

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, March 7, 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](http://www.sfgovtv.org)

### Regular Meeting

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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

<b>Budget and Appropriations Committee</b> Supervisors Chan, Mandelman, Safai, Ronen, Walton	Wednesday 1:30 PM
<b>Budget and Finance Committee</b> Supervisors Chan, Mandelman, Safai	Wednesday 10:00 AM
<b>Government Audit and Oversight Committee</b> Supervisors Preston, Stefani, Chan	1st and 3rd Thursday 10:00 AM
<b>Homelessness and Behavioral Health Select Committee</b> Supervisors Ronen	TBD
<b>Land Use and Transportation Committee</b> Supervisors Melgar, Preston, Peskin	Monday 1:30 PM
<b>Public Safety and Neighborhood Services Committee</b> Supervisors Stefani, Engardio, Dorsey	2nd and 4th Thursday 10:00 AM
<b>Rules Committee</b> Supervisors Dorsey, Walton, Safai	Monday 10:00 AM
<b>Youth, Young Adult, and Families Committee</b> Supervisors Ronen, Safai, Engardio	2nd Friday 10:00 AM

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

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

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*The Board of Supervisors of the City and County of San Francisco met in regular session, in-person with remote access and public comment also available via telephone, on Tuesday, March 7, 2023, with President Aaron Peskin presiding.*

*President Peskin called the meeting to order at 2:05 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](http://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](mailto: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](http://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](mailto:bos@sfgov.org).*

## **APPROVAL OF MEETING MINUTES**

*President Peskin inquired whether any Member of the Board had any corrections to the January 31, 2023, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.*

*Supervisor Preston, seconded by Supervisor Mandelman, moved to approve the January 31, 2023, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment.*

## **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 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**

*President Peskin without objection called Roll Call out of order, granting himself privilege of the floor as first on Roll Call and expounded on his remarks he previously delivered as the newly elected Board President in January of 2023. President Peskin revisited his request for the Board to work in collaboration with each other and constructively with Mayor Breed.*

## **AGENDA CHANGES**

*There were no agenda changes.*

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

### 230208 [Formal Policy Discussions - March 7, 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 two topics were noticed on the agenda representing Districts 5 and 7:

1. Community Ambassadors (District 5)
2. Implementation of the Housing Element (District 7)

*Mayor London N. Breed addressed the Board of Supervisors touching on the importance of public safety and her action plan to address constituents' growing concerns around open air drug dealing, break-ins, and assaults. Her action plan consisted of appropriating funds to social programs like the Downtown Welcome Ambassador Program and working closely with the District Attorney and the Police Department. Mayor Breed stressed that funding re-entry programs like Urban Alchemy helps formerly homeless and incarcerated people to reintegrate into society and ultimately uplift the overall neighborhood of where they are placed.*

*Supervisor Preston began discussions by asking a question on behalf of constituents in the Lower Polk and Tenderloin District, asking Mayor Breed if she will commit providing non-police community ambassadors in the Tenderloin and Lower Polk area where there are currently no ambassadors. Mayor Breed thanked Supervisor Preston for his concern and underscored the importance of extending contracts that allow ambassador programs like Urban Alchemy to be given the resources they need to develop the capacity to offer support where it is needed.*

*Supervisor Preston then followed up by thanking Mayor Breed for her comments around the different types of ambassadors and the roles they play. Supervisor Preston revisited his concern on the parts of the Tenderloin where you can see three different types of ambassadors on the same block and how there is a shortage on other parts of the Tenderloin neighborhood and suggested that deployment should be addressed. Supervisor Preston closed with requesting Mayor Breed to commit to providing non-police ambassador coverage to the areas of Lower Polk and Tenderloin, namely on Van Ness and Larkin and Geary and Ellis. Mayor Breed responded that her focus is to better the Tenderloin neighborhood as a whole and that deployment of non-police ambassadors can be challenging in certain areas of high crime. She ended her rebuttal by offering to have further discussions on actionable plans and did not have a follow-up question.*

*Supervisor Melgar began the discussion with the newly passed Housing Element and her concern for San Francisco's plan for accommodating the housing it needs to meet the demand over the next 8 years. Mayor Breed responded by thanking the members of the Board of Supervisors for passing the Housing Element and how it was a critical step towards meeting the need for developing housing in the City. Mayor Breed mentioned that her plan is further explained in her Housing For All Plan, that provides specific information related to building and the strategies to explore local and regional funding tools.*

*Supervisor Melgar then followed up by thanking Mayor Breed for her plan and further requested explanation of the vision of how her plan would work operationally. Mayor Breed responded that the cost of building affordable housing is a challenge because high construction rates continue to climb and create a barrier to development of affordable housing. Mayor Breed commented on the need to revisit policies that govern affordable housing development so that they are streamlined to support development. Mayor Breed closed the discussion giving emphasis to building quickly, as it would be paramount to creating more readily available affordable housing.*

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

**HEARD AND FILED**

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

#### **230002 [Administrative Code Waivers - Biogas Utilization Project Agreements, Southeast Treatment Plant]**

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. (Public Utilities Commission)

**FINALLY PASSED** by the following vote:

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

#### **230097 [De-Appropriation and Appropriation - District 10 General City Responsibility - District 10 Projects and Services - Various Departments - \$250,000 - FY2022-2023] Sponsor: Walton**

Ordinance de-appropriating \$250,000 from General City Responsibility and re-appropriating \$170,000 to the Human Rights Commission for District 10 safety plan implementation, youth activities such as sports, mentoring, college exploration, and on-site school support to District 10 schools, and \$80,000 to the Department of Children, Youth and Their Families for District 10 sports programming for basketball and football in Fiscal Year (FY) 2022-2023. (Fiscal Impact)

**FINALLY PASSED** by the following vote:

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

## **Recommendations of the Government Audit and Oversight Committee**

### **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)

**FINALLY PASSED** by the following vote:

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

### **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)

**FINALLY PASSED** by the following vote:

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

### **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)

**FINALLY PASSED** by the following vote:

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

## **Recommendation of the Public Safety and Neighborhood Services Committee**

### **230056 [Health Code - Overdose Prevention Programs]**

**Sponsors: Mayor; Ronen, Preston, Mandelman, Walton and Dorsey**

Ordinance amending the Health Code to repeal the City's permitting requirement for the operation of overdose prevention programs.

**FINALLY PASSED by the following vote:**

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

## **Recommendations of the Rules Committee**

### **221244 [Administrative Code - Extension of Sunset Date and Deadline for Required Reports of Reinvestment Working Group]**

**Sponsors: Preston; Chan**

Ordinance amending the Administrative Code to extend the time for the Reinvestment Working Group to submit required reports to the Board of Supervisors and the Local Agency Formation Commission, from the current one-year deadline to September 30, 2023, and to extend the sunset date for the Working Group to December 31, 2023.

**FINALLY PASSED by the following vote:**

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

**230125 [Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]****Sponsors: Safai; Mandelman**

Ordinance amending the Administrative Code and Business and Tax Regulations Code as required by Proposition C, adopted at the November 8, 2022 election, to provide that the Homelessness Oversight Commission ("Commission") appoint all members of the Local Homeless Coordinating Board ("Coordinating Board"); that the Coordinating Board's sole duties are to serve as the governing body required to participate in the federal Continuum of Care program and to advise the Commission on issues relating to the Continuum of Care; that the Shelter Monitoring Committee ("Monitoring Committee") advise the Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight Committee ("Oversight Committee") advise and make recommendations to the Commission and the Health Commission; and that the Oversight Committee inform the Department of Homelessness and Supportive Housing's strategic planning process; and make further amendments not required by Proposition C to increase the number of seats on the Coordinating Board from nine to eleven; decrease the number of seats on the Monitoring Committee from twelve to thirteen; align the Coordinating Board's member qualifications with Continuum of Care requirements; prohibit members of the Coordinating Board, the Monitoring Committee, and the Shelter Grievance Advisory Committee ("Grievance Committee") from serving on other City bodies related to homelessness; provide that the Commission appoint members of the Grievance Committee and the Monitoring Committee; require the Director of the Department of Homelessness and Supportive Housing ("Department") attend Commission meetings and provide administrative support to the Commission and the Monitoring Committee; remove the Mayor's sole authority to appoint and remove the Director of the Department; require the Department to report to the Commission in lieu of the Coordinating Board for the Mayor's Fund for the Homeless and the Navigation Partnerships Fund; and require that the Grievance Committee and the Monitoring Committee provide reports to the Commission.

