

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, January 10, 2023 - 2:00 PM

IN-PERSON MEETING

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

(remote access provided)

(remote public comment provided via teleconference)

www.sfgovtv.org

Regular Meeting

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Appropriations Committee

Supervisors Ronen, Safai, Chan, Walton

Wednesday

1:00 PM

Budget and Finance Committee

Supervisors Ronen, Safai, Chan

Wednesday

12:30 PM

Government Audit and Oversight Committee

Supervisors Preston, Chan, Mandelman

1st and 3rd Thursday

10:00 AM

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Monday

1:30 PM

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Melgar

2nd and 4th Thursday

10:00 AM

Rules Committee

Supervisors Peskin, Mandelman, Chan

Monday

10:00 AM

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Dorsey

2nd Friday

10:00 AM

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

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

The Board of Supervisors of the City and County of San Francisco met in regular session, in-person with remote access and public comment also available via telephone, on Tuesday, January 10, 2023, with President Aaron Peskin presiding.

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

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).

Members of the public may submit their comments by email to: bos@sfgov.org; all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Committee agendas and their associated documents are available at <https://sfbos.org/meetings/42>.

Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184 or bos@sfgov.org.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

All Members of the Board were present.

President Peskin presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.

COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

APPROVAL OF MEETING MINUTES

President Peskin inquired whether any Member of the Board had any corrections to the November 15, 2022, November 29, 2022, or December 6, 2022, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Ronen, seconded by Supervisor Preston, moved to approve the November 15, 2022, November 29, 2022, and December 6, 2022, 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

230019 [Formal Policy Discussions - January 10, 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 10:

1. Emergency Preparedness

Mayor London N. Breed addressed the Board of Supervisors regarding the storms that are hitting the City at this time and the emergency proclamation released yesterday in order to qualify for storm damage funding assistance. These storms are dynamic, and the Mayor encouraged the Members to concur in the emergency and encouraged the public to pay attention to any notices or announcements. Mayor Breed then discussed the above referenced topic submitted by the District 10 Supervisor.

Supervisor Walton began the discussions by asking the following question: What can we do in the future as a City to avoid the devastation that we endured from the recent storms? Mayor Breed responded that the City has been fortunate to not have any loss of life during these storms and reported on the numerous services and efforts being made by the various departments who are braving the weather to ensure the rest of us are safe. As we witness the effects of climate change and with every severe weather event, we must continue to adapt quickly to the various types of significant events that are inevitable. The Mayor encouraged businesses to call 311 if they require assistance since the City has program funding that is available to those who need it.

Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

221069 [Public Works Code - Exemption of Banner Fees and Inspection Fees - Leather and LGBTQ Cultural District and SoMa Pilipinas-Filipino Cultural Heritage District]

Sponsors: Dorsey; Ronen, Safai and Mandelman

Ordinance amending the Public Works Code to exempt the Leather and Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Cultural District from banner permit fees and inspection fees for the placement of up to 200 banners on up to 200 City-owned poles within that Cultural District; and to codify the existing exemption of the SoMa Pilipinas - Filipino Cultural Heritage District from banner permit fees and inspection fees for the placement of up to 300 banners on up to 300 City-owned poles within that Cultural District; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED

221106 [Public Works Code - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk Sales During the Holiday Season]

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

Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for temporary street space occupancy permits on San Francisco streets on November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of merchandise during the holiday season; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED

221123 [Appropriation - \$4,711,123 in Tax Increment Revenue Bond Proceeds - Treasure Island Infrastructure and Revitalization Financing District - FY2022-2023]

Sponsors: Mayor; Safai, Ronen and Dorsey

Ordinance appropriating \$4,711,123 from the issuance of Treasure Island Infrastructure and Revitalization Financing District (IRFD) No. 1 Tax Increment Revenue Bonds and appropriating to the affordable housing project in the Mayor's Office of Housing and Community Development in Fiscal Year (FY) 2022-2023.

