



**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: Norman Yee, Aaron Peskin, London Breed*

*Clerk: Erica Major (415) 554-4441*

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Thursday, January 21, 2016

10:30 AM

City Hall, Committee Room 263

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**Regular Meeting**

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*President London Breed appointed Supervisor Scott Wiener, in place of herself, to the Government Audit and Oversight Committee meeting of January 21, 2016.*

**Present:** 3 - Norman Yee, Aaron Peskin, and Scott Wiener

**Excused:** 1 - London Breed

*The Government Audit and Oversight Committee met in a regular meeting on Thursday, January 21, 2016, with Chair Norman Yee presiding.*

## **ROLL CALL AND ANNOUNCEMENTS**

*Chair Yee called the meeting to order at 10:35 a.m. On the call of the roll, Chair Yee, Vice Chair Peskin, and Member Wiener were noted present. There was a quorum.*

## **AGENDA CHANGES**

*There were no agenda changes.*

## **REGULAR AGENDA**

### **Supervisor Breed Excused from Attendance**

**Chair Yee moved that Member Breed be excused from the Regular Meeting of the Government Audit and Oversight Committee for January 21, 2016. The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**151284 [Ocean Avenue Community Benefit District - Annual Reports to the City - FYs 2011-2014]****Sponsor: Yee**

Resolution receiving and approving annual reports for the Ocean Avenue Community Benefit District for FYs 2011-2014, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

12/15/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

01/06/16; REFERRED TO DEPARTMENT. Referred to the Office of Workforce Development and the Office of the Controller for informational purposes.

*Heard in Committee. Speakers: Richard Kurylo (Office of Economic and Workforce Development); Dan Weaver, Executive Director (Ocean Avenue Community Benefit District); presented information and answered questions raised throughout the discussion.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**151237 [Castro/Upper Market Community Benefit District - FY2013-2014 Annual Report to the City]****Sponsor: Wiener**

Resolution receiving and approving an annual report for the Castro/Upper Market Community Benefit District for FY2013-2014, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's Management Agreement with the City, Section 3.4.

12/01/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

12/08/15; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development and the Office of the Controller for informational purposes.

*Heard in Committee. Speakers: Richard Kurylo (Office of Economic and Workforce Development); Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); presented information and answered questions raised throughout the discussion.*

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

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

File Nos. 150234 and 151265 were called together.

**150234 [Hearing - Report on Recent Increase in Property Crime and Car Break-Ins Citywide]**

**Sponsor: Yee**

Hearing on the recent increase in property crime and car break-ins citywide; and requesting the Police Department to report.

03/03/15; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/06/15; REFERRED TO DEPARTMENT. Referred to the Police Department for informational purposes.

03/10/15; TRANSFERRED to Government Audit and Oversight Committee. 3/10/15 - President Breed transferred this item from PSN to GAO.

04/09/15; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Greg Suhr, Chief of Police (Police Department); Cristine DeBerry (District Attorney's Office); presented information and answered questions raised throughout the discussion. Pierson Bourquin (Westwood Park Neighborhood Emergency Response Team); Linda Liebelt; Roger Rilter (West of Twin Peaks Central Council); Lisa Spenalli, President (Sunnyside Neighborhood Association); Briget Sherman (Resident of Balboa Terrace); spoke on various concerns relating to the hearing matter.

10/09/15; FILED PURSUANT TO RULE 3.41.

01/12/16; REACTIVATED PURSUANT TO RULE 3.42 to Government Audit and Oversight Committee.

