

2003 NOV 25 AM 9:12

CITY OF OAKLAND
Agenda Report

TO: Office of City Manager
ATTN: Deborah Edgerly, Interim City Manager
FROM: Oakland Public Library
Date: December 9, 2003

RE: RESOLUTION AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF OAKLAND, TO ENTER INTO A LEASE AGREEMENT AND JOINT USE COOPERATIVE AGREEMENT BETWEEN THE OAKLAND PUBLIC LIBRARY AND THE OAKLAND UNIFIED SCHOOL DISTRICT FOR THE OPERATION OF A JOINT USE SCHOOL AND PUBLIC LIBRARY ON THE WOODLAND ELEMENTARY SCHOOL CAMPUS, LOCATED AT 81ST AVENUE AND RUDSDALE STREET

SUMMARY

The Oakland Public Library (OPL) requests that the City Council authorize the City Manager to enter into a Joint Use Cooperative Agreement and a Lease Agreement between the City of Oakland and the Oakland Unified School District (OUSD) for the operation of the proposed 20,000 sq. ft. public library on the Woodland Elementary School Campus at 81st Avenue and Rudsdale Street. The 600 students attending the two, small autonomous schools on the site, Acorn Woodland Elementary and Encompass Elementary School, and, the general public, would utilize the 20,000 sq. ft. public library.

City Council Resolution No. 78185 C.M.S., passed November 4, 2003, authorizes the City Manager to apply for, accept and appropriate funds in an amount not to exceed six million five hundred thousand dollars (\$6.5M) for the construction of the joint use school and public library, from the State Library Bond Act, Proposition 14, as codified in the California Reading and Literacy Improvement and the Public Library Construction and Renovation Bond Act of 2000 (Education Code, Title 1, Division 1, Part II, Chapter 12, Articles 1-3, Section 19985-20011) and the California Code of Regulations under Title 5, Division 2, Chapter 3, Section 20430, et seq. (collectively the "Bond Act"). The Oakland Unified School District is owner and provider of the land upon which the Woodland Elementary School and Woodland Public Library would be constructed.

A Joint Use Agreement and Lease Agreement are required for the Proposition 14 grant application package.

Item: 5

Life Enrichment Committee
December 9, 2003

FISCAL IMPACT

The construction of the joint use school and public library will cost \$10,000,000. With funding in place, construction of the library would be completed in 2007.

The Library will apply for a California Proposition 14 grant of up to \$6.5 million (the state grant will provide up to 65% of the project cost). If the grant is awarded, the City's acceptance of the \$6.5 million grant and the approval of the proposed Joint Use Agreement with OUSD would obligate the City to pay up to \$3.5 million in local matching funds (the City is obligated to provide 35% of the project cost) toward the construction of the library facility. The City Council has previously approved \$3.5 million in Coliseum School Set Aside Funds to cover these one-time, matching funds, and authorized amending the repayment agreement with the Oakland Redevelopment Agency (ORA) to accept this funding. Under the provisions of Proposition 14, an estimated operating budget is required to be submitted with the application.

The joint-use library is scheduled to open in 2007 and annual costs of \$700,000, estimated at current program costs, is projected to provide staff and operations and maintenance for the facility. The fund source to operate the library will be addressed in the next budget cycle. Several options are being investigated.

The OUSD will lease the land to the City of Oakland for \$1.00 per year for forty (40) years. Under provisions of Proposition 14, the City is required to provide library services from this facility for a similar number of years.

BACKGROUND

In 2000, the Oakland Public Library and Oakland Unified School District staff began discussing the development of possible joint use facilities. The OUSD was actively planning for development of additional public schools sites. It was around this same time that the California State Library distributed a joint use facility survey to identify the locations of existing facilities on a statewide basis; how they were governed; the school level(s) of the facilities; and other pertinent information, including joint-use agreements. The survey was forwarded to 179 public library jurisdictions. The response rate was 95% with 170 public libraries responding. A list of 43 joint use facilities was identified. Eighteen of the joint-use facilities were Elementary School and Public Library Facilities.

The information gathered from the survey aided the Library and OUSD staff, including attorneys from both the City and School, in discussions that paved the way for the eventual selection of the Woodland Elementary School as the ideal site for a joint use facility. The survey information, as well as current agreements approved under earlier Proposition 14 grant awards, also greatly assisted the staff members of OPL and OUSD in the development of a joint use agreement.

KEY ISSUES AND IMPACTS

Joint Use Cooperative Agreement

The Joint Use Cooperative Agreement between the Oakland Public Library (therein called "CITY") and the Oakland Unified School District (therein called "DISTRICT") defines specific conditions, tasks and programmatic responsibilities of each, the "CITY" and the "DISTRICT".

The implementation of this 40-year Joint Use Agreement is dependent upon the State of California awarding the Library with a \$6.5 million grant (Proposition 14), and, the allocation of \$3.5 million from ORA's Coliseum School Set Aside Fund. If the California Public Library Construction and Renovation Board does not award the grant to the City by December 2005, or if ORA does not award the matching \$3.5 million to the project, then the Agreement between the City and the District shall terminate and shall be of no force and effect.

Implementation of the Agreement will include but not be limited to:

1. Allow the joint use public library to operate and benefit the residents of the community by increasing the educational opportunities and community meeting space available to them, including, classrooms for adult education, after school programs for school age children, and programs for teens.
2. Provide an opportunity for City and District staff to work collaboratively as partners in assisting students to achieve their academic goals, thereby setting the standard for joint use facilities between the City and the District.
3. Establish standards for the operation of the joint library facility that shall be generally consistent with the standards established for the operation of other Oakland Public Library facilities, including hours of operation, staff qualifications, material selection guidelines and circulation policies. The Library shall staff and supervise the operation of the facility during public service hours. The District shall provide staff for operation of the facility during non-public hours of operation and for class instruction in the computer lab.
4. Establish a Library Coordination Committee (LCC) to implement and evaluate the joint venture. The Committee will include three representatives from the District and three from the Library. The LCC will meet quarterly to plan operations, review and implement joint use venture projects, set schedules for the use of the various meeting rooms in both the schools and library, strategize on collection development and develop guidelines for services. Any issues that cannot be resolved by the LCC will be referred to the Library Director and the State Administrator or his/her successor.
5. The Library shall establish and maintain furnishings, equipment, and a general collection and supplies for the public's use. The District shall establish and maintain textbooks used in the schools and media production equipment for the computer lab.

Lease Agreement

The Lease Agreement between the Oakland Public Library (therein called "CITY") and the Oakland Unified School District (therein called "DISTRICT") defines specific conditions, tasks and ownership responsibilities of each, the "CITY" and the "DISTRICT". The Library has been working with City of Oakland's Attorney's Office and the OUSD staff and counsel to ensure that all City, OUSD and Proposition 14 requirements are met as part of the Lease Agreement.

Implementation of the Lease Agreement will include, but not be limited to:

- OUSD providing the land for the library, leased to the City for a minimum of 40 years, at a \$1.00 per annum fee.
- OUSD providing site development funding for the library facility site.
- OUSD providing the custodial and gardening maintenance service for the library facility over the term of the lease.
- OUSD funding the utilities for the facility, including electricity, water and sewer service.
- OPL providing the long-term maintenance of the facility, including HVAC, carpeting, interior and exterior painting, etc.

The Lease Agreement also makes provision for the operation, maintenance, management and supervision of the library facility.

SUSTAINABLE OPPORTUNITIES

Economic: The implementation of the Joint Use Agreement will position the library to become a hub and anchor to attract residents and others to the area, thereby increasing the foot traffic to the area and thus benefiting nearby businesses on International Boulevard.

Environmental: Facility design and construction will take into consideration green building technologies, LEEDs standards and City Sustainable Design guidelines, and to the extent feasible, utilize recycled materials in the products specified and explore other environmental opportunities such as waste reduction. The proposed Joint Use Agreement would not impact these environmental opportunities.

Social Equity: The implementation of the Joint Use Agreement will provide opportunities to improve the quality of life for all Oakland residents, especially for those individuals who live in the area, through the use of the services and programs offered by the library.

DISABILITY AND SENIOR CITIZEN ACCESS

As part of the design requirement in the Library Bond Act of 2000 (Proposition 14), design considerations must include ADA access elements as well as ensuring improved accessibility for senior citizen communities. The Joint Use Agreement includes the provision of services and programs that will be accessible to senior citizens and individuals with disabilities.

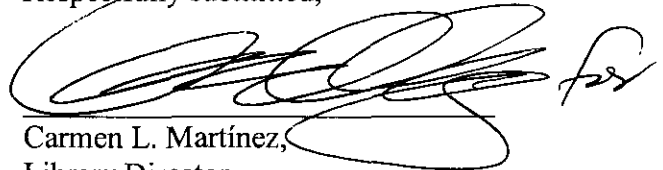
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council Committee (s) approve the resolution of the Lease Agreement and the Joint Use Agreement between the City of Oakland and the Oakland Unified School District and forward this report to the City Council for action.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Council approve the resolution of the Lease Agreement and the Joint Use Agreement between the City of Oakland and the Oakland Unified School District.

Respectfully submitted,



Carmen L. Martínez,
Library Director

Prepared by:

Julie Odofin, Administrative Librarian

Gerry Garzón, Administrative Librarian

APPROVED AND FORWARDED TO THE
LIFE ENRICHMENT COMMITTEE



OFFICE OF THE CITY MANAGER

OAKLAND CITY COUNCIL

[Signature]
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. _____ C.M.S.

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WHEREAS, the Oakland Unified School District is constructing two elementary schools, Acorn Woodland and Encompass Academy at the present site of the Woodland Elementary School in the area of 81st Avenue and Rudsdale and the Oakland Public Library intends to submit a Proposition 14 application to the State of California to assist in funding construction of the new 20,000 square foot joint use library between the Oakland Public Library and the Oakland Unified School District on the Woodland Elementary School campus; and

WHEREAS, based on assessments of current and future library sites and the potential for ensuring a strong Proposition 14 application project, this joint use project is a very competitive application because the joint use library, to be built on land provided by the Oakland Unified School District, holds tremendous potential for benefits to the children and underserved residents of this community; and

WHEREAS, the joint use cooperative agreement defines the responsibilities and cooperative agreements between the Oakland Public Library and the Oakland Unified School District, by setting standards for the operation of the joint use library that are generally consistent with the standards established for the operation of other Oakland Public Library facilities, including hours of operation, staff positions, materials selection guidelines and circulation policies; and

WHEREAS, the Oakland Unified School District and the Oakland Public Library are developing a lease agreement that calls for the land for the library facility to be leased to the City of Oakland Public Library for 40 years at \$1.00 per year; now, therefore be it

RESOLVED: That the City Manager, on behalf of the City of Oakland and the Oakland Public Library, is authorized to enter into a lease agreement and a joint use cooperative agreement between the Oakland Public Library and the Oakland Unified School District for the operation of a joint use school and public library on the Woodland Elementary School campus, located at 81st Avenue and Rudsdale Street.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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LIFE ENRICHMENT CMTE.

DEC 9 2003

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California