

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 APR 30 PM 3:56

Approved as to Form and Legality


CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 13310 C. M. S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE 2007 LEASE ENTERED INTO WITH EAST OAKLAND BOXING ASSOCIATION FOR CITY-OWNED PROPERTY LOCATED AT 816 AND 828 98TH AVENUE TO EXTEND THE TERM FOR AN ADDITIONAL FIFTEEN (15) YEARS FROM JULY 30, 2017 TO JULY 30, 2032, FOR ZERO RENT IN EXCHANGE FOR IN-KIND SERVICES AS AUTHORIZED BY ORDINANCE NO. 11722 C.M.S.

WHEREAS, the East Oakland Boxing Association (“EOBA”) is a non-profit youth development organization that provides free year round services to children and youth ages 5-20 including academic tutoring, mentoring, arts and crafts, computers, health and nutrition classes (taught by a certified chef and registered dietician), organic gardening, camping, field trips and physical education (“Youth Services”) at an estimated annual cost of One Hundred Forty-One Thousand Nine Hundred Dollars (\$141,900); and

WHEREAS, EOBA provides the Youth Services at City- owned property located at 816 and 828 98th Avenue, Oakland, California (“Property”) consisting of about 17,150 square feet improved with the following:

- a. Building (about 3,000 square feet) including a boxing ring with locker rooms,
- b. Building (about 2,500 square feet) including homework space, library, and computer rooms,
- c. Enclosed garden, basketball court, and parking area,

with an estimated fair market rental value of \$60,000 per year as of March 1, 2015; and

WHEREAS, the Oakland Parks and Recreation Department estimates that if it were to provide similar Youth Services the cost would be approximately Two Hundred Eighteen Thousand Seven Hundred Sixty Dollars (\$218,760) per year; and

WHEREAS, EOBA’s providing the Youth Services rather than the City results in an estimated cost savings to the City of approximately Seventy-Six Thousand Eight Hundred Sixty Dollars (\$76,860) per year; and

WHEREAS, Ordinance No. 11722 C.M.S. established a policy that permits rental of City-owned property for fair market rent with recognition for in-kind services; and

WHEREAS, pursuant to the Oakland City Council Ordinance No. 121822 C.M.S. dated September 18, 2007 authorizing a five-year lease, with one option to extend for an additional five-year term, the City and EOBA entered into a Lease (“Lease”) dated as of December 1, 2007, requiring no rental payments in exchange for EOBA providing the Youth Services for the term ending July 30, 2017; and

WHEREAS, the in-kind value to the City of the services provided by EOBA is \$158,760 per year resulting from the annual cost savings to the City of not providing the Youth Services (\$218,760) less the annual fair market value rent of the Property (\$60,000) the City is not collecting; and

WHEREAS, the requirements of the California Environmental Quality Act (“CEQA”), the CEQA guidelines prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City Of Oakland have been satisfied; now, therefore:

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Administrator, or designee, is authorized to negotiate and execute an amendment to the Lease with EOBA to extend the term for an additional fifteen (15) years from July 30, 2017 to July 30, 2032, for zero rent in exchange for providing Youth Services, consistent with this Ordinance.

SECTION 2. That the Manager of Real Estate Services, or such other City Administrator designee as the City Administrator may appoint, is hereby authorized and directed to take all necessary actions to negotiate and complete the amendment to the Lease of the Property, consistent with the intent of this Ordinance.

SECTION 3. The amendment to the Lease 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 4. The City Council finds and determines, after independent review and consideration, that the authorization to amend the Lease with EOBA is exempt from CEQA pursuant to Section 15061(b)(3) (general rule) and Section 15301 (existing facilities) of the CEQA Guidelines, and the Council directs the City Administrator or designee to file a Notice of Exemption from CEQA requirements with the County of Alameda.

SECTION 5. This Ordinance shall become effective immediately on the 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,

JUN 02 2015

PASSED BY THE FOLLOWING VOTE:

BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY

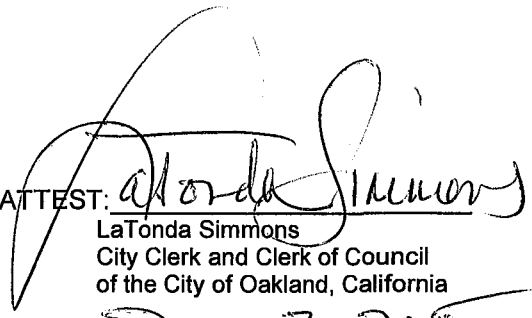
AYES- 8

NOES- 0

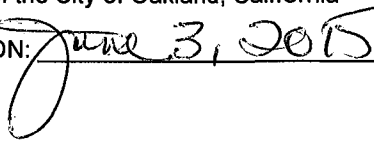
ABSENT- 0

ABSTENTION- 0

ATTEST:


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

DATE OF ATTESTATION:



Introduction Date

MAY 19 2015

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 MAY 21 AM 9:17

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE 2007 LEASE ENTERED INTO WITH EAST OAKLAND BOXING ASSOCIATION FOR CITY-OWNED PROPERTY LOCATED AT 816 AND 828 98TH AVENUE TO EXTEND THE TERM FOR AN ADDITIONAL FIFTEEN (15) YEARS FROM JULY 30, 2017 TO JULY 30, 2032, FOR ZERO RENT IN EXCHANGE FOR IN-KIND SERVICES AS AUTHORIZED BY ORDINANCE NO. 11722 C.M.S.

This Ordinance would allow the City Administrator to amend the Lease (“Lease”) with East Oakland Boxing Association (EOBA) to extend the term of Lease for an additional 15 years ending July 30, 2032. This will provide EOBA with the opportunity to obtain financing for capital improvements to the Property.

The Property consists of a parcel of land (about 17,150 square feet) improved with the following:

1. Building (about 3,000 square feet) including a boxing ring with locker rooms.
2. Building (about 2,500 square feet) including homework space, library, and computer rooms.
3. Enclosed garden, basketball court, and parking area.