



**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*

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Thursday, October 20, 2016

9:30 AM

City Hall, Legislative Chamber, Room 250

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**Regular Meeting**

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**Present:** 2 - Aaron Peskin, and London Breed

**Excused:** 1 - Norman Yee

*The Government Audit and Oversight Committee met in regular session on Thursday, October 20, 2016, with Chair Aaron Peskin presiding.*

## **ROLL CALL AND ANNOUNCEMENTS**

*Chair Peskin called the meeting to order at 9:40 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.*

### **Supervisor Yee Excused from Attendance**

**Member Breed moved that Supervisor Yee be excused from attending the Government Audit and Oversight Committee meeting of October 20, 2016. The motion carried by the following vote:**

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

## **AGENDA CHANGES**

*There were no agenda changes.*

## REGULAR AGENDA

### **160558 [Grant Agreement - Broadway Sansome Associates, L.P. - Municipal Transportation Authority Rent Subsidies - Not to Exceed \$1,192,320]**

**Sponsor: Peskin**

Resolution authorizing the Director of the Mayor's Office of Housing and Community Development to execute a Grant Agreement with Broadway Sansome Associates, L.P., to provide Municipal Transportation Authority rent subsidies for 12 permanently displaced low-income households at 255 Broadway Street, for a 30-year period to commence following Board approval, in an amount not to exceed \$1,192,320.

(Fiscal Impact)

05/17/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

05/20/16; TRANSFERRED to Government Audit and Oversight Committee. 5/20/2016 - President Breed transferred this matter from Budget and Finance Sub-Committee to Government Audit and Oversight Committee.

09/20/16; SUBSTITUTED AND ASSIGNED to Government Audit and Oversight Committee.

*Heard in Committee. Speaker: Joan McNamara (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion.*

**RECOMMENDED by the following vote:**

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

**160615 [Board Response - Civil Grand Jury - Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings]**

Hearing to receive updates from various City Departments who were required to provide a response on the implementation of Recommendation No. R.5.D. contained in the 2015-2016 Civil Grand Jury report, entitled "Into the Open: Opportunities for More Timely and Transparent Investigation of Fatal San Francisco Police Department Officer-Involved Shootings" and respond to the Civil Grand Jury on the status of these implementations. (Government Audit and Oversight Committee)

07/06/16; REFERRED TO DEPARTMENT. Referred to the Police Department, District Attorney, Office of Citizen Complaints, Police Commission, Mayor, Mayor's Office of Public Policy and Finance, and the Office of the Chief Medical Examiner for their required response to the Civil Grand Jury Report.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

08/25/16; RESPONSE RECEIVED. 8/25/2016 - A preliminary response was received from the Police Commission noting their discussion on the topic will be heard on September 7, 2016.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The Mayor's Office submitted a consolidated response for the Police Department, Office of the City Administrator, and the Office of the Medical Examiner.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The Office of Citizen Complaints submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.03.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The District Attorney's Office submitted their response as required by California Penal Code Section 933.03.

09/15/16; CONTINUED. Heard in Committee. Speakers: Eric Vanderpool, Esq. (2015-2016 Civil Grand Jury); Diana Oliva-Aroche (Mayor's Office); Acting Chief Toney Chaplin and Commander Greg McEachern (Police Department); Cristine Soto DeBerry (District Attorney's Office); Severin Campbell (Budget and Legislative Analyst Office); Joyce Hicks, Director (Office of Citizen Complaints); Christopher Wirowek (Office of the Chief Medical Examiner); presented information and answered questions raised throughout the discussion. Claudia Stevens; presented information and answered questions raised throughout the discussion.

09/26/16; RESPONSE RECEIVED. 9/26/2016 - A letter dated September 15, 2016, was submitted responding to the Civil Grand Jury report as required by California Penal Code Section 933.03.

*Heard in Committee. Speakers: Commander Greg McEachern (Police Department); Cristine Soto DeBerry (District Attorney's Office); Eric Vanderpool, Esq. (2015-2016 Civil Grand Jury); presented information and answered questions raised throughout the discussion.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion responding to the Civil Grand Jury's request to provide a status update on the Board of Supervisors response to Recommendation No R.5.D contained in the 2015-2016 Civil Grand Jury Report, entitled "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

**RECOMMENDED by the following vote:**

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

**160756 [Acknowledging the Establishment of Yerba Buena Gardens Conservancy]****Sponsor: Kim**

Resolution establishing a new public benefit civic nonprofit entitled the Yerba Buena Gardens Conservancy to assume long-term operating and management responsibility for Yerba Buena Gardens under a master lease with the City of San Francisco.

