



City and County of San Francisco

Meeting Agenda - Final

Rules Committee

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

Members: David Campos, Michela Alioto-Pier, Eric Mar

Clerk: Linda Wong (415) 554-7719

Thursday, August 5, 2010

10:00 AM

City Hall, Committee Room 263

Regular Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget and Legislative Analyst report*
- 3) Department or Agency cover letter and/or report*
- 4) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

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

REGULAR AGENDA

1. [100998](#) **[Reappointment, Entertainment Commission - John Newlin]**
Motion approving the Mayor's nomination for reappointment of John Newlin to the Entertainment Commission, for the term ending July 1, 2014. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 7/20/10.)

Attachments: [Legislation VER1](#)
[Comm Packet 080510](#)

7/20/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.

2. [100999](#) **[Reappointment, Entertainment Commission - John Newlin]**
Motion rejecting the Mayor's nomination for reappointment of John Newlin to the Entertainment Commission, for the term ending July 1, 2014. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 7/20/10.)

Attachments: [Legislation VER1](#)
[Comm Packet 080510](#)

7/20/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.

3. [100994](#) **[Appointment, Municipal Transportation Agency Board of Directors - Cheryl Brinkman]**
Resolution confirming the appointment of Cheryl Brinkman to the Municipal Transportation Agency Board of Directors, for the term ending March 1, 2014. (Mayor)

At least four of the Directors must be regular riders of the Municipal Railway and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or professional experience in, one or more of the fields of government, finance or labor relations. At least two of the directors must possess significant knowledge of or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

Attachments: [Legislation Ver1](#)
[Comm Packet 080510](#)

7/26/10; RECEIVED AND ASSIGNED to the Rules Committee.

4. [101000](#) **[Appointment, Veteran Affairs Commission]**
Hearing to consider appointing one member, term ending January 31, 2012, to the Veterans Affairs Commission. (Clerk of the Board)
- Vacant seat 3, succeeding Wallace Levin, resigned, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2012.
- Attachments:** [Comm Packet 080510](#)
- 7/27/10; RECEIVED AND ASSIGNED to the Rules Committee.
- 1 seat/ 2 applicants*
Anthony Alfidj, seat 3
Matthew Shea, seat 3
5. [100472](#) **[Access Appeals Commission - Notice to the Mayor's Office of Disability]**
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.
- Attachments:** [Legislation Ver1](#)
[Comm Packet 052010](#)
[Comm Packet 080510](#)
- 4/13/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.
- 4/22/10; REFERRED TO DEPARTMENT. To the Access Appeals Commission for comment and recommendation.
5/4/10 - Response received from the Access Appeals Board indicating that the letter was forwarded to the Building Inspection Commission for comment.
7/22/10 - Response received from the Building Inspection Commission.
- 5/20/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.
6. [100996](#) **[Reappointment, Board of Appeals - Michael Garcia]**
Motion approving the Mayor's reappointment of Michael Garcia to the Board of Appeals, for the term ending July 1, 2014. (Clerk of the Board)
- (Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 7/13/10.)
- Attachments:** [Legislation VER1](#)
[Comm Packet 080510](#)
- 7/13/10; RECEIVED AND ASSIGNED to the Rules Committee.
- The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.*

7. [100997](#) **[Reappointment, Board of Appeals - Michael Garcia]**
Motion rejecting the Mayor's reappointment of Michael Garcia to the Board of Appeals, for the term ending July 1, 2014. (Clerk of the Board)

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 7/13/10.)

Attachments: [Legislation VER1](#)

[Comm Packet 080510](#)

7/13/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.

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.*

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

8. [091408](#) **[Approving Settlement of Unlitigated Claim Against the City by Comcast]**
Sponsor: Mirkarimi

Resolution approving settlement of an unlitigated claim made by Comcast Cable Communications, LLC against the City and County of San Francisco.

Attachments: [Legislation Ver1](#)

[Comm Packet 010710](#)

[Comm Packet 080510](#)

12/8/09; RECEIVED AND ASSIGNED to the Rules Committee.

1/7/10; CONTINUED TO CALL OF THE CHAIR. Speakers: Chris S.; Jazmin Jones; Adam Shaening Pokrasso; Morgan Nixon; Tracy Rosenberg; David Miles; Ken Ileen; Wendy Levy; Velda Sullivan; Male Speaker; Moriah Ulinskas; Jen Gilomen; Jeffrey Green; Kazmi Torii; Elson Horn; Elizabeth Allen; Tony Shockgrass; Ace Swarn; Valerie Tuller; Arlene Campbell; Daisha Bolter; Supervisor Ross Mirkarimi.

9. [100954](#) **[Settlement of Lawsuit - Ricardo Rodriguez - \$30,000]**
Ordinance authorizing settlement of the lawsuit filed by Ricardo Rodriguez against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 19, 2009, in Superior, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation_VER1](#)
[Comm Packet 080510](#)

7/16/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.
10. [100955](#) **[Settlement of Lawsuit - Stanislaus Imports - \$245,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Stanislaus Imports against the City and County of San Francisco for \$245,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation_VER1](#)
[Comm Packet 080510](#)

7/16/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.
11. [100956](#) **[Settlement of Lawsuit - Monte & Joanne Stott and Stott & Associates, Inc. - \$32,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Monte & Joanne Stott and Stott & Associates, Inc. against the City and County of San Francisco for \$32,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation_VER1](#)
[Comm Packet 080510](#)

7/16/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.

12. [100957](#) **[Settlement of Lawsuit - Yannick Constant - \$32,500]**
Ordinance authorizing settlement of the lawsuit filed by Yannick Constant against the City and County of San Francisco for \$32,500; the lawsuit was filed on April 21, 2008, in San Francisco Superior Court, Case No. 474485; entitled Yanick Constant v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation_VER1](#)
[Comm_Packet_080510](#)

7/16/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.

13. [100958](#) **[Settlement of Lawsuit - Icenogle IMR Joint Venture - \$1,330,000]**
Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for \$1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices. (City Attorney)

Attachments: [Legislation_VER1](#)
[Comm_Packet_080510](#)

7/19/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.

14. [100960](#) **[Settlement of Lawsuit - CCSF v. Underground Construction Co., et al. - City to Receive \$29,000]**
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Underground Construction Co., et al. by accepting the payment of \$29,000 to the City and County of San Francisco; \$23,200 from Underground Construction Co. and \$5,800 from State Farm; the lawsuit was filed on February 24, 2009, in San Francisco Superior Court, Case No. CGC-09-485059; entitled City and County of San Francisco, et al., v. Underground Construction Co., et al. (City Attorney)

Attachments: [Legislation_VER1](#)
[Comm_Packet_080510](#)

7/19/10; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on August 10, 2010.

[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

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

There are no items currently 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 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) bringing in or displaying signs in the meeting room; 4) standing in the meeting room.

The public is encouraged to testify at Committee meetings and to write letters to the Clerk of the Board or to Supervisors: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, and on the internet at www.sfbos.org/meetings <<http://www.sfbos.org/meetings>>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests 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 debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719**

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 F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

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 decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This 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 by mail 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 printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics