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FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. 13740 C.M.S.

ORDINANCE (1) AUTHORIZING A LICENSE AGREEMENT WITH FAM 1ST FAMILY FOUNDATION FOR USE OF THE WEST OAKLAND YOUTH CENTER LOCATED AT 3233 MARKET STREET, OAKLAND, AT THE BELOW MARKET RATE OF \$0.00 THROUGH JUNE 30, 2025 WITH A TWO-YEAR OPTION TO RENEW TO PROVIDE AFTERSCHOOL PROGRAMS, SUMMER PROGRAMS, WORKFORCE EMPLOYMENT TRAINING AND PLACEMENT PROGRAMS AND COMMUNITY EVENTS FOR YOUTH AND THEIR FAMILIES; (2) MAKING FINDINGS THAT THE LICENSE FOR A BELOW FAIR MARKET VALUE IS IN THE BEST INTEREST OF THE CITY; AND (3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the City of Oakland owns the property located at 3233 Market Street in Oakland known as the West Oakland Youth Center (“WOYC” or “Premises”); and

WHEREAS, the mission of Fam 1st Family Foundation (“Fam 1st), a California 501(c)(3) nonprofit organization established since 2011, is to strengthen low income families through youth social and career development programs and activities; and

WHEREAS, the Fam 1st has expertise in both providing and managing programs and serves between 150 to 200 youth annually through diverse development programs and offers community events serving between 200 to 300 families; and

WHEREAS, City wishes to license the Premises to Fam 1st to provide youth and family services in West Oakland and neighboring communities through June 30, 2025, with one 2-year option to extend until June 30, 2027, at a monthly rent of \$0.00; and

WHEREAS, Fam 1st Family Foundation has provided youth and family programs at the West Oakland Youth Center since 2017 and has operated the West Oakland Youth Center facility since February 2019 pursuant to a professional services agreement with the City for One Hundred Ninety-Five Thousand Dollars (\$195,000) for a one year term with a one year option to renew, as authorized by Resolution No. 87820 C.M.S.; and

WHEREAS, Fam 1st has been designing, implementing, and conducting numerous youth and family programs at the West Oakland Youth Center continuously since 2017, including during the COVID-19 period; and

WHEREAS, Fam 1st is currently operating ten youth development programs at the West Oakland Youth Center (grades K through 12, customized for each age group) including: *Unfinished Learning* (an after school educational support for reading, vocabulary, phonemic awareness, phonics, fluency and comprehension); *Graphic Design* (a career and entrepreneurship development program, teaching the basics of design, logos and advertising, print/Web graphics], graphing and scale, designing Web pages, and portfolios); *Hidden Genius* (a program that introduces youth to the Tech industry based around computer coding creating video grams, Website building); *Music 101* (a career and entrepreneurship development program to learn about the music industry); *Agriculture* (a program on Urban farming to grow fresh produce, farm to table business, STEM and Agriculture); *Food and Nutrition* (a program designed to teach the basics of cooking and nutrition, food handling & safety); *Financial Literacy* (a program covering the basics of financial literacy); *Youth & Business* (a career and entrepreneurship development program); *Architecture* (a career development program teaching the basics of education, business and entrepreneurship in the field of architecture including a one-week architecture camp at UC Berkeley); *Youth Workforce Development Internships* in partnership with the Youth Employment Partnership and the Oakland Athletic League which provide paid youth internships teaching career skills in a workplace setting); and

WHEREAS, Fam 1st conducts a number of different family-centered events each year including, a Thanksgiving Turkey giveaway, a Christmas Toy drive and giveaway, a Youth Football Camp, an annual Talent Show (benefit), a Bowling Night for West Oakland families, and various youth field trips and community picnics, designed to embed the West Oakland Youth Center deeply within the West Oakland Community; and

WHEREAS, in Section 219(6) of the Charter, leases of City-owned real property by the City for longer than one year must be authorized by an ordinance enacted by the City Council pursuant to Oakland Municipal Code Section (OMC) 2.42.100; and

