

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, November 7, 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, Aaron Peskin, Dean Preston, Ahsha Safai, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, November 7, 2023, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:05 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisors Melgar and Ronen were noted not present.

A quorum of the Board was present.

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

Supervisors Melgar and Ronen Excused from Attendance

Supervisor Mandelman, seconded by Supervisor Dorsey, moved that Supervisors Melgar and Ronen be excused from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, welcomed members of the public to attend Board meetings and provide comment in-person or view the meeting live on SFGovTV's award winning Cable Channel 26 or at www.sfgovtv.org. Those requiring interpretation services should contact the Office of the Clerk of the Board at least 48 hours in advance of the meeting, pursuant to Administrative Code, Section 91.7.

(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 October 3, 2023, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Stefani, moved to approve the October 3, 2023, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Government Audit and Oversight Committee

President Peskin requested File Nos. 230959, 230960, and 230996 be called together.

230959 [Settlement of Lawsuit - Katy Sullivan - \$207,500]

Ordinance authorizing settlement of the lawsuit filed by Katy Sullivan against the City and County of San Francisco for \$207,500; the lawsuit was filed on August 13, 2021, in San Francisco Superior Court, Case No. CGC-21-593827; entitled Katy Sullivan v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

230960 [Settlement of Lawsuit - Twilio Inc. - \$18,000,000]

Ordinance authorizing settlement of the lawsuit filed by Twilio Inc. against the City and County of San Francisco for \$18,000,000; the lawsuit was filed on May 27, 2021, in San Francisco Superior Court, Case No. CGC-21-592267; entitled Twilio Inc. v. City and County of San Francisco; the lawsuit involves a claim for refund of telephone users taxes and access line taxes, and related penalties and interest, for tax periods June 1, 2009, through and including December 31, 2018; other material terms of the settlement are that the City will not impose additional telephone users taxes and access line taxes, and any related penalties and interest, for any periods through two months after the settlement is paid, and Twilio Inc. will collect and remit telephone users taxes and access line taxes in a certain manner for all subsequent periods. (City Attorney)

FINALLY PASSED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

230996 [Settlement of Lawsuit - Adam Smith, et al. - \$130,401.66]

Ordinance authorizing settlement of the lawsuit filed by Adam Smith, et al., against the City and County of San Francisco for return of the Expedited Conversion Program fee in the amount of \$130,401.66; the lawsuit was filed on September 28, 2021, in San Francisco Superior Court, Case No. CPF-21-517578; entitled Adam Smith, et al. v. City and County of San Francisco; the lawsuit challenges the Board of Supervisors' denial of Petitioners' application to convert their six-unit building at 424-434 Francisco Street to condominiums under the City's Expedited Conversion Program (Subd. Code, Section 1396.4); the settlement includes return of Petitioners' Expedited Conversion Program fee and waiver of the City's litigation costs; other material terms of the settlement are the parties' agreement to withdraw their respective appeals. (City Attorney)

FINALLY PASSED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

Recommendations of the Rules Committee**231008 [Administrative Code - Community Policing and Foot and Bike Patrols]**

Sponsors: Safai, Engardio, Peskin, Ronen, Chan, Walton, Dorsey, Melgar and Mandelman

Ordinance amending the Administrative Code to require the Chief of Police to adopt a foot and bike patrol strategy for the Police Department.

FINALLY PASSED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

230986 [Charter Amendment - Mayoral Authority to Disapprove Certain SFMTA Budget Proposals]**Sponsors: Safai; Peskin and Ronen**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that the Mayor must affirmatively approve in writing certain San Francisco Municipal Transportation Agency (SFMTA) proposals as part of the SFMTA's proposed budget or budget amendment; proposals subject to the approval requirement include changes to fares, parking meter maximum rates, and hours or days of parking meter operation; at an election to be held on March 5, 2024.

(Supervisor Dorsey dissented in committee.)