(Fiscal Impact)

FINALLY PASSED

221156 [Lease and Property Management Agreement - Dolores Street Community Services - 5630-5638 Mission Street - Not to Exceed \$10,741,000; Certain Administrative Code Waivers]

Sponsors: Mayor; Safai

Ordinance 1) approving and authorizing the Director of Property and the Executive Director of the Department of Homelessness and Supportive Housing (“HSH”) to enter into a Lease and Property Management Agreement (“Agreement”) with Dolores Street Community Services to lease, operate, and maintain the real property and residential improvements at 5630-5638 Mission Street (“Property”) for an initial five-year term to commence upon the first day of the month following the effective date of this Ordinance with one five-year option to extend, and base rent of \$1 per year with no annual rent increases, and for net property management and operating costs to be paid by the City in a total five-year amount not to exceed \$10,741,000; 2) determining, in accordance with Administrative Code, Section 23.33, that the below market rent payable under the Agreement will serve a public purpose by providing Permanent Supportive Housing for formerly homeless and low-income households; 3) adopting findings that the Property is “exempt surplus land” under the California Surplus Land Act; 4) exempting the Property from contracting requirements in Administrative Code, Chapter 6, but requiring compliance with the prevailing wage and apprenticeship requirements of Administrative Code, Section 23.61; 5) authorizing the Director of Property and the Executive Director of HSH to make certain modifications to the Agreement and take certain actions in furtherance of the Agreement and this Ordinance, as defined herein; 6) ratifying all prior actions taken by any City employee or official with respect to the Agreement; and 7) affirming the Planning Department’s determination under the California Environmental Quality Act, and adopting the Planning Department’s findings that the Agreement is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

FINALLY PASSED

221157 [Lease and Property Management Agreement - Dolores Street Community Services - 3055-3061 16th Street - Not to Exceed \$7,147,000; Certain Administrative Code Waivers]

Sponsors: Mayor; Ronen and Safai

Ordinance 1) approving and authorizing the Director of Property and the Executive Director of the Department of Homelessness and Supportive Housing ("HSH") to enter into a Lease and Property Management Agreement ("Agreement") with Dolores Street Community Services to lease, operate, and maintain the real property and residential improvements at 3055-3061 16th Street ("Property") for an initial five-year term to commence upon the first day of the month following the effective date of this Ordinance with one five-year option to extend, and base rent of \$1 per year with no annual rent increases, and for net property management and operating costs to be paid by the City in a total five-year amount not to exceed \$7,147,000; 2) determining, in accordance with Administrative Code, Section 23.33, that the below market rent payable under the Agreement will serve a public purpose, by providing Permanent Supportive Housing for formerly homeless and low-income households; 3) adopting findings that the Property is "exempt surplus land" under the California Surplus Land Act; 4) exempting the Property from contracting requirements in Administrative Code, Chapter 6, but requiring compliance with the prevailing wage and apprenticeship requirements of Administrative Code, Section 23.61; 5) authorizing the Director of Property and the Executive Director of HSH to make certain modifications to the Agreement and take certain actions in furtherance of the Agreement and this Ordinance, as defined herein; 6) ratifying all prior actions taken by any City employee or official with respect to the Agreement; and 7) affirming the Planning Department's determination under the California Environmental Quality Act, and adopting the Planning Department's findings that the Agreement is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

FINALLY PASSED

221158 [Lease and Property Management Agreement - Five Keys Schools and Programs - 835 Turk Street - Not to Exceed \$16,682,000; Certain Administrative Code Waivers] Sponsors: Mayor; Stefani, Safai and Preston