**FINALLY PASSED by the following vote:**

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



## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the 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)

**FINALLY PASSED** by the following vote:

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

### Referred Without Recommendation From the Rules Committee

#### **221008 [Remote Public Comment at Meetings of the Board of Supervisors and its Committees]**

**Sponsor: Mandelman**

Motion discontinuing remote participation by members of the Board of Supervisors ("Board") at meetings of the Board and its committees for reasons related to COVID-19; and discontinuing 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.

**Supervisor Dorsey, seconded by Supervisor Preston, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by removing 'Limited Teleconferencing and' from the short title; updating language from the long title that establishes an interim rule to provide remote public comment for all persons; and adding other clarifying and conforming changes. The motion carried by the following vote:**

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

Noes: 1 - Mandelman

Motion rescinding the Board of Supervisors' ("Board") March 17, 2020 motion authorizing teleconferencing; reflecting the intention of the Board to amend the Board's Rules of Order to provide for remote public comment by all members of the public who wish to comment remotely at meetings of the Board and its committees; and establishing an interim rule to provide for remote public comment for all persons who wish to comment remotely, to remain in effect until the Board amends the Rules of Order to provide for remote public comment, or April 15, 2023, whichever occurs first.

**Motion No. M23-039**

**APPROVED AS AMENDED** by the following vote:

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

Noes: 1 - Mandelman

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*President Peskin requested that File Nos. 221187 and 230120 be called together.*

#### **221187 [Administrative Code - Power to Sell for Nonresidential Commercial Properties]**

Ordinance amending the Administrative Code to allow the Tax Collector to sell tax-defaulted nonresidential commercial property after five years of nonpayment of property taxes instead of after three years. (Treasurer-Tax Collector)

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

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

#### **230120 [Public Auction - Tax-Defaulted Real Property]**

Resolution authorizing the Tax Collector to sell, at public auction, certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

**ADOPTED by the following vote:**

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

#### **221223 [Environment Code - Repeal and Replace Chapter 7 Green Building Requirements]**

**Sponsors: Mayor; Mandelman and Safai**

Ordinance amending the Environment Code to repeal Chapter 7: Green Building Requirements for City Buildings and replace with new Chapter 7: Municipal Green Building Requirements; and affirming the Planning Department's determination under the California Environmental Quality Act. (Fiscal Impact)

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

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

#### **221278 [Accept and Expend Grant - Retroactive - Blue Shield of California Foundation - Economic Security and Mobility Program - \$200,000]**

**Sponsor: Mayor**

Resolution retroactively authorizing the Department of the Status of Women to accept and expend a grant in the amount of \$200,000 from the Blue Shield of California Foundation for a two-year grant period from October 1, 2022, through September 30, 2024, to launch Women's Economic Security Pilot Programs. (Department on the Status of Women)

**ADOPTED by the following vote:**

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

**230042 [Design Professional Services Agreement - Mark Cavagnero Associates - Water Enterprise City Distribution Division Facilities - 2000 Marin Street - Not to Exceed \$27,800,000]**

Resolution approving the Design Professional Services Agreement, Contract No. PRO.0264, with Mark Cavagnero Associates to provide architectural, engineering, and consulting services to design the new San Francisco Public Utilities Commission Water Enterprise City Distribution Division facilities at 2000 Marin Street for a total cost not to exceed \$27,800,000 with a term of five years from March 1, 2023, through February 28, 2028, subject to Board of Supervisors' approval under Charter, Section 9.118. (Public Utilities Commission)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**230091 [Professional Services Agreement - APX Inc. - Power Scheduling Coordination Services and Related Support Services - Not to Exceed \$895,742,800]**

Resolution approving Amendment No. 2 to Contract No. PRO.0152, Power Scheduling Coordination and Related Support Services, with APX Inc., to allow for the processing of the California Independent System Operator power transmission service charges, to increase the contract by \$636,000,000 for a total not to exceed contract amount of \$895,742,800 subject to the Board of Supervisors approval pursuant to Charter, Section 9.118, with no change to the five year of term from March 2022 through April 2027. (Public Utilities Commission)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**230122 [Agreement Amendment - San Francisco AIDS Foundation - HIV Rental Subsidies - Not to Exceed \$51,075,213]**

