

File No. **111287**

Committee Item No. 8  
Board Item No. 48

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 12/8/11

Board of Supervisors Meeting

Date 12/13/11

**Cmte Board**

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

**OTHER**

(Use back side if additional space is needed)

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Completed by: Linda Wong

Date 12/5/11

Completed by: L. W.

Date 12/12/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

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

2  
3 **Ordinance authorizing settlement of the lawsuit entitled *Mitchell Engineering /Obayashi***  
4 ***Corp. JV v. City and County of San Francisco, et al.,* and related cross-actions., Santa**  
5 **Clara County Superior Court Case No. 1-08-CV-116915 by payment of \$14,950,000 from**  
6 **the City to MEOC.**

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

8 Section 1. The City Attorney is hereby authorized to settle the action entitled *Mitchell*  
9 *Engineering /Obayashi Corp. JV ("MEOC") v. City and County of San Francisco ("City"), et al.,*  
10 and related cross-actions., Santa Clara County Superior Court Case No. 1-08-CV-116915, by  
11 (a) payment of \$14,950,000 from the City to MEOC; (b) complete releases of all claims  
12 against all parties, and dismissal with prejudice of all lawsuits, with the exception the  
13 exception of claims for latent defects and third-party claims; (c) assignment by MEOC to the  
14 City of all rights under the Fibrebond Corporation – Shelters' 10-year limited structural  
15 warranty, and B&B Roadway's VW4 RVW Warning Gate 5-year warranty; and (d) all parties to  
16 bear their own costs and fees arising from the action.

17 Section 2. DPW is hereby directed to apply for any eligible reimbursement from  
18 Caltrans.

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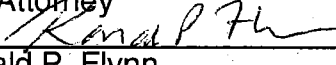
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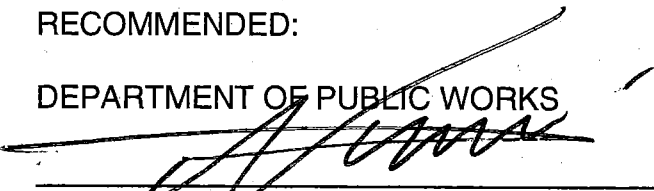
APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

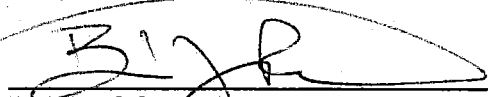
  
\_\_\_\_\_  
Ronald P. Flynn  
Deputy City Attorney

RECOMMENDED:

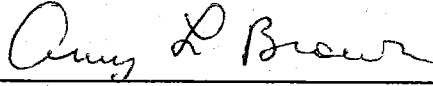
DEPARTMENT OF PUBLIC WORKS

  
\_\_\_\_\_  
MOHAMMED NURU  
Interim Director  
Department of Public Works

FUNDS AVAILABLE:

  
\_\_\_\_\_  
BEN ROSENFELD  
Controller

APPROVED:

  
\_\_\_\_\_  
AMY BROWN  
Interim City Administrator

