



**City and County of San Francisco**  
**Meeting Minutes**  
**Government Audit and Oversight Committee**

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

*Members: Dean Preston, Catherine Stefani, Connie Chan*

*Clerk: Stephanie Cabrera*  
*(415) 554-7722 ~ [stephanie.cabrera@sfgov.org](mailto:stephanie.cabrera@sfgov.org)*

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Thursday, April 20, 2023

10:00 AM

City Hall, Legislative Chamber, Room 250

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**Regular Meeting**

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**Present:** 3 - Dean Preston, Catherine Stefani, and Connie Chan

*The Government Audit and Oversight Committee met in regular session, in-person with remote access and public comment via telephone, on Thursday, April 20, 2023, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:03 a.m.*

## **Remote Access to Information and Participation**

*The Board of Supervisors ([www.sfbos.org](http://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, and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may also submit their comments by email to the Clerk listed above; all comments received will be made a part of the official record.*

## **ROLL CALL AND ANNOUNCEMENTS**

*On the call of the roll, Chair Preston, Vice Chair Stefani, and Member Chan were noted present. A quorum was present.*

## **AGENDA CHANGES**

*There were no agenda changes.*

## **COMMUNICATIONS**

*John Carroll, Assistant Clerk, 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. Clerk Carroll further announced that 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 ([stephanie.cabrera@sfgov.org](mailto:stephanie.cabrera@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)*

## REGULAR AGENDA

### **230386 [Resolution of Intention - Excelsior Community Benefit District]**

**Sponsor: Safai**

Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district known as the "Excelsior Community Benefit District" and levy a multi-year assessment on all parcels in the district; approving the management district plan and engineer's report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on July 11, 2023 at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

*Heard in Committee. Speakers: Bill Barnes (Office of Supervisor Safai); Diana Ponce de Leon (Office of Economic and Workforce Development); Steve Gibson (Urban Place Consulting); presented information and answered questions raised throughout the discussion. William Ortiz; spoke on various concerns relating to the hearing matter.*

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

## LITIGATION

Chair Preston requested File Nos. 230203, 230244, 230245, 230246, 230279, 230334, 230335, 230350, 230351, 230340, 230205, 230249, 230250, 230251, 230252, 230338, and 230339 be called together.

Heard in Committee. Speaker: David Pilpel; spoke on various concerns relating to the litigation agenda items.

### **Conference with City Attorney**

*[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]*

*Motion that the Government Audit and Oversight Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation and anticipated litigation. Administrative Code Section 67.10(d) permit this closed session.*

*Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and claims listed below.*

*After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.*

*The Deputy City Attorney reported that the Government Audit and Oversight Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.*

*Persons in attendance: Anne Pearson (Office of the City Attorney); John Carroll (Office of the Clerk of the Board).*

**Chair Preston moved to convene in closed session. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

### **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.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230244 [Settlement of Lawsuit - Plaintiffs DOE 1 AND DOE 2 - \$120,000]**

Ordinance authorizing settlement of the lawsuit filed by Plaintiffs DOE 1 and DOE 2 against the City and County of San Francisco for \$120,000.00; the lawsuit was filed on February 2, 2021, in San Francisco Superior Court, Case No. CGC-21-589554; entitled DOE 1 and DOE 2 v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

03/06/23; RECEIVED FROM DEPARTMENT.

03/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230245 [Settlement of Lawsuit - Justin Tsai - \$185,000]**

Ordinance authorizing settlement of the lawsuit filed by Justin Tsai against the City and County of San Francisco et al. for \$185,000; the lawsuit was filed on November 10, 2020, in San Francisco Superior Court, Case No. CPF-20-517295; entitled Justin Tsai v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

03/06/23; RECEIVED FROM DEPARTMENT.

03/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230246 [Settlement of Lawsuit - Plaintiffs Robert Burchell, et al. - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Plaintiffs Robert Burchell, F/V Rose Marie, Inc., Erik Anfinson, John Barnett, Sarah Bates, F/V AL-W, Ken Burns, Chris Cameron, MJ Fisheries, Inc., Mike Costello, Andrew Evanow Jr., Andrew Evanow Sr., Michael Fontes, Chris Fox, Mike Harvie, Sean Hodges, David Kemp, Nick Krieger, WAC Fisheries, Inc., Philip Lafata, Daniel Lazzari, Patrick Lazzari, Benedetto Lo Grande, Chuck Louie, John Mellor, Savior Papetti, Mark Schwarz, and Shane Wehr against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 28, 2022, in San Francisco Superior Court, Case No. CGC-20-588665; entitled Robert Burchell, F/V Rose Marie, Inc., Erik Anfinson, John Barnett, Sarah Bates, F/V AL-W, Ken Burns, Chris Cameron, MJ Fisheries, Inc., Mike Costello, Andrew Evanow Jr., Andrew Evanow Sr., Michael Fontes, Chris Fox, Mike Harvie, Sean Hodges, David Kemp, Nick Krieger, WAC Fisheries, Inc., Philip Lafata, Daniel Lazzari, Patrick Lazzari, Benedetto Lo Grande, Chuck Louie, John Mellor, Savior Papetti, Mark Schwarz, and Shane Wehr v. City and County of San Francisco; the lawsuit involves a fire on Pier 45 that destroyed Shed C. (City Attorney)

03/06/23; RECEIVED FROM DEPARTMENT.

