

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK
OAKLAND

TO: Office of the City Administrator
ATTN: Deborah Edgerly, City Administrator
FROM: Community and Economic Development Agency
DATE: October 25, 2005

2005 OCT 13 PM 6:59

RE: **A RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO ENTER INTO A THREE (3) YEAR LEASE, WITH TWO (2) ONE-YEAR OPTIONS, WITH ZIMMERMAN REVOCABLE TRUST (LANDLORD) FOR 753 SQUARE FEET OF OFFICE SPACE LOCATED AT 1330 BROADWAY TO COMPLY WITH A PROVISION OF THE NEGOTIATED SETTLEMENT AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE PLAINTIFFS IN THE CASE OF "DELPHINE, ALLEN, ET AL., V THE CITY OF OAKLAND, ET AL.", WHICH REQUIRED OFFICE SPACE FOR THE INDEPENDENT MONITORING TEAM.**

SUMMARY

A resolution has been prepared authorizing the City of Oakland (City) to enter into a three (3) year lease with two (2) one-year options with Zimmerman Revocable Trust for 753 square feet of office space at 1330 Broadway to comply with a provision of the Negotiated Settlement Agreement between the City and the plaintiffs in the case of "Delphine, Allen, et al., v the City of Oakland, et al." (Agreement), also known as the "Riders" case which requires office space for the Independent Monitoring Team (IMT).

The estimated annual rental cost is \$17,168.00 plus annual CPI increases. Adoption of this Resolution satisfies Mayor and City Council Priority Goal #2 (Develop a Sustainable City) and Goal #3 (Improve Oakland Neighborhoods).

FISCAL IMPACT

Funding for the leasehold rights of the subject location is available from General Purpose Fund (#1010), Emergency Contingency Reserve Unit Organization. (#90611), Miscellaneous Services Account (#53719), Fiscal Management Program (#IP51). Rental costs are estimated as follows:

Total square ft. of office space	Rate per square ft.	Monthly rental rate	Annual rent	Total rent for 3-year duration of the lease not including annual CPI increases and or true-up costs
753	\$ 1.90	\$ 1,430.00	\$ 17,168.00	\$ 51,505.00

BACKGROUND

On January 22, 2003, the City of Oakland and Plaintiffs in the *Delphine Allen, et al. v. City of Oakland, et al.*, consolidated case number C00-4599 TEH (JL) otherwise known as the "Riders" cases reached a Settlement Agreement to promote effective and respectful policing. The parties joined in entering into this Agreement to promote police integrity and prevent conduct that deprives persons of the rights, privileges and immunities secured or protected by the Constitution or laws of the United States. The

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overall objective of this Agreement is to provide for the expeditious implementation, initially, with the oversight of an outside monitoring body, of the best available practices and procedures for police management in the areas of supervision, training and accountability mechanisms, and to enhance the ability of the Oakland Police Department (“the Department” or “OPD”) to protect the lives, rights, dignity and property of the community it serves.

According to the terms of the Agreement, the City and plaintiffs’ counsel selected an independent monitor (IMT) to review and report on OPD’s implementation of, and assist with OPD’s compliance with the Agreement. The IMT is to perform its function for (5) five years, which may be extended to (7) seven years as determined by the court.

KEY ISSUES AND IMPACTS

According to the terms of the Agreement, the City must provide the Monitor and any staff of the Monitor with office space within a stated time in order to facilitate reviews and report on OPD’s implementation of, and assistance with their compliance with the terms and provisions of this Agreement. The proposed office space at 1330 Broadway will be used to house the Monitor’s office consistent with the agreed upon terms and conditions of the Agreement.

PROJECT DESCRIPTION

The City of Oakland Real Estate Division made inquiries regarding availability of suitable office space to accommodate the Monitor within City-owned buildings in the downtown area; however no suitable office space was available. The Real Estate Division located suitable office space at 1330 Broadway, Oakland and executed a letter of intent with Zimmerman Revocable Trust to lease 753 square feet of office space at the monthly cost of \$1.90 per square foot. The lease commences on October 1, 2005 and has an initial period of three (3) years with two (2) one-year options.

The purpose of acquiring the office space for the Monitor is to uphold and execute the terms and conditions of the Settlement Agreement for the “Riders” Cases. The office space will allow the Monitor to conduct business for the required monitoring and reviewing at a suitable location.

SUSTAINABLE OPPORTUNITIES

Economic: The office space is required for the Monitor’s use regarding the City’s Police Department. The City is contributing towards reducing office vacancies in downtown.

Environmental: The uses of office space will have no significant environmental impact.

Social Equity: The use of office space for monitoring purposes will help in the Agreement’s implementation to promote police integrity and prevent conduct that deprives persons of the rights, privileges and immunities secured or protected by the Constitution or laws of the United States.

DISABILITY AND SENIOR CITIZEN ACCESS

Adoption of this Resolution will have no direct impact on disabled and senior citizen access.

