

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Norman Yee, Chair
Government Audit and Oversight Committee

FROM: Erica Major, Assistant Committee Clerk

DATE: December 7, 2015

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, December 8, 2015

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, December 8, 2015. This item was acted upon at the Government Audit and Oversight Committee Meeting on December 3, 2015 at 10:30 a.m., by the votes indicated.

Item No. 70 **File No. 151163**

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-complaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Norman Yee - Aye
Supervisor Julie Christensen - Aye
Supervisor London Breed - Aye

cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director
Jon Givner, Deputy City Attorney

[Settlement of Lawsuit - New Cingular Wireless, LLC, Donald Sipple, John Simon, Kark Simonsen, and Christopher Jacobs - \$3,038,832]

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-complaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC.

Be it ordained by the People of City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Donald Sipple, et al. v. City Of Alameda, et al., Los Angeles Superior Court, Case No. BC462270 by the payment of \$3,038,832 and by dismissal of the cross-complaint filed in the same action by the City and County of San Francisco against New Cingular Wireless LLC and AT&T Mobility LLC.

Section 2. The above-named action was filed in Los Angeles Superior Court on May 27, 2011, and the following parties were named in the lawsuit: Plaintiffs New Cingular Wireless LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs; Defendants City and County of San Francisco, City of Alameda, Alameda County, City of Albany, City of Alhambra, City of Arcadia, City of Arcata, City of Baldwin Park, City of Beaumont, City of Bell, City of Bellflower, City of Benecia, City of Berkeley, City of Burbank, City of Calabasas, City of Cathedral, City of Ceres, City of Chico, City of Chula Vista, City of Citrus Heights, City of Claremont, City of Colton, City of Compton, City of Covina, City of

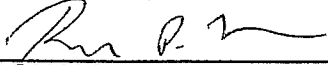
1 Cudahy, Culver City, City of Cupertino, Daly City, City of Desert Hot Springs, City of Dinuba,
2 City of Downey, City of East Palo Alto, City of El Cerrito, City of El Monte, City of El Segundo,
3 City of Emeryville, City of Eureka, City of Exeter, City of Fairfax, City of Fairfield, City of
4 Gardena, City of Gilroy, City of Glendale, City of Gonzales, City of Greenfield, City of Grover
5 Beach, City of Guadalupe, City of Gustine, City of Hawthorne, City of Hayward, City of
6 Hercules, City of Hermosa Beach, City of Holtville, City of Huntington Park, City of Huntington
7 Beach, City of Huron, City of Indio, City of Inglewood, City of Irwindale, City of La Habra, City
8 of Lakewood, City of La Palma, City of La Verne, City of Lawndale, City of Lindsey, City of
9 Long Beach, City of Los Alamitos, City of Los Altos, City of Los Angeles, Los Angeles County,
10 City of Lynwood, City of Malibu, City of Mammoth Lakes, City of Maywood, City of Menlo
11 Park, City of Modesto, City of Montclair, City of Monterey, City of Monterey Park, City of
12 Moreno Valley, City of Mountain View, City of Norwalk, City of Oakland, City of Orange Cove,
13 City of Oroville, City of Pacific Grove, City of Palm Springs, City of Palo Alto, City of
14 Paramount, City of Pasadena, City of Pico Rivera, City of Piedmont, City of Pinole, City of
15 Placentia, City of Pleasant Hill, City of Pomona, City of Port Hueneme, City of Porterville, City
16 of Rancho Palos Verdes, City of Redondo Beach, Redwood City, City of Rialto, City of
17 Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City
18 of San Buenaventura (Ventura), City of San Gabriel, City of San Jose, City of San Leandro,
19 City of San Luis Obispo, City of San Marino, City of San Pablo, City of Sanger, City of Santa
20 Ana, City of Santa Barbara, City of Santa Cruz, City of Santa Monica, City of Seal Beach, City
21 of Seaside, City of Sierra Madre, City of Soledad, City of South Pasadena, City of Stanton,
22 City of Stockton, City of Sunnyvale, City of Torrance, City of Tulare, City of Waterford, City of
23 Watsonville, City of Westminster, City of Whittier, City of Winters, and City of Woodlake;
24 Cross-Defendants New Cingular Wireless LLC and AT&T Mobility LLC.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney



RONALD P. FLYNN
Chief Deputy City Attorney


RECOMMENDED:

Treasurer/Tax Collector



JOSE CISNEROS
Treasurer

FUNDS AVAILABLE:



BEN ROSENFELD
Controller

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ORIG - COB
GAO, Leg Reg

Member, Board of Supervisors
District 7



City and County of San Francisco

NORMAN YEE

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
NOV 24 PM 4:01
AK

DATE: 11/24/2015

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Norman Yee *[Signature]*
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on December 8, 2015, as Committee Reports:

151192 Agreement - Owners' Association for Administration/Management of Greater Rincon Hill Community Benefit District

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Greater Rincon Hill Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2030.

151108 Agreement - Owners' Association for Administration/Management of Yerba Buena Community Benefit District

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Yerba Buena Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2030.

151189 Agreement - Owners' Association for Administration/Management of Dogpatch & Northwest Potrero Hill Green Benefit District

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Green Benefit District known as the "Dogpatch & Northwest Potrero Hill Green Benefit District," pursuant to California Streets and Highway Code, Section 36651, for a period commencing upon Board approval, through June 30, 2025.

151065 Mills Act Historical Property Contract - 722 Steiner Street

Resolution approving a Mills Act historical property contract between The Trust of Côme Lague and Charlene Li, the owners of 722 Steiner Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.

151066 Mills Act Historical Property Contract - 807 Montgomery Street

Resolution approving a Mills Act historical property contract between 807 Montgomery, LLC, the owners of 807 Montgomery Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.

151067 Mills Act Historical Property Contract - 761 Post Street

Resolution approving a Mills Act historical property contract between RLJC San Francisco LP, the owners of 761 Post Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.

150985 Settlement of Lawsuit - John Russo Industrial Sheetmetal, Inc., dba JRI, Inc. - \$2,100,000]

Ordinance authorizing settlement of the lawsuit filed by John Russo Industrial Sheetmetal, Inc., a California corporation, dba JRI, Inc. ("JRI") against the City and County of San Francisco for \$2,100,000 and other material terms; the lawsuit was filed on June 17, 2010, in Alameda County Superior Court Case No. HG10520625, entitled JRI, Inc. v. City and County of San Francisco, et al., related to the contract for the manufacture and delivery of two Aircraft Rescue Fire Fighting vehicles for use at San Francisco International Airport ("Airport"); other material terms of said settlement include that the City will convert the prior termination of JRI's contract for default to a termination for convenience; for five years, JRI will not bid on any Airport contracts, including as a subcontractor, or challenge any Airport procurements; and the parties mutually release all claims relating to the contract or the lawsuit.

X

151163 Settlement of Lawsuit - New Cingular Wireless, LLC, Donald Sipple, John Simon, Kark Simonsen, and Christopher Jacobs - \$3,038,832

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-complaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC.

These matters will be heard in the Government Audit and Oversight Committee on December 3, 2015, at 10:30 a.m.