Ordinance 1) approving and authorizing the Director of Property and the Executive Director of the Department of Homelessness and Supportive Housing (“HSH”) to enter into a Lease and Property Management Agreement (“Agreement”) with Five Keys Schools and Programs to lease, operate, and maintain the real property and residential improvements at 835 Turk Street (“Property”) for an initial five-year term to commence upon the first day of the month following the effective date of this Ordinance with one five-year option to extend, and base rent of \$1 per year with no annual rent increases, and for net property management and operating costs to be paid by the City in a total five-year amount not to exceed \$16,682,000; 2) determining, in accordance with Administrative Code, Section 23.33, that the below market rent payable under the Agreement will serve a public purpose, by providing Permanent Supportive Housing for formerly homeless and low-income households; 3) adopting findings that the Property is “exempt surplus land” under the California Surplus Land Act; 4) exempting the Property from contracting requirements in Administrative Code, Chapter 6, but requiring compliance with the prevailing wage and apprenticeship requirements of Administrative Code, Section 23.61; 5) authorizing the Director of Property and the Executive Director of HSH to make certain modifications to the Agreement and take certain actions in furtherance of the Agreement and this Ordinance, as defined herein; 6) ratifying all prior actions taken by any City employee or official with respect to the Agreement; and 7) affirming the Planning Department’s determination under the California Environmental Quality Act, and adopting the Planning Department’s findings that the Agreement is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
(Fiscal Impact)

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

221118 [Settlement of Lawsuit - Victor Jimenez - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Victor Jimenez against the City and County of San Francisco for \$100,000; the lawsuit was filed on July 20, 2021, in San Francisco Superior Court, Case No. CGC-21-593613; entitled Victor Jimenez v. City and County of San Francisco; the lawsuit alleged property damage and personal injuries arising from a dangerous condition of public property, i.e., a sinkhole that opened in the roadway underneath plaintiff’s vehicle. (City Attorney)

FINALLY PASSED

Recommendation of the Public Safety and Neighborhood Services Committee

221124 [Police Code - Private Sector Military Leave Pay]

Sponsors: Mar; Melgar, Dorsey, Preston, Stefani, Walton and Safai

Ordinance amending the Police Code to require private employers to pay employees who are military reservists and are called for military duty the difference between their military salary and their salary as employees, for up to 30 days in a calendar year, and to create procedures for implementation and enforcement of this requirement.

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

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Public Safety and Neighborhood Services Committee

President Peskin requested File Nos. 220189 and 221064 be called together.

220189 [Liquor License Transfer - 270 Columbus Avenue - South Sea Dipper]

Resolution determining that the transfer of a Type-48 on-sale general public premises liquor license to Future Bars Group, doing business as South Sea Dipper, located at 270 Columbus Avenue (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

221064 [Liquor License Transfer - 580 Green Street - Luke's Local]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Luke's Local Inc., doing business as Luke's Local, located at 580 Green 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 a condition on the issuance of the license. (Public Safety and Neighborhood Services Committee)

Resolution No. 001-23

ADOPTED by the following vote:

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

Recommendations of the Rules Committee**221226 [Mayoral Reappointment, Redevelopment Successor Agency Oversight Board - Anna Van Degna]**

Motion approving the Mayor's nomination for reappointment of Anna Van Degna to the Redevelopment Successor Agency Oversight Board, term ending January 24, 2026. (Clerk of the Board)

(Ordinance No. 215-12, Section 6(b), provides that this member shall be appointed by the Mayor and subject to confirmation by the majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action. Transmittal date: December 2, 2022)

Motion No. M23-001

APPROVED by the following vote:

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

Supervisor Ronen Excused from Voting

Supervisor Safai, seconded by Supervisor Preston, moved that Supervisor Ronen be excused from voting on File No. 221228. The motion carried by the following vote:

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

221228 [Reappointment, Metropolitan Transportation Commission - Supervisor Hillary Ronen]

Motion reappointing Supervisor Hillary Ronen, term ending February 10, 2027, or the conclusion of her term as a Member of the Board of Supervisors, to the Metropolitan Transportation Commission. (Clerk of the Board)

Motion No. M23-002

APPROVED by the following vote:

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

Supervisor Safai Excused from Voting

Supervisor Ronen, seconded by Supervisor Preston, moved that Supervisor Safai be excused from voting on File No. 221263. The motion carried by the following vote:

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

221263 [Appointment, Golden Gate Bridge, Highway and Transportation District Board of Directors - Supervisor Ahsha Safai]

Motion appointing Supervisor Ahsha Safai, term ending January 31, 2025, to the Golden Gate Bridge, Highway and Transportation District Board of Directors. (Clerk of the Board)

Motion No. M23-003

APPROVED by the following vote:

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

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Walton assumed the chair at 2:24 p.m. so the President could participate in the debate on File No. 221264 from the floor.