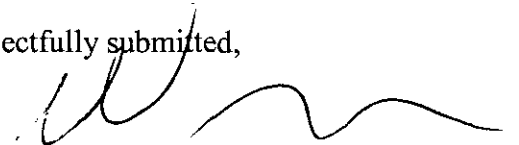
RECOMMENDATION(S) AND RATIONALE

Staff recommends adoption of the Resolution authorizing the City of Oakland to enter into a three (3) year lease, with two (2) one-year options, with Zimmerman Revocable Trust (Landlord) for 753 square feet of office space located at 1330 Broadway, Oakland, for the estimated annual rental cost of \$17,168.00 plus annual CPI increases, to comply with a provision of the Agreement, which requires office space for an Independent Monitoring Team.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends adoption of the Resolution authorizing the City of Oakland to enter into a three (3) year lease, with two (2) one-year options, with Zimmerman Revocable Trust (Landlord) for 753 square feet of office space located at 1330 Broadway, Oakland to comply with a provision of the Agreement between the City of Oakland and the plaintiffs in the case of “*Delphine, Allen, et al., v the City of Oakland, et al.*”, which required office space for the Independent Monitoring Team.

Respectfully submitted,



DANIEL VANDERPRIEM, Director
Redevelopment, Economic Development and Housing
Community and Economic Development Agency

Reviewed by: Frank Fanelli, Manager
Real Estate Services

Prepared by: Hamid Ghaemmaghmi, Real Estate Agent
Real Estate Services

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:


OFFICE OF THE CITY ADMINISTRATOR

FILED
OFFICE OF THE CITY CLERK
Approved as to Form and Legality
7:05 PM 6:59
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A THREE (3) YEAR LEASE, WITH TWO (2) ONE YEAR RENEWAL OPTIONS, WITH ZIMMERMAN REVOCABLE TRUST (LANDLORD) FOR 753 SQUARE FEET OF OFFICE SPACE LOCATED AT 1330 BROADWAY, TO COMPLY WITH A PROVISION OF THE NEGOTIATED SETTLEMENT AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE PLAINTIFFS IN THE CASE OF “DELPHINE, ALLEN, ET AL., V THE CITY OF OAKLAND, ET AL.”, WHICH REQUIRED OFFICE SPACE FOR AN INDEPENDENT MONITORING TEAM.

WHEREAS, on January 22, 2003, City of Oakland and Plaintiffs in the *Delphine Allen, et al. v. City of Oakland, et al.*, consolidated case number C00-4599 TEH (JL) otherwise known as the “Riders” cases reached a Settlement Agreement (the “Agreement”) to promote effective and respectful policing; and

WHEREAS, under the terms of the Agreement, within 60 days after execution of the Agreement, the City and plaintiffs’ counsel were to mutually select a Monitor, subject to the approval of the Court, to review and report on Oakland Police Department’s (“OPD”) implementation of, and assist OPD with compliance with this Agreement; and

WHEREAS, based on the terms of the Agreement, City at its expense must provide the Monitor and staff of the Monitor with office space, which may be in the Police Department or within other City offices, and with reasonable office support such as telephones, access to fax and photocopying, etc; and

WHEREAS, the Real Estate Division determined that there is no suitable space available in City-owned buildings downtown, and therefore, they located suitable office space at 1330 Broadway and executed a letter of intent with Zimmerman Revocable Trust to lease 753 square feet of office space at the monthly cost of \$1.90 per square foot; and

WHEREAS, the proposed lease with Zimmerman Revocable Trust will include the following terms and conditions:

- a) The initial first year’s rent is set at \$1.90 per square foot or \$1,430 per month fully serviced;
- b) The base rent will increase at the rate of the Consumers Price Index with annual increases beginning the second year of the lease, capped at 5%;

- c) The lease term commences on October 1, 2005 and has an initial period of three (3) years with two (2) one - year renewal options upon 90 days written notice to the landlord; and

WHEREAS, funds for this program are available in General Purpose Fund (1010); Emergency Contingency Reserve Unit (90611); Miscellaneous Services Account (53719); Fiscal Management Program (#IP51); and

WHEREAS, it can be said with certainty that there is no possibility that the lease of the office space by the City of Oakland may have a significant effect on the environment and therefore said lease is exempt from the requirements of the California Environmental Quality Act "CEQA" by section 15301 of the CEQA Guidelines; now therefore be it

RESOLVED: That the City Administrator is hereby authorized and directed to execute a lease agreement with the Zimmerman Revocable Trust consistent with this resolution; the Manager, Real Estate Services, is authorized and directed to take any and all actions necessary to complete the lease transaction hereby approved; and be it

FURTHER RESOLVED: That the City Administrator shall cause to be filed with the County of Alameda a Notice of Exemption; and be it

FURTHER RESOLVED: That the lease shall be approved as to form and legality by the Office of the City Attorney and copies shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California