WHEREAS, pursuant to OMC Section 2.42.110, City-owned real property must be leased or licensed for a rent or fee, payable in cash or other consideration, equal to or exceeding the property's fair market value, unless the City Council determines that the lease or license of the property for less than its fair market value is in the best interest of the City; and

WHEREAS, in the case of lessees or licensees who provide in-kind services in lieu of cash rent, the value of such in-kind services to the City or the community at large may be considered in making the required Council finding and determination. In-kind services include benefits or values the provider renders to the City or the community at large as a result of the tenancy in lieu of payment of cash, including, but not be limited to, property security and maintenance, social and cultural benefits to the community, or other appropriate services; and

WHEREAS, Fam 1st is committed to continuing these programs and activities and to developing new and innovative youth career development programs and other events addressing the needs of the West Oakland community; and

WHEREAS, the City desires to enter into a license agreement with Fam 1st in accordance with these terms; and

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

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 2. The City Administrator is hereby authorized to negotiate and execute a license agreement with Fam 1st Family Foundation, a California nonprofit corporation, for the licensing of the West Oakland Youth Center located at 3233 Market Street, Oakland, for a term until June 30, 2025 with one 2-year option to renew until June 30, 2027, at a below market rent of \$0.00 due to cultural and social benefits provided to the community pursuant to OMC Section 2.42.110.

SECTION 3. The City Council finds and determines that the lease of the Property for less than its fair market rental value is in the best interests of the City, because Fam 1st has provided since 2017 and will continue to provide social and cultural benefits to the City and community at large by providing job skill development and safety programs for youth, hosting family-centered events, and serving youth and families in West Oakland and neighboring communities.

SECTION 4. The City Council hereby authorizes the City Administrator, without returning to City Council, to negotiate and execute (a) 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 transactions contemplated by this Ordinance, to be conclusively evidenced by the execution and delivery by the City Administrator of any such amendments; and (b) such other documents as necessary or appropriate, in consultation with the City Attorney's Office, to facilitate and consummate the transactions in accordance with this Ordinance, or to otherwise effectuate the purpose and intent of this Ordinance and its basic purpose.

SECTION 5. The lease agreement and any other documents necessary for the leasing of the property shall be approved as to form and legality by the City Attorney's Office and a copy shall be filed with the Office of the City Clerk.

SECTION 6. The City Council has independently reviewed and considered this environmental determination, and the city council finds and determines that this action complies with the California Environmental Quality Act (CEQA) because this action on the part of the city is exempt from CEQA pursuant to Section 15301 (existing facilities).

SECTION 7. 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY 16 2023

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST:



ASHA REED

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

Introduction Date

MAY 2 2023

Date of Attestation:

May 19, 2023

NOTICE AND DIGEST

ORDINANCE (1) AUTHORIZING A LICENSE AGREEMENT WITH FAM 1ST FAMILY FOUNDATION FOR USE OF THE WEST OAKLAND YOUTH CENTER LOCATED AT 3233 MARKET STREET, OAKLAND, AT THE BELOW MARKET RATE OF \$0.00 THROUGH JUNE 30, 2025 WITH A TWO-YEAR OPTION TO RENEW TO PROVIDE AFTERSCHOOL PROGRAMS, SUMMER PROGRAMS, WORKFORCE EMPLOYMENT TRAINING AND PLACEMENT PROGRAMS AND COMMUNITY EVENTS FOR YOUTH AND THEIR FAMILIES; (2) MAKING FINDINGS THAT THE LICENSE FOR A BELOW FAIR MARKET VALUE IS IN THE BEST INTEREST OF THE CITY; AND (3) ~~MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS~~

An Ordinance authorizing the City Administrator to negotiate and execute a license agreement with Fam 1st Family Foundation, a California nonprofit corporation, for the licensing of the West Oakland Youth Center located at 3233 Market Street, Oakland, through June 30, 2025, with a two-year option to renew until June 30, 2027, at the below market rate of \$0.00 due to cultural and social benefits provided to the community and making appropriate CEQA findings.