



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: Jane Kim, Aaron Peskin, London Breed

Clerk: John Carroll (415) 554-4445

Wednesday, November 1, 2017

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Jane Kim, Aaron Peskin, and London Breed

The Government Audit and Oversight Committee met in regular session on November 1, 2017, with Chair Jane Kim presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Kim called the meeting to order at 10:08 a.m. On the call of the roll, Chair Kim and Vice Chair Peskin were noted present. Member Breed was noted not present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

171069 [Memorandum of Understanding - San Francisco Community College District - Use of San Francisco City College Enrollment Fee Assistance Fund - Not to Exceed \$11,233,904]

Sponsor: Kim

Resolution approving a Memorandum of Understanding between the City and County of San Francisco and the San Francisco Community College District for the City to provide financial support to the Free City College Program not to exceed \$11,233,904 for a term beginning upon certification of available funds by the Controller and ending on June 30, 2019.

(Fiscal Impact)

10/03/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speaker: Debra Newman (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion.

Vice Chair Peskin, seconded by Member Breed, moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

Chair Kim requested that File Nos. 171098, 171099, 171100, 171101, 171102, 171103, and 171105 be called together.

171098 [Mills Act Historical Property Contract - 215 and 229 Haight Street, Formerly 55 Laguna Street]

Resolution approving an historical property contract between Alta Laguna, LLC, the owners of 215 and 229 Haight Street, formerly 55 Laguna Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Historic Preservation Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Tim Frye (Planning Department); Jon Givner (Office of the City Attorney); Eddie McCaffrey (Office of the Assessor-Recorder); Shannon Ferguson (Planning Department); and Michael Jine (Office of the Assessor-Recorder); presented information and answered questions raised throughout the discussion. John Hjelmstad; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin, seconded by Member Breed, moved that this Resolution be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

171099 [Mills Act Historical Property Contract - 56 Potomac Street]

Resolution approving an historical property contract between Jason Monberg and Karli Sager, the owners of 56 Potomac Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Historic Preservation Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Tim Frye (Planning Department); Jon Givner (Office of the City Attorney); Eddie McCaffrey (Office of the Assessor-Recorder); Shannon Ferguson (Planning Department); and Michael Jine (Office of the Assessor-Recorder); presented information and answered questions raised throughout the discussion. John Hjelmstad; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin, seconded by Member Breed, moved that this Resolution be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

171100 [Mills Act Historical Property Contract - 60-62 Carmelita Street]

Resolution approving an historical property contract between Patrick Mooney and Stephen G. Tom, the owners of 60-62 Carmelita Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Historic Preservation Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Tim Frye (Planning Department); Jon Givner (Office of the City Attorney); Eddie McCaffrey (Office of the Assessor-Recorder); Shannon Ferguson (Planning Department); and Michael Jine (Office of the Assessor-Recorder); presented information and answered questions raised throughout the discussion. John Hjelmstad; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin, seconded by Member Breed, moved that this Resolution be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

171101 [Mills Act Historical Property Contract - 101 Vallejo Street]

Resolution approving an historical property contract between 855 Front Street LLC, the owners of 101 Vallejo Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Historic Preservation Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Tim Frye (Planning Department); Jon Givner (Office of the City Attorney); Eddie McCaffrey (Office of the Assessor-Recorder); Shannon Ferguson (Planning Department); and Michael Jine (Office of the Assessor-Recorder); presented information and answered questions raised throughout the discussion. John Hjelmstad; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin, seconded by Member Breed, moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

171102 [Mills Act Historical Property Contract - 627 Waller Street]

Resolution approving an historical property contract between John Hjelmstad and Allison Bransfield, the owners of 627 Waller Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Historic Preservation Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Tim Frye (Planning Department); Jon Givner (Office of the City Attorney); Eddie McCaffrey (Office of the Assessor-Recorder); Shannon Ferguson (Planning Department); and Michael Jine (Office of the Assessor-Recorder); presented information and answered questions raised throughout the discussion. John Hjelmstad; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin, seconded by Member Breed, moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

171103 [Mills Act Historical Property Contract - 940 Grove Street]

Resolution approving an historical property contract between Smith-Hantas Family Trust, the owners of 940 Grove Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Historic Preservation Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Tim Frye (Planning Department); Jon Givner (Office of the City Attorney); Eddie McCaffrey (Office of the Assessor-Recorder); Shannon Ferguson (Planning Department); and Michael Jine (Office of the Assessor-Recorder); presented information and answered questions raised throughout the discussion. John Hjelmstad; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin, seconded by Member Breed, moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

171105 [Mills Act Historical Property Contract - 1338 Filbert Street]

Resolution approving an historical property contract between 1338 Filbert LLC, the owners of 1338 Filbert Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Historic Preservation Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Tim Frye (Planning Department); Jon Givner (Office of the City Attorney); Eddie McCaffrey (Office of the Assessor-Recorder); Shannon Ferguson (Planning Department); and Michael Jine (Office of the Assessor-Recorder); presented information and answered questions raised throughout the discussion. John Hjelmstad; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin, seconded by Member Breed, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

LITIGATION

Chair Kim requested Files Nos. 171074, 171075, and 171076 be called together.

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 John Carroll (Office of the Clerk of the Board).

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

Ayes: 3 - Kim, Peskin, Breed

171074 [Settlement of Lawsuit - Kevin Smith - \$300,000]

Ordinance authorizing settlement of the lawsuit filed by Kevin Smith against the City and County of San Francisco for \$300,000; the lawsuit was filed on January 26, 2016, in San Francisco Superior Court, Case No. CGC-15-550065; entitled Kevin Smith v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

10/03/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin, seconded by Member Breed, moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

171075 [Settlement of Lawsuit - T-Mobile West, LLC - \$72,500]

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West, LLC against the City and County of San Francisco for \$72,500; the lawsuit was filed on September 9, 2015, in San Francisco Superior Court, Case No. CGC-15-547840; entitled T-Mobile West, LLC v. City and County of San Francisco; the lawsuit involves a Utility Users Tax refund. (City Attorney)

10/03/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin, seconded by Member Breed, moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

171076 [Settlement of Lawsuit - AT&T Corp. - \$498,000]

Ordinance authorizing settlement of the lawsuit filed by AT&T Corp. against the City and County of San Francisco for \$498,000; the lawsuit was filed on October 26, 2016, in San Francisco Superior Court, Case No. CGC-16-555047; entitled AT&T Corp. v. City of San Francisco, Department of Public Health; the lawsuit involves a breach of contract claim arising from a dispute over AT&T's design of a medical grade wireless network at Zuckerberg San Francisco General Hospital; other material terms of the settlement are that the City reserves all rights to pursue claims against AT&T for, and AT&T shall retain responsibility for, latent defects; all extant express and implied warranties under the contract shall remain in full force and effect; the City and AT&T will execute a mutual release; the City and AT&T will each bear its own fees and costs. (City Attorney)

10/03/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin, seconded by Member Breed, moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

[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.

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

Ayes: 3 - Kim, Peskin, Breed

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 11:46 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.