*Heard in Committee. Speakers: Toney Chaplin and Lieutenant Luke Martin (Police Department); Cristine Soto DeBerry (District Attorney's Office); Karen Fletcher (Adult Probation Department); Allen Nance (Juvenile Probation Department); Mark Culkins (San Francisco Superior Court); Sarah Burton, Executive Director (SF Safe); presented information and answered questions raised throughout the discussion.*

**Supervisor Wiener moved that this Hearing be CONTINUED TO THE CALL OF THE CHAIR. The motion by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**151265 [Hearing - Property Crime Trends and Prevention Strategies]****Sponsor: Wiener**

Hearing on property crime trends, including statistics, enforcement, and prevention strategies; and requesting the Police Department, the District Attorney, Adult Probation, Juvenile Probation, the Superior Court, and community-based organizations to report.

12/08/15; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

12/15/15; REFERRED TO DEPARTMENT. Referred to the Police Department, Office of the District Attorney, Adult Probation Department, Juvenile Probation Department, and the Superior Court of the County of San Francisco for informational purposes and requesting various departments to report.

01/14/16; TRANSFERRED to Government Audit and Oversight Committee. 1/14/2016 - President Breed transferred this item from the Public Safety and Neighborhood Services Committee to the Government Audit and Oversight Committee.

*Heard in Committee. Speakers: Toney Chaplin and Lieutenant Luke Martin (Police Department); Cristine Soto DeBerry (District Attorney's Office); Karen Fletcher (Adult Probation Department); Allen Nance (Juvenile Probation Department); Mark Culkins (San Francisco Superior Court); Sarah Burton, Executive Director (SF Safe); presented information and answered questions raised throughout the discussion.*

**Supervisor Wiener moved that this Hearing be CONTINUED TO THE CALL OF THE CHAIR. The motion by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**151199 [Hearing - Institutional Master Plan Ordinance and Student Housing]****Sponsor: Peskin**

Hearing on the Institutional Master Plan (IMP) Ordinance and the status of post-secondary educational institutions subject to IMPs and their plans for student housing; and requesting the Planning Commission to report.

11/17/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

11/25/15; REFERRED TO DEPARTMENT. Referred to the Youth Commission for informational purposes.

01/08/16; TRANSFERRED to Government Audit and Oversight Committee. 01/08/2016 - President Breed transferred this item from the Land Use and Transportation Committee to the Government Audit and Oversight Committee.

*Heard in Committee. Speakers: Doug Engman; Scott Sanchez (Planning Department); presented information and answered questions raised throughout the discussion. Brad Paul; Sue Hestor; Commissioner Katherine Moore (Planning Commission); Former Supervisor Jake McGoldrick (Board of Supervisors); spoke on various concerns relating to the hearing matter*

**Vice Chair Peskin moved that this Hearing be CONTINUED TO THE CALL OF THE CHAIR. The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

## LITIGATION

Speakers: None.

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

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

### **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.*

*Persons in attendance: Jon Givner, Deputy City Attorney (Office of the City Attorney); Linda Simon (Department of Human Resources); and Erica Major (Office of the Clerk of the Board).*

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

*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.*

### **151212 [Settlement of Lawsuit - Filip Kesler 2011 Revocable Trust and Brandon Hughes - \$82,500]**

Ordinance authorizing settlement of the lawsuit filed by Filip Kesler 2011 Revocable Trust and Brandon Hughes against the City and County of San Francisco for \$82,500; the lawsuit was filed on September 29, 2014, in San Francisco Superior Court, Case No. CGC-14-541914; entitled Filip Kesler 2011 Revocable Trust and Brandon Hughes v. City and County of San Francisco. (City Attorney)

11/23/15; RECEIVED FROM DEPARTMENT.

12/01/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Member Wiener recommended that this matter be RECOMMENDED... The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**151217 [Settlement of Unlitigated Claim - David Leung - \$62,290]**

Resolution approving the settlement of the unlitigated claim filed by David Leung against the City and County of San Francisco for \$62,290; claim was filed on January 5, 2015. (City Attorney)

11/23/15; RECEIVED FROM DEPARTMENT.

