



**BUILDING INSPECTION COMMISSION (BIC)
Department of Building Inspection (DBI)**

REGULAR MEETING

Wednesday, February 16, 2011 at 9:00 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416

Aired Live on SFGTV Channel 78

ADOPTED September 21, 2011

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:10 a.m. by President Murphy.

1. Call to Order and Roll Call - Roll call was taken and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Mel Murphy, **President**

Kevin Clinch, **Commissioner**

Criss Romero, **Commissioner**

Debra Walker, **Commissioner**

Ann Aherne, **Commission Secretary**

Reuben Hechanova, **Vice-President**

Robin Levitt, **Commissioner**

Frank Lee, **Commissioner, excused**

D.B.I. REPRESENTATIVES:

Vivian Day, **Director**

William Strawn, **Communications Manager**

Pamela Levin, **Deputy Director, Administrative Services**

Sonya Harris, **Secretary**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcement.

President Murphy had no announcements.

3. Director's Report.

a. Update on proposed legislation.

Director Day stated that legislation will be re-introduced on the charter amendment to change the name of the department, and she hopes to have that before the Commission next month.

President Murphy asked if Director Day would elaborate. Director Day said that it is the same proposal that was presented last November that was delayed by the Mayor, and it was the proposal to change the name to the Department of Building and Safety to be consistent with other large city departments throughout the United States.

President Murphy called for public comment on this item, and there was none.

b. Update on Permit Tracking System.

Director Day said that the Permit Tracking System (PTS) would be delayed for one week, and Deputy Director Levin would explain why.

Deputy Director Pamela Levin stated that as the Request for Proposal (RFP) is issued many issues come up, and the Department has to put out several addendums to clarify those questions. Ms. Levin said that she is working with the City Attorney's Office and they identified possible issues due to technology and the differences between Office 2007 and Office 2003, therefore they put out an agenda and are extending the date for submission from March 2 to March 11 and this should not be a great delay. President Murphy asked if most issues are technical or legal, and Ms. Levin said really they are more process oriented questions. Ms. Levin stated that they had to schedule the evaluations throughout the week, and one person that needs to be there is on vacation, but it looks as though the Department is on schedule. Ms. Levin stated that the most important thing is to make sure that DBI is comfortable in that the correct directions were given to people to reduce the possibility of any challenges. Ms. Levin said that the Department runs everything by the City Attorney's Office to make sure that they are comfortable and if any challenges arise, they will back DBI.

Commissioner Walker asked Ms. Levin to go over the rest of the deadline again, and questioned that March 11 was the deadline for the response. Ms. Levin stated that DBI goes through a process of doing a review for minimum qualifications that takes three days, they notify the committee and vendors that have made it through this point. Ms. Levin said there are always people submitting and hoping that they would be considered and there is a written evaluation that can take one to two weeks, and this would be in the middle of April. Ms. Levin stated that the date is generally set since DBI does not have dates until the process goes through, but it is generally set for the middle or at the end of April. Ms. Levin said next the vendor has one to two weeks to make their arrangements to come back and talk to the higher level group of policymakers, which is called between the Joint Coordinating Committee and the Steering Committee. Ms. Levin stated there is an oral presentation and about mid-May the Department will issue the intent to award a contract, and then they start the negotiations for the contract which she hopes will take no more than three months. Ms. Levin said that this depends on factors such as: If it is a local vendor, if the system is designed well, if it is in a state where there are no issues with the contract language, and so on. Ms. Levin stated that last time DBI worked two months into April, and were starting to get things moving along so she hopes that no later than August the vendor will start working on the contract. Ms. Levin said that the Department wanted the implementation to be no more than 24 months.

Vice President Hechanova said that he was disturbed by the fact that the Commission's expectations continue to be set back, and it has been over a year. Commissioner Hechanova stated that even when he changed from Microsoft Word 2003 to 2007 it was very simple, so he does not know why it is taking all of this additional time when the Department really just needs to get this system in place.

Ms. Levin stated that the weeks DBI is adding is basically due to the possibility of opening up the

functional and technical document which is 63 pages long, and they do not know how to use the system so instead of having a situation where there would be the possibility of someone coming in and only seeing 32 pages, it was prudent to give them another week. Ms. Levin said that she understood the Commission's frustration on this project, and there was quite a long, protracted negotiation between DBI and Planning in terms of roles and responsibilities. Ms. Levin stated that it was very difficult because when there is negotiation it is expected that both sides would move, but there were some issues once work started on the RFP. Ms. Levin said that this has taken a long time and partly due to not having sufficient staff, and she told vendors that they need to have "cutting edge" technology. Ms. Levin stated that she hopes it would take less than 24 months and she would try to see if DBI could give the vendor a bonus for getting the job done quicker if this is an option. Ms. Levin further explained that there is a process to go through and they choose from vendors that submitted their proposals, and after the demonstrations then they pick one. There is a Joint Coordinating Committee that is a high level group of experts in their field.

