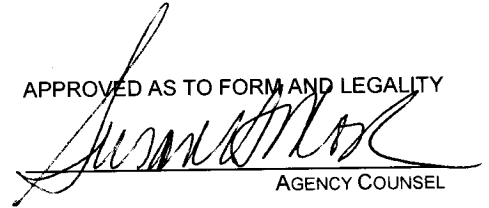


2007 SEP 20 PM 2:40


AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION NO. 2007-0074 C.M.S.

An Agency Resolution (1) Approving the Agreement as Directed by Agency Resolution No. 2007-0036 C.M.S., Which Authorized the Agency to Negotiate a Three-Year Agreement with San Jose Arena Management, LLC to Manage and Operate the Oakland Ice Center for a Percentage of Net Revenue, Pursuant to Specific Criteria, and (2) Extending the Term of the Agreement by Two Months for a total of Three Years and Two Months

WHEREAS, on April 3, 2007, the Redevelopment Agency of the City of Oakland (Agency), pursuant to Resolution No. 2007-0036 C.M.S., directed the Agency Administrator to negotiate a three-year agreement with San Jose Arena Management, LLC (SJAM) to operate the Oakland Ice Center (OIC) for a percentage of net revenue, pursuant to specific criteria; and

WHEREAS, negotiations with SJAM are now complete and an agreement has been reached on the terms and conditions of a Management/Operations Agreement (Agreement) for the OIC; and

WHEREAS, pursuant to Agency Resolution No. 2007-0059, passed on July 3, 2007, the Agency allocated \$300,000 of unneeded Central District Tax Allocation Bond Series 2005 10K Housing Project funds for completion of needed capital improvements to the OIC; and

WHEREAS, Agency has recently expended approximately \$200,000 of those funds for immediate and necessary capital improvements to the OIC; and

WHEREAS, SJAM has agreed to contribute \$100,000 of its money to a capital improvement and repair reserve fund for additional and future capital improvements and repairs to the OIC ("Capital Reserve"); and

WHEREAS, SJAM has agreed that the next \$100,000 of further capital improvements to the OIC shall be made solely from SJAM's contribution to the Capital Reserve; and

WHEREAS, the Agency and SJAM agree that a two-month extension to the previously proposed three-year Agreement term is reasonable given disruptions to the OIC schedule of activities during the recent performance of capital repairs and improvements that will have a ripple effect for the remainder of the calendar year and impact SJAM's implementation of its operational and marketing plan; now therefore be it

RESOLVED: That the Agency Administrator is hereby authorized to execute and enter into the three-year and two-month Agreement with SJAM for the management and operation of the OIC consistent with the terms of the contract submitted to Council; and be it further

RESOLVED: That SJAM shall deposit one-hundred percent (100%) of its capital contribution in the amount of \$100,000 into an interest bearing account at a commercial bank (Capital Improvement Account) with the only permissible withdrawals from the Capital Improvement Account to be used for capital improvements to the OIC; and be it further

RESOLVED: That SJAM shall deposit one-hundred percent (100%) of all gross revenues collected from all aspects of OIC operations into an interest bearing account at a commercial bank (the "Operating Account"), and pay one-hundred percent (100%) of the OIC operating and management expenses from the Operating Account; and be it further

RESOLVED: That the Agency Administrator is authorized to take whatever action is necessary with respect to the Agreement consistent with this Resolution and its basic purposes; and be it further

RESOLVED: That all documents related to this transaction shall be reviewed and approved by the Agency's Counsel prior to execution; and be it further

RESOLVED: That any agreements authorized hereunder, including amendments, modifications, or extensions, shall be approved as to form and legality by the Agency's Counsel and filed with the Office of the City Clerk.

OCT 2 2007

IN AGENCY, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

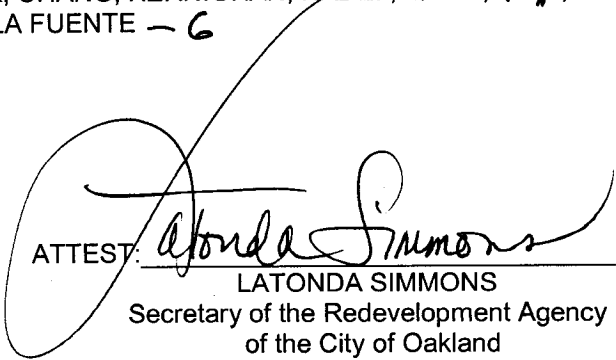
AYES- ~~BROOKS~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~REY~~ AND CHAIRPERSON DE LA FUENTE - 6

NOES- 0

ABSENT- 0

ABSTENTION- Brooks, Reid - 2

ATTEST:



LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland