

OAKLAND CITY COUNCIL
RESOLUTION No. 80337 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AMENDING RESOLUTION NO. 74402 C.M.S. AND RESOLUTION NO. 77943 C.M.S. TO CHANGE THE LOCATION OF THE AFRICAN AMERICAN CULTURAL CENTER FROM 5714 MARTIN LUTHER KING JR. WAY TO 815 51ST STREET, AND TO CHANGE THE TERM OF THE LEASE AGREEMENT WITH CHILDREN'S HOSPITAL OF OAKLAND FROM A TEN YEAR LEASE TO A NOT TO EXCEED EIGHTEEN MONTH LEASE, COMMENCING AT THE COMPLETION OF IMPROVEMENTS, WITH AN OPTION TO PURCHASE THE PROPERTY FOR ONE DOLLAR; AND AUTHORIZING THE CITY ADMINISTRATOR TO EXERCISE THE OPTION TO PURCHASE.

WHEREAS, the City of Oakland recognizes the value an African American Cultural Center has in the sharing and advancement of cultural art forms within the community; and

WHEREAS, pursuant to Resolution No. 74402 C.M.S., City Council has previously authorized the City Administrator to enter into ten year lease agreement with Children's Hospital Oakland ("CHO") for use of the unimproved shell space for an African American Cultural Center ("AACC") at 5714 Martin Luther King Jr. Way; and

WHEREAS, pursuant to Resolution No. 77943 C.M.S., City Council has also authorized the City Administrator to select a managing operator for the AACC and to negotiate and execute a contract for the construction of interior space in an amount not to exceed \$220,788 and to allocate \$29,212 towards first year maintenance costs; and

WHEREAS, CHO has indicated that the original location is no longer available and has identified an alternative location at 815 51st Street ("the Property"), also owned by CHO, for the purpose of establishing the AACC; and

WHEREAS, should CHO indicate that the 815 51st Street location is no longer available, the City wishes to pursue negotiations for another appropriate CHO-owned site, without returning to Council; and

WHEREAS, the City of Oakland has successfully negotiated with CHO a not to exceed eighteen month lease agreement with an option to purchase the Property for one dollar; and

WHEREAS, the City of Oakland still desires to provide cultural programming space and manage operations at the new proposed location for the AACC on an interim basis; and

WHEREAS, the City of Oakland in partnership with the African American Cultural Center Advisory Committee ("AACCAC") shall continue to seek and identify an independent not for profit organization to carry-out daily and routine operations at the facility; and

WHEREAS, the requirements of the California Environmental Quality Act ("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 hereby authorized to enter into a lease agreement with Children's Hospital-Oakland for the site at 815 51st Street, Oakland California, or equivalent property, for a term not to exceed eighteen months, beginning at the time construction of improvements has been completed, with an option to purchase the property for one dollar, and with the authorization to exercise the option to purchase without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator remains authorized to negotiate and execute contracts for tenant improvements, general construction and maintenance of the site at 815 51st Street, or equivalent property without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is authorized to execute and submit all documents, payment requests and to approve any amendments to or extensions of said agreements and to take all related actions necessary for the completion of this project; and be it

FURTHER RESOLVED: That should additional funds be received for the African American Cultural Center, the City Administrator, or her designee, is hereby authorized to accept and allocate the funds for the purposes described above; and be it

FURTHER RESOLVED: That the City Administrator or her designee, is hereby authorized to take whatever action is necessary with respect to the AACC consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15301 (existing facilities) of the CEQA guidelines, and the Council directs the City Administrator to file a Notice of Exemption with the County of Alameda; and be it

FURTHER RESOLVED: That in accordance with the requirements of City Charter Article IV, all agreements shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 19 2006, 2006

PASSED BY THE FOLLOWING VOTE:

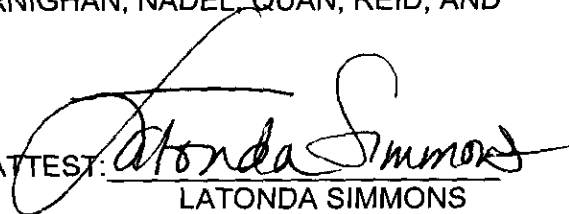
AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS

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