The President resumed the chair at 2:27 p.m.

221264 [Reappointment, Police Commission - Cindy Elias]

Motion confirming the reappointment of Cindy Elias, term ending April 30, 2027, to the Police Commission. (Clerk of the Board)
(Supervisor Mandelman dissented in Committee.)

Privilege of the floor was granted unanimously to Cindy Elias, appointee, who responded to questions raised throughout the discussion.

Supervisor Engardio, seconded by Supervisor Dorsey, moved that this Motion be RE-REFERRED to the Rules Committee. The motion FAILED by the following vote:

Ayes: 4 - Dorsey, Engardio, Mandelman, Stefani
Noes: 7 - Chan, Melgar, Peskin, Preston, Ronen, Safai, Walton

Motion No. M23-004

APPROVED by the following vote:

Ayes: 7 - Chan, Melgar, Peskin, Preston, Ronen, Safai, Walton
Noes: 4 - Dorsey, Engardio, Mandelman, Stefani

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

There were no commendations recognized.

SPECIAL ORDER 3:00 P.M.

President Peskin requested File Nos. 221215 and 221216 be called together.

Board of Supervisors Sitting as a Committee of the Whole

221215 [Hearing - Committee of the Whole - Amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area - Zone One, Block 2 - January 10, 2023, at 3:00 p.m]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on January 10, 2023, at 3:00 p.m., during the regular Board of Supervisors meeting, to hold a public hearing to consider an Ordinance for the proposed Amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area to increase bulk limits on Block 2 of Zone One of the Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 014), located on the north side of Folsom Street between Beale and Main Streets, by increasing certain maximum floor plate sizes; scheduled pursuant to Motion No. M22-186 (File No. 221214), approved on December 6, 2022. (Clerk of the Board)

President Peskin opened the public hearing and inquired whether any individual wished to address the Board relating to the redevelopment project. Kim Obstfeld (Office of Community Investment and Infrastructure) presented information regarding the redevelopment project and answered questions raised throughout the discussion. There were no public comment speakers. President Peskin closed public comment, adjourned as the Committee of the Whole, declared the public hearing heard and filed, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

From the Board

221216 [Redevelopment Plan Amendment - Transbay Redevelopment Project Area - Zone One, Block 2]

Sponsor: Dorsey

Ordinance approving an amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area to increase bulk limits on Block 2 of Zone One of the Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 014, located on the north side of Folsom Street between Beale and Main Streets), by increasing certain maximum floor plate sizes; making findings under the California Community Redevelopment Law; making findings 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.

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.

Members of the Board provided updates on the outside Boards and Commissions they are appointed to.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Stefani assumed the chair at 3:45 p.m. The President resumed the chair at 3:50 p.m.

PUBLIC COMMENT

Otto Duffy; shared his wishes for the new year and his concerns regarding the Membership of the Board.

John Hepworth; expressed concerns regarding testing biases.

Paulina Fayer; shared concerns regarding the Police Commission and acknowledged the new Membership of the Board.

Alice Bavier; shared concerns regarding the appointment process to the Police Commission.

Shane; shared concerns regarding the appointment process to the Police Commission.

Speaker; shared concerns regarding the appointment process to the Police Commission.