(Fiscal Impact)

06/28/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

07/06/16; REFERRED TO DEPARTMENT. Referred to the Office of the Controller, Office of Economic and Workforce Development, and Ethics Commission for informational purposes.

07/14/16; TRANSFERRED to Government Audit and Oversight Committee. 7/14/2016 - President Breed transferred this matter from the Public Safety and Neighborhood Services Committee to the Government Audit and Oversight Committee.

09/01/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

10/06/16; CONTINUED. Heard in Committee. Speakers: Debra Newman (Budget and Legislative Analyst's Office); Supervisor Jane Kim (Board of Supervisors); John Updike, Director (Real Estate Division); presented information and answered questions raised throughout the discussion. Cathy Maupin, Interim Director (Yerba Buena Gardens Conservancy); Lance Burwell, Board Chair (Yerba Buena Community Benefit District); Male Speaker (Tenants and Owners Development Corporation); Karen Carr (Yerba Buena Alliance Board); spoke in support of the hearing matter.

Chair Peskin moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

Member Breed moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

*Heard in Committee. Speakers: April Veneracion-Ng (Office of Supervisor Jane Kim); John Updike, Director (Real Estate Division); Jon Givner (Office of the City Attorney); Cathy Maupin, Interim Director (Yerba Buena Gardens Conservancy); presented information and answered questions raised throughout the discussion. John Elbo; spoke in support of the hearing matter.*

**AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding 'subject to validation by the San Francisco Real Estate Division' on Page 3, Line 20; and adding other clarifying verbiage. The motion carried by the following vote:**

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

Resolution acknowledging the establishment of a new public benefit civic nonprofit Yerba Buena Gardens Conservancy to assume long-term operating and management responsibility for Yerba Buena Gardens under a master lease with the City of San Francisco.

(Fiscal Impact)

**RECOMMENDED by the following vote:**

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

**160301 [Liquor License Transfer - 447 Bush Street]**

Hearing to consider that the transfer of a Type 48 on-sale general public premises license from 451 Bush Street to 447 Bush Street (District 3) for SFFSRE, LLC dba Fluxus, will serve the public convenience or necessity of the City and County of San Francisco. (Government Audit and Oversight Committee)

03/28/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/28/16; REFERRED TO DEPARTMENT. Referred to the Planning and Police Department for comment and recommendation.

05/09/16; RESPONSE RECEIVED. 5/9/2016 - Planning Department submitted their approval noting that the Place of Entertainment permit is permitted in C-3-R Zoning District as an entertainment, arts and recreation use per Planning Code Sections 210.2 and 102.

07/08/16; RESPONSE RECEIVED. The Police Department submitted their report approving the PCN request with conditions.

07/14/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Aaron Peskin (Board of Supervisors); Sgt. Patrick Kennedy; Michael Krouse (SFFSRE, LLC); Leena Rege (Cooper Law Offices); William Strawn (Department of Building Inspection); David Nicoletti; presented information and answered questions raised throughout the discussion.

Member Campos moved that this Hearing be CONTINUED TO THE CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 2 - Avalos, Campos  
Absent: 1 - Kim

Member Campos moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 2 - Avalos, Campos  
Excused: 1 - Kim

09/08/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Sgt. Patrick Kennedy (Police Department); presented information and answered questions raised throughout the discussion.

10/13/16; TRANSFERRED to Government Audit and Oversight Committee.

*Heard in Committee. Speaker: Sgt. Patrick Kennedy (Police Department); presented information and answered questions raised throughout the discussion.*

**PREPARED IN COMMITTEE AS A RESOLUTION**

Resolution determining that the transfer of a Type 48 on-sale general public premises license to SFFSRE, LLC, dba FLUXUS from 451 Bush Street to 447 Bush Street (District 3), 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 recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Government Audit and Oversight Committee)

**RECOMMENDED by the following vote:**

Ayes: 2 - Peskin, Breed  
Excused: 1 - Yee

## ADJOURNMENT

*There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 10:16 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.*