



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Jane Kim, Sean Elsbernd, Mark Farrell

Clerk: Linda Wong (415) 554-7719

Thursday, February 17, 2011

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Jane Kim, Sean Elsbernd, and Mark Farrell

MEETING CONVENED

The meeting convened at 1:35 p.m.

REGULAR AGENDA

110112 [Appointment, San Francisco LAFCo - Supervisor David Campos]

Motion appointing Supervisor David Campos, term ending February 4, 2015, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

02/02/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110141 [Appointment, California State Association of Counties - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending November 28, 2011, to the California State Association of Counties Board of Directors. (Clerk of the Board)

02/07/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

101515 [Confirming Appointment, Port Commission - Leslie Katz]**Sponsor: Mayor**

Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014.

12/01/10; RECEIVED AND ASSIGNED to Rules Committee.

01/03/11; RECOMMENDED AS COMMITTEE REPORT. Heard in Committee. Speakers: Leslie Katz; Supervisor Bevan Dufty, Board of Supervisors; Kim-Shree Maufas, Board of Education; Stephanie Rhode; spoke in support of the appointment. Monique Moyer, Port of San Francisco spoke neither in support or opposition of the appointment.

01/04/11; RE-REFERRED to Rules Committee.

Heard in Committee. Speakers: Leslie Katz; spoke on her qualifications. Bevan Dufty; Ted Fang; Sunny Steward; Rev. Arnold Townsend; Julian Chang; Mr. Isabelle; Corinne Woods; Michael Sweet; spoke in support of the appointment.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110062 [Appointments, Golden Gate Bridge, Highway and Transportation District]

Hearing to consider appointing four members, terms ending January 31, 2013, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Vacant seat 1, succeeding Janet Reilly, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

Vacant seat 2, succeeding David Snyder, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

Vacant seat 3, succeeding Richard Grosboll, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

Vacant seat 4, Lynne Newhouse Segal, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

01/25/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Janet Reilly; Lynne Newhouse Segal; Richard Grosboll; Dave Snyder; Michael Theriault; spoke on their qualifications. Marina V. Secchitano; Mike Brown; Jane Morrison; Eve Meyer; Jan Blum; Esther Marks; Tim Paulson; Larry Mazzola, Jr.; Tony Rodrigues; Earl Bailey; Dennis A.; Terry Dannigan; Dan Prince; Charlie L.; Ken O'Koo; Mike Daly; Dave Del Torres; Hunter Stern; Mike Hardeman; Mandy Flores; John; Male Speaker; Tom Donahue; Male Speaker; Teri Davis; spoke on the appointments.

Appointment of Janet Reilly, seat 1, recommended.

Appointment of David Snyder, seat 2, recommended.

Appointment of Richard Grosboll, seat 3, recommended.

Appointment of Michael Theriault, seat 4, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Janet Reilly, Dave Snyder, Richard Grosboll, and Michael Theriault to the Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2013. (Clerk of the Board)

Janet Reilly, seat 1, succeeding herself, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

David Snyder, seat 2, succeeding himself, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

Richard Grosboll, seat 3, succeeding himself, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

Michael Theriault, seat 4, succeeding Lynne Newhouse Segal, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110150 [Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]**Sponsors: Chiu; Mar**

Ordinance amending the Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

02/08/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Supervisor David Chiu (Office of Supervisor David Chiu); Angela Calvillo, Clerk of the Board (Clerk's Office); presented information concerning the matter and answered questions raised during the hearing. Tom Picarello; spoke in opposition of the matter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**RECOMMENDED by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

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 - Kim, Elsbernd, Farrell

101585 [Settlement of Lawsuit - Kevin Montague - \$60,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for \$60,000; 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)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

101586 [Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - \$34,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for \$34,000; 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)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

