



**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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Friday, October 28, 2016

2:00 PM

City Hall, Legislative Chamber, Room 250

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**Special Meeting**

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

*The Government Audit and Oversight Committee met in special session on Friday, October 28, 2016, with Chair Aaron Peskin presiding.*

## ROLL CALL AND ANNOUNCEMENTS

*Chair Peskin called the meeting to order at 2:07 p.m. On the call of the roll, Chair Peskin, Vice Chair Yee, and Member Breed were noted present. There was a quorum.*

## AGENDA CHANGES

*There were no agenda changes.*

## REGULAR AGENDA

### **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.

*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.*

**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); Erica Major (Office of the Clerk of the Board).*

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

Ayes: 3 - Peskin, Yee, Breed

### **161053 [Settlement of Lawsuit and Supplemental Appropriation - State Farm General Insurance Company - \$875,000]**

Ordinance authorizing settlement of the lawsuit filed by State Farm General Insurance Company against the City and County of San Francisco for \$875,000; the lawsuit was filed on January 21, 2014, in San Francisco Superior Court, Case No. CGC-14-536896; entitled State Farm General Insurance Company v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$875,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

10/03/16; RECEIVED FROM DEPARTMENT.

10/18/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Peskin, Yee, Breed

**161054 [Settlement of Lawsuit and Supplemental Appropriation - Christopher Pollino and Cindy Coyne - \$525,000]**

Ordinance authorizing settlement of the lawsuit filed by Christopher Pollino and Cindy Coyne against the City and County of San Francisco for \$525,000; the lawsuit was filed on October 17, 2014, in San Francisco Superior Court, Case No. CGC-14-542240; entitled Christopher Pollino, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$525,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

10/03/16; RECEIVED FROM DEPARTMENT.

10/18/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Peskin, Yee, Breed

**161055 [Settlement of Lawsuit and Supplemental Appropriation - Theodore A. Bowie, II - \$500,000]**

Ordinance authorizing settlement of the lawsuit filed by Theodore A. Bowie, II against the City and County of San Francisco for \$500,000; the lawsuit was filed on October 17, 2014, in San Francisco Superior Court, Case No. CGC-14-542235; entitled Theodore A. Bowie, II v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$500,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

10/03/16; RECEIVED FROM DEPARTMENT.

10/18/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Peskin, Yee, Breed

**161056 [Settlement of Lawsuit - Fosco Zilli and Silvia Vojtkova-Zilli - \$60,000]**

Ordinance authorizing settlement of the lawsuit filed by Fosco Zilli and Silvia Vojtkova-Zilli against the City and County of San Francisco for \$60,000; the lawsuit was filed on April 1, 2015, in San Francisco Superior Court, Case No. CGC-15-545063; entitled Fosco Zilli and Silvia Vojtkova-Zilli v. City and County of San Francisco, et al.; the lawsuit involves plaintiffs' vehicle allegedly being rear-ended by a City vehicle. (City Attorney)

10/03/16; RECEIVED FROM DEPARTMENT.

10/18/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Peskin, Yee, Breed

**161057 [Settlement of Lawsuit - Leland Castro - \$200,000]**

Ordinance authorizing settlement of the lawsuit filed by Leland Castro against the City and County of San Francisco for \$200,000; the lawsuit was filed on May 7, 2015, in San Francisco Superior Court, Case No. CGC-15-545729; entitled Leland Castro v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

10/03/16; RECEIVED FROM DEPARTMENT.

10/18/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Peskin, Yee, Breed

**161083 [Settlement of Lawsuit - In and Out Drain Cleaning, Inc. - City to Receive \$38,500]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against In and Out Drain Cleaning, Inc. for \$38,500; the lawsuit was filed on March 24, 2015, in San Francisco Superior Court, Case No. CGC-15-544912; entitled City and County of San Francisco v. In and Out Drain Cleaning, Inc., et al.; the lawsuit involves a ruptured water main. (City Attorney)

10/06/16; RECEIVED FROM DEPARTMENT.

10/18/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Peskin, Yee, Breed

**161084 [Settlement of Unlitigated Claim - Lisa Sarto - \$50,000]**

Resolution approving the settlement of an unlitigated claim filed by Lisa Sarto against the City and County of San Francisco for \$50,000; the claim was filed on April 13, 2016; the claim involves an employment dispute. (City Attorney)

10/06/16; RECEIVED FROM DEPARTMENT.

10/18/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. 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 3:43 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.*