

**City and County of San Francisco
Rules Committee**

City Hall, Room 263



**Meeting Agenda
Thursday, June 4, 2009
10:00 AM
Regular Meeting**

Members: Chris Daly, Carmen Chu, David Campos

Clerk: Linda Wong (415) 554-7719

Note: Each item on the Consent or Regular agenda may include the following documents: 1) Legislation 2) Budget Analyst report 3) Legislative Analyst report

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

AGENDA CHANGES

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine and will be acted upon by a single roll call vote of the Committee. There will be no separate discussion of these items unless a member of the Committee or the public so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

- 1. 090497 [Appointments - Treasury Oversight Committee]**
Motion appointing Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom, and Richard Sullivan, terms ending June 5, 2013, to the Treasury Oversight Committee, residency requirement waived. (Treasurer-Tax Collector)

4/22/09, RECEIVED AND ASSIGNED to Rules Committee.
- 2. 090662 [Appointment, Power Plant Task Force]**
Hearing to consider appointing one member, term ending December 31, 2009, to the Power Plant Task Force.

Seat 10, succeeding Al Collins, resigned, must be the executive director of Literacy for Environmental Justice or his/her designee, for a term ending December 31, 2009.

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/1 applicant
Malik Looper, seat 10

3. 090664 [Appointment, SRO Task Force]

Hearing to consider appointing one member, term ending December 31, 2009, to the SRO Task Force

Seat 6, succeeding Luis Barahona, resigned, must be a representative of the Central City SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2009.

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/1 applicant
Jeffrey Buckley, seat 6

4. 090666 [Appointment, San Francisco Health Authority]

Hearing to consider appointing one member, term ending January 15, 2012, to the San Francisco Health Authority.

Seat 8, succeeding Robert Lull, deceased, must be a physician, and nominee of SF Medical Society, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2012.

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/1 applicant
Steven Fugaro, seat 8 (Residency Waiver Required)

REGULAR AGENDA

5. 090602 [Confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors]

Motion confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors for a four-year term ending February 26, 2010. (Mayor)

(Directors appointed by the Mayor who are not City Officers, their appointment(s) shall be effective upon the approval of such appointment(s) by a majority of the Board of Supervisors. Transmittal date - May 19, 2009.)

5/19/09, RECEIVED AND ASSIGNED to Rules Committee.

6. 090452 [Withdrawing Charter Amendment for November 2009 Election - Board of Supervisors aides]

**Supervisors Alioto-Pier,
Elsbernd**

Motion withdrawing, pursuant to Section 370(a) of the Municipal Elections Code, the Board of Supervisors order of submission to the voters a Charter Amendment entitled Board of Supervisors aides.

4/21/09, RECEIVED AND ASSIGNED to Rules Committee.

7. **090007** **[Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]** **Supervisors Elsbernd, Chu**
- Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.
- 1/6/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/5/2009. 1/26/09, received legislative digest, 30-day Rule ends February 25, 2009.
- 2/3/09, ASSIGNED to Rules Committee.
- 2/3/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing new title. 2/9/09 - Response received from Planning Department on First Draft.
- 2/10/09, ASSIGNED to Rules Committee.
- 2/10/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing same title.
- 2/19/09, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Sean Elsbernd; Christopher Bowlman.

LITIGATION

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant] Motion that the Rules 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.

8. **090500** **[Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]**
- Resolution approving settlement of administrative action before the Federal Communications Commission, WT docket No. 02-55, involving the City and County of San Francisco against the Sprint/Nextel Corporation for the reconfiguration of the City's 800 MHz Radio Communications System. (City Attorney)
- 5/1/09, RECEIVED AND ASSIGNED to Rules Committee.
9. **090501** **[Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling \$5,923,143.27]**
- Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount

of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003 as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay \$950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

5/5/09, RECEIVED AND ASSIGNED to Rules Committee.

10. 090595 [Settlement of Lawsuit - Daniel Alvarenga - \$82,500]

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for \$82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco et al. (City Attorney)

5/13/09, RECEIVED AND ASSIGNED to Rules Committee.

11. 090596 [Settlement of Lawsuit - Vivian Ross - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for \$50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

5/15/09, RECEIVED AND ASSIGNED to Rules Committee.

12. 090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of \$30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

5/15/09, RECEIVED AND ASSIGNED to Rules Committee.

13. 090667 [Settlement of Lawsuit - King, et al. v. City and County of San Francisco - \$63,500]

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of \$4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of \$63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

14. 090668 [Settlement of Unlitigated Claim - Barry Louis Mangels - \$100,000]

Resolution approving the settlement of the unlitigated claim filed by Barry Louis Mangels against San Francisco for \$100,000; claim was filed on March 11, 2009. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

Motion that 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 settlement of potential litigation with Dolly A. Cool related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Land, Redwood City, CA. Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and

15. 090669 [Settlement of Potential Litigation - Dolly A. Cool - \$84,126.98]

Resolution authorizing settlement of potential litigation with Dolly A. Cool, individually and in her representative capacity as Trustee of The Cool Family Living Trust dated December 30, 1992, related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Lane, Redwood City, CA for \$84,126.98. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

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

[Elect To Disclose] Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.

[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.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Rules Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee

clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE

There are no new items now pending under the 30-day Rule.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

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Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N, and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics