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Office of the City Attorney  
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City Attorney

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April 5, 2016

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Painters and Decorators Joint Apprenticeship Committee  
v. City of Oakland,  
Alameda County Superior Court Case No. RG14740320  
City Attorney File No. 29960  
(Council – Breach of Contract)**

President Gibson McElhaney and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Three Hundred Seventy-Five Thousand Dollars and No/100 Cents (\$375,000.00), payable to Painters and Decorators Joint Apprenticeship Committee and its attorneys James Wesser and Roberta Perkins, Weinberg, Roger & Rosenfeld.

This action arises out of a dispute concerning an agreement for the potential conveyance of land at the Oakland Army Base.

The Council authorized settlement of this case in Closed Session on Tuesday, December 8, 2015 (moved by Councilmember Gallo and seconded by Councilmember Reid - 6 Ayes, 1 No – Councilmember Guillén, 1 Absent – Councilmember Brooks).

Respectfully submitted,

A handwritten signature in blue ink, which appears to read "Barbara J. Parker".

BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Maria Bee

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PAINTERS AND DECORATORS JOINT APPRENTICESHIP TRAINING COMMITTEE V. CITY OF OAKLAND, ET AL. ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14740320, IN THE AMOUNT OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS AND NO/100 CENTS (\$375,000.00) (COUNCIL - BREACH OF CONTRACT)**

**WHEREAS**, Plaintiff alleges that the City breached a Memorandum of Agreement for the potential conveyance of land to plaintiff at the Oakland Army Base; and

**WHEREAS**, Plaintiff filed the above-referenced lawsuit to recover monetary damages for the alleged breach; and

**WHEREAS**, The City Council has determined to compromise and settle Plaintiff's claim against it for the sum of Three Hundred Seventy-Five Thousand Dollars and No/100 Cents (\$375,000.00); now, therefore, be it

**RESOLVED**: That the City of Oakland is authorized and directed to compromise and settle the case of Painters and Decorators Joint Apprenticeship Committee v. City of Oakland, Alameda County Superior Court Case No. RG14740320, City Attorney's File No. 29960, for a sum not to exceed Three Hundred Seventy-Five Thousand Dollars and No/100 Cents (\$375,000.00); and be it

**FURTHER RESOLVED**: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

**FURTHER RESOLVED**: That the sum of Three Hundred Seventy-Five Thousand Dollars and No/100 Cents (\$375,000.00) be paid to Painters and Decorators Joint Apprenticeship Committee and its attorneys James Wesser and Roberta Perkins, Weinberg, Roger & Rosenfeld.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING THE VOTE:

AYES – BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND  
PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California