

OAKLAND CITY COUNCIL

Resolution No. 79563 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A THREE (3) YEAR LEASE, WITH TWO (2) ONE YEAR RENEWAL OPTIONS, WITH ZIMMERMAN REVOCABLE TRUST (LANDLORD) FOR 753 SQUARE FEET OF OFFICE SPACE LOCATED AT 1330 BROADWAY, TO COMPLY WITH A PROVISION OF THE NEGOTIATED SETTLEMENT AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE PLAINTIFFS IN THE CASE OF “DELPHINE, ALLEN, ET AL., V THE CITY OF OAKLAND, ET AL.”, WHICH REQUIRED OFFICE SPACE FOR AN INDEPENDENT MONITORING TEAM.**

**WHEREAS**, on January 22, 2003, City of Oakland and Plaintiffs in the *Delphine Allen, et al. v. City of Oakland, et al.*, consolidated case number C00-4599 TEH (JL) otherwise known as the “Riders” cases reached a Settlement Agreement (the “Agreement”) to promote effective and respectful policing; and

**WHEREAS**, under the terms of the Agreement, within 60 days after execution of the Agreement, the City and plaintiffs’ counsel were to mutually select a Monitor, subject to the approval of the Court, to review and report on Oakland Police Department’s (“OPD”) implementation of, and assist OPD with compliance with this Agreement; and

**WHEREAS**, based on the terms of the Agreement, City at its expense must provide the Monitor and staff of the Monitor with office space, which may be in the Police Department or within other City offices, and with reasonable office support such as telephones, access to fax and photocopying, etc; and

**WHEREAS**, the Real Estate Division determined that there is no suitable space available in City-owned buildings downtown, and therefore, they located suitable office space at 1330 Broadway and executed a letter of intent with Zimmerman Revocable Trust to lease 753 square feet of office space at the monthly cost of \$1.90 per square foot; and

**WHEREAS**, the proposed lease with Zimmerman Revocable Trust will include the following terms and conditions:

- a) The initial first year’s rent is set at \$1.90 per square foot or \$1,430 per month fully serviced;
- b) The base rent will increase at the rate of the Consumers Price Index with annual increases beginning the second year of the lease, capped at 5%;

- c) The lease term commences on October 1, 2005 and has an initial period of three (3) years with two (2) one - year renewal options upon 90 days written notice to the landlord; and

**WHEREAS**, funds for this program are available in General Purpose Fund (1010); Emergency Contingency Reserve Unit (90611); Miscellaneous Services Account (53719); Fiscal Management Program (#IP51); and

**WHEREAS**, it can be said with certainty that there is no possibility that the lease of the office space by the City of Oakland may have a significant effect on the environment and therefore said lease is exempt from the requirements of the California Environmental Quality Act "CEQA" by section 15301 of the CEQA Guidelines; now therefore be it

**RESOLVED:** That the City Administrator is hereby authorized and directed to execute a lease agreement with the Zimmerman Revocable Trust consistent with this resolution; the Manager, Real Estate Services, is authorized and directed to take any and all actions necessary to complete the lease transaction hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator shall cause to be filed with the County of Alameda a Notice of Exemption; and be it

**FURTHER RESOLVED:** That the lease shall be approved as to form and legality by the Office of the City Attorney and copies shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 01 2005

**PASSED BY THE FOLLOWING VOTE:**

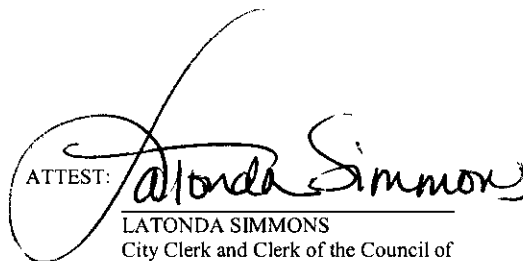
AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND  
PRESIDENT DE LA FUENTE 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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