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OAKLAND CITY COUNCIL

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. 78445 C.M.S.

04 MAR 25 PM 1:49

**Resolution Authorizing and Directing the City Attorney to Compromise and Settle the Case of City of Oakland v. City of Alameda (Alameda Point General Plan Amendment) on the Following Terms: City will Provide \$462,000 in Traffic and Pedestrian Safety Improvements in Oakland Chinatown; City of Alameda will Provide an Additional \$500,000 for Such Improvements in Oakland Chinatown; and the City of Alameda will Provide \$75,000 to cover the cost of establishing and administering an Oakland Chinatown Advisory Committee that will Advise Oakland and Alameda on Chinatown Development and Environmental Review Issues (Alameda County Superior Court Case No. RG-03133599)**

**WHEREAS**, on or about May 20, 2003 the respondents/defendants in the above-entitled action, Alameda City Council/City of Alameda ("Respondents") took actions to certify a Final Environmental Impact Report (the "EIR" or "FEIR") for and to approve the Alameda Point General Plan Amendment for redevelopment of a substantial area within the City of Alameda that historically was occupied as the Alameda Naval Air Station (the "Project"); and

**WHEREAS**, the City of Oakland repeatedly had expressed its concerns regarding the potential adverse effects the Project would have on the City of Oakland, particularly on issues of traffic and pedestrian safety with the Chinatown area of Oakland; and

**WHEREAS**, on or about December 24, 2003 the City of Oakland filed a lawsuit in Alameda County Superior Court (Case No. RG-03133599) challenging the EIR and the Project, because it had not been able to resolve issues pertaining to the Project; and

**WHEREAS**, on or about January 9, 2004, Asian Health Services and the Oakland Chinatown Chamber of Commerce (collectively, "AHS/OCCC") also filed a lawsuit in Alameda County Superior Court (Case No. RG-04135696) challenging the EIR and the Project due to its potentially adverse effects on the Oakland Chinatown area; and

**WHEREAS**, the City of Oakland, the City Council, Respondents and AHS/OCCC wish to fully and completely resolve their disagreements relating to the Project; **Now, therefore, be it**

**RESOLVED:** that the City Council authorizes and directs the City Attorney to compromise and settle the case of City of Oakland v. City of Alameda, et al, (Alameda County Superior Court Case No. No. RG-03133599) for the amount of \$462,000.00; and be it

**FURTHER RESOLVED:** that City staff shall attempt to obtain the aforesaid \$462,000.00 from applicants for pending and/or future Oakland development projects that will impact the Oakland Chinatown area; and be it

**FURTHER RESOLVED:** that to the extent that City staff is not able to obtain the required funding from pending and/or future Oakland development projects that will impact the Oakland Chinatown area, staff shall fund the settlement from the proceeds of a planned Central District Redevelopment Area Bond Series 2004 A that the City anticipates issuing no later than September 2004; and be it

**FURTHER RESOLVED:** that the City Attorney and staff are authorized to take whatever steps may be necessary to effect said settlement, including without limitation entering into a settlement agreement in substantial conformity with **Attachment A**; and be it

**FURTHER RESOLVED:** that the settlement agreement shall be approved as to form and legality by the City Attorney.

**APR 6 2004**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

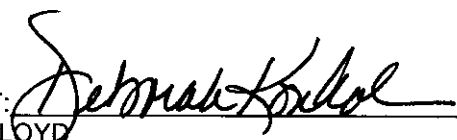
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, **BRUNNER**, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

for   
ATTEST:  
CEDRA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**ATTACHMENT A**

**AGREEMENT BETWEEN THE CITY OF ALAMEDA, THE CITY OF OAKLAND,  
THE OAKLAND CHINATOWN CHAMBER OF COMMERCE AND ASIAN  
HEALTH SERVICES REGARDING  
COOPERATION TO STUDY AND MITIGATE TRAFFIC AND RELATED  
IMPACTS IN ALAMEDA, OAKLAND, AND SPECIFICALLY IN OAKLAND  
CHINATOWN**