Supervisor Safai, seconded by Supervisor Walton, moved that this Charter Amendment be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, on Page 1, Line 1, by changing 'Mayor Approval Required for' to 'Mayoral Authority to Disapprove', Line 5, by changing 'must affirmatively approve' to 'may disapprove', Line 6, by changing 'as' to 'that must be', Line 7, by changing 'the approval requirement include changes to' to 'disapproval are increases in', and adding 'and' after 'fares', and Line 8, by adding 'net expansion of' before 'hours', Line 22, by striking 'and'; on Page 2, Line 10, by adding '(b)' before '8', and Lines 18-21, by adding '(iv) Notwithstanding the authority established in subsection (b)8, the Agency shall submit any increases in parking meter maximum rates or net expansion of hours or days of parking meter operation to the Mayor and the Board of Supervisors as part of the submission of the Agency's budget or submission of a budget amendment under Section 8A.106.'; on Page 3, Lines 1-12, by adding '(a) (1) If the Agency's proposed budget includes an increase in fares or parking meter maximum rates, or a net expansion of hours or days of parking meter operation ("Fare and/or Meter Increase"), then no later than April 15 of each even-numbered year, after professional review and public hearing, and after receiving the recommendations of the Citizens' Advisory Council, the Agency shall submit its proposed budget with annual appropriation detail in a form approved by the Controller, for each of the next two fiscal years to the Mayor. By no later than May 15, the Mayor may disapprove any proposed Fare and/or Meter Increase and return the budget to the Agency to submit an alternative proposed budget to the Mayor by no later than May 31. The Mayor's disapproval shall be in writing and shall identify the specific Fare and/or Meter Increase(s) that are disapproved. If the Mayor takes no action to disapprove any Fare and/or Meter Increase by May 15, the Mayor shall submit the proposed budget to the Board of Supervisors, without change, for its review and consideration.', Lines 13-14, by changing 'No' to '(2) For a proposed budget that does not include any Fare and/or Meter Increase as set forth in subsection (a)(1), no', Line 15, by adding 'and', Lines 17-18, by changing 'and' to 'and the Mayor shall submit it to', Line 18, by adding 'without change', and changing 'their' to 'its', Lines 21-22, by adding 'any Fare and/or Meter Increase subject to the Mayor's review as provided in subsection (a)(1)', Line 22, by striking 'increases and', and Lines 23-24, by striking 'The Mayor shall submit the budget to the Board of Supervisors, without change.'; on Page 4, Lines 15-16, by adding 'or at any other time in the Agency's discretion'; on Page 4, Line 23, through Page 5, Line 5, by changing 'The' to 'At any time the Agency proposes a budget amendment that includes a Fare and/or Meter Increase, the Agency shall first submit the budget amendment to the Mayor and the Mayor shall have 15 days to disapprove any Fare and/or Meter Increase. The Mayor's disapproval shall be in writing and shall identify the specific Fare and/or Meter Increase(s) that are disapproved. If the Mayor disapproves any Fare and/or Meter Increase, the Agency shall not submit the budget amendment to the Board of Supervisors. If the Mayor does not disapprove any Fare and/or Meter Increase within 15 days, the Mayor or the Agency shall submit the budget amendment to the Board of Supervisors. Once submitted, the'; on Page 5, Lines 14-15, by changing 'his or her' to 'the Controller's'; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to provide that the Mayor may disapprove in writing certain San Francisco Municipal Transportation Agency (SFMTA) proposals that must be part of SFMTA's proposed budget or budget amendment; proposals subject to disapproval are increases in fares and parking meter maximum rates, and net expansion of hours or days of parking meter operation; at an election to be held on March 5, 2024. (Supervisor Dorsey dissented in committee.)

Supervisor Safai, seconded by Supervisor Stefani, moved that this Charter Amendment be CONTINUED AS AMENDED to a Committee of the Whole at the Board of Supervisors meeting on November 14, 2023. The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

230987 [Charter Amendment - Establishing the Department of Emergency Management in the Charter]

Sponsor: Safai

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to establish within the Charter the Department of Emergency Management, the position of the Director of the Department, and the Director's qualifications and appointing authority; at an election to be held on March 5, 2024.

