



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Norman Yee, Katy Tang, David Campos

Clerk: Alisa Miller (415) 554-4447

Thursday, July 17, 2014

2:00 PM

City Hall, Committee Room 263

Regular Meeting

Present: 4 - Norman Yee, Katy Tang, David Campos, and Jane Kim

MEETING CONVENED

The meeting convened at 2:03 p.m.

LITIGATION

Speakers: None.

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

Ayes: 3 - Yee, Tang, Campos

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.

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

140599 [Settlement of Lawsuit - Jay Korber - \$4,072,519]

Ordinance authorizing settlement of the lawsuit filed by Jay Korber against the City and County of San Francisco for \$4,072,519; the lawsuit was filed on April 12, 2013, in San Francisco Superior Court, Case No. CGC-13-530600; entitled Jay Korber v. City and County of San Francisco, et al. (City Attorney)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Rules Committee.

07/15/14; SUBSTITUTED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Tang, Campos

140664 [Settlement of Lawsuit - Yerba Buena Consortium, LLP - City to Provide Pedestrian Improvements]

Ordinance authorizing settlement of the lawsuit filed by Yerba Buena Consortium, LLP, and Tenants and Owners Development Corporation against the City and County of San Francisco; the lawsuit was filed on August 19, 2013, in Sacramento Superior Court, Case No. 34-2013-80001611; entitled Yerba Buena Consortium, LLP, et al. v. City and County of San Francisco, et al.; material terms of said settlement are installing "no bicycle riding on sidewalk" signs in Yerba Buena area, widening the sidewalk at corner of 4th and Mission Streets, applying for funding to install a pedestrian crosswalk at Folsom and Mabini Streets, convening a Sidewalk Management Workgroup, drafting a Sidewalk Management Plan, and providing special notice for sidewalk table permits. (City Attorney)

06/09/14; RECEIVED FROM DEPARTMENT.

06/17/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Tang, Campos

140665 [Settlement of Lawsuit - Lee Ann Crocker - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Lee Ann Crocker against the City and County of San Francisco for \$45,000; the lawsuit was filed on May 21, 2013, in San Francisco Superior Court, Case No. CGC-13-531600; entitled Lee Ann Crocker v. City and County of San Francisco, Does 1 to 10. (City Attorney)

06/09/14; RECEIVED FROM DEPARTMENT.

06/17/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Tang, Campos

140666 [Settlement of Lawsuit - Siobhan McAuliffe - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Siobhan McAuliffe against the City and County of San Francisco for \$250,000; the lawsuit was filed on January 5, 2012, in United States District Court for the Northern District of California, Case No. CV-12-00071 CRB, and then re-filed on September 20, 2012, in San Francisco Superior Court, Case No. 12-524514; entitled Siobhan McAuliffe v. City & County of San Francisco. (City Attorney)

06/09/14; RECEIVED FROM DEPARTMENT.

06/17/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Tang, Campos

140672 [Settlement of Claims - The Regents of the University of California - \$580,631.86]

Resolution approving the settlement of the unlitigated claims filed by The Regents of the University of California against the City and County of San Francisco for \$580,631.86; claims were filed on December 15, 2010, and June 24, 2013. (City Attorney)
(Supervisor Campos dissented in committee.)

06/09/14; RECEIVED FROM DEPARTMENT.

06/17/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Yee, Tang

Noes: 1 - Campos

140673 [Settlement of Claim - The Wharton School of the University of Pennsylvania - \$66,217.67]

Resolution approving the settlement of the unlitigated claim filed by The Wharton School of the University of Pennsylvania against the City and County of San Francisco for \$66,217.67; claim was filed on March 13, 2013. (City Attorney)

06/09/14; RECEIVED FROM DEPARTMENT.

06/17/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Tang, Campos

140760 [Settlement of Lawsuit - Rowena Seto - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Rowena Seto against the City and County of San Francisco for \$225,000; the lawsuit was filed on July 18, 2012, in San Francisco Superior Court, Case No. CPF-12-512350; entitled Rowena Seto v. City and County of San Francisco, et al. (City Attorney)

07/07/14; RECEIVED FROM DEPARTMENT.

07/15/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Tang, Campos

140761 [Settlement of Lawsuit - Caramad Conley - \$3,500,000]

Ordinance authorizing settlement of the lawsuit filed by Caramad Conley against the City and County of San Francisco for \$3,500,000; the lawsuit was filed on January 27, 2012, in United States District Court, Case No. C12-00454; entitled Caramad Conley v. City and County of San Francisco and Prentice Earl Sanders. (City Attorney)

07/07/14; RECEIVED FROM DEPARTMENT.

