



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, Chris Daly, Michela Alioto-Pier

Clerk: Linda Wong (415) 554-7719

Thursday, November 19, 2009

10:00 AM

City Hall, Committee Room 263

Regular Meeting

MEETING CONVENED

The meeting convened at 10:10 a.m.

Present: 3 - David Campos, Chris Daly and Michela Alioto-Pier

091318 [Appointments, Graffiti Advisory Board - Nino Parker, David Crommie and Debbie Shea]

Hearing to consider appointing three members, terms ending April 10, 2011, to the Graffiti Advisory Board.

Vacant seat, succeeding Nino Parker, seat 12, term expired, must represent youth groups who provide services for juveniles involved in alternative programs for graffiti diversion.

Vacant seat, succeeding Leigh Ann Baughman, seat 13, resigned, must represent nonprofit organizations that provide services related to the City's beautification and neighborhood cleanup programs.

Vacant seat, succeeding Michael Cashion, seat 14, term expired, must represent business that operates in San Francisco and be a property owner.

11/12/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Nino Parker; David Crommie; Debbie Shea.

Appointment of Nino Parker, seat 12, recommended.

Appointment of David Crommie, seat 13, recommended.

Appointment of Debbie Shea, seat 14, recommended.

PREPARED IN COMMITTEE AS A MOTION by the following vote:

Motion appointing Nino Parker, David Crommie and Debbie Shea, terms ending April 10, 2011, to the Graffiti Advisory Board.

Nino Parker, succeeding himself, seat 12, term expired, must represent youth groups who provide services for juveniles involved in alternative programs for graffiti diversion.

David Crommie, succeeding Leigh Ann Baughman, seat 13, resigned, must represent nonprofit organizations that provide services related to the City's beautification and neighborhood cleanup programs.

Debbie Shea, succeeding Michael Cashion, seat 14, term expired, must represent business that operates in San Francisco and be a property owner.

RECOMMENDED.. by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091320 [Appointment, Eastern Neighborhoods Citizens Advisory Committee - Fernando Marti]

Hearing to consider appointing one member, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee.

Vacant seat, succeeding Chris Durazo, seat 5, resigned, must be nominated by District 6 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2011.

11/12/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Fernando Marti.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Fernando Marti, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee.

Fernando Marti, succeeding Chris Durazo, seat 5, resigned, must be nominated by District 6 Supervisor and confirmed by the full Board, for the unexpired portion of a two-year term ending October 19, 2011.

RECOMMENDED..

Ayes: 3 - Campos, Daly, Alioto-Pier

091152 [Confirming the appointment of Miguel Bustos to the San Francisco Redevelopment Agency]**Sponsor: Mayor**

Motion confirming the appointment of Miguel Bustos to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2013.

09/28/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Miguel Bustos; London Breed, Redevelopment Agency; Linda Wilson; Rick Swig, Redevelopment Agency; Mr. Arnold; Art Hail; Rita Avilla; Female Speaker; Fred Blackwell, Redevelopment Agency; Male Speaker; Sam Preist; Richard Robinson.

RECOMMENDED

Ayes: 3 - Campos, Daly, Alioto-Pier

090960 [Honoring Small Local Businesses During Small Business Month]**Sponsor: Alioto-Pier**

Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.

07/28/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 8/27/2009.

08/12/09; REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment.

11/05/09; CONTINUED. To November 19, 2009.

Heard in Committee. Speakers: Regina Dick-Endrizzi, Small Business Commission; Richard Robinson.

RECOMMENDED..

Ayes: 3 - Campos, Daly, Alioto-Pier

091137 [Mills Act Contract Procedures]**Sponsor: Alioto-Pier**

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, expand the definition of "qualified historical property" to include properties listed on the California Register of Historical Resources, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

09/22/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2009. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

10/06/09; REFERRED TO DEPARTMENT. To Planning Department of CEQA review and Historic Preservation Commission for recommendation and comment.

10/06/09; SUBSTITUTED.

10/14/09; REFERRED TO DEPARTMENT. To Planning Department for CEQA review and Historic Preservation Commission for comment and recommendation.

11/03/09 - Planning Department CEQA determination received.

11/04/09 - Historic Preservation Commission recommendation received.

11/05/09; CONTINUED. To November 19, 2009.

11/09/09; SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

11/09/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Dora Sullivan; Jack Gold.

RECOMMENDED..

Ayes: 3 - Campos, Daly, Alioto-Pier

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: 3 - Campos, Daly, Alioto-Pier

091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Mares B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco - \$1,750,000]

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Mares B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for \$1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Mares B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

09/17/09; RECEIVED AND ASSIGNED to Rules Committee.

11/05/09; CONTINUED TO CALL OF THE CHAIR.

Speaker: Mohammed Nuru, Department of Public Works.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091291 [Settlement of Lawsuit - City and County of San Francisco - \$1,260,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) \$1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED..

Ayes: 3 - Campos, Daly, Alioto-Pier

091264 [Settlement of Lawsuits - Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox - \$217,000]

Ordinance authorizing settlement of two lawsuits, which were filed by Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox against the City and County of San Francisco and its employees for a total amount of \$217,000; the first lawsuit was filed on January 14, 2005, in the United States District Court for the Northern District of California, Case No. C05-0280 VRW/WAF, entitled Earnest Henderson, et al., v. City and County of San Francisco, et al.; the second lawsuit was filed on October 18, 2005, in the United States District Court for the Northern District of California, Case No. C05-4220 VRW; entitled Mack Woodfox v. City and County of San Francisco, et al.; the above total settlement amount also includes all claims for costs and attorneys' fees. (City Attorney)

10/27/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED..

Ayes: 3 - Campos, Daly, Alioto-Pier

091265 [Settlement of Lawsuits - Joanne Lozenski, Juanita Stockwell, and Susan Rolovich - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Joanne Lozenski, Juanita Stockwell, and Susan Rolovich against the City and County of San Francisco, Alex Fagan, and Rod Nakanishi for \$95,000; the lawsuit was filed on December 14, 2004, in San Francisco Superior Court, Case No. 04-436254; entitled Lozenski, et al., v. City and County of San Francisco, et al. (City Attorney)

10/27/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED..

Ayes: 3 - Campos, Daly, Alioto-Pier

091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - \$97,500]

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrina Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for \$97,500; the lawsuits were filed on February 6, 2004, and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED..

Ayes: 3 - Campos, Daly, Alioto-Pier

091290 [Settlement of Lawsuit - Lisa Anne Haller - \$230,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for \$230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED..

Ayes: 3 - Campos, Daly, Alioto-Pier

Deputy City Attorney Andrew Shen 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: 3 - Campos, Daly, Alioto-Pier

ADJOURNMENT

The meeting adjourned at 12:18 p.m.