Supervisor Safai, seconded by Supervisor Mandelman, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

NEW BUSINESS

Recommendations of the Budget and Finance Committee

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

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

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

President Peskin requested File Nos. 230972 and 23071 be called together. During the discussion on these matters, privilege of the floor was granted unanimously to Tom Paulino (Mayor's Office) who responded to questions raised.

230972 [General Obligation Bond Election - Affordable Housing - Not to Exceed \$300,000,000]

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

Resolution determining and declaring that the public interest and necessity demand the construction, development, acquisition, and/or rehabilitation of rental affordable housing projects, and related costs necessary or convenient for the foregoing purposes; to be financed through bonded indebtedness in an amount not to exceed \$300,000,000, subject to independent citizen oversight and regular audits; authorizing landlords to pass-through 50% of the resulting property tax increase, if any, to residential tenants under Administrative Code, Chapter 37; providing for the levy and collection of taxes to pay both principal and interest on such bonds; affirming a determination under the California Environmental Quality Act; and finding that the proposed Bond is consistent with the General Plan, and with the eight priority policies of Planning Code, Section 101.1.

(Pursuant to California Government Code, Sections 43607 and 43608, this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve passage of this Resolution.)

(Fiscal Impact)

Supervisors Ronen, Walton, Preston, Stefani, Melgar, and Engardio requested to be added as co-sponsors.

Tom Paulino (Mayor's Office) confirmed that Mayor London N. Breed accepted primary sponsorship for this matter.

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

230971 [General Obligation Bond Election - Affordable Housing - Not to Exceed \$300,000,000]

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

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, March 5, 2024, for the purpose of submitting to San Francisco voters a proposition to incur bonded indebtedness of not-to-exceed \$300,000,000, subject to independent citizen oversight and regular audits, to finance the construction, development, acquisition, and/or rehabilitation of rental affordable housing, including workforce housing and senior housing, for households ranging from extremely low-income to moderate-income households; and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase, if any, to residential tenants under Administrative Code Chapter 37; providing for the levy and collection of taxes to pay both principal and interest on such Bonds; incorporating the provisions of the Administrative Code relating to the Citizens' General Obligation Bond Oversight Committee's review of Affordable Housing Bond expenditures; setting certain procedures and requirements for the election; affirming a determination under the California Environmental Quality Act; and finding that the proposed Bond is consistent with the General Plan, and with the eight priority policies of Planning Code, Section 101.1.

(Pursuant to California Government Code, Sections 43607 and 43608, this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve passage of this Ordinance.)

(Fiscal Impact)

Supervisors Ronen, Walton, Preston, Stefani, Melgar, and Engardio requested to be added as co-sponsors.

Tom Paulino (Mayor's Office) confirmed that Mayor London N. Breed accepted primary sponsorship for this matter.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

230980 [Administrative Code - Reproduction and Notary Fees - Department of Administrative Services]

Ordinance amending the Administrative Code to increase the fees imposed by the Department of Administrative Services for reproduction and notary services provided to the public, and authorizing the Controller to make future adjustments to ensure that costs of providing the services are recovered without producing revenue which is significantly more than such costs. (City Administrator)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

231078 [De-Appropriation and Appropriation - District 7 General City Responsibility - Municipal Transportation Agency - District 7 Vision Zero Project - District 7 Projects and Services - Various Departments - \$527,000 - FY2023-2024]

Sponsor: Melgar

Ordinance de-appropriating \$377,000 from General City Responsibility and \$150,000 from Municipal Transportation Agency (MTA); and re-appropriating \$100,000 to the Arts Commission (ART) for mural artwork, \$98,000 to Children, Youth and Their Families (CHF) for playground upgrades, youth nutrition education, and food security; \$25,000 to the Department of Emergency Services (DEM) for emergency preparedness training and capacity building; \$49,000 to the Department of Public Works (DPW) for irrigation system, outdoor seating area, and trees and plants in three locations; \$50,000 to the Department of Economic and Community Development (ECN) for small business rainy day funds; \$25,000 to the Recreation and Park Department (REC) for removal of storm damage and hazardous trees from Mount Sutro; \$30,000 to the Police Department (POL) for cameras in the Inner Sunset; and \$150,000 to the Municipal Transportation Agency (MTA) for community space design, traffic calming, and traffic safety at three locations in Fiscal Year (FY) FY2023-24.
(Fiscal Impact)