Joe Kunzler; expressed concerns regarding the public comment process.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

221289 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - January 10, 2023]

Closed Session for the Board of Supervisors to convene on January 10, 2023, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: City and County of San Francisco v. Federal Energy Regulatory Commission, (United States Court of Appeals, D. C. Circuit), No. 20-1313, petition for review filed August 17, 2020, consolidated with No. 20-1458, petition for review filed November 16, 2020; City and County of San Francisco v. Federal Energy Regulatory Commission, (United States Court of Appeals, D. C. Circuit), No. 20-1084, petition for review filed March 23, 2020; consolidated with No. 20-1297, petition for review filed August 3, 2020; in re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 19-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. ER22-620-00, filed December 13, 2021; Federal Energy Regulatory Commission Case No. TX21-04-000, filed August 20, 2021; Federal Energy Regulatory Commission Case No. ER20-2878, filed September 15, 2020; Federal Energy Regulatory Commission Case No. EL 19-38-000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18-1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed, February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL 15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER 20-2878-000 et al, filed September 15, 2020; California Public Utilities Commission Case No. 1.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019; and California Public Utilities Commission Case No. A.20-04-023, filed April 30, 2020; and California Public Utilities Commission Case No. P. 21-07-012, filed July 27, 2021; scheduled pursuant to the Motion contained in File No. 221288, to be considered on January 10, 2023. (Clerk of the Board)

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 4:05 p.m. to convene in closed session pursuant to the Motion contained in File No. 221288, approved on January 10, 2023.

The following Supervisors were noted present: Supervisors Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

Persons in attendance: Anne Pearson, Theresa Mueller, and Peter Miljanich, Deputy City Attorneys (Office of the City Attorney); Barbara Hale and Ron Flynn (Public Utilities Commission); and Angela Calvillo, Clerk of the Board, and Brent Jalipa, Assistant Clerk (Office of the Clerk of the Board).

The matter was heard in closed session, no action was taken, and the hearing was filed.

HEARD IN CLOSED SESSION

RECONVENED AS THE BOARD OF SUPERVISORS

The Board reconvened at the hour of 5:01 p.m.

The following Supervisors were noted present: Supervisors Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Ronen, seconded by Supervisor Mandelman, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**221286 [Supporting Tartine Bakery Workers and Urging the San Francisco Employee Retirement System to Ensure Their Investments Support Labor Rights and Affordable Housing]**

Sponsors: Ronen; Walton, Chan and Preston

Resolution supporting Tartine Bakery workers right to organize and urging the San Francisco Retirement System to reevaluate their investment portfolio to ensure that only companies whose behavior is consistent with the values of San Francisco are included.

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

ADOPTED

221287 [Supporting California State Assembly Bill No. 12 (Haney) - Security Deposits]

Sponsors: Walton; Chan, Preston and Mandelman

Resolution supporting California State Assembly Bill No. 12, Security Deposits, authored by Assembly Member Matt Haney, to limit the maximum amount of rental security deposits at one month's rent.

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

ADOPTED

221288 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - January 10, 2023]**Sponsors: Mandelman; Peskin, Ronen and Chan**

Motion that the Board of Supervisors convene in closed session on January 10, 2023, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: City and County of San Francisco v. Federal Energy Regulatory Commission, (United States Court of Appeals, D. C. Circuit), No. 20-1313, petition for review filed August 17, 2020, consolidated with No. 20-1458, petition for review filed November 16, 2020; City and County of San Francisco v. Federal Energy Regulatory Commission, (United States Court of Appeals, D. C. Circuit), No. 20-1084, petition for review filed March 23, 2020; consolidated with No. 20-1297, petition for review filed August 3, 2020; in re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 19-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. ER22-620-00, filed December 13, 2021; Federal Energy Regulatory Commission Case No. TX21-04-000, filed August 20, 2021; Federal Energy Regulatory Commission Case No. ER20-2878, filed September 15, 2020; Federal Energy Regulatory Commission Case No. EL 19-38-000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18-1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed, February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL 15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER 20-2878-000 et al, filed September 15, 2020; California Public Utilities Commission Case No. 1.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019; and California Public Utilities Commission Case No. A.20-04-023, filed April 30, 2020; and California Public Utilities Commission Case No. P. 21-07-012, filed July 27, 2021.

