

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 5, 2023 - 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee

Supervisors Chan, Mandelman, Safai, Ronen, Walton

Budget and Finance Committee

Supervisors Chan, Mandelman, Safai

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Homelessness and Behavioral Health Select Committee

Supervisors Ronen, Mandelman, Walton

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Dorsey, Walton, Safai

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

2nd and 4th Friday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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

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

The Board of Supervisors of the City and County of San Francisco met in regular session, in-person with remote access and public comment also available via telephone, on Tuesday, September 5, 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 (www.sfbos.org) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: www.sfgovtv.org), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>).

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, 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

Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments in-person or by dialing the telephone number published on the agenda and scrolling across the screen. In-person public comment will be taken before remote public comment is called.

*(Those who are providing public comment remotely must dial *3 to be added to the remote queue to speak. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)*

APPROVAL OF MEETING MINUTES

President Peskin inquired whether a Member of the Board had any corrections to the June 27, 2023, and July 11, 2023, Regular Board Meeting Minutes, and the June 26, 2023, and June 28, 2023, Special Meeting Minutes at the Budget and Appropriations Committee Meeting, which constituted a quorum of the Board of Supervisors, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Preston, moved to approve the June 27, 2023, and July 11, 2023, Regular Board Meeting Minutes, and the June 26, 2023, and June 28, 2023, Special Meeting Minutes at the Budget and Appropriations Committee Meeting, which constituted a quorum of the Board of Supervisors, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

230557 [Contract Amendments - Western Area Power Administration - Power and Scheduling Coordinator Services - Term Extension and Increasing Maximum Contract Amount to \$41,500,000; Waiver of Certain Municipal Code Requirements]

Ordinance approving the fourth amendments to two contracts between the San Francisco Public Utilities Commission (SFPUC) and the United States Department of Energy Western Area Power Administration for delivery of low-cost power and scheduling coordinator services to Treasure Island and Yerba Buena Island to extend the term by five years and three months from October 1, 2024, for a total term of September 1, 2005, through December 31, 2029, and increasing the maximum amount of the agreements to \$41,500,000; approving the City indemnifying and holding harmless the United States against claims arising from the City's activities under the contract; waiving Administrative Code requirements that a City contract contain a statement of guaranteed maximum costs and a statement regarding liability of claimants for submitting false claims; and waiving certain other Administrative Code and Environment Code requirements upon findings made by the SFPUC General Manager. (Public Utilities Commission)

(Fiscal Impact)

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee**230629 [Settlement of Unlitigated Claims - The Wiseman Group Interior Design, Inc. - \$40,000]**

Resolution approving the settlement of the unlitigated claims filed by The Wiseman Group Interior Design, Inc. against the City and County of San Francisco for \$40,000; the claims were filed on January 30, 2023 and March 8, 2023; the claims involve a refund of gross receipts tax; an additional material term of the settlement is that The Wiseman Group Interior Design, Inc. shall take certain filing positions with respect to its gross receipts taxes for tax year 2023 and subsequent tax years. (City Attorney)

ADOPTED

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

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

ADOPTED

Recommendations of the Land Use and Transportation Committee

230026 [Planning, Subdivision, and Administrative Codes and Zoning Map - Family Housing Opportunity Special Use District]

Sponsors: Melgar; Engardio

Ordinance amending 1) the Planning Code to create the Family Housing Opportunity Special Use District; 2) the Planning Code to authorize up to four units on individual lots in the RH (Residential, House) District, excluding lots located in the Telegraph Hill - North Beach Residential Special Use District and the North Beach Special Use District, the greater of up to twelve units or one unit per 1,000 square feet of lot area on three merged lots and the greater of up to eight units or one unit per 1,000 square feet of lot area on two merged lots in RH-1 (Residential, House: One Family) districts, and Group Housing in RH-1 districts for eligible projects in the Special Use District; 3) the Planning Code to exempt eligible projects in the Special Use District from certain height, open space, dwelling unit exposure, and rear-yard requirements, and exempt eligible projects that do not propose the demolition of any units subject to the rent increase limitations of the Rent Ordinance from conditional use authorizations and neighborhood notification requirements; 4) the Subdivision Code to authorize eligible projects in the Special Use District to qualify for condominium conversion or a condominium map that includes the existing dwelling units and the new dwelling units that constitute the project; 5) the Administrative Code to require new dwelling or group housing units constructed pursuant to the density limit exception to be subject to the rent increase limitations of the Rent Ordinance; 6) the Zoning Map to show the Family Housing Opportunity Special Use District; and affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

FINALLY PASSED

230559 [Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation and Business Signs]

Sponsors: Engardio; Stefani

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for Business Signs and new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

FINALLY PASSED

Recommendation of the Rules Committee

230809 [Park Code - PROSAC Membership]

Sponsors: Peskin; Walton, Safai and Chan

Ordinance amending the Park Code to 1) reduce the number of seats on the Parks, Recreation, and Open Space Advisory Committee (PROSAC), 2) provide for alternate members, 3) allow members to serve for more than four consecutive terms, 4) provide for the appointment of members having experience with racial equity and disability issues; and 5) provide that meetings shall occur at City Hall.