Supervisor Mandelman, seconded by Supervisor Safai, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of November 14, 2023. The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

230967 [Lease of Property - 2789-25th Street - The San Francisco General Hospital Foundation - \$0 Initial Base Rent]

Resolution authorizing and approving the lease of a portion of the real property located at 2789-25th Street to The San Francisco General Hospital Foundation for an initial term of twenty years at an annual base rent of \$0 plus two 10-year extension options to extend, to commence upon execution of the Lease, after approval of this Resolution by the Board of Supervisors and Mayor, in their respective sole and absolute discretion; 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 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 this Resolution. (Real Estate Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

231027 [Accept and Expend Grant - Friends of Jackson Park - Renovation of Jackson Playground - \$12,440,735]**Sponsors: Mayor; Walton and Safai**

Resolution authorizing the Recreation and Park Department (RPD) to accept and expend cash and in-kind grants from the Friends of Jackson Park valued at \$12,440,735 for the renovation of Jackson Playground for the project term of upon approval of Board of Supervisors until Notice of Substantial Completion; and to authorize the General Manager of RPD to enter into modifications to the Grant that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Recreation and Park Department)

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

President Peskin requested File Nos. 231036 and 231037 be called together.

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

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

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

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

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

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

Referred Without Recommendation From the Budget and Finance Committee

President Peskin requested File Nos. 231024 and 231025 be called together.

231024 [Emergency Declaration - Trocadero Clubhouse Repairs - Estimated Cost of Repairs Not to Exceed \$1,850,000]

Sponsors: Mayor; Engardio

Resolution approving the Recreation and Park Department General Manager's declaration of emergency under Administrative Code, Section 6.60, for the repairs to the Trocadero Clubhouse, with an estimated not to exceed amount of \$1,850,000. (Recreation and Park Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

231025 [Emergency Declaration - Winter Storm Debris Removal - Estimated Cost of Repairs Not to Exceed \$2,100,000]

Sponsors: Mayor; Engardio

Resolution approving the Recreation and Park Department General Manager's declaration of emergency under Administrative Code, Section 6.60, for winter storm clean-up at Sigmund Stern Grove and other Recreation and Park facilities, with an estimated not to exceed cost of \$2,100,000. (Recreation and Park Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

Recommendation of the Homelessness and Behavioral Health Select Committee

231026 [Contract Amendment - Five Keys Schools and Programs - 685 Ellis Semi-Congregate Shelter - Not to Exceed \$27,296,994]

Sponsors: Mayor; Preston

Resolution approving the first amendment to the contract between Five Keys Schools and Programs and the Department of Homelessness and Supportive Housing ("HSH") for supportive services and property management at the 685 Ellis semi-congregate shelter; extending the contract term by 31 months from November 30, 2023, for a total term of December 15, 2022, through June 30, 2026; increasing the contract amount by \$19,365,652 for a total amount not to exceed \$27,296,994; and authorizing HSH to enter into any additions, amendments, or other modifications to the contract that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Department of Homelessness and Supportive Housing)
(Fiscal Impact)

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

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

Recommendations of the Public Safety and Neighborhood Services Committee

230866 [Health Code - Regulating Medical Specimen Test Collection Sites]

Sponsors: Preston; Ronen and Dorsey

Ordinance amending the Health Code to require that sites that collect medical specimens on behalf of clinical laboratories partner with either a governmental entity, a licensed health care provider located in the City, or an educational or academic institution, establish hygiene, sanitation, and privacy standards, and adhere to the Health Insurance Portability and Accountability Act; and providing that a violation of the specimen collection standards is a public health nuisance subject to an administrative penalty that may be imposed by the Department of Public Health.

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

Supervisor Preston requested this Ordinance be DUPLICATED ON FIRST READING.

