

File No. 11287

Committee Item No. 8
Board Item No. 8

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee Rules Date 12/8/11

Board of Supervisors Meeting Date 1/10/2012

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <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"/> | 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)

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Linda Wong
Completed by: L.W.

Date 12/5/11
Date 12/12/11

An asterisked item represents the cover sheet to a document that exceeds 20 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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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney



Ronald P. Flynn
Deputy City Attorney

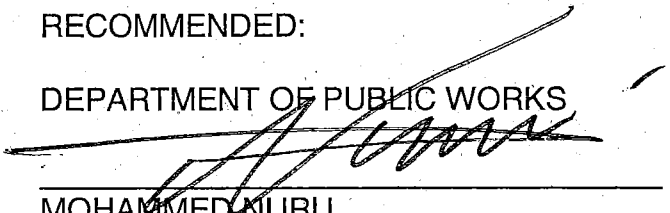
FUNDS AVAILABLE:



BEN ROSENFELD
Controller

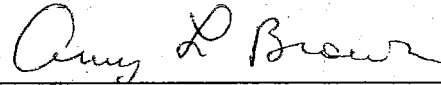
RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS



MOHAMMED NURU
Interim Director
Department of Public Works

APPROVED:



AMY BROWN
Interim City Administrator