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

UNFINISHED BUSINESS

Recommendations of the Land Use and Transportation Committee

President Peskin requested File Nos. 230764 and 230769 be called together.

230764 [Planning, Building Codes - Development Impact Fee Indexing, Deferral, and Waivers; Adoption of Nexus Study]

Sponsors: Mayor; Peskin, Mandelman, Dorsey, Stefani and Safai

Ordinance amending the Planning Code to 1) modify the annual indexing of certain development impact fees, with the exception of inclusionary housing fees; 2) provide that the type and rates of applicable development impact fees, with the exception of inclusionary housing fees, shall be determined at the time of project approval; 3) exempt eligible development projects in PDR (Production, Distribution, and Repair) Districts, and the C-2 (Community Business) and C-3 (Downtown Commercial) Zoning Districts from all development impact fees for a three-year period; 4) allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy; and 5) adopt the San Francisco Citywide Nexus Analysis supporting existing development impact fees for recreation and open space, childcare facilities, complete streets, and transit infrastructure and making conforming revisions to Article 4 of the Planning Code; amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.
(Supervisor Preston voted No on First Reading.)

FINALLY PASSED by the following vote:

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

Noes: 1 - Preston

230769 [Planning, Administrative Codes - Development Impact Fee Reductions]**Sponsors: Peskin; Safai, Mandelman, Dorsey and Stefani**

Ordinance amending the Planning Code to: 1) reduce Inclusionary Housing Program requirements of the Planning Code, for projects exceeding a stated unit size that have been approved prior to November 1, 2023 and that receive a first construction document within a specified period; 2) adopt a process for those projects to request a modification to conditions of approval related to development impact fees, subject to delegation by the Planning Commission; 3) reduce Article 4 development impact fees, including Inclusionary Affordable Housing fees, for projects approved before November 1, 2026 that receive a first construction document within 30 months of entitlement; and, 4) modify the Inclusionary Housing Program Ordinance effective November 1, 2026 to reduce applicable fees, and on-site or off-site unit requirements, for projects that exceed a stated unit size; amending the Administrative Code to update the Inclusionary Housing Technical Advisory Committee member requirements; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

(Supervisor Preston voted No on First Reading.)

FINALLY PASSED by the following vote:

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

Noes: 1 - Preston

NEW BUSINESS

Recommendations of the Government Audit and Oversight Committee

President Peskin requested File Nos. 230686, 230687, and 230688 be called together. During the discussion on these matters, privilege of the floor was granted unanimously to Ben Rosenfield, Controller (Office of the City Controller), who responded to questions raised.

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

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

PASSED ON FIRST READING by the following vote:

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

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

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

PASSED ON FIRST READING by the following vote:

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

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

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

PASSED ON FIRST READING by the following vote:

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

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

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

President Peskin introduced, welcomed, and presented a Certificate of Honor to the San Francisco Asian Firefighters Association - President Stan Lee, Eric Tanaka, Andrew Lim, Evan Mui, Kaeo Nacua, Daniel Murphy, Robert Duat, James Hanley, Chris Oberzeir, Tyler Kelly, Paul Chin, and Robert Loza - in recognition of their thoughtful and heroic efforts volunteering to provide relief at the Lahaina, Hawaii fire.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Speaker; shared various religious concerns.

Grace Rasmussen Aoyama Teresi; expressed concerns regarding the removal of the Farmers Market at the United Nations Plaza.

Lea McGeever; expressed concerns regarding the upcoming Women's Declaration International 2023 National Convention.

Jordan Davis; expressed support for the Resolution recognizing International Overdose Awareness Week (File No. 230875) and spoke on other various concerns.

John Anderson; spoke in support of the Resolution accepting receipt of the Reinvestment Working Group's Final Governance Plan, Business Plan and Viability Study for a Municipal Financial Corporation and San Francisco Public Bank (File No. 230874).

Speaker; shared information on a ballot measure regarding 8th Grade Algebra being proposed for the March 2024 Election.

Rex Ridgeway; shared information on a ballot measure regarding 8th Grade Algebra being proposed for the March 2024 Election.

Sara Benton; shared her personal experiences dealing with homelessness and finding housing.

Thierry Fill; shared various concerns regarding technology and artificial intelligence, and the need for beauty and happiness.

Danisha Carl; expressed concerns regarding professionalism throughout City departments and their responsiveness.

Kimberly Johnson; expressed the need for landmarking a certain building and requested the Board pick up this matter for consideration.

Speaker; expressed concerns regarding the removal of the Farmers Market at the United Nations Plaza.

Regina Snead; expressed the need to update various emergency communication and siren systems.

Michael Petrelis; spoke on concerns regarding the loss of the Castro Theatre.

San Francisco; expressed support of various public commenters and concerns regarding the fentanyl crisis, the resulting overdose deaths, robberies and violent crimes.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

230876 [Commemorating the 50th Anniversary of Bruce Lee's Passing]

Sponsors: Safai, Chan, Peskin, Walton, Engardio and Dorsey

Resolution commemorating the 50th Anniversary of Bruce Lee's passing. (Fine Arts Museum)

Supervisors Engardio and Dorsey requested to be added as co-sponsors.

ADOPTED by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Preston requested that File No. 230874 be severed so that it may be considered separately.

230874 [Accepting Receipt of the Final Governance Plan, Business Plan and Viability Study for a San Francisco Municipal Financial Corporation and a San Francisco Public Bank]

Resolution accepting receipt of the San Francisco Reinvestment Working Group's Final Governance Plan, Business Plan and Viability Study for a San Francisco Municipal Financial Corporation and Final Governance Plan, Business Plan and Viability Study for a San Francisco Public Bank. (Government Audit and Oversight Committee)

ADOPTED by the following vote:

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

Supervisor Dorsey requested that File No. 230875 be severed so that it may be considered separately.

230875 [International Overdose Awareness Day - August 31, 2023]

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

Resolution recognizing August 31, 2023, as an International Overdose Awareness Day in the City and County of San Francisco.

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

Supervisor Dorsey, seconded by Supervisor Ronen, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of September 12, 2023. The motion carried by the following vote:

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

Supervisor Stefani requested that File No. 230878 be severed so that it may be considered separately.

230878 [Korean Chuseok Day - September 29, 2023]

Sponsors: Stefani; Walton, Chan, Mandelman, Ronen, Peskin and Safai

Resolution recognizing September 29, 2023, as Korean Chuseok Day and honoring the Korean Center, Inc. for its contributions to the Korean American community in the City and County of San Francisco.

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

ADOPTED by the following vote:

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

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

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

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

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

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

07/18/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

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

07/25/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230895 [Administrative Code - Approval of Airport Surveillance Technology Policies]

Ordinance approving Airport Surveillance Technology Policies governing the use of 1) application-based commercial transport technology, 2) electronic toll readers, and 3) detection systems for gunshots and other noises. (Airport Commission)

08/11/23; RECEIVED FROM DEPARTMENT.

09/05/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/5/2023.

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

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

08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230897 [Administrative Code - Cash Revolving Funds]

Ordinance amending the Administrative Code to remove the authorization for cash revolving funds for certain City departments (Fire, Medical Examiner, Public Works, Recreation and Park, Sheriff, San Francisco Employees' Retirement System, and War Memorial) and reduce the maximum amount of the cash revolving fund for the Port of San Francisco. (Treasurer-Tax Collector)

08/28/23; RECEIVED FROM DEPARTMENT.

09/05/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/5/2023.

230898 [Business and Tax Regulations Code - Administration of Empty Homes Tax]

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

08/28/23; RECEIVED FROM DEPARTMENT.

09/05/23; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/5/2023.

PROPOSED RESOLUTIONS

230899 [Settlement of Unlitigated Claims - Niantic, Inc. - \$599,398.66]

Resolution approving the settlement of the unlitigated claims filed by Niantic, Inc. against the City and County of San Francisco for \$599,398.66; the claims were filed on February 28, 2023; the claims involve a refund of Payroll Expense Tax, Gross Receipts Tax, and Homelessness Gross Receipts Tax. (City Attorney)

07/31/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230900 [Settlement of Unlitigated Claim - Bing Situ - \$64,483.41]

Resolution approving the settlement of the unlitigated claim filed by Bing Situ against the City and County of San Francisco for \$64,483.41; the claim was filed on April 27, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)

08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230901 [Settlement of Unlitigated Claim - Yaol Oenn Wong - \$50,000]

Resolution approving the settlement of the unlitigated claim filed by Yaol Oenn Wong against the City and County of San Francisco for \$50,000; the claim was filed on April 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230902 [Settlement of Unlitigated Claim - Jessica Middleton - \$32,439.60]

Resolution approving the settlement of the unlitigated claim filed by Jessica Middleton against the City and County of San Francisco for \$32,439.60; the claim was filed on March 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230903 [Sheriff's Department Oversight Board First and Second Quarter Report]

Resolution accepting the Sheriff's Department Oversight Board's First and Second Quarter Reports for the calendar year 2023. (Sheriff's Department Oversight Board)

07/25/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230904 [Reauthorizing Participation Costs for CleanPowerSF Membership in a Joint Powers Authority - Not to Exceed \$4,772,710]