**Sponsors: Mandelman; Chan, Safai and Dorsey**

Resolution approving Amendment No. 1 to the Agreement between the San Francisco AIDS Foundation and the Department of Public Health, to provide HIV rental subsidies; to increase the agreement by \$41,667,580 for an amount not to exceed \$51,075,213; to extend the term by eight years from June 30, 2023, for a total agreement term of July 1, 2021, through June 30, 2031; and to authorize the Department of Public Health to enter into amendments or modifications to the contract prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Public Health Department)  
(Fiscal Impact)

*Supervisor Dorsey 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

**230136 [Accept and Expend Grant - Retroactive - California Department of Social Services - Commercial Sexual Exploitation of Children Placement and Services Program - \$7,000,000]**

**Sponsor: Mayor**

Resolution retroactively authorizing the Department on the Status of Women to accept and expend a grant from the California Department of Social Services for the Commercial Sexual Exploitation of Children Placement and Services Program in the amount of \$7,000,000 for a three-year grant period from January 1, 2023, through December 31, 2025. (Department on the Status of Women)

**ADOPTED by the following vote:**

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

**230173 [Loan Documents - 629 Post Street - Small Sites Program, Academy of Art University Settlement Fund - Not to Exceed \$30,385,225]**

**Sponsors: Mayor; Safai and Mandelman**

Resolution approving and authorizing the Director of the Mayor's Office of Housing and Community Development to execute documents relating to a loan for the acquisition and rehabilitation of 629 Post Street, pursuant to the Small Sites Program, utilizing the Academy of Art University Settlement Fund for a total loan amount not to exceed \$30,385,225; confirming the Planning Department's determination under the California Environmental Quality Act; and finding that the Project loan is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Fiscal Impact)

**ADOPTED by the following vote:**

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

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

**221261 [Planning Code, Zoning Map - The Village Special Use District]**

**Sponsors: Mayor; Ronen, Preston, Melgar, Peskin, Dorsey, Safai and Mandelman**

Ordinance amending the Planning Code and the Zoning Map to add The Village Special Use District, located adjacent to 56 Julian Avenue, at 80 Julian Avenue, and constituting Assessor's Parcel Block No. 3547, Lot No. 52; making findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

*Supervisors Dorsey, Safai, and Mandelman 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

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## **Referred Without Recommendation From the Land Use and Transportation Committee**

### **220815 [Administrative Code - Definition of Tourist or Transient Use under Hotel Conversion Ordinance; Amortization Period]**

**Sponsors: Peskin; Chan and Melgar**

Ordinance amending the Administrative Code to add a definition of Tourist or Transient Use under the Residential Hotel Unit Conversion and Demolition Ordinance; to set the term of tenancy for such use at less than seven days, for two years after the effective date of this Ordinance, and, after that two-year period, at less than 30 days; to provide an amortization period applicable to hotels currently regulated under the Ordinance; to provide a process by which the owners or operators of regulated hotels can request that the amortization period be longer, on a case-by-case basis; to amend the definition of Permanent Resident, from a person who occupies a room for at least 32 days to one who occupies a room for at least 30 days; and affirming the Planning Department's determination under the California Environmental Quality Act.

*Supervisors Chan and Melgar 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

## **Recommendation of the Public Safety and Neighborhood Services Committee**

### **221297 [Liquor License Transfer - 3336-24 Street - Las Margaritas]**

Resolution determining that the transfer of a Type-48 on-sale general public premises liquor license to Francisco Javier Villalobos, to do business as Las Margaritas located at 3336-24 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**

### **230098 [Mayoral Appointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Tamsen Drew]**

Motion confirming the Mayor's nomination for appointment of Tamsen Drew to the Successor Agency Commission (commonly known as the Commission on Community Investment and Infrastructure), for a four-year term ending November 3, 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: February 1, 2023)

**Motion No.** M23-038

**APPROVED** by the following vote:

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

### **230127 [Appointment, Assessment Appeals Board No. 1 - Quirina Mitchell]**

Motion appointing Quirina Mitchell, term ending September 2, 2024, to the Assessment Appeals Board No. 1. (Rules Committee)

**Motion No.** M23-041

**APPROVED**

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

## **Appointment of President Pro Tempore**

*At the request of President Peskin, Supervisor Walton assumed the chair at 2:53 p.m. The President resumed the chair 2:59 p.m.*

### **230131 [Mayoral Appointment, Historic Preservation Commission - Victoria Gray]**

Motion approving the Mayor's nomination for the appointment of Victoria Gray, term ending December 31, 2026, to the Historic Preservation Commission. (Clerk of the Board)

(Charter, Section 4.135, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, the nominee shall be deemed approved. Transmittal date: February 7, 2023.)

**Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking 'approving' from the long title and replacing it with 'rejecting'; and updating the language to reject the nomination throughout the legislation. The motion carried by the following vote:**

Ayes: 8 - Chan, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani

Noes: 3 - Dorsey, Engardio, Walton

**Motion No. M23-040****APPROVED AS AMENDED by the following vote:**

Ayes: 7 - Chan, Mandelman, Melgar, Peskin, Preston, Ronen, Safai

Noes: 4 - Dorsey, Engardio, Stefani, Walton

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

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

*Supervisor Myra Melgar introduced, welcomed, and presented a Certificate of Honor to Jeff Taliaferro and Sabine Sikking-Taliaferro of Ocean Cyclery in recognition of their exceptional service to the bicycle community and legendary service to bike commuters and riders of all levels.*

*Supervisor Aaron Peskin introduced, welcomed, and presented a Certificate of Honor to San Francisco Safe House in recognition of their accomplishments and continued community support in providing a safe place for women experiencing homelessness, gender-based violence, and for women exiting the criminal system.*

**Appointment of President Pro Tempore**

*At the request of President Peskin, Supervisor Mandelman assumed the chair at 4:42 p.m. The President resumed the chair 4:49 p.m.*

**ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Carolyn Goossen; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Christina; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Au Yen; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Donna; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Melissa Gomez (Dolores Street Community Services); expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Vanessa; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*John Powell; expressed the importance of green energy and battery backup especially for low-income residents.*

*Rory Gambell; shared his traumatic experience as a person experiencing homelessness and requested the Board to open a hearing to review his concerns.*

*Shauna; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Jose Ang; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Speaker; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Alan Buradell; spoke on policy around budgetary items and expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Graciela; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Laura Gonzalez; shared her experience as a sexual assault survivor and expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Francisco Da Costa; shared on the concerns around public comment and City's budget.*

*Norma Palacios (Drug Policy Alliance); expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Charles Head (SF Neighborhoods); spoke on neighborhood services program launch and his hope to connect with the Supervisors on his plan for program.*

*Emily Houston; expressed full support of the Vision Zero plan.*

*Speaker; spoke on eviction protection legislation and her experience as a landlord in the City.*

*Sarah Fareed; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Jackie Mara; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Lina Young; spoke on support of Ordinance permitting law enforcement to respond to fentanyl sales calls and immigration and customs enforcement notification requests (File No. 230161).*

*Michael Petrelis; spoke on the Castro Theatre continued closure and his deep disappointment on the extension of the closure.*

*Speaker; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Francisco Gochie; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Jay; expressed opposition to strict eviction protection legislation and the issues it creates for property owners.*

*San Francisco; shared various concerns regarding public comment and resources for mental illness and drug addiction.*



*Gabriella Wells; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Chris Savida; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Beverly Upton (San Francisco Domestic Violence Consortium); expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Speaker; spoke on the war on drugs and the crisis of substance abuse of opioids.*

*Victoria Sun; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Tatiana; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Dave; spoke on concerns about fentanyl users, mental health, and sex workers.*

*Speaker; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Gris (Trabajar en Estados Unidos); expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Ruis Mejia (Trabajar en Estados Unidos); expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Roberto (Trabajar en Estados Unidos); expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Ramon Vasquez; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Reyna Aguilar (Trabajar en Estados Unidos); expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Aida; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Paula (Trabajar en Estados Unidos); expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Elsie; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

*Alfonso Ortiz; expressed support of the Resolution upholding San Francisco values to protect our Sanctuary City (File No. 230178).*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**230231 [Supporting California Senate Bill No. 593 (Wiener) and Urging State Action to Increase Funding for Affordable Replacement Housing in San Francisco]**  
**Sponsors: Peskin; Safai, Melgar, Chan, Engardio, Ronen, Mandelman, Dorsey, Preston and Walton**

Resolution supporting California Senate Bill No. 593, introduced by State Senator Scott Wiener, to authorize additional tax increment funding for affordable replacement housing in the City and County of San Francisco.

**ADOPTED by the following vote:**

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

**230232 [Initiating Landmark Designation - Colombo Market Arch]**  
**Sponsors: Peskin; Stefani and Safai**

Resolution initiating a landmark designation under Article 10 of the Planning Code for the Colombo Market Arch constructed in 1894 and located at Sydney Walton Park on Front Street between Jackson Street and Pacific Avenue.

*Supervisor Safai 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

**230235 [Moving Vision Zero Forward]**  
**Sponsors: Preston; Peskin, Ronen, Walton, Stefani, Engardio, Mandelman, Dorsey and Melgar**

Resolution calling for a citywide re-commitment to Vision Zero and urging the Mayor, the Municipal Transportation Agency, Department of Public Health, San Francisco County Transportation Authority, Fire Department, Police Department, and other city agencies that signed onto Vision Zero in 2014 to prioritize this policy, provide the needed resources, and improve interagency processes and collaboration to bring our city closer to Vision Zero goals by December 2024.

*Supervisors Mandelman, Dorsey, and Melgar 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

**230237 [Supporting California State Senate Bill No. 691 (Portantino) - Dyslexia Risk Screening]****Sponsors: Safai; Ronen, Walton, Chan and Mandelman**

Resolution supporting California State Senate Bill No. 691, introduced by Senate Member Anthony Portantino (SD- 25), which would require the State Board of Education to establish an approved list of evidence-based culturally, linguistically, and developmentally appropriate screening instruments to be used by a local educational agency, as defined, to screen pupils for risk of dyslexia.

*Supervisors Chan and Mandelman 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

**230238 [Supporting California State Assembly Bill No. 1505 (Rodriguez) - \$250,000,000 Seismic Retrofitting Program for Soft Story Multifamily Housing]****Sponsor: Safai**

Resolution supporting California State Assembly Bill No. 1505, introduced by Assembly Member Freddie Rodriguez, maintaining \$250,000,000 in funding for a state Seismic Retrofitting Program for Soft Story Multifamily Housing in California.

**ADOPTED 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. 230177 be severed so that it may be considered separately.*

**230177 [Condemning House Concurrent Resolution 9]****Sponsors: Preston; Dorsey**

Resolution condemning the passage of "Red-Baiting" House Concurrent Resolution 9, and urging Congress not to engage in, vote for, or otherwise support fearmongering and red-baiting by the federal government.

**Supervisor Preston, seconded by Supervisor Dorsey, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by striking the language on Page 1, Lines 12-16; and on Page 2, Line 14, by striking the word 'misleading'. The motion carried by the following vote:**

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

**ADOPTED AS AMENDED by the following vote:**

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

Supervisor Ronen requested that File Nos. 230178, 230179, and 230236 be severed so that it may be considered separately.

**230178 [Upholding San Francisco Values to Protect our Sanctuary City]**

**Sponsors: Ronen; Walton, Preston, Melgar, Chan, Safai and Peskin**

Resolution urging the Department of Homeland Security (DHS) and the Biden Administration to reject the recent attack on San Francisco's long-standing Sanctuary Ordinance and urging DHS to extradite the accused individuals without further delay.

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

**ADOPTED by the following vote:**

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

**230179 [Urging Governor Gavin Newsom, Senator Scott Wiener, Assembly Member Matt Haney, and Assembly Member Phil Ting to Legalize Sex Work in California]**

**Sponsor: Ronen**

Resolution urging Governor Gavin Newsom, Senator Scott Wiener, Assembly Member Matt Haney, and Assembly Member Phil Ting to legalize consensual adult prostitution in the State of California; legalization is a proven effective method to protect the health and safety of sex workers while reducing crime and violence.

