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APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89344 C.M.S.

INTRODUCED BY COUNCILMEMBER CARROLL FIFE

RESOLUTION AUTHORIZING THE FOLLOWING ACTIONS:

1) APPROVING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A MONTH-TO-MONTH LEASE AGREEMENT WITH THE DR. HUEY P. NEWTON FOUNDATION FOR THE TWO THOUSAND SIX HUNDRED THIRTY-SIX SQUARE FOOT (2,636 SF) SPACE LOCATED AT 150 FRANK H. OGAWA PLAZA, SUITE 1C (LIONEL J. WILSON BUILDING) TO SERVE AS A COMMUNITY HUB DEDICATED TO PRESERVING HISTORY AND ADVANCING CULTURE FOR A TERM NOT TO EXCEED TWELVE (12) MONTHS IN AN AMOUNT NOT TO EXCEED FOUR THOUSAND ONE HUNDRED SIXTY-SIX DOLLARS AND SIXTY-SEVEN CENTS (\$4,166.67) PER MONTH AS AUTHORIZED BY SECTION 2.42.230 OF THE OAKLAND MUNICIPAL CODE; AND

2) AWARDING A GRANT TO THE DR. HUEY P. NEWTON FOUNDATION IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000) FOR A TERM NOT TO EXCEED TWELVE (12) MONTHS FOR LEASE SUPPORT FROM THE TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000) IN GENERAL PURPOSE FUNDS DESIGNATED FOR THE BLACK ARTS MOVEMENT AND BUSINESS DISTRICT (BAMBD) IN THE 2021-2023 BIENNIAL BUDGET PURSUANT TO RESOLUTION NO. 88717 C.M.S.

WHEREAS, the City of Oakland (City) owns a Two Thousand Six Hundred Thirty-Six square foot (2,636 sf) property located at 150 Frank H. Ogawa Plaza, Suite 1C (Lionel J. Wilson Building), also known as 1427 Broadway, formerly occupied by the Betti Ono Gallery, is currently available to be leased; and

WHEREAS, the availability of the Property located at ground level in the downtown area provides a unique opportunity to bring an organization to the area committed to advancing the cultural objectives of the Black Arts Movement and Business District (BAMBD); and

WHEREAS, on January 7, 2016, the City Council unanimously designated the 14th Street corridor on or within four blocks of 14th Street from Oak Street to Frontage Road as the BAMBD
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to “highlight, celebrate, preserve and support the contributions of Oakland’s Black artists and business owners” and designated “the corridor as a place central both historically and currently to Oakland’s Black artists and Black owned businesses,” pursuant to City Council Resolution No. 85958 C.M.S.; and

WHEREAS, the Dr. Huey P. Newton Foundation (Foundation), founded and headquartered in Oakland, collects oral histories, curates exhibits, and produces community events to preserve and promote the true legacy of the Black Panther Party; and

WHEREAS, the City has recognized the important contributions of the Black Panther Party and designated October 24th as Dr. Huey P. Newton Day in the City of Oakland; and

WHEREAS, the Property is located within the designated BAMBD 14th Street corridor, and the Foundation, in operation since 1995, is seeking a brick and mortar space that can serve as office space, studio, and community hub to bring the community together and capture the stories of many people who are in their later years of life to elevate the history of the Black Panther Party for an intergenerational audience of Oaklanders and visitors to the City; and

WHEREAS, the community hub will activate history by allowing community members to engage with history and politics through workshops, lectures, and service programs and facilitate conversations between former members of the Black Panther Party and community members, Community Based Organizations (CBOs), and elected officials; and

WHEREAS, the Foundation would also partner with CBOs to deliver services to the community similar to those carried out by the Black Panther Party, including free food, free clothing, free medical services, educational tools, and housing information; and

WHEREAS, the Foundation seeks to be the cornerstone of the BAMBD 14th Street corridor, allowing businesses, organizations, and community leaders to use the space to catalyze future development; and

WHEREAS, Section 2.42.230 of the Oakland Municipal Code (OMC) authorizes the City Administrator or his or her designee to negotiate and execute tenant leases for Property in the Lionel J. Wilson Building, and the City Administrator is granted the full and complete authority to enter into such agreements, without further specific City Council action, as needed to lease the Property and to conduct related activities; and

WHEREAS, the minimum monthly triple net rent for retail tenants in the Lionel J. Wilson Building shall be not less than One Dollar and Twenty-Five Cents (\$1.25) per square foot, excluding any rent credits for tenant improvements pursuant to OMC Section 2.42.230(B)(3); and

WHEREAS, the City Administrator is authorized to negotiate and execute month-to-month leases if the City Administrator determines that it would be in the best interests of the City pursuant to OMC Section 2.42.230(B)(6); and

WHEREAS, in order to lease the Property and use the space as described, the Foundation needs financial assistance to help cover the cost of leasing the Property; and

WHEREAS, on June 24, 2021, the City Council approved a Two Hundred Fifty-Thousand Dollar (\$250,000) allocation in the Fiscal Year 2021-2023 biennial budget in support of the BAMBD program development for lease support, grants, signage, and program development for small business incubation, pursuant to Resolution No. 88717 C.M.S.; and

WHEREAS, to date, a total of Seventy-Five Thousand Dollars (\$75,000) has been expended for the BAMBD, and a total of One Hundred Seventy-Five Thousand Dollars (\$175,000) remains; and

WHEREAS, it is critical the City helps foster community spaces dedicated to the preservation and advancement of the cultural and economic vitality of our City; now, therefore, be it

RESOLVED: That the City Council agrees that it would be in the best interests of the City and approves the City Administrator to negotiate and enter into a month-to-month lease agreement with the Dr. Huey P. Newton Foundation for the Property located at 150 Frank H. Ogawa Plaza, Suite 1C (Lionel J. Wilson Building), also known as 1427 Broadway, to serve as an office, retail, and community hub dedicated to preserving history and advancing culture for a term not to exceed twelve (12) months in an amount not to exceed Four Thousand One Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$4,166.67) per month or Fifty Thousand Dollars (\$50,000) per year as authorized by OMC Section 2.42.230; and be it

FURTHER RESOLVED: That the City Council authorizes the award of a grant to the Dr. Huey P. Newton Foundation in an amount not to exceed Fifty Thousand Dollars (\$50,000) for a term not to exceed Twelve (12) months for lease support as an eligible use of the original Two Hundred Fifty Thousand Dollars (\$250,000) of General Purpose Funds designated for the Black Arts Movement Business District in the 2021-2023 Biennial Budget pursuant to Resolution No. 88717 C.M.S.; and be it

FURTHER RESOLVED: That the grant amount of an amount not to exceed Fifty Thousand Dollars (\$50,000) the Foundation is available in General Purpose Fund (1010), Cultural Arts & Marketing Organization (85511), Third Party: Grant Contracts Earned Account (54912), Black Arts District Project (1005375), Marketing & Special Events Program (SC02); and be it

FURTHER RESOLVED: That rent collected from the Foundation as a tenant will be placed in the following General Ledger Account: General Purpose Fund (1010), Real Estate Organization (85231), Other Rental: Miscellaneous Revenue Account (44419), DP850 Administrative Project (1000019), Real Estate Program (PS32); and be it

FURTHER RESOLVED: That Common Area Maintenance revenue from the Foundation as a tenant will be placed in the following General Ledger Account: City Facilities Fund (4400), Facilities Services: Civic Center Complex Organization (30632), Facility Rental: Facility Rentals to Profit-Making Groups Revenue Account (44319), DP300 Administrative Project (1000010), Facilities Management & Development Program (IN02); and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to take any other action necessary consistent with this Resolution and its basic purposes, subject to review and approval by the City Attorney's Office; and be it

FURTHER RESOLVED: That the City Attorney's Office shall review and approve the lease as to form and legality, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~WHE~~, GALLO, KALB, ~~KAPLAN~~, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS +6

NOES - 0

ABSENT - 0

ABSTENTION 0

2 Excused - Pike & Kaple ATTEST:



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