

2024 JAN 24 PM 5:03

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCIL PRESIDENT NIKKI FORTUNATO BAS

FILED
OFFICE OF THE CITY CLERK

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. 18781 C.M.S.

AN ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT WITH TRYBE, INC., A CALIFORNIA NONPROFIT ORGANIZATION, FOR YEAR-ROUND COMMUNITY PROGRAMMING ON THE CLINTON SQUARE COMMUNITY CENTER FOR A 1-YEAR TERM WITH TWO 1-YEAR OPTIONS, AT A RATE OF ZERO DOLLARS (\$0.00) PER YEAR; (2) MAKING FINDINGS THAT THE LICENSE FOR BELOW FAIR MARKET VALUE IS IN THE BEST INTEREST OF THE CITY; AND (3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City owns real property located at 655 International Blvd, Oakland, CA 94606 (APN20-123-1), otherwise known as Clinton Park (Property); and

WHEREAS, Trybe, Inc. is a nonprofit organization that proposes to activate the approximately 12,000 square feet Clinton Square Community Center (Premises) located on the Property with community benefitting uses, in collaboration with other community institutions and organizations and the City; and

WHEREAS, the non-exclusive and temporary use of the Premises by Licensee for community benefitting uses, does not authorize development, and thus is not a disposition of surplus property under Government Code section 54220 et seq.; and

WHEREAS, pursuant to OMC Section 2.42.110, City-owned real property must be licensed or leased 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 license or lease of the property for less than its fair market value is in the best interest of the City; and

WHEREAS, in the case of licensees or lessees 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, Trybe Inc. is a nonprofit organization that proposes to activate the Premises through collaboration with community-based organizations and year-round programming centered on programming for elders and seniors, school-aged youth, immigrant, refugees, and limited English proficient populations, local cultural centers and spiritual institutions; and local businesses and merchants in the Little Saigon/ Clinton Park, and surrounding neighborhoods in Oakland; and

WHEREAS, Trybe Inc. and community partners reach tens of thousands of residents and community-members each month and are already activating Clinton Park through cultural festivals and programming; and

WHEREAS, since September 2023, Trybe Inc. has been providing in-kind community benefits in the form of organizing park ambassadors who partner with the City of Oakland to conduct regular park cleanups, engaging with unhoused residents, and supporting local businesses; and

WHEREAS, public safety concerns have been exacerbated by vacant storefronts in the area and minimal programming during the pandemic and multi-year renovations related to an arson at the site in February 2021; and Trybe Inc.'s proposed use of the Premises would improve community presence and activation of Clinton Park; and

WHEREAS, the proposed temporary use of the Property for year round community programming, including priorities from a community survey such as music and dance performances, art classes, night markets, exercise/martial arts classes, food distribution, language classes, health clinics and prevention education, youth programs; and Neighborhood Council meetings, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities), 15183 (projects consistent with General Plan and Zoning), and 15061(b)(3) (no significant effect on the environment); and

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

SECTION 1. The City Administrator is hereby authorized to negotiate and execute a license agreement with Trybe, Inc. for use of the Clinton Square Community Center for year-round programming activation and community benefiting uses for a 1-year term with two 1-year options at a rate of Zero Dollars (\$0.00) per year.

SECTION 2. The City Council finds and determines that the license of the Premises for less than its fair market rental value is in the best interests of the City pursuant to OMC Section 2.42.110, because Trybe Inc. will activate Clinton Park by providing year-round programming for seniors and youth in the Little Saigon/ Clinton Park and surrounding neighborhoods in Oakland.

SECTION 3. The City Council has independently reviewed and considered this environmental determination, and the City Council, and the City Council finds and determines that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (operation, licensing, and minor alteration of existing public facility), and 15061(b)(3) (no significant effect on the environment). The City Administrator or designee is hereby directed to file a Notice of Exemption with the appropriate agencies.

SECTION 4. That the license agreement is subject to City Attorney review and approval for form and legality and a copy of this resolution shall be filed with the City Clerk without returning to Council.

SECTION 5. The recitals contained in this Ordinance are true and correct and are an integral part of the Council's decision.

SECTION 6. 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 7. 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,

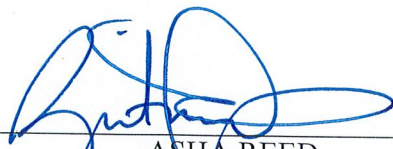
PASSED BY THE FOLLOWING VOTE: FEB 20 2024

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

NOES
ABSENT
ABSTENTION

Introduction Date
FEB 06 2024

ATTEST: _____


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

Date of Attestation: _____

2/23/2024

NOTICE AND DIGEST

AN ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT WITH TRYBE, INC., A CALIFORNIA NONPROFIT ORGANIZATION, FOR YEAR-ROUND COMMUNITY PROGRAMMING ON THE CLINTON SQUARE COMMUNITY CENTER FOR A 1-YEAR TERM WITH TWO 1-YEAR OPTIONS, AT A RATE OF ZERO DOLLARS (\$0.00) PER YEAR; (2) MAKING FINDINGS THAT THE LICENSE FOR BELOW FAIR MARKET VALUE IS IN THE BEST INTEREST OF THE CITY; AND (3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

This Ordinance authorizes the City Administrator to negotiate and execute a license agreement with Trybe, Inc. for use of the Clinton Square Community Center located at Clinton Park for year-round programming activation and community benefiting uses for a 1-year term with two 1-year options, a rate of Zero Dollars (\$0.00) per year; makes findings that the license for below market rate is in the best interest of the City; and makes appropriate California Environmental Quality Act (CEQA) findings.