03/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230279 [Settlement of Lawsuit - Lyn Rawles - \$200,000]**

Ordinance authorizing settlement of the lawsuit filed by Lyn Rawles against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 4, 2020, in San Francisco Superior Court, Case No. CGC-20-588157; entitled Lyn Rawles v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

03/07/23; RECEIVED FROM DEPARTMENT.

03/21/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230334 [Settlement of Lawsuit - Alexis Krup - \$3,325,000]**

Ordinance authorizing settlement of the lawsuit filed by Alexis Krup against the City and County of San Francisco for \$3,325,000; the lawsuit was filed on October 9, 2020, in San Francisco Superior Court, Case No. CGC-20-587218; entitled Alexis Krup v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injuries from a vehicle collision. (City Attorney)

03/21/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230335 [Settlement of Lawsuit - M. Hernandez Construction, Inc. - \$137,000]**

Ordinance authorizing settlement of the lawsuit filed by M. Hernandez Construction, Inc. against the City and County of San Francisco by the payment of \$137,000; the lawsuit was filed on March 16, 2022, in the Superior Court of California, County of San Francisco, Case No. CGC-22-598639; entitled M. Hernandez Construction, Inc. dba Hernandez Engineering vs. City and County of San Francisco; the lawsuit involves alleged breach of contract. (City Attorney)

03/23/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230350 [Settlement of Lawsuit - San Francisco Care Center, L.P. - \$825,000]**

Ordinance authorizing settlement of the lawsuit City and County of San Francisco, et al., v. San Francisco Care Center, L. P., et al., for \$825,000; the lawsuit was filed on March 23, 2018, in San Francisco Superior Court, Case No. CGC 18-565184; the lawsuit involves alleged breaches of contract and Building Code violations. (City Attorney)

03/31/23; RECEIVED FROM DEPARTMENT.

04/11/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230351 [Settlement of Lawsuit - Ronnie Jones - \$149,000]**

Ordinance authorizing settlement of the lawsuit filed by Ronnie Jones against the City and County of San Francisco for \$149,000; the lawsuit was filed on February 17, 2021, in San Francisco Superior Court, Case No. CGC-21-589810; entitled Ronnie Jones v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

04/03/23; RECEIVED FROM DEPARTMENT.

04/11/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230340 [Tolling Agreement - Treasure Island Series 1, LLC - Real Property Transfer Tax Dispute]**

Resolution approving a Tolling Agreement to extend the statute of limitations for Treasure Island Series 1, LLC and Treasure Island Community Development, LLC to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

03/20/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**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.

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230249 [Settlement of Unlitigated Claim - Joseph Goldmark - \$35,000]**

Resolution approving the settlement of the unlitigated claim filed by Joseph Goldmark against the City and County of San Francisco for \$35,000; the claim was filed on November 29, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

03/06/23; RECEIVED FROM DEPARTMENT.

03/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230250 [Settlement of Unlitigated Claim - Chinatown Community Development Center - \$70,000]**

Resolution approving the settlement of the unlitigated claim filed by Chinatown Community Development Center against the City and County of San Francisco for \$70,000, the claim was filed on September 20, 2022; the claim involves alleged property damage due to fire suppression and rescue training activities. (City Attorney)

03/06/23; RECEIVED FROM DEPARTMENT.

03/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230251 [Settlement of Unlitigated Claim - Michael Gwilliam - \$38,350]**

Resolution approving the settlement of the unlitigated claim filed by Michael Gwilliam against the City and County of San Francisco for \$38,350; the claim was filed on October 14, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

03/06/23; RECEIVED FROM DEPARTMENT.

03/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230252 [Settlement of Unlitigated Claim - BRIDGE Housing Corporation - \$100,000]**

Resolution approving the settlement of the unlitigated claim filed by BRIDGE Housing Corporation against the City and County of San Francisco for \$100,000; the claim was filed on September 8, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

03/06/23; RECEIVED FROM DEPARTMENT.

03/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230338 [Settlement of Unlitigated Claim - Executive Hotel Vintage Court, LLC - \$762,965]**

Resolution approving the settlement of the unlitigated claim filed by Executive Hotel Vintage Court, LLC, against the City and County of San Francisco for \$762,965; the claim was filed on February 2, 2023; the claim involves allegations of property damage to the Executive Hotel Vintage Court 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)

03/17/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

**230339 [Settlement of Unlitigated Claim - SF Americana LLC - \$4,692,008]**

Resolution approving the settlement of the unlitigated claim filed by SF Americana LLC against the City and County of San Francisco for \$4,692,008; the claim was filed on January 13, 2023; the claim involves allegations of property damage to the Americana 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)

03/17/23; RECEIVED FROM DEPARTMENT.

04/04/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

*[Elect Not To Disclose]*

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

**Chair Preston moved not to disclose closed session deliberations. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

## ADJOURNMENT

*There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 10:42 a.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Government Audit and Oversight Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.*