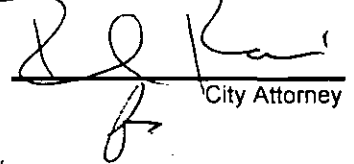


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2012 JUL 11 PM 1:15

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY TO EXTEND THE LEASE TERM FOR THE ALICE STREET LEARNING CENTER AT 250-17TH STREET FROM THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR ONE YEAR WITH TWO ONE YEAR RENEWAL OPTIONS FOR THE INITIAL ANNUAL RENT OF \$102,296 PLUS ESTIMATED COST OF UTILITIES, SERVICES, AND ASSESSMENTS AND TO ACCEPT THE \$111,600.40 PAYMENT FROM THE OAKLAND UNIFIED SCHOOL DISTRICT TO COVER SUCH COSTS

WHEREAS, the City of Oakland adopted City Council Resolution No. 81959 C.M.S dated May 5, 2009, authorizing the Lease ("Lease") for the Alice Street Learning Center ("Center") at 250 17th Street from the East Bay Municipal Utility District ("EBMUD"), ending on June 30, 2012; and

WHEREAS, the Oakland Unified School District ("OUSD"), under the Memorandum of Understanding with the City, operates an early child education program ("Program") at OUSD's own costs; and

WHEREAS, EBMUD has offered to extend the term of the Lease under the Sixth Amendment to Lease subject to the following terms and conditions:

1. The extended term of the Lease shall be one year, commencing July 1, 2012, with the first option to extend the Lease for one year commencing July 1, 2013 and a second extended term commencing July 14, 2014.
2. The City reserves the right to terminate the Lease upon 90 days advance written notice.
3. The rent will be paid as follows:
 - a. The rent for the extended one year term equals \$8,358 per month commencing July 1, 2012,
 - b. The rent for the second one year extended term equals \$8,609 per month commencing July 1, 2013,
 - c. The rent for the third one year term equals \$8,867 per month commencing July 1, 2014; and

WHEREAS, OUSD has prepaid the City \$111,600.40 in advance to cover the occupancy costs (including the rent of \$100,296 due to EDMUND) to continue the Program until June 30, 2013; and

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

RESOLVED, That the City Administrator is hereby authorized to execute, negotiate, and amend the terms and conditions of the proposed Sixth Amendment and that the Manager, Real

Estate Services, is authorized to take any all actions necessary to completer the proposed lease transaction hereby approved ; and be it

FURTHER RESOLVED, That the City accept the \$111,600.40 payment from **OUSD** and then pay the lease rent (\$100,296) due to **EBMUD** plus other occupancy costs for the lease term ending June 30, 2013; 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 provided in the staff report accompanying this **Resolution**, that this action complies with **CEQA** because this action exempt from **CEQA** pursuant to Section 15301 (existing facilities) of the **CEQA** Guidelines and directs the City Administrator, or her designee, to file a notice of Exemption and Environment Declaration, (under Cahfomia Fish and Game Code Section 711.4) with the County of Alameda; and be it

FURTHER RESOLVED, That the Sixth Amendment to 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, _____

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