07/15/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Tang, Campos

140762 [Settlement of Lawsuit - Friends of Appleton-Wolford Libraries and Coalition for a Better North Beach Library - City to Waive Litigation Costs]

Ordinance authorizing settlement of the lawsuit filed by Friends of Appleton-Wolford Libraries and Coalition for a Better North Beach Library and Playground against the City and County of San Francisco; the lawsuit was filed on July 27, 2011, in San Francisco Superior Court, Case No. CPF-11-511469 (Court of Appeal Case No. A136409), entitled Friends of Appleton-Wolford Libraries, et al. v. City and County of San Francisco, et al.; material terms of said settlement are Petitioners' waiver of further appeal rights in exchange for the City's waiver of litigation costs. (City Attorney)

07/07/14; RECEIVED FROM DEPARTMENT.

07/15/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Tang, Campos

Deputy City Attorney Jon Givner 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 - Yee, Tang, Campos

REGULAR AGENDA

140687 [Initiative Ordinance - Administrative Code - Minimum Wage]**Sponsors: Mayor; Kim, Chiu, Farrell, Breed, Yee, Wiener, Campos, Cohen, Tang and Mar**

Motion ordering submitted to the voters an ordinance amending the Administrative Code to increase the minimum wage for employees in San Francisco to \$12.25 per hour on May 1, 2015, with annual increases, reaching \$15.00 per hour in 2018, followed thereafter by annual cost-of-living increases; following 2015, provide only for annual cost-of-living increases in the minimum wage for two narrow categories of employees; and include the City government and In-Home Supportive Services Public Authority as employers subject to the Minimum Wage Ordinance at an election to be held on November 4, 2014.

(Economic Impact)

06/10/14; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/10/2014.

06/17/14; REFERRED TO DEPARTMENT. Referred to the Controller to request a financial analysis (per Elections Code, Section 305(B)(2)); Small Business Commission for review and recommendation; Planning Department for environmental review; and the Mayor's Office, Office of the City Attorney, City Administrator, Ethics Commission, Department of Elections, Office of the Budget and Legislative Analyst, Department of Human Resources, Office of Labor Standards Enforcement, Office of Economic and Workforce Development, Human Services Agency, and IHSS Public Authority (per BOS Rules of Order 2.22.4).

06/20/14; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change to the environment.

06/25/14; REFERRED TO DEPARTMENT. Referred to the Youth Commission for review and recommendation.

07/16/14; RESPONSE RECEIVED. The City Controller submitted the financial analysis.

07/16/14; RESPONSE RECEIVED. 7/14/2014 - The Small Business Commission considered the proposed initiative ordinance but voted unanimously to take no action.

Heard in Committee. Speakers: Supervisor Jane Kim (Board of Supervisors); Tamsen Drew (Mayor's Office); Ted Egan, Chief Economist (Controller's Office); presented information and answered questions raised throughout the discussion. Josue Arguelles (Youth Workers United/Progressive Workers Alliance); Steve Fields (Human Services Network); Anni Chung (Self-Help for the Elderly); Don Candelario Melendez (Causa Justa); Conny Ford (SF Labor Council); Pilar Schiavo (CNA); Amy Aguilera and Antonio Diaz (PODER); Tavia Borghi (IHSS); Jon Osaki (JCYC); Jim Lazarus (SF Chamber of Commerce); Barbara Cesana (Senior Disability Action); Allan Craigie; Male Speaker; Tony Robles (SDA); Alysabeth Alexander (SEIU 1021); Steven Tennis; Rudy E.; Male Speaker; Francisco Nichols; Lily Wong and Chelsea Boilard (Coleman Associates); David Elliot Lewis; Grace Martinez (Alliance of Californians for Community Empowerment); Mario Yedidia (SF Rising); Ward Loggins; Jesus Perez (SOMCAN); Female Speaker; Lourdes Figueroa (SOMCAN); spoke in support of the hearing matter. Samantha Higgins (Golden Gate Restaurant Association); spoke neither in support nor against the hearing matter.

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

Ayes: 3 - Yee, Tang, Campos
(Economic Impact)

CONTINUED AS AMENDED to July 24, 2014, by the following vote:

Ayes: 3 - Yee, Tang, Campos

Supervisor Tang was noted absent at 4:30 p.m. and for the remainder of the meeting.

A motion was made to excuse Supervisor Tang from the remainder of the meeting. The motion carried by the following vote:

Ayes: 2 - Kim, Yee

Excused: 1 - Campos, Tang

The President appointed Supervisor Jane Kim, in place of Supervisor David Campos, to the Rules Committee for the meeting of July 17, 2014, beginning at 5:00 p.m. and for the remainder of the meeting.