- 101587** **[Settlement of Lawsuit - David Cheung, dba Kwok Shing Hong - \$350,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for \$350,000; 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)
12/20/10; RECEIVED AND ASSIGNED to Rules Committee.
RECOMMENDED.. by the following vote:
Ayes: 3 - Kim, Elsbernd, Farrell
- 101588** **[Settlement of Lawsuit - KLW, LLC - \$210,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for \$210,000; 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)
12/20/10; RECEIVED AND ASSIGNED to Rules Committee.
RECOMMENDED.. by the following vote:
Ayes: 3 - Kim, Elsbernd, Farrell
- 101589** **[Settlement of Lawsuit - Sunday Bazaar/2170 Folsom, LLC - \$127,372]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folsom, LLC, against the City and County of San Francisco for \$127,372; 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)
12/20/10; RECEIVED AND ASSIGNED to Rules Committee.
RECOMMENDED.. by the following vote:
Ayes: 3 - Kim, Elsbernd, Farrell
- 101590** **[Settlement of Lawsuit - Kroll Furniture - \$65,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for \$65,000; 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)
12/20/10; RECEIVED AND ASSIGNED to Rules Committee.
RECOMMENDED.. by the following vote:
Ayes: 3 - Kim, Elsbernd, Farrell
- 101591** **[Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - \$55,000]**
Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for \$55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney)
12/20/10; RECEIVED AND ASSIGNED to Rules Committee.
RECOMMENDED.. by the following vote:
Ayes: 3 - Kim, Elsbernd, Farrell

101593 [Settlement of Unlitigated Claim - California Capital Insurance Company - \$57,892.75]

Resolution approving the settlement of the unlitigated claim filed by California Capital Insurance Company, as subrogee for Michelle Azevedo, against the City and County of San Francisco for \$57,892.75; claim was filed on January 13, 2009. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

101600 [Settlement of Lawsuit - National Union - Receipt of \$925,000]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of \$925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney)

12/22/10; RECEIVED AND ASSIGNED to Rules Committee.

Speaker: Donald Margolis (City Attorney's Office); presented information concerning the matter.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

101608 [Settlement of Lawsuit - AboveNet Communications, Inc. - \$183,479.00]

Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for \$183,479.00; the lawsuit was filed on December 10, 2007, in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009, to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney)

12/23/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110022 [Settlement of Unlitigated Claim - Ronald E. Johnson and Joseph Pasternak - \$30,000]

Resolution approving the settlement of the unlitigated claim filed by Ronald E. Johnson and Joseph Pasternak against San Francisco for \$30,000; claim was filed on July 14, 2010. (City Attorney)

01/06/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110048 [Settlement of Lawsuit - Timothy J. Chamberlain - \$65,000]

Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)

01/10/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110049 [Settlement of Lawsuit - Garcia, et al. - \$191,000]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)

01/14/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110107 [Settlement of Lawsuit - Paul Graham - \$34,271.51]

Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for \$34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)

01/27/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110108 [Settlement of Unlitigated Claim - John Payne - \$220,229]

Resolution approving the settlement of the unlitigated claim filed by John Payne against the City and County of San Francisco for \$220,229; claim including grievance was filed on July 9, 2010. (City Attorney)

01/28/11; RECEIVED AND ASSIGNED to Rules Committee.

Speaker: Tom Picarello; spoke in opposition of the matter.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110056 [Settlement of Anticipated Litigation Against Office Depot - Receipt of \$4,250,000/Payment of \$48,915.40]

Resolution approving the settlement of anticipated litigation by the City and County of San Francisco against Office Depot for contract overcharge; the material terms of said settlement are: (1) the City to receive the sum of \$3,750,000 in the form of a check; (2) the City to receive from Office Depot credit in the amount of \$500,000 toward future purchases by the City over the next 5 years; and (3) payment to Office Depot of the sum of \$48,915.40 as full and complete satisfaction of all outstanding balances owed by the City under its office supplies contract with Office Depot. (City Attorney)

01/24/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

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: 3 - Kim, Elsbernd, Farrell

ADJOURNMENT

The meeting adjourned at 3:41 p.m.