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OFFICE OF THE CITY CLERK
OAKLAND

2012 JUN 28 PM 3:14

REVISED

Approved as to Form and Legality

M. Woodson
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

A RESOLUTION 1) AUTHORIZING A FIVE-YEAR LEASE WITH THE OAKLAND UNIFIED SCHOOL DISTRICT FOR THE USE OF A MODULAR BUILDING AT THE PIEDMONT AVENUE ELEMENTARY SCHOOL AT 4314 PIEDMONT AVENUE FOR THE PIEDMONT AVENUE LIBRARY; 2) AUTHORIZING THE CITY TO MOVE THE LIBRARY FROM ITS CURRENT LOCATION AT 160 41ST STREET TO THE SCHOOL; 3) APPROPRIATING \$2,500 PER MONTH FROM MEASURE Q FUND 2241 FOR LEASE PAYMENTS FOR FISCAL YEAR 2012-13; AND 4) APPROPRIATING FUNDS IN AN AMOUNT NOT-TO-EXCEED \$200,000 FORTHE MOVE

WHEREAS, the City of Oakland has occupied 160-41st Street for the Piedmont Avenue Branch Library since 1932; and

WHEREAS, the property was sold in 2009 and the rent was raised from \$1 per month to \$4,250 per month beginning November 1, 2010; and

WHEREAS, the current lease agreement terminated October 31, 2011; and

WHEREAS, the City did not renew the one-year lease extension, and consequently is on a month-to-month rental, which was raised on November 1, 2011 to \$4,900 per month; and

WHEREAS, the City cannot continue to lease this facility at the negotiated cost; and

WHEREAS, the City wishes to move to a convenient location and into a modular building on property belonging to the Oakland Unified School District at the Piedmont Avenue Elementary School at 4314 Piedmont Avenue; and

WHEREAS, the Oakland Unified School District will lease the facility for five years at a significant savings to the City at a rental rate of \$2,500 per month without an annual rent escalator; and

WHEREAS, the modular facility includes public restrooms, air conditioning and ADA accessibility not available at the previous location; and

WHEREAS, the continuation of the library at this new location will benefit not only OUSD students and area residents, but also others throughout the City; and

WHEREAS, the City desires to lease the property for a five-year year period; and

WHEREAS, funding for the lease payments is available for fiscal year ("FY") 2012-2013, in Measure Q (2241); and

WHEREAS, there are additional one-time costs of approximately \$200,000 associated with moving the library into the modular facility; and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been met; now, therefore, be it

RESOLVED: That the City Council hereby finds and determines that it would be in the best interests of the City to move the Piedmont Avenue Branch Library at 160-41st Street to a new location at the Piedmont Avenue Elementary School; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate and execute a lease with the Oakland Unified School District of a modular building at the Piedmont Avenue Elementary School at 4314 Piedmont Avenue for use as the Piedmont Avenue Branch Library for a five (5) year term,; and be it

FURTHER RESOLVED: That lease payments for FY 2012-13 in the amount of \$2,500 per month are hereby appropriated from Measure Q Fund (2241) Org. (61121) Account (52212) Project (0000000) Program (NB37); and be it

FURTHER RESOLVED: That the cost for utilities and maintenance are currently paid and will continue to be paid from City Facilities Services Fund (4400) Org. (30634) Account (53112) and (53114) Project (0000000) Program (712M); and be it

FURTHER RESOLVED: That funds from OPL Fund 7540, Project (0000000) are hereby appropriated, in an amount not to exceed \$200,000, in order to effect the move into the modular facility; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to negotiate, execute and amend the Lease, not including extension without returning to the City Council, and to take any and all actions necessary and consistent with this Resolution; and be it

FURTHER RESOLVED: That the City commits to undertake a study of the traffic and parking impacts of the new Library location and that this study will take place after students return to school; and that if it is determined that the impacts to either parking or traffic are significant, the City commits to mitigating those impacts to the degree reasonable; and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination, and the Council finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15061(b)(3) (no possibility of significant environmental impact), and Section 15301 (existing facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator or her designee, shall cause to be filed with the County of Alameda, a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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