

City and County of San Francisco

*City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689*



MEETING MINUTES

Thursday, June 4, 2009

10:00 AM

City Hall, Room 263

Regular Meeting

Rules Committee

Members: Chris Daly, Carmen Chu, David Campos

Clerk: Linda Wong (415) 554-7719

Members Present: *Chris Daly, Carmen Chu, David Campos.*

Members Excused: *None.*

Members Absent: *None.*

FONTSIZE= +1MEETING CONVENED

The meeting convened at 10:02 a.m.

FONTSIZE= +1CONSENT AGENDA

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090497 [Appointments - Treasury Oversight Committee - Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom and Richard Sullivan]

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

4/22/09, RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED..

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090664 [Appointment, SRO Task Force - Jeffrey Buckley]

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.

Appointment of Jeffrey Buckley, seat 6, recommended.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Jeffrey Buckley, term ending December 31, 2009, to the SRO Task Force.

RECOMMENDED..

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090666 [Appointment, San Francisco Health Authority - Steven Fugaro]

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.

Appointment of Steven Fugaro, seat 8, recommended, residency requirement waived.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Steven Fugaro, term ending January 15, 2012, to the San Francisco Health Authority, residency requirement waived.

RECOMMENDED..

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The foregoing items were acted upon by the following vote:

Ayes: 2 - Daly, Chu

Absent: 1 - Campos

FONTSIZE= +1 Severed From the Consent Agenda

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090662 [Appointment, Power Plant Task Force - Malik Looper]

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.

Heard in Committee. Speakers: Malik Looper; Espanola Jackson; Lavine Moore.
Appointment of Malik Looper, seat 10, recommended.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Malik Looper, term ending December 31, 2009, to the Power Plant Task Force.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

FONTSIZE= +1REGULAR AGENDA

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**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 the unexpired portion of 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.

Heard in Committee. Speakers: Jean-Paul Samaha; Art Agnos; Mr. Romos; Karen Kriorules Pearce.

RECOMMENDED by the following vote:

Ayes: 3 - Daly, Chu, Campos

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**090452 [Withdrawing Charter Amendment for November 2009 Election - Supervisors Alioto-Pier,
Board of Supervisors aides] 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.

Heard in Committee. Speaker: Supervisor Sean Elsbernd.

TABLED by the following vote:

Ayes: 2 - Daly, Campos

Noes: 1 - Chu

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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.

(Supervisor Daly dissented in Committee.)

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. 2/9/09 - Response received from Planning Department, non-physical per CEQA Guidelines Section 15060(c)(2).

2/3/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing new title.

2/3/09, ASSIGNED to Rules Committee.

2/10/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing same title.

2/10/09, ASSIGNED to Rules Committee.

2/19/09, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Sean Elsbernd; Christopher Bowlman.

Heard in Committee. Speakers: Supervisor Sean Elsbernd; Art Agnos.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Chu, Campos

Noes: 1 - Daly

FONTSIZE= +1LITIGATION

FONTSIZE= +1Conference 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.*

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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

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Deputy City Attorney Cheryl Adams reported that the Rules 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.

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[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.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Daly, Chu, Campos

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