

A. Jordan
FILED
OFFICE OF THE CITY CLERK
OAKLAND

03 JAN 15 AM 9:14

OAKLAND CITY COUNCIL

RESOLUTION No. 77642 = C.M.S.

RESOLUTION AUTHORIZING THE CITY MANAGER, WITHOUT RETURNING TO CITY COUNCIL FOR FURTHER APPROVAL, TO ENTER INTO A MANAGEMENT AGREEMENT WITH API CULTURAL CENTER, INC. TO OPERATE THE OAKLAND ASIAN CULTURAL CENTER FOR A PERIOD OF FIVE YEARS WITH ANNUAL RENEWALS THEREAFTER UNLESS TERMINATED BY EITHER PARTY

WHEREAS, the City of Oakland (City) owns the condominium space at 388 9th Street, Suite 290, in the Pacific Renaissance Plaza; and

WHEREAS, the space was designed to house a cultural center facility referred to as the Oakland Asian Cultural Center (Facility); and

WHEREAS, the non-profit community based corporation also known as API Cultural Center, Inc. (API) wishes to enter into a Management Agreement (Agreement) with the City, to manage and operate the Facility for the City; and

WHEREAS, the City wishes to enter into a Management Agreement (Agreement) with API, to manage and operate the Facility for the City; and

WHEREAS, during the five year period, API is obligated to generate grants and revenue sources eliminating the future need for City or Agency funding; and

WHEREAS, the Agreement will be extended automatically for an additional year unless notice to terminate is given by either party; and

WHEREAS, API will encounter financial challenges in the three first years of operations of the OACC and will need financial assistance in funding the activities and costs of operation of the OACC; and

WHEREAS, the Oakland Redevelopment Agency (Agency) has funds available to make financial grants and pay condominium fees and pay for a pro rata share of common areas maintenance and repairs, including but not limited to, elevators, escalators, courtyard maintenance, balconies, restrooms, refuse equipment, and common area janitorial costs; and

WHEREAS, the Agency's subsidy is projected to decrease each year as OACC establishes its presence in the arts and cultural community; and

WHEREAS, it is important to maintain public accessibility to OACC and to maintain and increase the economic vitality of the area; now, therefore be it

RESOLVED: That the City Manager is hereby authorized, without returning to City Council for further approval, to enter into a Management Agreement consistent with the terms of this Resolution with API to operate and manage the OACC for a five year with annual extensions thereof unless either party gives notice of termination; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to approve and enter into subsequent amendments, modification, or extensions of this agreement provided that any such amendments, modification, or extensions shall be consistent with the terms of this Resolution and the City Charter, and that funds therefore have been appropriated by the City Council or the Agency; and be it

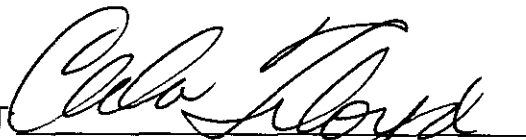
FURTHER RESOLVED: That any and all agreements to be entered into pursuant to this resolution be reviewed and approved as to form and legality by the Office of the City Attorney and that a copy thereof be placed on file with the City Clerk.

FEB 1 1 2003

IN COUNCIL, OAKLAND, CALIFORNIA, FEBRUARY 9, 1999

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN, AND PRESIDENT
DE LA FUENTE - 8
NOES- 0
ABSENT- 0
ABSTENTION- 0

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