



CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

**AN ORDINANCE:**

**(1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH 3105 SAN PABLO, LLC TO ACQUIRE THE IMPROVED REAL PROPERTY LOCATED AT 3105 SAN PABLO AVENUE IN OAKLAND, CALIFORNIA, FOR \$3,495,000 AND RELATED DUE DILIGENCE AND CLOSING COSTS, FOR REDEVELOPMENT AS A HOOVER BRANCH LIBRARY; AND**

**(2) REALLOCATING \$242,000 OF MEASURE KK FUNDS FOR THE PROPERTY ACQUISITION; AND**

**(3) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

**WHEREAS**, the Hoover Foster neighborhood of Oakland had a library established in 1887 located at 3140 San Pablo Avenue, which was permanently closed in 1981; and

**WHEREAS**, in 2006, a grassroots volunteer group formed the Friends of Hoover Durant Public Library (“FOHDPL”); and

**WHEREAS**, the City has been working with FOHDPL for over two decades to restore a new branch library to the Hoover Foster neighborhood; and

**WHEREAS**, 3105 San Pablo, LLC, a California limited liability company (“Seller”) owns certain improved real property located at 3105 San Pablo Avenue, Oakland, California (the “Property”), the site of the former Community Foods Market; and

**WHEREAS**, the City-funded Hoover Branch Library Feasibility Study completed in 2024 identified the Property as the preferred location for a branch library of three potential sites; and

**WHEREAS**, Oakland Municipal Code Section 2.41.020 authorizes the City to purchase real property by ordinance; and

**WHEREAS**, on November 8, 2016, Oakland voters approved the City of Oakland 2016 Infrastructure Bond Ordinance (“Measure KK”), which authorized the issuance of up to \$600 million in General Obligation Bonds to fund various City of Oakland infrastructure and affordable housing projects; and

**WHEREAS**, Section 2(C) of the Measure KK requires that City Council prior to bond issuance identify how projects that will be financed with Measure KK bond proceeds (1) address social and geographic equity, (2) address improvements to the City’s existing core capital assets, (3) maintain or decrease the City’s existing operations and maintenance costs, and (4) address improvements to energy consumption, resiliency and mobility prior to each bond issuance; and

**WHEREAS**, on December 5, 2019, in compliance with Section 2(C) of Measure KK, the City Council passed Resolution No. 87981 C.M.S., which authorized the use of Measure KK, Series 2020B-1 and 2020B-2 bond proceeds to finance multiple capital improvement and affordable housing projects pursuant to outlined criteria; and

**WHEREAS**, Resolution No. 87981 C.M.S. also authorized the City Council, upon a recommendation from the City Administrator to reallocate funding to projects from the City’s FY 2019-2021 Capital Improvement Program (“CIP”) “Unfunded Projects List” if the projects set forth in the Resolution were unable to proceed or if surplus funds remain; and

**WHEREAS**, pursuant to Resolution No. 87981 C.M.S., the City Administrator recommends that the City Council reallocate \$242,000.00 from the Brookfield Library project to the Hoover Library project accordingly, given that the Brookfield Library project is complete and under budget after receiving state funding for project completion and given the inclusion of the Hoover Library project on the City’s 2019-2021 CIP Unfunded Project List; and

**WHEREAS**, on February 1, 2022, in compliance with Section 2(C) of Measure KK, the City Council passed Resolution No. 89020 C.M.S., which authorized the use of Measure KK, Series 2022C bond proceeds for multiple capital improvement and affordable housing projects pursuant to outlined criteria and authorized the City Administrator to adjust funding allocations within projects listed; and

**WHEREAS**, in November 2022, Oakland voters approved the 2022 Affordable Housing and Infrastructure Bond Ordinance (“Measure U”), which authorized the issuance of up to \$850 million in General Obligation Bonds to fund various City of Oakland infrastructure and affordable housing projects; and

**WHEREAS**, Section 3(C) of Measure U requires that the City Council, prior to each issuance of bonds, identify specific projects to be funded and disclose how projects (1) address improvements to the City’s existing core capital assets; (2) maintain or decrease the City’s existing operations and maintenance costs; and (3) address social and geographic equity and provide greater benefit to under-served populations and geographic areas of greatest need; and

