



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 5, 2009

10:00 AM

City Hall, Committee Room 263

Regular Meeting

MEETING CONVENED

The meeting convened at 10:00 a.m.

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

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine and will be acted upon by a single roll call vote of the Committee. There will be no separate discussion of these items unless a member of the Committee or the public so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

091223 [Appointment, Immigrant Rights Commission - Angus McCarthy]

Hearing to consider appointing one member, term ending June 6, 2011, to the Immigrant Rights Commission.

Vacant seat, succeeding Angus McCarthy, term expired, seat 7, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.

10/22/09; RECEIVED AND ASSIGNED to Rules Committee.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Angus McCarthy, term ending June 6, 2011, to the Immigrant Rights Commission. Angus McCarthy, succeeding himself, seat 7, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.

RECOMMENDED..

091227 [Appointment, Local Homeless Coordinating Board - Laura Guzman]

Hearing to consider appointing one member, term ending October 21, 2011, to the Local Homeless Coordinating Board.

Vacant seat, succeeding Laura Guzman, seat 1, term expired, must be a member of the disabled community, for the unexpired portion of a two-year term ending October 21, 2011.

10/22/09; RECEIVED AND ASSIGNED to Rules Committee.

PREPARED IN COMMITTEE AS A MOTION

RECOMMENDED..

091229 [Appointment, Sweatfree Procurement Advisory Group - Julianne Fisher]

Hearing to consider appointing one member, term ending December 17, 2011, to the Sweatfree Procurement Advisory Group.

Vacant seat, succeeding Jamie Crook, seat 4, resigned, must be a member of the public, for a two-year term ending December 17, 2011.

10/26/09; RECEIVED AND ASSIGNED to Rules Committee.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Julianne Fisher, term ending December 17, 2011, to the Sweatfree Procurement Advisory Board.

Julianne Fisher, succeeding Jamie Crook, seat 4, resigned, must be a member of the public, for a two-year term ending December 17, 2011.

RECOMMENDED..

091235 [Appointment, Child Care Planning and Advisory Council - Simon Lee]

Hearing to consider appointment one member, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Vacant seat, succeeding Simon Lee, seat 4, term expired, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for the unexpired portion of a three-year term ending December 31, 2011.

10/26/09; RECEIVED AND ASSIGNED to Rules Committee.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Simon Lee, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Simon Lee, succeeding himself, seat 4, term expired, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2011.

RECOMMENDED..

091262 [Appointments, California State Association of Counties - Supervisors Mar and Avalos (Alternate)]

Motion appointing Supervisors Eric Mar and John Avalos (as an alternate member), terms ending November 28, 2010, to the California State Association of Counties.

Supervisor Eric Mar, seat 1, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, for a one-year term ending November 28, 2010.

Supervisor John Avalos, seat 2, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, serving as an alternate member, for a one-year term ending November 28, 2010.

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

RECOMMENDED

The foregoing items were acted upon by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

REGULAR AGENDA

091194 [Appointment, Entertainment Commission - Al Perez]

Motion approving the Mayor's nomination for appointment of Al Perez to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2013.

10/20/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Al Perez; Dennis Normandy, SF Civil Service Commission; Helen Marte-Bautista; Marily Mondyar, Filipina Women's Network; Marilyn Fowler, Women's Intercultural Network; Anthony Estrada, Filipino Employee Assoc.; Josephine Romero, Philippine Consulate General; Faham Zakariaei, SF Giants; Sirch Chanthyasack, Laotian American National Alliance; Tamika Wong, Asian Week Foundation.

RECOMMENDED.. by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091195 [Appointment, Entertainment Commission - Al Perez]

Motion rejecting the Mayor's nomination for appointment of Al Perez to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2013. (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 – 10/14/09.)

10/20/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Al Perez; Dennis Normandy, SF Civil Service Commission; Helen Marte-Bautista; Marily Mondyar, Filipina Women's Network; Marilyn Fowler, Women's Intercultural Network; Anthony Estrada, Filipino Employee Assoc.; Josephine Romero, Philippine Consulate General; Faham Zakariaei, SF Giants; Sirch Chanthyasack, Laotian American National Alliance; Tamika Wong, Asian Week Foundation.

TABLED by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091129 [Appointment, Entertainment Commission - Neal Cavellini]

Hearing to consider appointing one member, term ending July 1, 2013, to the Entertainment Commission.

Vacant seat, succeeding Erik Joseph Pred, seat 3, term expired, shall represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2013.

09/21/09; RECEIVED AND ASSIGNED to Rules Committee.

10/15/09; CONTINUED. Heard in Committee. Speakers: Neal Cavellini; Michael Kim; Bob Davis, Entertainment Commission.

Continued to the next meeting.

Heard in Committee. Speakers: James Meko, Entertainment Commission; Richard Robinson.

