



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, Mark Farrell, David Campos

Clerk: Linda Wong (415) 554-7719

Thursday, January 19, 2012

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Jane Kim, Mark Farrell, and David Campos

MEETING CONVENED

The meeting convened at 1:35 p.m.

REGULAR AGENDA

120004 [Appointment, San Francisco LAFCo - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, as an alternate member, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

01/09/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Eric Brooks; spoke neither in support or opposition on the appointment. Douglas Yep; spoke in opposition to the appointment.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120009 [Appointment, California State Association of Counties - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending November 28, 2012, to the California State Association of Counties. (Clerk of the Board)

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

Heard in Committee. Speaker: Douglas Yep; spoke in opposition to the appointment.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120013 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Carmen Chu]

Motion appointing Supervisor Carmen Chu, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

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

Heard in Committee. Speaker: Douglas Yep; spoke in opposition to the appointment.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120010 [Appointment, Board of Appeals - Richard Hillis]

Motion approving the Mayor's appointment of Richard Hillis to the Board of Appeals, for the term ending July 1, 2012. (Mayor)

(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 - 12/14/11.)

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

Heard in Committee. Speakers: Richard Hillis; spoke on his qualifications. Ace Washington; spoke in support of the appointment.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Motion approving the Mayor's appointment of Richard Hillis to the Board of Appeals, for the term ending July 1, 2012. (Mayor)

(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 - 12/14/11.)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120023 [Appointments, Redevelopment Successor Agency Oversight Board - Nadia Sesay, Olson Lee, John Rahaim, and Bob Muscat]**Sponsor: Mayor**

Motion confirming the Mayor's appointments of Nadia Sesay, Olson Lee, John Rahaim, and Bob Muscat to the Redevelopment Successor Agency Oversight Board.

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

Heard in Committee. Speakers: Malcolm Young (Mayor's Office); Jessie Smith (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing. Nadia Sesay; Olson Lee; John Rahaim; Bob Muscat; spoke on their qualifications. Ace Washington; Eric Brooks; spoke in opposition to the appointment.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Motion confirming the Mayor's appointments of Nadia Sesay, Olson Lee, John Rahaim, and Bob Muscat to the Redevelopment Successor Agency Oversight Board.

REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120011 [Appointment, Children and Families First Commission]

Hearing to consider appointing one member, term ending April 29, 2014, to the Children and Families First Commission. (Clerk of the Board)

Vacant seat 5, succeeding Veronica Chavez, resigned, shall represent one or more of the following: children services, public health services; behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council, or another local child care coordinating group; representatives of a local organization for prevention, or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations, or societies, for the unexpired portion of a four-year term ending April 29, 2014.

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

Heard in Committee. Speakers: None.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Farrell, Campos

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.

Speakers: None.

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

Ayes: 3 - Kim, Farrell, Campos

111372 [Settlement of Lawsuit - City to Receive \$3,170,000 for Sale of Parcel in San Mateo County]

Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit District against the City and County of San Francisco and Artichoke Enterprises, Inc., aka Artichoke Joe's; and Does 1 through 50, to condemn and take by right of eminent domain property owned by the City and County of San Francisco located in San Bruno, California, for \$3,170,000; the lawsuit was filed April 13, 2010, in San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. aka Artichoke Joe's; and Does 1 through 50, inclusive. (City Attorney)

12/30/11; RECEIVED FROM DEPARTMENT.

12/30/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111377 [Settlement of Unlitigated Claim - Claire Himmel - \$60,000]

Resolution approving the settlement of the unlitigated claim filed by Claire Himmel against the City and County of San Francisco for \$60,000; claim was filed on September 26, 2011. (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111376 [Settlement of Unlitigated Claim - Anita Scott - \$200,000]

Resolution approving the settlement of the unlitigated claim filed by Anita Scott against the City and County of San Francisco for \$200,000; claim was filed on September 23, 2011. (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111369 [Settlement of Lawsuit - Linda Iacovetta - \$210,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Iacovetta against the City and County of San Francisco for \$210,000; the lawsuit was filed on August 4, 2011, in San Francisco Superior Court, Case No. CGC-10-502231; entitled Linda Iacovetta, et al. v. City and County of San Francisco, et al. (City Attorney)

12/12/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111303 [Settlement of Unlitigated Claim - M/T Dubai Star/South Harmony Shipping - City to Receive \$65,000]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against M/T Dubai Star/South Harmony Shipping, Inc. for \$65,000; claim was presented by the City on July 28, 2010. (City Attorney)

11/30/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111298 [Settlement of Lawsuit - Mary Jenn - \$72,500]

Ordinance authorizing settlement of the lawsuit filed by Mary Jenn against the City and County of San Francisco for \$72,500; the lawsuit was filed on November 12, 2010, in San Francisco County Superior Court, Case No. CGC-10-505363; entitled Mary Jenn v. City and County of San Francisco, et al. (City Attorney)

11/30/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111299 [Settlement of Lawsuit - DeWolf Realty Company, Inc. - \$91,000]

Ordinance authorizing settlement of the lawsuit filed by DeWolf Realty Company, Inc., Gordon Pederson, and Chubb Custom Insurance Company against the City and County of San Francisco for \$91,000; the lawsuit was filed on July 19, 2010, in San Francisco Superior Court, Case No. CGC-10-501664; entitled DeWolf Realty Company, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)

11/30/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111301 [Settlement of Case - George and Vickie Bourdouris and Capital Insurance Group - \$67,205.32]

Resolution approving the proposed settlement of the case of George and Vickie Bourdouris and Capital Insurance Group vs. the City and County of San Francisco for \$67,205.32, Unlitigated Claim No. 11-00689. (City Attorney)

11/30/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111370 [Settlement of Lawsuit - Metro Fuel, LLC - City to Receive \$1,750,000; Approval of Settlement and Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]

Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City and County of San Francisco for payment to the City of \$1,750,000; the lawsuit was filed on November 30, 2007, in the United States District Court for the Northern District of California, Case No. C07-6067 PJH; entitled Metro Fuel LLC v. City and County of San Francisco, et al.; other material terms of said settlement include settlement of the City's notices of violation against unpermitted panel signs, setting up a process for approval of the relocation and disaggregation of existing lawful billboards to other locations and payment of settlement following the City's approval of relocation permits for such billboards; 2) approving a Relocation and Settlement Agreement for the relocation of certain existing lawful billboards; and 3) waiving the requirements of San Francisco Administrative Code Subsections 2.21(d) and (e). (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Kate Stacy, Tom Lakritz (City Attorney's Office); Daniel Sider (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

111373 [Settlement of Lawsuit - City to Pay \$238,000 for Subsurface Easement in Alameda County]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100, to condemn and take by right of eminent domain a permanent subsurface easement of approximately 69,609 square feet in property owned by San Mateo County Transit District, located in Newark, California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3, 2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100. (City Attorney)

12/30/11; RECEIVED FROM DEPARTMENT.

12/30/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

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, Farrell, Campos

ADJOURNMENT

The meeting adjourned at 3:26 p.m.