



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: Aaron Peskin, Norman Yee, London Breed

Clerk: Erica Major (415) 554-4441

Thursday, January 12, 2017

9:30 AM

City Hall, Legislative Chamber, Room 250

Special Meeting

Present: 3 - Aaron Peskin, Norman Yee, and London Breed

The Government Audit and Oversight Committee met in special session on Thursday, January 12, 2017, with Chair Aaron Peskin presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Peskin called the meeting to order at 9:36 a.m. On the call of the roll, Chair Peskin and Member Breed were noted present. Vice Chair Yee was noted not present. There was a quorum.

Vice Chair Yee was noted present at 9:41 a.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

161302 [Hearing - San Francisco Municipal Transportation Agency On-Street Car Sharing Program]

Sponsor: Peskin

Hearing to receive presentations from the San Francisco Municipal Transportation Agency (SFMTA) on the City's On-Street Car Sharing program, including an overview of the permitting process, neighborhood outreach, cost to taxpayers, and potential alternatives; and requesting the SFMTA to report.

11/29/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

12/13/16; REFERRED TO DEPARTMENT. Referred to Municipal Transportation Agency for informational purposes.

01/06/17; TRANSFERRED to Government Audit and Oversight Committee. 1/6/2017 - President Breed transferred this matter from Land Use and Transportation Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Andy Thornley (San Francisco Municipal Transportation Agency); presented information and answered questions raised throughout the discussion. Kathleen Courtney; Eleanor Burke; Joyce Fishman; spoke on various concerns relating to the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Peskin, Yee, Breed

160975 [Hearing - Building Standards in Seismic Safety Zones]**Sponsor: Peskin**

Hearing on existing building standards in seismic safety zones, including infill and waterfront neighborhoods; and requesting the Department of Building Inspection to report.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/12/16; REFERRED TO DEPARTMENT. Referred to the Department of Building Inspection for informational purposes and requested the department to report.

09/22/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Tom Hui, Director, Ron Tom, William Strawn, Gary Ho, Daniel Lowry, Ed Sweeney, and Hanson Tom (Department of Building Inspection); Raymond Lui; (Public Works); Patrick Otellini (Office of the City Administrator); presented information and answered questions raised throughout the discussion. Denis Shanagher, Esq. (Duane Morris LLP), Evette Davis (BergDavis Public Affairs); Female Speaker; Female Speaker; Nina Agavian; Male Speaker; spoke on various concerns relating to the hearing matter.

10/28/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Director Tom Hui, William Strawn, Hanson Tom, Raymond Lui, Ed Sweeney, and Daniel Lowry (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Frank Jernigan; spoke on various concerns relating to the hearing matter.

11/17/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Director Tom Hui, Daniel Lowry, and Ronald Tom (Department of Building Inspection); Frank Chiu, former Director of Department of Building Inspection; Hanson Tom and Gary Ho (Department of Building Inspection); David Briggs (San Francisco Public Utilities Commission); presented information and answered questions raised throughout the discussion. Janet Campbell (support); presented various concerns relating to the hearing matter.

Heard in Committee. Speakers: Naomi Kelly, City Administrator (Office of the City Administrator); Ron Tom (Department of Building Inspection); Tomio Takeshita and Brian Kuhn (Public Utilities Commission); presented information and answered questions raised throughout the discussion. Mr. Dodson; Andrew Faulk; spoke on various concerns relating to the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Peskin, Yee, Breed

LITIGATION

Speakers: None.

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 lawsuits and claims in which proposed settlements are being considered by the Committee. 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.

Persons in attendance: Jon Givner (Office of the City Attorney) and Erica Major (Office of the Clerk of the Board).

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

Ayes: 3 - Peskin, Yee, Breed

161265 **[Settlement of Lawsuit - 501 Folsom Street, LLC - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by 501 Folsom Street, LLC, against the City and County of San Francisco for \$40,000; the lawsuit was filed on November 27, 2013, in San Francisco Superior Court, Case No. CGC-13-535767; entitled 501 Folsom Street LLC v. City and County of San Francisco; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

11/14/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

161269 **[Settlement of Lawsuit - Roy Korobi - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Roy Korobi against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 26, 2014, in San Francisco Superior Court, Case No. CGC-14-541881; entitled Roy Korobi v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk; other material terms of the settlement are Co-Defendant Impark Pacific Parking, LLC will pay plaintiff \$75,000. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

161270 [Settlement of Lawsuit - Bradley Bishop - \$750,000]

Ordinance authorizing settlement of the lawsuit filed by Bradley Bishop against the City and County of San Francisco for \$750,000; the lawsuit was filed on February 9, 2015, in San Francisco Superior Court, Case No. CGC-15-544028; entitled Bradley Bishop v. City and County of San Francisco, et al.; the lawsuit involves a medical malpractice claim; other material terms of the settlement are: City and County of San Francisco to waive offset of \$13,891.80 for unpaid services, and Regents of the University of California to pay \$1,750,000. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Peskin moved that this Ordinance be CONTINUED to the January 19th, 2017, Government Audit and Oversight Committee meeting. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

161271 [Settlement of Lawsuit - Suzanne Davis-Hornby - \$200,000]

Ordinance authorizing settlement of the lawsuit filed by Suzanne Davis-Hornby against the City and County of San Francisco for \$200,000; the lawsuit was filed on July 9, 2015, in San Francisco Superior Court, Case No. CGC-15-546768; entitled Suzanne Davis-Hornby v. City and County of San Francisco; the lawsuit involves personal injury from alleged dangerous condition of public property. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

161272 [Settlement of Lawsuits and Supplemental Appropriation - Coral Construction, Inc., and Schram Construction, Inc. - \$1,432,098 Settlement - \$716,049 Appropriation]

Ordinance authorizing settlement of attorneys' fees claims in the consolidated lawsuits filed by Coral Construction, Inc., and Schram Construction, Inc., against the City and County of San Francisco for \$1,432,098; the Coral lawsuit was filed on September 12, 2000, in San Francisco Superior Court, Case No. CPF-01-319549; entitled Coral Construction Inc. v. John L. Martin, et al.; the Schram lawsuit was filed on June 10, 2003, in San Francisco Superior Court, Case No. CGC-03-421249; entitled Schram Construction, Inc. v. City & County of San Francisco, et al.; the lawsuits challenged whether Administrative Code, Chapter 12D.A, complies with the California Constitution; and appropriating \$716,049 from the Wastewater Enterprise fund balance for this purpose. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Peskin moved that the Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 2 - Peskin, Yee

Noes: 1 - Breed

161273 [Settlement of Unlitigated Claim - Danielle Barnett - \$90,000]

Resolution approving the settlement of the unlitigated claim filed by Danielle Barnett against the City and County of San Francisco for \$90,000; the claim was filed on January 21, 2016; the claim involves a personal injury on a City street. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

Deputy City Attorney Jon Givner 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.

[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.

Member Breed moved not to disclose closed session deliberations. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 11:59 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.