12/01/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Member Wiener recommended that this matter be RECOMMENDED... The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**151250 [Settlement of Lawsuits - 765 Market Street Residential Owners Association - City to Consider Pedestrian and Traffic Improvements]**

Ordinance authorizing settlement of the lawsuits filed by 765 Market Street Residential Owners Association, et al., against the City and County of San Francisco; the first lawsuit was filed on August 16, 2013, in Sacramento Superior Court, Case No. 34-2013-80001609 and then transferred to San Francisco Superior Court, Case No. CPF-14-513433, and appealed to the First Appellate District for the Court of Appeal of the State of California, Case No. A143980, entitled 765 Market Street Residential Owners Association, et al. v. City and County of San Francisco, et al.; the second lawsuit was filed on June 19, 2014, in San Francisco Superior Court, Case No. CPF-14-540094, and appealed to the First Appellate District for the Court of Appeal of the State of California, Case No. A143983, entitled 765 Market Street Residential Owners Association, et al. v. City and County of San Francisco, et al.; material terms of said settlement include the City's commitment to initiate consideration of installing of a crosswalk at Third Street and Stevenson Street, revising signal timing and offsets on Third Street, and relocating the pedestrian signal at Third Street; and the commitment of Real Party in Interest, 706 Mission Street Co., LLC, to donate \$100,000 to the City to offset costs to fund the improvements if they are approved by the City. (City Attorney)

12/07/15; RECEIVED FROM DEPARTMENT.

12/15/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Member Wiener recommended that this matter be RECOMMENDED... The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**160001 [Settlement of Lawsuit - David Lloyd - \$42,500]**

Ordinance authorizing settlement of the lawsuit filed by David Lloyd against the City and County of San Francisco for \$42,500; the lawsuit was filed on June 10, 2014, in San Francisco Superior Court, Case No. CGC-14-539774; entitled David Lloyd v. City and County of San Francisco, et al, removed to federal court on August 6, 2014, and re-captioned as David Lloyd v. City and County of San Francisco, et al., United States District Court, Case No. 3:14-cv-03542 JCS. (City Attorney)

12/21/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Member Wiener recommended that this matter be RECOMMENDED... The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**160002 [Settlement of Lawsuit - Travis Jones - \$60,000]**

Ordinance authorizing settlement of the lawsuit filed by Travis Jones against the City and County of San Francisco for \$60,000; the lawsuit was filed on February 18, 2014, in the United States District Court, Case No. CV 14-00733 NC; entitled Travis Jones v. City and County of San Francisco, et al. (City Attorney)

12/21/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Member Wiener recommended that this matter be RECOMMENDED... The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**160003 [Settlement of Lawsuit - Leonard Lee Collins, Jr. - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Leonard Lee Collins, Jr., against the City and County of San Francisco for \$75,000; the lawsuit was filed on December 18, 2012, in United States District Court for the Northern District of California, Case No. 13-3456 MEJ; entitled Leonard Lee Collins, Jr. v. City and County of San Francisco, Laguna Honda Hospital, Edward Shiels, Steven Koneffklatt, et. al. (City Attorney)

12/22/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Member Wiener recommended that this matter be RECOMMENDED... The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**160004 [Settlement of Unlitigated Claim - Charles Peppers - \$110,000]**

Resolution approving the settlement of the unlitigated claim filed by Charles Peppers against the City and County of San Francisco for \$110,000; claim was filed on July 17, 2013. (City Attorney)

12/11/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Member Wiener recommended that this matter be RECOMMENDED... The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

**160005 [Settlement of Unlitigated Claim - Linda Stonestreet - \$72,394.61]**

Resolution approving the settlement of the unlitigated claim filed by Linda Stonestreet against the City and County of San Francisco for \$72,394.61; claim was filed on February 22, 2013. (City Attorney)

12/21/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Member Wiener recommended that this matter be RECOMMENDED... The motion carried by the following vote:**

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - 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.*

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

Ayes: 3 - Yee, Peskin, Wiener

Excused: 1 - Breed

## **ADJOURNMENT**

*There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 2:00 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.*