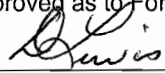


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 APR 16 AM 11:00

Approved as to Form and Legality

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 81959 C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING THE CITY TO LEASE THE ALICE STREET LEARNING CENTER PROPERTY AT 250 – 17TH STREET FROM THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR ONE YEAR WITH TWO ONE YEAR RENEWAL OPTIONS FOR AN INITIAL RENT NOT TO EXCEED \$7,649 PER MONTH PLUS THE COST OF UTILITIES, SERVICES, ASSESSMENTS AND INDEX ADJUSTMENTS, AND ACCEPTING APPROXIMATELY \$98,000 FROM THE OAKLAND UNIFIED SCHOOL DISTRICT FOR SUCH COSTS

WHEREAS, the City of Oakland adopted a Resolution in June 2004, approving a lease for this 4,920 square foot building owned by the East Bay Municipal Utility District (“EBMUD”) for use as a child care center for downtown workers; and

WHEREAS, the facility over the years has proven to be an asset to employees and residents in the downtown area, and is the only one of its kind currently in operation downtown; and

WHEREAS, pursuant to an Memorandum of Understanding (“MOU”) with the City, the Oakland Unified School District provides early childhood education at the site; and

WHEREAS, the source of funds earmarked for the continuance of the lease with EBMUD expires on June 30, 2009; and

WHEREAS, funds for the lease are available in the General Purpose Fund (1010), Child Care Section Org (78131), Child Care Section Downtown Project (P42100), Strengthening Children and Youth Program (YS13).

WHEREAS, the existing lease terms with EBMUD will be modified to reflect the following terms and conditions:

- a) The first year’s rent is set at \$1.56 per square foot or \$7,649 per month;
- b) The City will pay the cost of utilities, services and assessments associated with the operation of the facility;
- c) The City shall have the option to extend the lease for two one (1) year periods after the one year fixed term;
- d) The base rent will increase 3% for the first lease renewal option period to \$7,878 per month, and for the second lease renewal option period, to \$8,115 per month;

- e) The City shall have the first right of opportunity to re-lease or purchase the property from EBMUD;
- f) The City shall have the right to assign the lease or sub-let the facility to child care providers;
- g) The Oakland Unified School District is the current child care provider and will allocate approximately \$98,000 for the payment of the first year's rent and operating expenses, and will pay the City for any additional costs incurred in relation to the lease; and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA"), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to negotiate, execute, amend and extend a lease agreement with EBMUD, consistent with the modified lease terms stated above and this Resolution; and the Manager, Real Estate Services, is authorized to take any and all actions necessary to complete the lease transaction hereby approved; and be it

FURTHER RESOLVED: That the City Council authorizes approximately \$98,000 in expenditures for Fiscal Year 2009-10, and funds are available in City Entity (1) General Purpose Fund (1010) Child Care Section Org (78131) Facility Rentals Account (44329) Child Care Center Downtown Project (P42100) and Strengthening Children and Youth Program (YS13).

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination and the Council finds and determines, based on the information provided in the staff report accompanying this Resolution, that this action complies with CEQA because this action is exempt from CEQA pursuant to Section 15301 (existing facilities) of the CEQA Guidelines, and directs the City Administrator, or his designee, to file a Notice of Exemption and an Environmental Declaration (under California Fish and Game Code Section 711.4) with the County of Alameda ; 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, MAY 5 2009

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, AND PRESIDENT BRUNNER - 7

NOES - 0
 ABSENT - 0
 ABSTENTION - 0

Excused - Reid - 1

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