

[Settlement of Lawsuit – Waterfront Watch - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Waterfront Watch against the City and County of San Francisco for \$225,000; the lawsuit was filed on February 23, 2012, in San Francisco Superior Court, Case No. CPF-12-511968; entitled Waterfront Watch, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are establishing a process for review of Pier 29 rehabilitation work, Port technical assistance to reduce air emissions at Pier 27, agreement not to place a Jumbotron on the water in Aquatic Park Lagoon.

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

The City Attorney is hereby authorized to settle the action entitled Waterfront Watch, et al., v. City and County of San Francisco, et al., San Francisco Superior Court, Court No. CPF-12-511968 by the payment of \$75,000 for attorneys' fees and \$150,000 to conduct a bird study, and on such other material terms as set forth in the Settlement Agreement and General Release contained in Board of Supervisors File No. _____, or such amended terms as do not materially increase the City's obligations or decrease the City's benefits.

Section 2. The above-named action was filed in San Francisco Superior Court on February 23, 2012, and the following parties were named in the lawsuit: Petitioners Waterfront Watch and Does 1 – 10; Respondents City and County of San Francisco, and numerous Real Parties in Interest including America's Cup Event Authority, San Francisco America's Cup Organizing Committee, America's Cup Race Management, potential racing teams including Golden Gate Yacht Club of San Francisco, Oracle Racing, Inc, Club Nautico di Roma, Mascalzone Latino, Kungliga Svenska Segel Sällskapet, Artemis Racing, Royal New Zealand Yacht Squadron, *et al.*, and the United States Army Corps of Engineers, Winzler &

1 Kelly Constructors & Structus Inc. Joint Venture, Dutra Construction Co. Inc., Kaplan
2 McLaughlin, Diaz Architects & Pfau Long Architecture Joint Venture, and Turner Construction
3 Company.

4

5 APPROVED AS TO FORM AND
6 RECOMMENDED:

7

8 DENNIS J. HERRERA
9 City Attorney

RECOMMENDED:

SAN FRANCISCO PORT COMMISSION

10

11

12 KATE H. STACY
13 Deputy City Attorney

MONIQUE MOYER
EXECUTIVE DIRECTOR

14

15 FUNDS AVAILABLE:

APPROVED:

16

17

18 BEN ROSENFELD
19 Controller

AMY QUESADA, SECRETARY
PORT COMMISSION

20

21

22

23

24

25