



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: Gordon Mar, Vallie Brown, Aaron Peskin

Clerk: John Carroll (415) 554-4445

Thursday, April 18, 2019

10:00 AM

City Hall, Committee Room 263

Regular Meeting

Present: 4 - Gordon Mar, Vallie Brown, Aaron Peskin, and Sandra Lee Fewer

The Government Audit and Oversight Committee met in regular session on April 18, 2019, with Chair Gordon Mar presiding.

Chair Mar called the meeting to order at 10:04 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Mar and Member Peskin were noted present. Vice Chair Brown was noted not present.

A quorum was present.

Vice Chair Brown was noted present at 10:09 a.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

Chair Mar requested that File Nos. 190361 and 190363 be called together.

190361 [Petitions for City Parcels - Renew and Expand the Proposed Civic Center Community Benefit District]

Sponsors: Mayor; Haney and Brown

Resolution authorizing the Mayor to sign petitions in the affirmative for the proposed renewal and expansion of a property and business improvement district to be named the Civic Center Community Benefit District, with respect to certain parcels of real property owned by the City that would be subject to assessment in said district.

(Fiscal Impact)

04/02/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Chris Corgas (Office of Economic and Workforce Development); Tracy Everwine, Executive Director (Civic Center Community Benefit District); Andrico Penny (Real Estate Division); Simon Bertrang (North of Market/Tenderloin Community Benefit District); Severin Campbell (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion. Pratibha Tekka; Rhiannon Bailard (UC Hastings Law); Rene Colorado; Eric Rodenbeck (Stamen Design); Margarita Mena (Pasaje Seguro); Jim Haas; Susie McKinnon; Speaker; Speaker; spoke in support of the hearing matter. Mr. Wright; spoke on various concerns relating to the hearing matter.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Mar, Brown, Peskin

190363 [Resolution of Intention - Renewal and Expansion - North of Market/Tenderloin Community Benefit District]**Sponsor: Haney**

Resolution declaring the intention of the Board of Supervisors to renew and expand a property-based business improvement district known as the “North of Market/Tenderloin 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 June 18, 2019, 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.

04/02/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Chris Corgas (Office of Economic and Workforce Development); Tracy Everwine, Executive Director (Civic Center Community Benefit District); Andrico Penny (Real Estate Division); Simon Bertrang (North of Market/Tenderloin Community Benefit District); Severin Campbell (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion. Pratibha Tekka; Rhiannon Bailard (UC Hastings Law); Rene Colorado; Eric Rodenbeck (Stamen Design); Margarita Mena (Pasaje Seguro); Jim Haas; Susie McKinnon; Speaker; Speaker; spoke in support of the hearing matter. Mr. Wright; spoke on various concerns relating to the hearing matter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to re-schedule the Committee of the Whole hearing date to June 25, 2019, by the following vote:

Ayes: 3 - Mar, Brown, Peskin

Resolution declaring the intention of the Board of Supervisors to renew and expand a property-based business improvement district known as the “North of Market/Tenderloin 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 June 25, 2019, 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.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Mar, Brown, Peskin

President Norman Yee appointed Supervisor Sandra Lee Fewer, in place of Supervisor Aaron Peskin, for the Government Audit and Oversight Committee meeting of April 18, 2019, beginning at 12:23 p.m., and for the remainder of the meeting.

Member Peskin was noted absent at 12:23 p.m., and for the remainder of the meeting.

Member Fewer was noted present at 12:59 p.m.

190179 [Hearing - Sexual Orientation and Gender Identity Data]

Sponsor: Mandelman

Hearing on the City's collection and analysis of Sexual Orientation and Gender Identity (SOGI) data; and requesting the Department of Public Health, Mayor's Office of Housing and Community Development, Department of Human Services, Department of Aging and Adult Services, Department of Children, Youth and their Families, and Department of Homelessness and Supportive Housing to report.

02/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

02/20/19; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, Mayor's Office of Housing and Community Development, Department of Human Services, Department of Aging and Adult Services, Department of Children, Youth and their Families, and Department of Homelessness and Supportive Housing for informational purposes.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Senator Scott Wiener (California State Senate); Claire Farley (Office of Transgender Initiatives); Abigail Stewart-Khan (Department of Homelessness and Supportive Housing); Brian Cheu (Mayor's Office of Housing and Community Development); Ayanna Bennett and Ashley Scarborough (Department of Public Health); Sarah Duffy (Department of Children, Youth, and Their Families); Susie Smith (Human Services Agency); Tom Nolan (Department of Aging and Adult Services); Michael Wright; Brian Basinger (Q Foundation); Ms. Billie Cooper (Our Trans Home San Francisco); Bertie Brouhard (Openhouse); Shane Zaldivar (Transgender Advisory Committee); Ashling Peterson (Openhouse); Speaker; Tommi Avicelli Mecca (Housing Rights Committee); Serenity Romero; L'oreale Earle; Por'shay Taylor (Openhouse); Tania Jimenez; Thomas Athanasion (San Francisco LGBT Community Health Center); Akirah Jackson; Michelle Alcedo (Openhouse); Osmar Pere (Q Foundation); Martin Rawlings-Fein; Seth Pardo (Mayor's Office of Transgender Initiatives); Rebecca Rolfe (San Francisco LGBT Center); Luna Salemi; Speaker; Jordan Davis; Orlon Reyel; Speaker; José "Jojo" Ty; Austin Truong; Tyler; Morningstar P. Vanek (Openhouse); spoke on various concerns relating to the hearing matter.

HEARD AND FILED by the following vote:

Ayes: 3 - Mar, Brown, Fewer

Absent: 1 - Peskin

190214 [Building Code - Fee Waiver for 100% Affordable Housing and Accessory Dwelling Units]**Sponsors: Mayor; Brown and Mar**

Ordinance amending the Building Code to waive specified fees for 100% affordable housing projects, as defined herein, and accessory dwelling unit projects for an approximately one-year pilot program; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

02/26/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/28/2019.

03/06/19; REFERRED TO DEPARTMENT. Referred to the Building Inspection Commission for comment and recommendation pursuant to Charter Section D3.750-5; Planning Department for environmental review.

03/07/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. It is a temporary fee waiver.

03/21/19; RESPONSE RECEIVED. On March 20, 2019, the Commission recommended approval of the proposed legislation.

03/27/19; TRANSFERRED to Government Audit and Oversight Committee. President Yee transferred this matter from Land Use and Transportation Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Bill Strawn (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Michael Wright; Ken; spoke on various concerns relating to the hearing matter.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Brown, Fewer

Absent: 1 - Peskin

Vice Chair Brown was noted absent at 1:42 p.m., and for the remainder of the meeting.

190232 [Hearing - Police Department General Orders - Public Release of Private Information]**Sponsors: Fewer; Ronen, Mar, Brown, Yee, Peskin, Haney, Mandelman, Safai and Walton**

Hearing on the Police Department's general orders governing the public release of private information; and requesting the Police Department and City Attorney to report.

02/26/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/06/19; REFERRED TO DEPARTMENT. Referred to the Police Department and the Office of the City Attorney for informational purposes.

Heard in Committee. Speakers: Commander Greg McEachern and Captain William Braconi (Police Department); Supervisor Hillary Ronen (Board of Supervisors); John Crew; Hadi Razzaq (Public Defender's Office); presented information and answered questions raised throughout the discussion. Matsuko Adachi; Julie Soo; Jacque Wilson; Michael Wright; John Crew; spoke on various concerns relating to the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

LITIGATION

Chair Mar recessed the meeting beginning at 2:44 p.m., and reconvened at 2:46 p.m.

Chair Mar requested File Nos. 190238, 190239, 190240, 190281, 190323, 190342, 190343, 190344, 190345, and 190241 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 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.

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

Member Fewer moved to convene in closed session. The motion carried by the following vote:

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190238 [Settlement of Lawsuit - Peter Dayton - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Peter Dayton against the City and County of San Francisco for \$60,000; the lawsuit was filed on March 15, 2017, in San Francisco Superior Court, Case No. CGC 17-557549; entitled Peter Dayton v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

03/01/19; RECEIVED FROM DEPARTMENT.

03/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190239 [Partial Settlement of Lawsuit - Chris Tilton and Blane Bachelor - \$301,000]

Ordinance authorizing settlement of the lawsuit filed by Chris Tilton and Blane Bachelor against the City and County of San Francisco for \$301,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiffs Chris Tilton and Blane Bachelor, by the payment of \$301,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings.

03/01/19; RECEIVED FROM DEPARTMENT.

03/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190240 [Settlement of Lawsuit - Hanover Insurance Company a/s/o YWX Holdings, Inc. - \$62,500]

Ordinance authorizing settlement of the lawsuit filed by Hanover Insurance Company a/s/o YWX Holdings, Inc. against the City and County of San Francisco for \$62,500; the lawsuit was filed on April 30, 2018, in San Francisco Superior Court, Case No. CGC-18-566142; entitled Hanover Insurance Company a/s/o YWX Holdings, Inc. v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage by sewer backup. (City Attorney)

03/01/19; RECEIVED FROM DEPARTMENT.

03/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190281 [Settlement of Lawsuit - Max Luster - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Max Luster against the City and County of San Francisco for \$75,000; the lawsuit was filed on August 29, 2017, in San Francisco Superior Court, Case No. CGC-17-561008; entitled Max Luster v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

03/08/19; RECEIVED FROM DEPARTMENT.

03/19/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190323 [Settlement of Lawsuit - Webcor Construction, L.P. and Keenan Hopkins Suder & Stowell Contractors, Inc. - \$9,750,000]

Ordinance authorizing settlement of the lawsuit filed by Webcor Construction, L.P. ("Webcor") against the City and County of San Francisco for \$9,750,000; the action against the City and County of San Francisco was filed on August 15, 2017, in the Superior Court of California, County of San Francisco, Case No. CGC-16-555423, entitled Keenan Hopkins Suder & Stowell Contractors, Inc. vs. Webcor Construction LP et al.; the lawsuit involves an alleged failure to provide complete and accurate designs under the terms of a construction contract related to the San Francisco General Hospital Rebuild Program; material terms of the settlement are that the City will pay Keenan Hopkins Suder & Stowell Contractors, Inc. ("Keenan") \$9,750,000 and Webcor will pay Keenan \$5,500,000. (City Attorney)

03/18/19; RECEIVED FROM DEPARTMENT.

04/02/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Fewer moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190342 [Settlement of Lawsuit - Alyx Cronin - \$67,000]

Ordinance authorizing settlement of the lawsuit filed by Alyx Cronin against the City and County of San Francisco for \$67,000; the lawsuit was filed on June 8, 2018, in San Francisco Superior Court, Case No. CGC-18-567064; entitled Alyx Cronin v. The City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190343 [Settlement of Lawsuit - Timothy Doyle - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Timothy Doyle against the City and County of San Francisco for \$75,000; the lawsuit was filed on December 13, 2016, in San Francisco Superior Court, Case No. CGC-16-555897; entitled Timothy Doyle v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190344 [Settlement of Lawsuit - Tyler Francis O'Connor - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Tyler Francis O'Connor against the City and County of San Francisco for \$125,000; the lawsuit was filed on May 17, 2017, in San Francisco Superior Court, Case No. CGC-17-558989; entitled Tyler Francis O'Connor v. City and County of San Francisco; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190345 [Settlement of Lawsuit - Fidelia del Carmen May Can, Rosana Guadalupe Gongora May, Luis Rodolfo Gongora May, and Angel de Jesus May - \$140,000]

Ordinance authorizing settlement of the lawsuit filed by Fidelia del Carmen May Can, Rosana Guadalupe Gongora May, Luis Rodolfo Gongora May, and Angel de Jesus May against the City and County of San Francisco for \$140,000; the lawsuit was filed on October 11, 2016, in United States District Court, Case No. 16-cv-05771; entitled Fidelia del Carmen May Can, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violation. (City Attorney)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

190241 [Settlement of Unlitigated Claim - Kim Du Truong - \$36,090]

Resolution approving the settlement of the unlitigated claim filed by Kim Du Truong against the City and County of San Francisco for \$36,090; the claim was filed on July 30, 2018; the claim involves alleged property damage arising from flooding. (City Attorney)

03/01/19; RECEIVED FROM DEPARTMENT.

03/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Fewer moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

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

Ayes: 2 - Mar, Fewer

Absent: 2 - Brown, Peskin

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 3:11 p.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.