

OAKLAND CITY COUNCIL

RESOLUTION NO. 76072 C. M. S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO THE MASTER CONCESSION AGREEMENT BETWEEN THE CITY OF **OAKLAND** AND RAYMOND CHESTER AND LINDA RAWLS FOR THE LAKE CHABOT GOLF COURSE

WHEREAS, the CITY is the owner in fee of that certain property known as Lake Chabot Golf Course, located at 11450 Golf Links Road, Oakland, California; and

WHEREAS, the Lake Chabot Golf Course is a complete golfing facility with an eighteen (18) hole regular course, a nine (9) hole short course, restaurant, kitchen liquor bar, snack bar and golf professional concession; and

WHEREAS, the Concessionaire has been operating the Lake Chabot Golf Course concession for the past nine (9) years under a Master Concession Agreement and two Amendments to the Master Concession Agreement, executed February 3, 1998 and February 23, 1999, and

WHEREAS, the First and Second Amendments authorized the Concessionaire to undertake the duties of hiring employees and paying related expenses to facilitate the operation and maintenance of Lake Chabot Golf Course, and Concessionaire has done so; and

WHEREAS, there is a need to correct the first two Amendments to the Master Concession Agreement to reflect the scope of the duties and responsibilities being assumed by the Concessionaire; and

WHEREAS, the Concessionaire has performed these duties for the past two years without remuneration;

WHEREAS, it is in the best interests of the City and Concessionaire that the Concessionaire hire and pay for from net green fees all necessary employees expenses, purchase, rent and/or lease additional golf course maintenance equipment, and all necessary materials and supplies to improve Lake Chabot Golf Course as needed; now, therefore be it

RESOLVED: That the Concessionaire is authorized to hire all necessary personnel needed to maintain and operate the Lake Chabot Golf Course and to deduct these personnel expenses from the monthly net green fees owed to the City; and be it

FURTHER RESOLVED: That the Concessionaire is authorized to deduct the following amounts (\$70,685-1998, \$103,202-1999) from the net green fees owed to the City and 10% gross green fees for 2000 as compensation for the additional management services provided; and be it

FURTHER RESOLVED: That the Concessionaire shall be authorized to withhold up to \$75,000 of net green fees as an operating reserve to cover expenditures during the winter months; and be it

FURTHER RESOLVED: That the City Manager or his designee is hereby authorized to execute a Third Amendment to the Master Concession Agreement between the City of Oakland and Raymond Chester and Linda Rawls for the Lake Chabot Golf Course, and, in the event that the residual green fee dollars are insufficient to pay the amounts due to Concessionaires, to order payment for these fees from money being held in the golf enterprise fund under such terms and conditions as the City Manager determines will preserve the integrity of the golf enterprise fund; and be it

FURTHER RESOLVED: That the Office of the City Attorney has approved this resolution as to form and legality, and a copy will be on file in the Office of the City Clerk.

OCT 17 2000

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19_____

PASSED BY THE FOLLOWING VOTE:

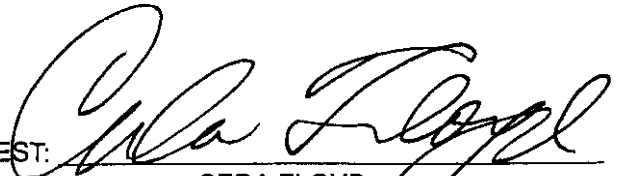
AYES- BRUNNER, CHANG, MILEY, ~~NADDEL~~, REID, ^{WAN}RUSSO, SPEES AND
~~PRESIDENT DE LA FUENTE~~ - 6

NOES- Nadel - 1

ABSENT- None

ABSTENTION- None

Excused- De la Fuente - 1

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