President Murphy asked if the people Ms. Levin referred to were paid experts or city employees. Ms. Levin said that they are city employees from many different departments, and there are no outside people because there are different rules when working for the city of San Francisco.

Commissioner Walker stated that it is frustrating due to this becoming a 10-year process and solutions need to be done for the PTS to have transparency. Commissioner Walker said that at each meeting the BIC should get a breakdown of the time line, and the BIC would like to actively be involved. Commissioner Walker stated that August is the deadline and the BIC is united in wanting this system to be implemented.

Ms. Levin stated that she could come to the next meeting and present information, but she cannot share everything because it may endanger the RFP. Ms. Levin said that she hopes people are respectful if she cannot give certain information, and that the vendors have clear instructions not to contact DBI staff or commissioners.

President Murphy said that he has been on the BIC 6 years and the PTS is not done, and one speaker said he was 55 when the project started and now he is 65.

President Murphy called for public comment.

Mr. Luke O'Brien of the SFCRG asked that the BIC not wait until August to decide this project is not moving fast enough. Mr. O'Brien said that the BIC could get some consideration between now and when they have a chance to think about what can be done to find a fork in the road sooner, because he does not want to wait until August to find out that maybe they need further involvement. Mr. O'Brien stated that he would not come to the BIC meeting to beat up on people as it does not achieve anything and he is respectful of the fact that this is not an easy process, but he takes some solace from the fact that the RFP process is tangible and he strongly urges the Commission to put this as a standard agenda item. Mr. O'Brien said that at every Commission hearing from here on in it is that exposure and follow up that makes things happen, and like it or not they need to admit that the lack of exposure and follow up is also a contributory factor to why it is 10 years later. Mr. O'Brien said that the fact that everyone keeps harping on this and he hopes that the Director and Ms. Levin will understand that they are trying to keep this in the

public light to keep it moving and that is what helps to keep focused. Mr. O'Brien stated that without a fire underneath him, he would move on to something else and he thinks it should be a standard agenda item with measurable improvements. Mr. O'Brien said that three months sounds like a long time to be in protracted negotiations with a prospective vendor and he does not know why that is. Mr. O'Brien stated if DBI was in the private sector which they are not, and they came back to say that it would be three months after they decided on a vendor then someone would be fired on the spot. Mr. O'Brien said that over the last few weeks he has done a small upgrade and solved a lot of problems, so he could update DBI's system in less than 24 months if he had a good team around him. Mr. O'Brien stated that he would love to get a presentation from the technical people and architects behind the system to give the public an overview of what the system would look like.

c. Update on other activities affecting administration of the Department.

Director Day stated that in the Commissioner's binders they added the notices to the Small Business Association, and they have been prepared in more than six languages, at the expense of the Small Business Administration. Ms. Day said that they will be distributed at community outreach programs to get the word out more about ADA issues and what DBI can do to help Small Business people with those issues. Commissioner Murphy asked what kind of outreach would be conducted. Director Day said that DBI staff has attended community fairs and handed out brochures and other items. Director Day stated that they have made staff available for anyone that wants to meet with them on these issues, so the Department is getting the word out that staff is available to help.

Vice-President Hechanova asked if there was a proactive series of dates on a quarterly or annual basis. Director Day said not right now, this is just starting with the Small Business Association and a simple task force has been formed within the communities.

President Murphy asked if there was any money in the budget for this. Director Day stated that the brochures have been provided by the Small Business Association, and community outreach has been done on staff time.

President Murphy asked if DBI has money in the budget for community outreach items and how much. Director Day said yes about \$25K.

Commissioner Mar asked if these were given out when the permits were issued. Director Day said hopefully they are being given out prior to the issuance and when people come out to look at how they are issued; it should be proactive rather than reactive after the fact. Director Day stated that staff is trying to get them out to the architect and engineering community to make sure that they design buildings with ADA issues in mind and if someone is purchasing a new business, staff wants this out to the business owners.

Commissioner Walker said that this is a great first step and the BIC has met with the Small Business Commission so that the departments could work together. Commissioner Walker stated that at one point the Department held regular DBI days at the Bill Graham Auditorium one year. Commissioner Walker said that the goal of that would be to update the public about what is happening on issues with the public. Commissioner Walker said that she knows that the budget

issues are different these days, especially when talking about the changes that are being suggested around seismic strengthening, ADA issues, and the new PTS system so maybe the BIC should think about doing it in conjunction with community groups to get a building department to do this kind of outreach and to try to minimize the cost. Commissioner Walker said that if DBI is making enough changes, it warrants community outreach.

