


2011 SEP 29 PM 2:10

REVISED


City Attorney

As Amended on September 27, 2011

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

CITY RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FIVE YEAR LEASE EXTENSION WITH TWO (2) FIVE YEAR OPTIONS TO RENEW THE EXISTING LEASE FOR CITY OWNED COMMUNICATIONS EQUIPMENT LOCATED AT 1111 BROADWAY, WITH OCC VENTURE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR AN INITIAL ANNUAL RENT OF \$120,000

WHEREAS, the City currently leases space at 1111 Broadway for city-owned public safety mission critical radio communications equipment, including dish antennas and microwave backhaul equipment and supporting equipment to provide city communications, microwave backhaul, public safety radios and emergency services;

WHEREAS, the current 1111 Broadway will expire February 28, 2012, and the City needs to extend the lease or remove the mission critical radio equipment and supporting equipment from the leased premise; and

WHEREAS, the City's Information Technology Department requires a site for emergency services and internal City information services; and it selected this site because of its location and size; and

WHEREAS, the City's Information Technology Department and Real Estate Services Division believe other sites in Oakland would be inferior to this site and estimate removal of the existing telecommunications antenna and equipment and relocation to a new site would cost the City approximately \$200,000;

WHEREAS, the OCC Venture, LLC, a Delaware limited liability company is the owner of 1111 Broadway and has agreed to enter into and execute a five-year lease extension with two (2) five-year options and the ability to sublease with the City with an initial annual rent of \$120,000; and

WHEREAS, the funding for this lease extension is available from Department of Information Technology's Radio/Telecommunications Fund (4200); now, therefore, be it

RESOLVED: That the City hereby authorizes the City Administrator to execute a five-year lease extension with two (2) five-year options to renew the existing lease with the ability to sublease for City-owned telecommunications equipment located at 1111 Broadway, with OCC Venture, LLC, a Delaware limited liability company, for an initial annual rent of \$120,000, and be it

FURTHER RESOLVED: That funds will be allocated from Department of Information Technology's Radio/Telecommunications Fund (4200) for this purpose, and be it

FURTHER RESOLVED: That the City has independently reviewed and considered this environmental determination, and the City finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA under Section 15061(b)(3) (activity covered by the general rule, no significant effect on the environment) and Section 15183 (projects consistent with the General Plan), of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to negotiate and execute all agreements and to take whatever other action is necessary with respect to this lease, consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That City Counsel shall review and approve all documents and agreements related to this lease as to form and legality, and a copy of the lease shall be placed on file with the City Clerk.

IN CITY, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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