Motion No. M23-005**APPROVED****230018 [Findings to Allow Teleconferenced Meetings During Declared Emergency]**

Motion making findings to allow teleconferenced meetings under California Government Code, Section 54953(e). (Clerk of the Board)

Motion No. M23-006**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 Preston requested that File No. 221283 be severed so that it may be considered separately.

221283 [Urging Congress to Enact H.R. 3339 (Davis) - National Infrastructure Bank Act] **Sponsors: Preston; Walton, Chan and Mandelman**

Resolution urging Congress to enact the National Infrastructure Bank Act (H.R. 3339) introduced by Representative Danny Davis (D-II); and the San Francisco Board of Supervisors declares its support and address the infrastructure needs of San Francisco and the Nation.

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

Supervisor Preston, seconded by Supervisor Walton, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 5, by changing 'and' to 'for a National Infrastructure Bank to'; and on Page 3, Line 10, by changing 'and' to 'to'. The motion carried by the following vote:

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

Resolution urging Congress to enact the National Infrastructure Bank Act (H.R. 3339) introduced by Representative Danny Davis (D-II); and the San Francisco Board of Supervisors declares its support for a National Infrastructure Bank to address the infrastructure needs of San Francisco and the Nation.

Supervisor Preston, seconded by Supervisor Walton, moved that this Resolution be CONTINUED AS AMENDED to the Board of Supervisors meeting of January 24, 2023. The motion carried by the following vote:

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

IMPERATIVE AGENDA

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Peskin, seconded by Supervisor Melgar, moved ADOPTION of the serious injury 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 Peskin, seconded by Supervisor Melgar, 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

230024 [Concurring in Proclamation of Local Emergency - Severe Winter Storms]

Motion concurring in the January 9, 2023, Proclamation by the Mayor Declaring the Existence of a Local Emergency in connection with the sudden and severe winter storms that began on December 27, 2022, causing high winds, substantial precipitation, and flooding in the City; and concurring in actions taken to meet the emergency to: 1) require City employees and officers to take all steps requested by the Executive Director of the Department of Emergency Management ("DEM") to address the emergency conditions caused by the storms; 2) require all City employees and officers to take all steps requested by the Executive Director of DEM to qualify the City for funding as may be available to reimburse the City for the expenses it incurs in addressing this emergency; and 3) expedite the procurement of services, goods, and public works relating to the emergency by exempting contracts and grants for such services from specific contract requirements, waiving Civil Service Commission approval of such contracts and grants, authorizing departments to purchase professional services through the issuance of a stand-alone purchase order, authorizing department heads or their designees to deviate from the City's standard terms and conditions where necessary to effectively respond to the emergency, and authorizing the procurement of public works as provided in Administrative Code, Section 6.60. (Clerk of the Board)

President Peskin opened discussions on the Imperative Agenda item concurring in the Proclamation of Local Emergency for the severe winter storms (File No. 230024) and Clerk Calvillo reiterated that public comment for this Imperative Agenda item was taken during General Public Comment.

Motion No. M23-007

APPROVED 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 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

230001 [General Plan Amendments - Housing Element 2022 Update]

Ordinance amending the San Francisco General Plan by adopting the Housing Element 2022 Update as the Housing Element of the General Plan, and making conforming amendments to the Air Quality, Commerce & Industry, Environmental Protection, and Urban Design Elements of the General Plan; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and general welfare under Planning Code, Section 340. (Planning Commission)

12/16/22; RECEIVED FROM DEPARTMENT.

01/10/23; ASSIGNED to Land Use and Transportation Committee.