President Murphy called for public comment on item 3c.

Mr. John Keogan of the SFCRG stated that he wanted to speak about an experience he had when applying for a 3R report: On the 3rd of February he went to the 3R office, requested the report, and paid a fee of \$160 and once he got the report he was told it would take five to seven days. Mr. Keogan stated that staff was looking at the report on the computer and they could have printed it for him, because there was nothing unusual about this report. Mr. Keogan said that no adjustments needed to be made for a client or anything, and he got a call yesterday saying DBI was ready to transmit the report to him but there were difficulties with the transmission so he would need to come over in the morning to pick it up. Mr. Keogan said that 14 days is a long time and he would ask the Director and Commissioners if there is not an unusual element to getting that report so he wants to know why the public could not pick it up right then and there. Mr. Keogan stated that the 3R report is an integral part of that search and he would appreciate any help that staff could provide in accelerating the process.

Mr. Luke O'Brien of the SFCRG stated that he was actually with Mr. Keogan on that occasion and he has had similar experiences. Mr. O'Brien said that he thinks that DBI should consider putting on a tiered service, so if someone wants a 3R report right away they could get it for a premium and he thinks the Department could get extra revenue from that process. Mr. O'Brien stated that logistically this can be done since the reports are already in the computer and staff could just hit a button and print it out. Mr. O'Brien said that with the market coming back, DBI may see some increase in economic activity this year and the 3R report is very important to a lot of people. Mr. O'Brien stated that his clients often ask what they are and he explains that the zoning information is essential, because an offer to purchase a property can often hinge on that information. Mr. O'Brien said that everyone else is considering buying the same property so they want the same information, and it is an important decision. Mr. O'Brien stated that it would be great to tell his clients that he could get the 3R report the same day even if it cost extra, and if they make the decision to write an offer for a multimillion dollar proposition that afternoon then it could be there in time for other people's offers and it could be a win-win for everyone. Mr. O'Brien said that contractors and everyone else in the Real Estate business would use the service and again it could generate additional revenue for DBI.

Vice-President Hechanova said that the previous speaker really pointed out where the Department is lacking and if there is such an opportunity that DBI could generate the kind of income needed where multiple units are being provided a service quickly and expeditiously that is something that could be part of this outreach program to the Real Estate industry and others that need this information. Commissioner Hechanova stated that this would be an opportunity and hopefully the change in the economic environment would really trigger a great windfall with much needed income being generated from simply providing necessary reports to the industry.

President Murphy stated that when former Director Isam Hasenin was at DBI, they went through

this and essentially the 3R report is a collection of documents, and at that time things were supposed to get tidied up for people who requested the reports, and it was his understanding that that has happened. President Murphy said that he was not aware that it still takes one or two weeks to get a 3R report, and in the past if someone was “in the know” or knew someone who could get a 3R report then they knew the right person to go to. Commissioner Murphy stated that for the public or the people that do not know then they wait in line and he thinks that is very unfair, so this is a great opportunity to improve that situation.

Commissioner Clinch said that it has been 10 or 12 years since he had to get a 3R report and it is not just an immediate printout.

Director Day stated that there is a process to develop the 3R report and it is not simply automatically generated. Director Day said that it is not just clicking a button, and she could have someone give the Commissioners a report on the process at the next meeting.

4. Public Comment: The BIC will take public comment on matters within the Commission’s jurisdiction that are not part of this agenda.

Mr. Jose Morales said that even without mentioning his name he would like to have his words in the minutes, and he saw more livelihood in the Commission today by listening to their comments. Mr. Morales stated that he did not get instruction that it was o.k. for him to speak when he presents his proposal, and his complaint is about changing a house number. Mr. Morales said that he would like to speak to the lawyer or City Attorney and he should be more visible, and when people speak during public comment they can ask questions or make comments but they should get an answer right away. Mr. Morales stated that he wanted to speak on the mutilation of AB-035 and he would like to see a copy of this bulletin that has to do with house numbers in the city, and this is not being enforced so it should be investigated. Mr. Morales said that the city needs to preserve affordable housing for the community without any gimmicks or cheating, because Director Day wants to accommodate the landlords.

5. Report, discussion and possible action to approve the proposed budget of the Department of Building Inspection for fiscal year 2011/2012.

Secretary Aherne stated that she wanted to remind everyone that this is the second hearing of the budget and five votes are needed to approve it.

Pamela Levin, Deputy Director of Administrative Services, stated that at the last hearing there were discussions on various topics that she addressed in the memos she sent out last week. Ms. Levin said that she would like to point out the fact that between 2008, 2009, and 2010 25 people were added, but this year DBI is proposing to add 17 additional people – 13.01 Full Time Equivalent (FTEs) that translates into 17 positions. Following are some of the items that were addressed in the FY 2011-12 Budget:

- The 13.01 increase in FTEs is comprised of: 9.24 FTE of clerical positions, 3.85 FTEs of inspectors, 0.77 FTEs of MIS position, and 0.85 of planning FTEs.
- The clerical positions are 71% of the total FTE added in the budget.
- Expenditures by Program and Division

- Inspection Services
- Permit Services
- Code Enforcement Services
- Administrative Services
- First Floor Remodel
- Cash Management/Check Debit Processing
- Building Permits Issued in January 2011
- Conclusion
- Summary of FY 2011-12 Budget by Program

Commissioner's/Staff Question & Answer Discussion:

- Which area would be public outreach or communication bringing that up to speed on the services the Department has improved on? The public outreach section is primarily located under administrative services and the individual reports to Ms. Levin.
- Would people report to Ms. Levin to find out what has been done regarding the categories that would bring about improvement of DBI's systems? They would start with Bill Strawn, the Communications Officer, and he gathers information from each division then goes to the division that he is directly dealing with.
- Community fairs are part of the Department's outreach. DBI staff is the eyes out in the city.
- There are some real responsibilities that have been placed on staff without having adequate training, and they need training to carry things forward.
- There was additional funding added for training in the amount of \$250,000.
- Please explain the strong motion fund? It is a fee required by the state of which DBI keeps a small portion, and the rest gets transferred back to the state: It is for emergency seismic disaster training.
- Long term projects such as CAPSS are funded by the strong motion fund, and DBI will use this for the disaster recovery unit.
- Has this fee been collected on permit applications? It is an additional charge that DBI collects on permits, and every time someone comes in for a permit they pay a strong motion fee.
- Commissioner had questions about the way certain totals were figured out, and Ms. Levin explained that it is a different method of accounting and is done the way the Internal Services Department is doing it.
- There was an increase in the materials and supplies category because it included Code books bought for the whole Department in January 2011, but this amount will be lowered for next FY because this will not be needed.
- \$10K is in the budget for geotechnical services provided by DPW, in the event there is something like the Broadway rock slide again.
- The actuals are always based on what the actual expenditures are, so other departments are not allowed to bill DBI any more than what they actually spent.
- How much money is DBI spending on the name change? At this point the expense will be minimal at best.
- Commissioner asked for the number of employees for each particular division and said the

BIC used to get this information in the past.

- Commissioner requested more specific information on when money is spent, what staff it is going to be spent on, and where.
- When is the cash management or debit processing system going to be implemented? There is not a definite answer right now but the RFP and contract are being negotiated, and Ms. Levin will get the BIC a date once it is available.
- The majority of the new positions are in permit services, and the clerks could technically be used on any of the floors to provide services as needed.
- Commissioner said people wait in line a long time on the 5th floor to write their checks, and pay for permits and asked if this will improve? Clerks have been transferred between floors, but there has to be balance throughout the Department and cannot strip all clerks from 1st floor and move them to the 5th floor.
- Due to DHR hiring processes it may take time to actually bring people in.
- One complicating factor of having positions is the way the MOU's were negotiated, and people have furloughs or floating holidays so this has increased absenteeism.
- What is status of Disaster Coordination Unit? It is going to start on March 1 and DBI will be training existing staff and transferring staff into that unit.
- Some positions that will be filled are a database administrator, building inspectors, electrical inspectors, plumbing inspectors, and a temporary mechanical engineer since there is no current list available.

Commissioner Murphy said that he was not going to formally vote for the budget.

Deputy Director Levin stated that the budget was due to the Mayor's Office by February 22 and if the Commission does not pass it, the Mayor's Office will put the budget together for DBI. Ms. Levin said that other departments or commissions have not passed budgets, but she wanted to make this clear.

Commissioner Walker said that she supports President Murphy's need for having more details, but the Department is trying to resolve these issues.

Commissioner Romero stated that a few years ago the budget contained more detail and even the training budgets had a list of every single person that was going to trainings, and it is interesting that then people felt it was too much information and it was definitely a lengthier document. Commissioner Romero said that a few years ago he voted against the budget because there was a deficit and he was not confident about supporting it and then he was a little more worried. Commissioner Romero stated that he knows President Murphy wants to have a special meeting, but the budget is due by the 22nd, and he thinks it will be a done deal and will go to the board of Supervisors and by that point the BIC will not be able to actually have any input after this week.

Ms. Levin said the Department has the ability to make changes up to the beginning of May, and she could go back to the Mayor's Office and ask for changes to the budget. Ms. Levin stated the Charter and Administrative Code require that the budget be submitted on the 22nd and she apologizes if the budget is not on the level the commissioners wanted.

Commissioner Walker made a motion, seconded by Commissioner Romero to support the 2011/2012 budget.

Secretary Aherne called for a roll call vote:

President Murphy	No	Commissioner Mar	Yes
Vice-President Hechanova	No	Commissioner Romero	Yes
Commissioner Clinch	No	Commissioner Walker	Yes

The motion failed with a vote of 3 to 3.

Secretary Aherne said that at the end of the meeting during the future agenda portion, the Commission can discuss scheduling a special meeting.

President Murphy called for public comment on item number 5. There was no public comment.

6. Election of BIC President and Vice-President.

President Murphy said that Commissioner Lee was not present so he would like to continue this item to the March meeting.

Secretary Aherne stated that this has been done twice in the past.

Commissioner Walker thanked President Murphy for taking on leadership of the Building Inspection Commission and she stated that she would be happy to defer this item until the next meeting.

President Murphy thanked Commissioner Walker and said that meant a lot coming from her.

Vice-President Hechanova stated that he supports the continuance, and also believes that all seven Commissioners should be present so that everyone's voice could be heard.

Commissioner Walker made a motion, seconded by Commissioner Hechanova to continue the election of BIC President and Vice-President.

RESOLUTION NO. BIC 008-11

7. Review and approval of the minutes of the Special Meeting of September 29, 2010.

Commissioner Walker made a motion, seconded by Commissioner Romero to approve the September 29, 2010 minutes.

RESOLUTION NO. BIC 009-11

8. Commissioner's Questions and Matters.

- a. Inquiries to Staff.** At this time, Commissioners may make inquiries to staff regarding various documents, policies, practices, and procedures, which are of interest to the Commission.

Commissioner Walker stated that she would like to agendize an update from the Mayor's Office on the follow-up on the CAPSS committee, including action taken on Task 4 recommendations. Commissioner Walker said that she would also like to agendize the item of obtaining expedited 3R reports.

President Murphy said that he would like Secretary Aherne to identify the volunteers that helped with the CAPSS program, and give them a Certificate of Appreciation for volunteering their time. President Murphy stated that as he looked at the CAPSS report what he noticed was the absence of homeowners and property owners, and he thinks they are not represented as well as they could have been.

Secretary Aherne stated that she would like someone to identify those volunteers, because she would hate to be responsible for leaving anyone out.

Commissioner Walker said that she would help with compiling the list of volunteers.

Commissioner Clinch said since the BIC talked about the disaster recovery unit, he wondered what DBI's earthquake plan is,

Director Day stated that DBI has a plan in place that private engineers are part of, and she also said that DBI has the mutual aid of other inspectors

Deputy City Attorney John Malamut said that the BIC could hold a Special Meeting to discuss the budget again, and if there are closed session items, they would have to qualify under whatever the requisite subject matter was.

Vice-President Mar asked about following up on the Joint Meeting with the Planning Commission.

Director Day asked for a list of questions from the Commission that they would like answered for the next budget presentation.

b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.

The BIC will try to schedule another special meeting. The next regular meeting is on March 16, 2011.

Commissioner Mar would like to follow up on the Joint Planning and Building Inspection Commission meeting.

9. Adjournment.

Commissioner Walker made a motion, seconded by Commissioner Romero, that the meeting be adjourned. The motion carried unanimously.

RESOLUTION NO. BIC 010-11

The meeting was adjourned at 10:55 a.m.

Respectfully submitted,

Sonya Harris
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Report on Permit Tracking System, and an updated time line at each meeting. – Walker	Page 3
Report on the process of generating a 3R report. – Day	Page 6
Update on new hires, and which division money will be spent. – Murphy	Page 8
Update on when the cash management/debit processing system will be implemented. – Murphy, Levin	Page 8
Update from the Mayor’s Office on the follow-up on the CAPSS committee, including action taken on Task 4 recommendations. – Walker	Page 10

Update on process to obtain expedited 3R-Reports. – Walker	Page 10
Send volunteers Certificates of Appreciation for helping with CAPSS project. – Murphy	Page 10
Schedule Joint Planning and BIC meeting. – Mar	Page 10