See duplicated File No. 231158.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

231158 [Health Code - Regulating Medical Specimen Test Collection Sites]**Sponsors: Preston; Ronen and Dorsey**

Ordinance amending the Health Code to require that sites that collect medical specimens on behalf of clinical laboratories partner with either a governmental entity, a licensed health care provider located in the City, or an educational or academic institution, establish hygiene, sanitation, and privacy standards, and adhere to the Health Insurance Portability and Accountability Act; and providing that a violation of the specimen collection standards is a public health nuisance subject to an administrative penalty that may be imposed by the Department of Public Health.

Duplicated from File No. 230866.

Supervisor Preston, seconded by Supervisor Stefani, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, on Page 1, Lines 7-8, by adding 'prohibiting such sites from paying individuals to take a medical test', Line 9, by adding 'misdemeanor offense and a'; on Page 4, Lines 1-3, by adding "'Test" means the diagnostic test used to detect any infectious, contagious, or communicable disease and that the Covered Operator sends to a CLIA-certified laboratory for clinical processing.'; on Page 6, Line 12, by changing 'tests' to 'Tests'; on Page 6, Line 23, through Page 7, Line 7, by adding 'Upon request, Personnel at a Specimen Collection Site must demonstrate evidence of the partnership with one of the foregoing entities by producing a written agreement, memorandum, letter, or similar document that shows the entity has requested the Specimen Collection Site perform Tests on behalf of the entity. The ordering prescriber's standing order, required by subsection (f), shall not constitute sufficient evidence of a partnership. (j) Covered Operators shall not offer or pay Examinees any remuneration, including anything of value, directly or indirectly, overtly or covertly, in cash or in kind, to induce, or in exchange for, the Examinee using a Test offered by the Covered Operator. The prohibition on remuneration shall not apply to clinical testing performed pursuant to an institutional review board-approved research study or with the approval of the Department.'; on Page 7, Line 25, through Page 8, Line 5, by adding '**SEC. 4905. VIOLATION A MISDEMEANOR. Any person who violates Section 4903 is guilty of a misdemeanor. Any person convicted of a misdemeanor hereunder is punishable by a fine of not more than \$500 or by imprisonment for a period of not more than six months, or by both. A person who violates the provisions of Section 4903 is guilty of a separate offense for each day, or portion thereof, during which the violation continues.**'; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

Ordinance amending the Health Code to require that sites that collect medical specimens on behalf of clinical laboratories partner with either a governmental entity, a licensed health care provider located in the City, or an educational or academic institution, establish hygiene, sanitation, and privacy standards, and adhere to the Health Insurance Portability and Accountability Act; prohibiting such sites from paying individuals to take a medical test; and providing that a violation of the specimen collection standards is a misdemeanor offense and a public health nuisance subject to an administrative penalty that may be imposed by the Department of Public Health.

Supervisor Preston, seconded by Supervisor Walton, moved that this Ordinance be **RE-REFERRED AS AMENDED** to the Public Safety and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

231018 [Liquor License Transfer - 313 Ivy Street - Fig & Thistle]

Resolution determining that the person-to-person, premise-to-premise transfer of a Type-48 on-sale general public premises liquor license to 7682 LLC, to do business as Fig & Thistle, located at 313 Ivy Street (District 5), 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: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

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 Officer Sam Yuen, Officer Bryan Neuerburg, and Officer Juan Lara (Police Department, Central Station) in recognition of their heroic efforts and bravery responding to a domestic terror threat. Captain Ja Han Kim provided additional commending remarks.

Supervisor Stefani introduced, welcomed, and presented a Certificate of Honor to the Grand Marshals for the 2023 Italian Heritage Parade, accepted by Claude Perasso on behalf of himself and Tony Gemignani, in recognition of their tremendous efforts organizing this year's parade and advocacy for the Italian-American community.

COMMITTEE REPORTS**Recommendation of the Government Audit and Oversight Committee****230727 [Board Response - Civil Grand Jury Report - Taking Care of Business: San Francisco's Plan to Save its Small Businesses]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2022-2023 Civil Grand Jury Report, entitled "Taking Care of Business: San Francisco's Plan to Save its Small Businesses;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton
Excused: 2 - Melgar, Ronen

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Christopher Kline; expressed concerns regarding surveillance technology and mental health diagnoses.