**WHEREAS**, on September 19, 2023, in compliance with Section 3(C) of Measure U, the City Council passed Resolution No. 89894 C.M.S, which authorized the use of Measure KK, Series 2023D, and Measure U, Series 2023A-1 and Series 2023A-2 bond proceeds to finance enumerated

projects, and authorized the City Administrator to adjust funding allocations within such identified projects for specified reasons; and

**WHEREAS**, pursuant to Resolution Nos. 89020 and 89894 C.M.S., the City Administrator has authorized the transfer of Measure KK funds and Measure U funds from certain Capital Improvement Projects to the Hoover Library project to be used for the Property purchase price and the related due diligence and closing costs, such that the total purchase price will be funded with reallocations provided in the chart below:

Fund	Measure KK		Measure U	Total Reallocation	Notes
	5332	5335	5340		
BROOKFIELD LIBRARY Project No. 1003440	\$242,000*	\$585,000	\$868,000	\$1,695,000	Excess funding due to project coming in under budget <i>*Council authorization required</i>
MELROSE LIBRARY Project No. 1005856		\$1,250,000	\$750,000	\$2,000,000	Transfer to allow timely use of bond proceeds as Melrose Project in design phase.
HOOVER LIBRARY Project No. 1004856	\$242,000*	\$1,835,000	\$1,618,000	\$3,695,000	Purchase price of \$3,495,000 plus 200K for due diligence and closing costs

**WHEREAS**, the Environmental Review Officer determined that the project is exempt from California Environmental Quality Act (“CEQA”) under the following Sections of the State CEQA Guidelines: Section 15302 (Replacement and Construction), Section 15304 (Minor Alterations to Land), and Section 15305 (Minor Alterations to Land Use Limitations); and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council hereby authorizes the City Administrator to (a) negotiate and execute a Purchase and Sale Agreement with the Seller to acquire the Property for a purchase price of Three Million Four Hundred Ninety-Five Thousand Dollars (\$3,495,000) and due diligence and closing costs estimated to be Two Hundred Thousand Dollars (\$200,000) substantially in accordance with the Non-Binding Letter of Intent as attached to the Agenda Report for this item for redevelopment of the Property as a branch library; (b) negotiate and execute such other additions, amendments or other modifications to the foregoing document that the City Administrator, in consultation with the City Attorney’s Office, determines are in the best interests of the City, do not materially increase the obligations or liabilities of the City, and are necessary or advisable to complete the transaction contemplated by this Ordinance; and (c) to negotiate and execute such other documents as necessary or appropriate, in consultation with the City Attorney’s Office, to implement the Purchase and Sale Agreement in order to consummate the transaction in accordance with this Ordinance, or to otherwise effectuate the purpose of this Ordinance and its basic purposes.

**SECTION 2.** Pursuant to Resolution No. 87981 C.M.S., City Council hereby approves the reallocation of \$242,000 of Measure KK funds (Fund 5332) from the Brookfield Library

Project to the Hoover Library Project 1004856, to fund the Property purchase price and the due diligence and closing costs.

**SECTION 3.** Prior to execution, all agreements shall be reviewed and approved as to form and legality by the City Attorney and executed copies shall be filed with the City Clerk.

**SECTION 4.** The City Council hereby finds and determines, on an independent basis, that the project is exempt from California Environmental Quality Act (“CEQA”) under the following Sections of the State CEQA Guidelines: Section 15302 (Replacement and Construction), Section 15304 (Minor Alterations to Land), and Section 15305 (Minor Alterations to Land Use Limitations).

**SECTION 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

**SECTION 6. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

3460639v1/MJM

## NOTICE AND DIGEST

### AN ORDINANCE:

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**(2) REALLOCATING \$242,000 OF MEASURE KK FUNDS FOR THE PROPERTY ACQUISITION; AND**

**(3) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

An Ordinance (1) authorizing the negotiation and execution of a Purchase and Sale Agreement with 3105 San Pablo, LLC for City's acquisition of certain improved real property located at 3105 San Pablo Avenue, in Oakland, California for \$3,495,000 and related due diligence and closings costs for redevelopment as a Hoover Branch Library; (2) authorizing the reallocation of \$242,000 Measure KK funds for the property acquisition; (and (3) adopting California Environmental Quality Act findings.