**Supervisor Ronen, seconded by Supervisor Mandelman, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of March 14, 2023. The motion carried by the following vote:**

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

**230236 [Supporting California State Senate Bill No. 227 (Durazo) - Safety Net for All]**

**Sponsors: Ronen; Walton, Chan, Preston, Mandelman and Melgar**

Resolution supporting California State Senate Bill No. 227 (Durazo), a Safety Net for All, to create an Excluded Workers Program to offer unemployment benefits to undocumented workers who have paid into the system through tax on their wages.

*Supervisors Chan, Preston, Mandelman, and Melgar 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

Supervisor Chan requested that File No. 230227 be severed so that it may be considered separately.

**230227 [Opposing State Ballot Initiative Limiting Voters' and Local Governments' Ability to Raise Revenues for Public Services]**

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

Resolution opposing State Ballot Initiative 21-0042A1, which qualified for the November 2024 statewide ballot, and will further severely limit the ability of voters and local governments to raise revenues for government services.

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

**Supervisor Chan, seconded by Supervisor Ronen, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking 'will' and replacing it with 'which purports to' in the long title; and adding 'purport to' on Page 1, Lines 13, 15, and 23, as well as on Page 2, Line 6; on Page 2, Line 11, by adding 'taxes, fees, and other charges'; and adding other clarifying and conforming changes. The motion carried by the following vote:**

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

Resolution opposing State Ballot Initiative 21-0042A1, which qualified for the November 2024 statewide ballot, and which purports to further severely limit the ability of voters and local governments to raise revenues for government services.

**ADOPTED AS AMENDED by the following vote:**

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

## IMPERATIVE AGENDA

*There were no imperative agenda items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

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

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).

## **Introduced at the Request of a Department**

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

## **PROPOSED ORDINANCE**

### **230203 [Settlement of Lawsuit - Christopher Wirowek - \$436,000]**

Ordinance authorizing settlement of the lawsuit filed by Christopher Wirowek against the City and County of San Francisco for \$436,000; the lawsuit was filed on July 27, 2020, in San Francisco Superior Court, Case No. CGC-20-585768; entitled Christopher Wirowek v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

02/23/23; RECEIVED FROM DEPARTMENT.

03/07/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **PROPOSED RESOLUTIONS**

### **230204 [Airline and Airport 2023 Lease and Use Agreement]**

Resolution approving the 2023 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and 29 airlines to conduct flight operations at the San Francisco International Airport, for a term of ten years, from July 1, 2023, through June 30, 2033; affirming the Planning Department's determination under the California Environmental Quality Act; and to authorize 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)

02/17/23; RECEIVED FROM DEPARTMENT.

03/07/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **230205 [Settlement of Unlitigated Claim - KHP III SF Sutter LLC - \$3,750,000]**

Resolution approving the settlement of the unlitigated claim filed by KHP III SF Sutter LLC against the City and County of San Francisco for \$3,750,000; the claim was filed on January 10, 2023; the claim involves allegations of property damage to the Kimpton Buchanan 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)

02/21/23; RECEIVED FROM DEPARTMENT.

03/07/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**230206 [Grant Agreement - Retroactive - Children's Council of San Francisco - Workforce Compensation and Administrative Services - Not to Exceed \$164,346,004]**

Resolution retroactively approving the grant agreement between the City and County of San Francisco and Children's Council of San Francisco for the provision of Early Care Workforce Compensation and Administrative Services to support the City's implementation of the San Francisco Citywide Plan for Early Care and Education (ECE) Workforce Development and Compensation Initiatives for the period of October 1, 2022, through June 30, 2025, in an amount not to exceed \$164,346,004.

02/24/23; RECEIVED FROM DEPARTMENT.

03/07/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**230207 [Contract Agreement - Michelin North America, Inc. - SFMTA Tire Lease and Associated Services - Not to Exceed \$18,900,000]**

Resolution authorizing the Office of Contract Administration to enter into Contract 1000028080 between the City and County of San Francisco and Michelin North America, Inc., for the lease of tires and associated services for San Francisco Municipal Transportation Authority (SFMTA) buses and trolleys with an initial contract not to exceed amount of \$13,500,000 for five years and \$5,400,000 for an optional additional two years, for a total not to exceed amount of \$18,900,000 and total contract duration of seven years commencing on April 1, 2023, and ending on March 31, 2030 (Office of Contract Administration)

02/27/23; RECEIVED FROM DEPARTMENT.

03/07/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:36 p.m.*