



City and County of San Francisco
Meeting Minutes
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

Present: 3 - David Campos, Michela Alioto-Pier and Eric Mar

MEETING CONVENED

The meeting convened at 10:18 a.m.

REGULAR AGENDA

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.)

07/20/10; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: John Newlin; Male Speaker.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Campos, Alioto-Pier, Mar

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.)

07/20/10; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: John Newlin; Male Speaker.

TABLED by the following vote:

Ayes: 3 - Campos, Alioto-Pier, Mar

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)

07/26/10; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Cheryl Brinkman; Tom Radulavich, Livable City; Rich Coffin; Renee Rivera, SF Bicycle Coalition; Steve Zeltzer, Labor Video Project; Ray Alvaran; Bruce Okay, MTA Board of Directors; Nick Pascuelo.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Campos, Alioto-Pier, Mar

101000 [Appointment, Veteran Affairs Commission - Anthony Alfidi]

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.

07/27/10; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Anthony Alfidi; Wallace Levin, John Caldera and Stephen Noetzel, Veterans Affairs Commission; Ray Alvaran. Appointment of Anthony Alfidi, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Anthony Alfidi, term ending January 31, 2012, to the Veterans Affairs Commission. (Clerk of the Board)

Anthony Alfidi, 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.

RECOMMENDED.. by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

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.

04/13/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/12/2010.

04/22/10; 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.

05/20/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

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.)

07/13/10; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Michael Garcia; Tanya Peterson, President, Board of Appeals; Katie Albright, Child Abuse Prevention Center.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Campos, Alioto-Pier, Mar

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.)

07/13/10; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Michael Garcia; Tanya Peterson, President, Board of Appeals; Katie Albright, Child Abuse Prevention Center.

TABLED by the following vote:

Ayes: 3 - Campos, Alioto-Pier, Mar

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.

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

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

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.

12/08/09; RECEIVED AND ASSIGNED to Rules Committee.

01/07/10; CONTINUED TO CALL OF THE CHAIR. Speakers: Chris S.; Jazmin Jones; Adam Shaening Pokrasso; Morgan Nixon; Tracy Rosenberg; David Miles; Ken Ilee; 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.

Speakers: Supervisor Ross Mirkarimi, Board of Supervisors; John Rhodes; Sam Gold, NOIW; Peter Camarda, BAVC; Steve Zeltzer, Labor Video Project; Nick Pasquariello; Ken Zkeda, BAVC; Stephen Leader; Ray Balbera, Conscious Youth Media; Tracy Rosenberg, Media Alliance; Ray Richardson; Howard Vicini, Media Alliance; Ken Johnson, The Albert & Willie Lee Johnson Family Foundation; Jen Gilomen, BAVC; Gilbert Francis; Desean Dixon, Brothers for Change; Kathy Torre; Cheryl Adams, Deputy City Attorney; Larry Frasier, Department of Technology.

RECOMMENDED by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

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 San Francisco Superior Court, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

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)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

100956 [Settlement of Lawsuit - Monte and Joanne Stott and Stott and Associates, Inc. - \$32,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Monte and Joanne Stott and Stott and 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)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

100957 [Settlement of Lawsuit - Yanick Constant - \$32,500]

Ordinance authorizing settlement of the lawsuit filed by Yanick 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)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

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)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

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)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

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.

[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 by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

ADJOURNMENT

The meeting adjourned at 1:03 p.m.