

2023 SEP 29 PM 4:47

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89898 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT (ENA) WITH OAKLAND PRO SOCCER LLC AND ALAMEDA COUNTY FOR THE POTENTIAL LEASE FOR THE PROPOSED TEMPORARY PROJECT ON THE MALIBU PROPERTY LOCATED AT 8000 SOUTH COLISEUM WAY, WHICH IS CO-OWNED WITH THE COUNTY, FOR A TERM OF SIX MONTHS WITH TWO SIX-MONTH ADMINISTRATIVE EXTENSIONS AND PAYMENT OF NONREFUNDABLE ENA PAYMENTS OF \$25,000 AND EXTENSION PAYMENTS OF \$25,000 TO EACH OF THE CITY AND THE COUNTY; AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the City of Oakland ("City") and Alameda County ("County") each own a fifty percent (50%) undivided interest in an approximately 8.8-acre vacant property located at 8000 South Coliseum Way, commonly known as the Malibu property ("Property"); and

**WHEREAS**, Oakland Pro Soccer LLC, a California limited liability company ("OPS"), the owner and manager of the Oakland Roots men's and Oakland Soul women's professional soccer teams, proposed to lease the Property for a ten (10)-year term for the installation and use of a temporary, outdoor soccer venue built from modular components ("Temporary Project") that would not involve demolition or development; and

**WHEREAS**, the City, the County, and OPS are interested in entering into an initial six (6)-month period of preliminary study to further define the Temporary Project and for exclusive negotiations of the terms of a proposed lease of the Property for the proposed Temporary Project, with two six (6)-month administrative extensions, and with the understanding that this does not constitute a binding commitment on the part of the City (or the County) to any project or use for the Property; and

**WHEREAS**, the City shall require OPS to pay nonrefundable payments to each of the City and the County of \$25,000 for such exclusive negotiations and \$25,000 for each administrative extension of the term; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator to negotiate and enter into an Exclusive Negotiation Agreement (“ENA”) with the County and OPS for the purposes of developing the Temporary Project proposal, undertaking the necessary environmental review process, and negotiating the terms and conditions of the lease of the Property for City Council review and approval; and be it

**FURTHER RESOLVED:** That the initial exclusive negotiating period will be for six (6) months from the date of this Resolution, with the option by the City Administrator, in its sole and absolute discretion, to extend such period by two additional six (6) month periods (each an “Extension”); and be it

**FURTHER RESOLVED:** That the City shall require nonrefundable (1) \$25,000 payments to each of the City and the County (each an “Exclusive Negotiation Payment”) from OPS for such exclusive negotiations to be paid within five (5) business days after execution of the ENA, and (2) \$25,000 to each of the City and the County for each Extension (each an “Extension Payment”); and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to accept, deposit, and appropriate the City’s Exclusive Negotiation Payment and Extension Payments into the Miscellaneous Capital Projects Fund (5999), Real Estate Organization (85231), Real Estate Program (PS32), in a new Project to be created; and be it

**FURTHER RESOLVED:** That the ENA shall be reviewed and approved as to form and legality by the City Attorney’s Office prior to execution; and be it

**FURTHER RESOLVED:** That the City Council finds and determines any proposed lease, or other disposition, of the City’s interest in the Property will require further discretionary actions of the City Council, and the City retains full discretion to proceed with a lease, or other disposition, of its interest in the Property in compliance with the California Environmental Quality Act (“CEQA”); and be it

**FURTHER RESOLVED:** That the City Council finds and determines, after independent review and consideration, that this action will not result in direct or indirect physical change in the environment and does not in-and-of-itself constitute a “project” pursuant to CEQA Guidelines Section 15378; and be it

**FURTHER RESOLVED:** That the City Administrator is further authorized to negotiate and enter into agreements and take whatever action is necessary with respect to the ENA and the proposed Temporary Project, consistent with this Resolution and its basic purposes.

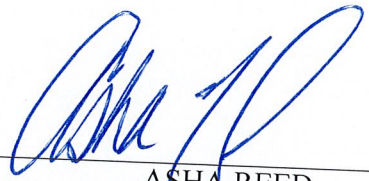
IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **SEP 19 2023**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS <sup>8</sup>

NOES <sup>0</sup>  
ABSENT <sup>0</sup>  
ABSTENTION <sup>0</sup>

ATTEST: \_\_\_\_\_

  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California