, 2023]

Sponsors: Stefani; Peskin

Resolution commending Carl Nolte for his distinguished career at the San Francisco Chronicle; and declaring October 18, 2023, to be "Carl Nolte Day" in the City and County of San Francisco.

President Peskin inquired whether any individual wished to address the Board on the Imperative Agenda item declaring October 18, 2023, as "Carl Nolte Day" (File No. 231074). There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

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

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 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.

PROPOSED ORDINANCES

230962 [Waiver of Municipal Code Provisions - City of Phoenix - Phoenix Sky Harbor International Airport - Used Compressed Natural Gas Transit Buses - Not to Exceed \$350,000]

Ordinance waiving competitive bidding requirements in the Administrative Code, and all other requirements in the Administrative Code, Environment Code, or other parts of the Municipal Code as applied to a commodities purchase, to authorize the Airport Commission to procure up to 14 used compressed natural gas transit buses from the City of Phoenix, which owns and operates Phoenix Sky Harbor International Airport, for an amount not to exceed \$350,000; and authorizing the Airport Director to negotiate the terms of the agreement consistent with the not to exceed amount. (Airport Commission)

(Fiscal Impact; No Budget and Legislative Analyst Report)

09/08/23; RECEIVED FROM DEPARTMENT.

09/19/23; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/19/2023.

10/05/23; RECEIVED FROM DEPARTMENT.

10/17/23; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

231033 [Planning Code - Landmark Designation - Chata Gutierrez Mural]

Ordinance amending the Planning Code to designate Chata Gutierrez Mural, located at 3175-24th Street, Assessor's Parcel Block No. 6519, Lot No. 041, 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)

10/06/23; RECEIVED FROM DEPARTMENT.

10/17/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/16/2023.

231034 [Planning Code - Landmark Designation - Carnaval Mural]

Ordinance amending the Planning Code to designate Carnaval Mural, located at 1311-1315 South Van Ness Avenue, Assessor's Parcel Block No. 6519, Lot No. 039, 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)

10/06/23; RECEIVED FROM DEPARTMENT.

10/17/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/16/2023.

PROPOSED RESOLUTIONS

231035 [Real Property Lease - Gough Club, LLC - 42 Gough Street - \$44,472 Initial Base Rent]

Resolution authorizing and approving the lease of real property located at 42 Gough Street, with Gough Club, LLC, a California limited liability corporation, for a three year term at an initial base rent of \$44,472 per year with annual rent increases based on the Consumer Price Index of 3% to 5%, with one option to extend for one-year, effective upon approval of this Resolution; authorizing the Director of Property to enter into any additions, amendments, or other modifications to the Lease that do not materially increase the obligations or liabilities of the City to effectuate the purposes of the Lease or this Resolution. (Human Services Agency)

09/29/23; RECEIVED FROM DEPARTMENT.

10/17/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

231036 [Contract Agreement - Radiation Detection Company - Purchase of Ionized Radiation Detection Badge Services - Not to Exceed \$420,000]

Resolution authorizing the Office of Contract Administration (OCA) to execute Contract 1000027338 with Radiation Detection Company (Contractor) for the purchase of ionized radiation detection badge services by City departments for a total not to exceed amount of \$420,000 and a contract term of five years with an option to extend by two additional years, for a total duration of seven years, to commence on December 1, 2023, through November 30, 2028; to allow Contractor to maintain radiation dose exposure reports for a period exceeding ten years; and to authorize OCA to enter into amendments or modifications to the agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the agreement or this Resolution. (Office of Contract Administration)

09/27/23; RECEIVED FROM DEPARTMENT.

10/17/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

231037 [Contract Amendment - Retroactive - Western States Oil - Gasoline Fuel - Not to Exceed \$35,450,000]

Resolution retroactively authorizing the Office of Contract Administration to enter into a Fifth Amendment (Modification 5) to Contract 1000012394 between the City and County of San Francisco and Western States Oil (Contractor) for the purchase of gasoline for all City departments, increasing the contract amount by \$2,950,000 for a total not to exceed amount of \$35,450,000 and extending the contract duration by 19 days, for a total duration of five years and 19 days from November 1, 2018, through November 19, 2023. (Office of Contract Administration)

10/02/23; RECEIVED FROM DEPARTMENT.

10/17/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

231038 [Airline and Airport 2023 Lease and Use Agreement - Various Airlines]

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

10/05/23; RECEIVED FROM DEPARTMENT.

10/17/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:44 p.m.