PREPARED IN COMMITTEE AS A MOTION**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Daly, Alioto-Pier

091226 [Appointments, Pedestrian Safety Advisory Committee - Dahianna Lopez, Paul Supawanich, and Jay Lee]

Hearing to consider appointing four members, terms ending March 28, 2010 and March 28, 2011, to the Pedestrian Safety Advisory Committee.

Vacant seat, succeeding Howard Strassner, seat 6, term expired, must be a representative from a transit or environmental organization, for the unexpired portion of a two-year term ending March 28, 2010.

Vacant seat, succeeding Shirley Bierly, seat 8, term expired, must be a representative from a public health organization, for the unexpired portion of a two-year term ending March 28, 2010.

Vacant seat, succeeding Dan Brook, seat 9, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2011.

Vacant seat, succeeding William Riggs, seat 10, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2010.

10/22/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Paul Supawanich; Dahianna Lopez; Jay Lee; Howard Strassner; Espanola Jackson; Joshua Arce.

PREPARED IN COMMITTEE AS A MOTION**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Daly, Alioto-Pier

091128 [Appointment, Police Commission - James Hammer]

Hearing to consider appointing one member, term ending April 30, 2011, to the Police Commission.

Vacant seat, succeeding Theresa Sparks, seat 1, resigned, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2011.

09/21/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Robert Retana; John Caldera; Amanda Inocencio; Morgan Gorrone; James Hammer; DeWitt Lacy; David Waggoner; Renee Saucedo; Peter Borkon; Mikayla Connell; Stephen Adams; Lauren Chief Elk; Jennifer Thompson; Arcelia Hertado; Carolyn Knee; Richard Knee; Bruce Wolfe; Marcus Schexnayder; Elva Rivera; Michael Lee; Espanola Jackson; Norma Garcia; Victor Marquez; Petra DeJesus; Dan Muskavitch; Marc Solomon.

PREPARED IN COMMITTEE AS A MOTION

RECOMMENDED by the following vote:

Ayes: 2 - Daly, Alioto-Pier

Noes: 1 - Campos

091234 [Appointment, Veterans Affairs Commission - Stephen Noetzel]

Hearing to consider appointing one member, term ending January 31, 2011, to the Veterans Affairs Commission.

Vacant seat, succeeding Bud Wilson, seat 8, deceased, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2011.

10/26/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Stephen Noetzel; Matthew Shea; Walter Paulson; Wallace Levin; John Caldera; Robert Varni.

PREPARED IN COMMITTEE AS A MOTION**RECOMMENDED.. by the following vote**

Ayes: 3 - Campos, Daly, Alioto-Pier

091241 [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]**Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

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

Heard in Committee. Speakers: John Caldera; Wallace Levin; Robert Varni; Stephen Noetzel; Male Speaker.

RECOMMENDED by the following vote:

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.

To November 19, 2009.

CONTINUED by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091013 [Application of City's Conflict of Interest Laws to City Officers]**Sponsor: Elsbernd**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

08/11/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/10/2009.

08/17/09; REFERRED TO DEPARTMENT. To Ethics Commission for comment.

Heard in Committee. Speaker: John St. Croix, Executive Director, Ethics Commission.

RECOMMENDED.. by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091011 [Training Center in the Bayview]**Sponsors: Daly; Mirkarimi, Avalos, Campos and Maxwell**

Hearing on the GoSolarSF and SolarCity's promise to develop a training center in the Bayview.

08/11/09; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Lyndon Rive, SolarCity; Barbara Hale, Assistant General Manager, Power, SFPUC; Espanola Jackson; Bruce Wolfe; Fathina Holmes; Male Speaker; Chris Jackson; Eric Brooks, SF Green Party; Jamie Brewster; Janine Carter, Luminalt; Joshua Arce; Emily Winneger, Luminalt.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

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

Draft ordinance amending Administrative Code Section 71, (Mills Act Contract Procedures) to codify recent Charter changes related to the Historic Preservation Commission, establish process deadlines for Mills Act applications, require Budget Analyst review, clarify the definition of qualified historical property, and make technical changes.

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.

To November 19, 2009.

CONTINUED by the following vote:

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 into closed session by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - \$650,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for \$650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes 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, Maretes 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, Maretes 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.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091080 [Settlement of Lawsuit - Duncan Briggs - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

09/22/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091086 [Settlement of Lawsuit - Jeanne Schoenstein - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for \$225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

09/22/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

091186 [Settlement of Lawsuit - Gavin Smith - \$55,000]

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for \$55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

10/20/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Campos, Daly, Alioto-Pier

090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - \$112,000]

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

10/20/09; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Campos, Daly, 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: 3 - Campos, Daly, Alioto-Pier

ADJOURNMENT

The meeting adjourned at 3:22 p.m.