230002 [Administrative Code Waivers and Delegation of Charter Contract Approval Authority - Biogas Utilization Project Agreements, Southeast Treatment Plan]

Ordinance authorizing the San Francisco Public Utilities Commission (SFPUC) to exempt certain design, construction, finance, operation, and maintenance services and related agreements for the Public-Private Partnership (P3) delivery of the Biogas Utilization Project at the Southeast Treatment Plant (SEP), located at 1800 Jerrold Avenue, from Chapters 6, 14B, and 21, and Section 23.30 of the Administrative Code, but requiring compliance with the underlying public policies, including the payment of prevailing wages, implementation of a local business enterprise participation program, and compliance with the City's local hire policy and first source hiring ordinance, as applicable to such agreements, and permitting a best-value selection of the contractor team if the City elects to proceed with the Project after completing its review under the California Environmental Quality Act; and delegating to the SFPUC the authority under Charter, Section 9.118, to approve all necessary contracts that are \$10,000,000 or more and/or in excess of ten years. (Public Utilities Commission)

12/27/22; RECEIVED FROM DEPARTMENT.

01/10/23; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/9/2023.

230003 [Settlement of Lawsuit - Ludmila Ulitskaya - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Ludmila Ulitskaya against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 5, 2021, in San Francisco Superior Court, Case No. CGC-21-591299; entitled Ludmila Ulitskaya v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230004 [Settlement of Lawsuit - Merrill Beth Ferguson - \$7,500,000]

Ordinance authorizing settlement of the lawsuit filed by Merrill Beth Ferguson against the City and County of San Francisco for \$7,500,000; the lawsuit was filed on November 12, 2020, in San Francisco Superior Court, Case No. CGC-20-587638; entitled Merrill Beth Ferguson v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle versus pedestrian collision. (City Attorney)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230005 [Settlement of Lawsuit - Nicole Spencer - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Nicole Spencer against the City and County of San Francisco for \$225,000; the lawsuit was filed on January 18, 2021, in San Francisco Superior Court, Case No. CGC-21-589457; entitled Nicole Spencer v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230006 [Settlement of Lawsuit - Francisco Valle - \$1,950,000]

Ordinance authorizing settlement of the lawsuit filed by Francisco Valle against the City and County of San Francisco for \$1,950,000; the lawsuit was filed on August 30, 2021, in United States District Court-Northern District of California, Case No. 21-cv-5636 EMC; entitled Francisco Valle v. Paolo Morgado, et al.; the lawsuit involves alleged civil rights violations including Brady violations and fabrication of evidence in violation of the Fourteenth Amendment. (City Attorney)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

230007 [Settlement of Unlitigated Claim - AB Taylor Propco LLC - \$2,900,000]

Resolution approving the settlement of the unlitigated claim filed by AB Taylor Propco LLC against the City and County of San Francisco for \$2,900,000; the claim was filed on October 20, 2022; the claim involves allegations of property damage to the Tilden 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)

12/06/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230008 [Settlement of Unlitigated Claim - San Francisco Bay Regional Water Quality Control Board - \$236,500]

Resolution approving the settlement of an unlitigated claim by the San Francisco Bay Regional Water Quality Control Board against the City and County of San Francisco for \$236,500 for alleged violations of combined sewage discharge permit requirements and state laws from 2013 to 2021. (City Attorney)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230009 [Real Property Lease - Autodesk, Inc. - Pier 9, Suite 116, and Bays 1-3 - Monthly Rent \$124,508]

Resolution approving Port Commission Lease L-16848 with Autodesk, Inc., a Delaware Corporation, located at Pier 9, Suite 116, and Bays 1-3 for approximately 30,590 square feet of office and shed space and license area for solar panels and public improvements for a term of one year with one option to extend the term for one year, effective upon approval of this Resolution at a monthly rent of \$124,508; and to authorize the Executive Director of the Port to enter into any additions, amendments or other modifications to the Lease do not materially increase the obligations or liabilities of the City or Port and are necessary or advisable to complete the transactions which this Resolution contemplates and effectuate the purpose and intent of this Resolution. (Port)

12/06/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230010 [Airport Professional Services Agreement - PGH Wong & Partners JV - Project Management Support Services for the Courtyard 3 Connector Project - Further Modifications Not to Exceed \$27,850,000]

