

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JUL 22 PM 3:36

Approved as to form and legality:

By: *D. Lewis*  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 82954 C.M.S.

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**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE CITY OF OAKLAND AND PERALTA COMMUNITY COLLEGE DISTRICT FOR A TERM OF 120 DAYS FOR THE LEASE OR SALE OF THE HENRY J. KAISER CONVENTION CENTER LOCATED AT 10 TENTH STREET IN OAKLAND**

**WHEREAS**, the City of Oakland (the "City") leases the historic Henry J. Kaiser Convention Center (the "Kaiser Center") located at 10 10th Street in downtown Oakland, and more particularly described in Exhibit A attached hereto, from the Oakland Joint Powers Financing Authority (the "JPFA"); and

**WHEREAS**, the Kaiser Center has been vacant for five years, yet continues to cost the City \$50,000 per year for maintenance; and

**WHEREAS**, over the past few years, the Peralta Community College District ("Peralta") has expressed to the City its desire to use the Kaiser Center for classes, performances, and other activities for Laney College students; and

**WHEREAS**, on June 30, 2010, Peralta formally requested, in writing, to enter into an Exclusive Negotiating Agreement ("ENA") with the City to negotiate the terms and conditions for a sale of the Kaiser Center to Peralta; and

**WHEREAS**, the City and Peralta, the prospective lessee or purchaser, wish to enter into a period of preliminary study and negotiations over the proposed acquisition, acknowledging that this resolution does not constitute a binding commitment on the part of the City to any sale or lease of the Kaiser Center; and

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to negotiate and execute an ENA with Peralta for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for, the sale or lease of the City's interest in the Kaiser Center, for its renovation and use as a public facility, and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, is authorized to negotiate, execute and amend the ENA, and take any other actions necessary, consistent with this Resolution, to carry out the intent of this Resolution; and be it

**FURTHER RESOLVED:** That the exclusive negotiating period will be for one hundred and twenty (120) days from the date of this Resolution; and be it

**FURTHER RESOLVED:** That the City finds and determines, after independent review and consideration, that this action complies with the California Environmental Quality Act ("CEQA") because this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection), and Section 15061(b)(3) (general rule) of the CEQA Guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (Fish and Games Code section 711.4) for this action; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve the ENA and all other necessary documents as to form and legality prior to their execution, and a copy of the documents shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 27 2010, 2010

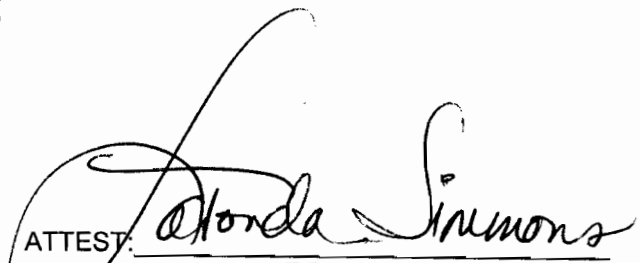
PASSED BY THE FOLLOWING VOTE:

AYES- ~~Brooks~~, DE LA FUENTE, ~~Kaplan~~, KERNIGHAN, NADEL, QUAN, ~~Reid~~ AND PRESIDENT BRUNNER - 5

NOES- Brooks, Kaplan - 2

ABSENT- Reid - 1

ABSTENTION- 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland