



**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*

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Thursday, December 8, 2011

1:30 PM

City Hall, Committee Room 263

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**Special Meeting**

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

**MEETIN CONVENED**

*The meeting convened at 1:36 p.m.*

**REGULAR AGENDA**

**111245 [Appointment, Treasury Oversight Committee - Peter Goldstein]**

Motion appointing Peter Goldstein, term ending June 5, 2013, to the Treasury Oversight Committee. (Treasurer-Tax Collector)

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

*Heard in Committee. Speaker: Greg Kato (Office of the Treasurer-Tax Collector).*

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

**111264 [Appointment, Bicycle Advisory Committee - Jared Cohen]**

Hearing to consider appointing one member, term ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)

Vacant seat 5, succeeding Susan King, term expired, must be a nominee of District 5 Supervisor. The member shall serve a two-year term ending November 19, 2012, or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

11/21/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speaker: Jared Cohen, spoke on his qualifications.*

*Appointment of Jared Cohen, seat 5, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Jared Cohen, term ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)

Jared Cohen, seat 5, succeeding Susan King, term expired, must be a nominee of District 5 Supervisor. The member shall serve a two-year term ending November 19, 2012, or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

**111263 [Appointments, Eastern Neighborhoods Citizens Advisory Committee - Fernando Marti, Chris Block, Wendy Phillips, and Oscar Grande]**

Hearing to consider appointing four members, terms ending October 19, 2013, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

Vacant seat 5, succeeding Fernando Marti, term expired, must be nominated by District 6 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

Vacant seat 7, succeeding Chris Block, term expired, must be nominated by District 8 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

Vacant seat 8, succeeding Eric Quezada, term expired, must be nominated by District 9 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

Vacant seat 9, succeeding Oscar Grande, term expired, must be nominated by District 9 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

11/21/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Fernando Marti; Wendy Phillips; spoke on their qualifications.*

*Appointment of Fernando Marti, seat 5, recommended.*

*Appointment of Chris Block, seat 7, recommended.*

*Appointment of Wendy Phillips, seat 8, recommended.*

*Appointment of Oscar Grande, seat 9, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Fernando Marti, Chris Block, Wendy Phillips, and Oscar Grande, terms ending October 19, 2013, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board) Fernando Marti, seat 5, succeeding himself, term expired, must be nominated by District 6 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

Chris Block, seat 7, succeeding himself, term expired, must be nominated by District 8 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

Wendy Phillips, seat 8, succeeding Eric Quezada, term expired, must be nominated by District 9 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

Oscar Grande, seat 9, succeeding himself, term expired, must be nominated by District 9 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

**111079 [Administrative Code - Additional Pre-Approval Notice for Certain City Projects]****Sponsor: Farrell**

Ordinance amending San Francisco Administrative Code by adding Chapter 79A to expand upon the minimum notice requirements prior to approval of a City Project that are mandated by the Citizens' Right-to-Know Act of 1998.

10/04/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/3/2011.

*Heard in Committee. Speakers: None.*

**CONTINUED TO CALL OF THE CHAIR 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

#### **111174 [Settlement of Unlitigated Claim - Janet O'Hara - \$100,000]**

Resolution approving the settlement of the unlitigated claim filed by Janet O'Hara against the City and County of San Francisco for \$100,000; claim was filed on March 11, 2011. (City Attorney)

11/03/11; RECEIVED FROM DEPARTMENT.

11/15/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: None.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

#### **111244 [Settlement of Unlitigated Performance Bond Claim - Travelers Casualty and Surety Company of America - City to Receive \$250,000]**

Resolution authorizing settlement of an unlitigated performance bond claim by the San Francisco Airport Commission against Travelers Casualty and Surety Company of America relating to a lease default by Mexicana Airlines. (City Attorney)

11/10/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: None.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

**111286 [Settlement of Lawsuit - Patricia Sancinito - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Patricia Sancinito against the City and County of San Francisco and Laguna Honda Hospital for \$75,000; the lawsuit was filed on May 19, 2011, in San Francisco Superior Court, Case No. CGC-11-511076; entitled Patricia Sancinito v. City and County of San Francisco, Laguna Honda Hospital. (City Attorney)

11/22/11; RECEIVED FROM DEPARTMENT.

12/06/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: None.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

**111287 [Settlement of Lawsuit - Mitchell Engineering/Obayashi Corporation, JV - \$14,950,000]**

Ordinance authorizing settlement of the lawsuit entitled Mitchell Engineering/Obayashi Corporation, JV (MEOC) v. City and County of San Francisco, et al., and related cross-actions., Santa Clara County Superior Court Case No. 1-08-CV-116915 by payment of \$14,950,000 from the City to MEOC. (City Attorney)

11/22/11; RECEIVED FROM DEPARTMENT.

12/06/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speaker: Ronald Flynn (City Attorney's Office).*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

**111297 [Settlement of Lawsuit - Airis v. CCSF, et al. - \$7,500,000]****Sponsor: Wiener**

Ordinance authorizing settlement of the lawsuit filed by Airis SFO, LLC, Airis Holdings LLC, and Duane Morris LLP ("Airis") against the City and County of San Francisco (the "City") for \$7,500,000; the lawsuit was filed on July 15, 2005 in San Mateo Superior Court, Case No. 448274, entitled Airis SFO, LLC, et al. v. City and County of San Francisco, et al.; other material terms include a full and final release by Airis of all claims for attorneys' fees, costs, and postjudgment interest.

12/01/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: None.*

**NO ACTION TAKEN.**

*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 2:35 p.m.*