Resolution reauthorizing the Public Utilities Commission's cost for CleanPowerSF's participation in a Joint Powers Authority consisting of Community Choice Aggregators with a not to exceed amount of \$4,772,710 for a duration of twenty-five years from January 1, 2024, through December 31, 2048. (Public Utilities Commission)

08/04/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230905 [Contract Amendment - CCT Technologies, Inc. dba Computerland of Silicon Valley Technology Marketplace - Not to Exceed \$66,500,000]

Resolution authorizing the Office of Contract Administration to execute Amendment No. 5 to Contract with CCT Technologies, Inc. dba Computerland of Silicon Valley for the purchase of technology products and specialized services on an as-needed basis; increasing the contract not to exceed amount of \$62,900,000 by \$3,600,000 for a total not to exceed amount of \$66,500,000 effective upon approval of this Resolution, with no changes to the five year contract term from January 1, 2019, through December 31, 2023. (Office of Contract Administration)

08/14/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230906 [Contract Amendment - Insight Public Sector, Inc. - Technology Marketplace - Not to Exceed \$43,800,000]

Resolution authorizing the Office of Contract Administration to execute Amendment No. 3 to Contract 1000018903 with Insight Public Sector, Inc. for the purchase of technology products and specialized services on an as-needed basis; increasing the contract not to exceed amount of \$40,200,000 by \$3,600,000 for a total not to exceed amount of \$43,800,000 effective upon approval of this Resolution, with no changes to the five year contract term from January 1, 2019, through December 31, 2023. (Office of Contract Administration)

08/14/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230907 [Contract Amendment - Zones, LLC Technology Marketplace - Not to Exceed \$26,300,000]

Resolution authorizing the Office of Contract Administration to execute Amendment No. 4 to Contract with Zones, LLC for the purchase of technology products and specialized services on an as-needed basis; increasing the contract not to exceed amount of \$24,100,000 by \$2,200,000 for a total not to exceed amount of \$26,300,000 effective upon approval of this Resolution, with no changes to the five year contract term from January 1, 2019, through December 31, 2023. (Office of Contract Administration)

08/14/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

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

08/18/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230909 [Maintenance Agreement - State of California, Department of Transportation, Caltrans - Southern Skyline Boulevard Ridge Trail Extension Project]

Resolution approving the terms and conditions and authorizing the execution of the no-cost Project Specific Maintenance Agreement with the State of California, Department of Transportation, for San Francisco Public Utilities Commission's ongoing maintenance of its proposed improvements at 18 locations within Caltrans' right-of-way along a six-mile section of State Route 35, south of State Route 92, in San Mateo County, California, for the Southern Skyline Boulevard Ridge Trail Extension Project, subject to Board of Supervisors' approval under Charter, Section 9.118. (Public Utilities Commission)

08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

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

08/21/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230911 [Grant Agreement Amendment - Retroactive - San Francisco-Marin Food Bank - Citywide Grocery Access - Not to Exceed \$17,828,328]

Resolution retroactively approving the second 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 \$6,600,000 for a total not to exceed amount of \$17,828,328 and to extend the grant period from July 1, 2023, for a total period of July 1, 2022, through June 30, 2024, effective upon approval of this Resolution. (Human Services Agency)

08/21/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230912 [Contract Amendment - Maitri AIDS Hospice - Hospice Services - Not to Exceed \$14,130,444]

Resolution approving Amendment No. 3 to the agreement between Maitri AIDS Hospice and the Department of Public Health (DPH), to provide hospice services for chronically impaired residents of San Francisco, to increase the agreement by \$4,594,103 for an amount not to exceed \$14,130,444; to extend the term by four years, from March 31, 2024, for a total agreement term of July 1, 2017, through March 31, 2027; and to authorize DPH 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)

08/22/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

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

08/23/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

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

08/25/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230915 [Amended and Restated Office Lease - Retroactive - The Lighthouse Building LLC - 1155 Market - Not to Exceed \$6,685,260.20 in Initial Year]

Resolution retroactively approving and authorizing the Director of Property to amend and restate the current lease with The Lighthouse Building LLC, as landlord, for the City's lease of approximately 103,487 square feet of rentable square feet comprised of floors one through eight at 1155 Market Street for use by approximately nine City Departments, to enter into an amended and restated office lease for a lease term of five years, commencing February 1, 2023, through January 31, 2028, with one five-year option to extend to January 31, 2033, at an initial annual rent of \$6,685,260.20 (or \$557,105.02 per month) with 3% annual increases thereafter for the remainder of the initial term; and authorizing the Director of Property to enter into any additions, amendments, or other modifications to the Restated Lease that do not materially increase the obligations or liabilities of the City to effectuate the purposes of this Resolution. (Real Estate Department)

08/28/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:26 p.m.