Resolution approving Modification No. 9 to Airport Contract No. 10072.41, Project Management Support Services for the San Francisco International Airport, Courtyard 3 Connector Project with PGH Wong & Partners JV, a joint venture consisting of PGH Wong Engineering, Inc., and Avila and Associates Consulting Engineers, Inc., to increase the Contract amount by \$10,600,000 for a new not to exceed amount of \$27,850,000 for services, pursuant to Charter, Section 9.118(b); and making findings under the California Environmental Quality Act. (Airport Commission)

12/09/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230011 [Grant Agreement Amendment - Meals on Wheels of San Francisco - Home-Delivered Meal (HDM) Nutrition Services to Older Adults - Not to Exceed \$35,653,759]

Resolution approving the second amendment to the grant agreement between the City and County of San Francisco and the non-profit Meals on Wheels of San Francisco, for the administration of the Home-Delivered Meal (HDM) Nutrition Services to Older Adults program, to increase the grant amount by \$4,173,350 for a total not to exceed amount of \$35,653,759 effective upon approval of this Resolution, with no change to the grant period of July 1, 2021, through June 30, 2025. (Human Services Agency)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230012 [Grant Agreement Amendment - Project Open Hand - Congregate Nutrition Services for Older Adults - Not to Exceed \$11,782,223]

Resolution approving an amendment to the grant agreement between the City and County of San Francisco and the non-profit Project Open Hand, for the administration of the Congregate Nutrition Services for Older Adults program, to increase the grant amount by \$2,224,772 for a total not to exceed amount of \$11,782,223 effective upon approval of this Resolution, with no change to the grant period of July 1, 2021, through June 30, 2025. (Human Services Agency)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230013 [Grant Agreement Amendment - San Francisco-Marin Food Bank - Citywide Grocery Access - Not to Exceed \$11,228,328]

Resolution approving an amendment to the grant agreement between the City and County of San Francisco and the non-profit San Francisco-Marin Food Bank, for the administration of the Citywide Grocery Access program, to increase the grant amount by \$4,930,828 for a total not to exceed amount of \$11,228,328 and to extend the grant period from January 31, 2023, for a total period of July 1, 2022, through June 30, 2023, effective upon approval of this Resolution. (Human Services Agency)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230014 [Grant Agreement Amendment - Self-Help for the Elderly - Congregate Nutrition Services for Older Adults - Not to Exceed \$11,881,213]

Resolution approving a second amendment to the grant agreement between the City and County of San Francisco and the non-profit Self-Help for the Elderly, for the administration of the Congregate Nutrition Services for Older Adults program, to increase the grant amount by \$1,216,203 for a total not to exceed amount of \$11,881,213 effective upon approval of this Resolution, with no change to the grant period of July 1, 2021, through June 30, 2025. (Human Services Agency)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230015 [Grant Agreement Amendment - Glide Foundation - Free Meals Program - Not to Exceed \$12,055,383]

Resolution approving a second amendment to the grant agreement between the City and County of San Francisco and the non-profit Glide Foundation, for the administration of the Free Meals Program, to increase the grant amount by \$4,187,149 for a total not to exceed amount of \$12,055,383 effective upon approval of this Resolution, with no change to the grant period of July 1, 2021, through June 30, 2025. (Human Services Agency)

12/19/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230016 [Contract Agreement - California Health and Human Services Agency - Data Sharing Agreement - \$0]

Resolution approving an original agreement between Department of Public Health (DPH) and the California Health and Human Services Agency, to exchange Health and Social Services Information, in the amount of \$0 for a term exceeding ten years, effective January 31, 2023, remaining in full force and effect until terminated by the DPH or the California Health and Human Service Agency; and to authorize the DPH to enter into amendments or modifications to the agreement prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the agreement or this Resolution. (Public Health Department)

12/23/22; RECEIVED FROM DEPARTMENT.

01/10/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:02 p.m.