Muhammad Yasir; expressed concerns regarding the safety of Public Works staff who are subjected to dangerous working conditions when enforcing the street vendor program.

Theresa McNamara; expressed concerns regarding the safety of Public Works staff who are subjected to dangerous working conditions when enforcing the street vendor program.

Alistair Jones; expressed concerns regarding the safety of Public Works staff who are subjected to dangerous working conditions when enforcing the street vendor program.

Fady Khoury; expressed concerns regarding the safety of Public Works staff who are subjected to dangerous working conditions when enforcing the street vendor program.

John Avalos; spoke on the In Memoriam for Ady Barkan and shared additional thoughts and fond memories.

Jordan Davis; shared concerns regarding the discontinuance of remote public comment, international travel by Members of the Board, and certain City events.

Speaker; expressed concerns regarding the safety of Public Works staff who are subjected to dangerous working conditions when enforcing the street vendor program.

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Speaker; shared their personal religious views.

Amos Gregory; expressed support of a newly introduced Resolution commemorating "Veterans Alley" at the 0 Block of Shannon Street.

Speaker; invited the Members of the Board to an event.

Sala-Haquekyah Chandler; shared concerns regarding the needs of the community.

Thierry Fill; shared concerns regarding the state of education, usage of cellular phones, and the need to be happy.

Antonio; shared concerns regarding treatments and medications for certain diseases and viruses.

Jonathan; expressed support of a newly introduced Resolution commemorating "Veterans Alley" at the 0 Block of Shannon Street.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

231138 [United Against Hate Week - November 12 through November 18, 2023]

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

Resolution recognizing the week of November 12 through November 18, 2023, as United Against Hate Week in the City and County of San Francisco.

Supervisors Preston, Chan, and Safai requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

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

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

[Brown Act Finding]

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

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

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

231159 [Maria Branyas Day - November 7, 2023]

Sponsor: Peskin

Resolution commending San Francisco-born supercentenarian, Maria Branyas, the world's oldest known living person; and declaring November 7, 2023, as "Maria Branyas Day" in the City and County of San Francisco.

President Peskin inquired whether any individual wished to address the Board on the Imperative Agenda item declaring November 7, 2023, as "Maria Branyas Day" (File No. 231159). There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani, Walton

Excused: 2 - Melgar, Ronen

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

231124 [Campaign and Governmental Conduct Code - Form 700 Filers - General Services Agency - City Administrator]

Ordinance amending the Campaign and Governmental Conduct Code to update and clarify the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements for officers and employees in the General Services Agency under the City Administrator. (City Administrator)

10/30/23; RECEIVED FROM DEPARTMENT.

11/07/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/7/2023.

11/07/23; REFERRED TO DEPARTMENT.

231125 [Building, Green Building, Mechanical, and Plumbing Codes - Amending Findings Supporting Enactment of 2022 Codes]

Ordinance amending the local findings included by reference in the following Ordinances: 1) 2022 San Francisco Building Code (Ordinance No. 225-22); 2) 2022 San Francisco Green Building Code (Ordinance No. 227-22); 3) 2022 San Francisco Mechanical Code (Ordinance No. 228-22); 4) San Francisco Plumbing Code (Ordinance No. 230-22); and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission as required by State law. (Building Inspection Commission)

10/30/23; RECEIVED FROM DEPARTMENT.

11/07/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/7/2023.

PROPOSED RESOLUTIONS

231126 [Settlement of Unlitigated Claim - Deven Gadula - \$175,000]

Resolution approving the settlement of the unlitigated claim filed by Deven Gadula against the City and County of San Francisco for \$175,000; the claim was filed on January 9, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

10/30/23; RECEIVED FROM DEPARTMENT.

11/07/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

231127 [Settlement of Unlitigated Claim - Joan Assereto - \$44,000]

Resolution approving the settlement of the unlitigated claim filed by Joan Assereto against the City and County of San Francisco for \$44,000; the claim was filed on March 10, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)

10/30/23; RECEIVED FROM DEPARTMENT.

11/07/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:05 p.m.