Supervisor David Campos was noted absent at 5:05 p.m. and for the remainder of the meeting.

A motion was made to excuse Supervisor Campos from the remainder of the meeting. The motion carried by the following vote:

Ayes: 2 - Kim, Yee

Excused: 1 - Campos, Tang

140716 [Hearing - Initiative Ordinance - Planning Code - City Housing Balance Requirement]

Sponsors: Kim; Campos, Avalos, Mar and Yee

Hearing held to consider the proposed initiative ordinance submitted by four of more Supervisors to the voters at the November 4, 2014, Election entitled "Ordinance amending the Planning Code to establish, in the approval and construction of new housing, a balance of 70%-30% between market rate housing and affordable housing; and to require a conditional use permit for new market rate housing if the balance of affordable housing is not maintained."

(Economic Impact)

06/17/14; RECEIVED AND ASSIGNED to Rules Committee.

06/26/14; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, City Controller, City Administrator, Ethics Commission, Department of Elections, Planning Department, Mayor's Office of Housing and Community Development, Department of Building Inspection, Rent Board, and Budget and Legislative Analyst for informational purposes.

Heard in Committee. Speakers: Supervisor Jane Kim (Board of Supervisors); April Veneracion (Office of Supervisor Jane Kim); Supervisor London Breed (Board of Supervisors); presented information and answered questions raised throughout the discussion. Mr. Alargon; Tom Temprano (Harvey Milk LGBT Democratic Club); Luisa Sicairos and Eric Wu (Youth Commission); Joyce Calagos (Senior Disability Action); Gene Porfido; Sa'adi Naseem (Al Sabeel Mosque); Angelica Cabande (SOMCAN); Mesila Carlson; Trisha Wilson (Bayanihan House); Lourdes Figueroa (SOMCAN); Maria Theresa Imperial; Tony Robles (SDA); Conny Ford (Jobs for Justice); Harvey Lang; LaVonnt McIntosh; Stayson Varghese (SEIU 1021); Jesus Perez (SOMCAN); Allan Craigie; Stephanie and Michael Ruiz (West Bay After School Program); Devin Silvernail; Kathy Lipscomb (Senior Disability Action); Charlie Batte (ACCE); Santiago Lerma; Patrick Valentino; Alysabeth Alexander (SEIU 1021); David Elliott Lewis; Sid F.C.; James Ward; Miriam Marin (SOMCAN); Ramsey Taikos; Shel Gokina; Female Speaker; Elije Hernandez; Jason Bingham; Mike Hinkel; Tavia Borghi; John Martinelli; Robert Marquez; Female Speaker; Sue Hestor; William De la Torre and Julianna De la Torre (SOMCAN); Betty Trainer; Chris Daly; Tammy Bryant; spoke in support of the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Yee, Kim

Excused: 2 - Tang, Campos

140714 [Hearing - Initiative Ordinance - Planning Code - Build Housing Now]**Sponsor: Mayor**

Hearing held to consider the proposed initiative ordinance submitted by the Mayor to the voters at the November 4, 2014, Election entitled "Ordinance amending the Planning Code to prohibit additional land use requirements such as conditional use authorizations, variances or other requirements on housing projects within Area Plans of the General Plan and within Redevelopment Plan Areas based on a cumulative housing balance ratio or other similar criteria related to achieving a certain ratio of affordability levels Citywide or within a geographic area of the City; and making findings, defining goals, and stating policies that support production of 30,000 units of new housing in San Francisco by 2020 including over 50% within reach of low and middle income households, to review all potential revenue sources for new low and middle income housing, and support dedication of 33% of Housing Trust Funds to Housing Authority Projects."

06/17/14; RECEIVED AND ASSIGNED to Rules Committee.

06/26/14; REFERRED TO DEPARTMENT. Referred to the City Controller, City Administrator, Ethics Commission, Department of Elections, Planning Department, Mayor's Office of Housing and Community Development, Department of Building Inspection, and Budget and Legislative Analyst for informational purposes.

Heard in Committee. Speakers: Olson Lee, Director (Mayor's Office of Housing and Community Development); Supervisor London Breed (Board of Supervisors); Sarah Dennis (Planning Department); presented information and answered questions raised throughout the discussion. David Elliott Lewis; Patrick Valentino; Sue Englander; Sue Hestor; spoke in opposition to the hearing matter. Tim Collin (SF Housing Coalition); spoke neither in support nor against the hearing matter.

FILED by the following vote:

Ayes: 2 - Yee, Kim

Excused: 2 - Tang, Campos

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Rules Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.