

FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney's Office

2019 MAY 16 PM 5:5

OAKLAND CITY COUNCIL

RESOLUTION NO. 87723 = C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH OAKLAND CHILDREN'S FAIRYLAND, INC. FOR THE OPERATION AND MANAGEMENT OF CHILDREN'S FAIRYLAND FOR A FIFTEEN YEAR TERM EXPIRING ON DECEMBER 31, 2034, AND AUTHORIZING AN ANNUAL SUBSIDY TO CHILDREN'S FAIRYLAND OF \$200,000 PLUS COST OF LIVING ADJUSTMENTS

WHEREAS, the City of Oakland ("City") and the Oakland Children's Fairyland, Inc., a non-profit corporation ("CFL"), seek to enter into an Agreement for the purpose of operating, managing, maintaining and improving Children's Fairyland for the use and benefit of the public; and

WHEREAS, Children's Fairyland, which real property and improvements are owned by the City, is located at 699 Bellevue Avenue, Oakland, California (herein referred to as "Park"); and

WHEREAS, the Park is an historic and unique asset for the recreation, education and enjoyment of Oakland's children, students, residents and visitors through its landscaped gardens, colorful storybook and fairytale sets, small rides, farm animals, puppet theatre, picnic areas and other programming; and

WHEREAS, the City wishes to promote and assist in improving the Park as an educational and recreational area; and

WHEREAS, in 1993 pursuant to Resolution No. 70531 C.M.S. the City Council authorized the formation of a non-profit corporation for Children's Fairyland and authorized the Mayor to make all initial appointments to the Children's Fairyland Board of Directors (the "Board"); and

WHEREAS, pursuant to Resolution No. 79001 C.M.S., the City Council authorized increasing the size of the Board from nine members to eleven members, and authorized seven of the Board members to be appointed by CFL and four members to be appointed by the City, of which three shall be appointed by the Mayor and confirmed by the City Council and one shall be a City Administrator designee; and

WHEREAS, CFL wishes to increase the number of members on the Board to improve funding raising capacity; and

WHEREAS, the CFL, which has successfully managed and operated the Park since 1994 under a ten-year agreement and a subsequent fifteen-year agreement with the City, agrees to be solely responsible for the maintenance, operation and improvement of said property; and

WHEREAS, the proposed agreement will allow CFL to collect and use revenues collected at the Park, including sub-licensed concession charges, admission charges, rental fees, and raising of funds in any other lawful manner for the maintenance, operation and improvement of the Park; and

WHEREAS, CFL will submit proposed changes to Park fees and charges to the City Council for approval in the Master Fee Schedule; and

WHEREAS, the City values the economic and social benefit that CFL adds to the City and CFL operates a Community Outreach Program aimed at increasing access to Fairyland for under-served children and families; and

WHEREAS, CFL may continue to receive consideration from the City Council for an increase to the subsidy as part of the biennial budget process that if approved would require award under separate agreements; now, therefore, be it

RESOLVED: That the City Administrator of the City of Oakland is hereby authorized to negotiate and execute an Agreement with CFL for a fifteen-year term expiring on December 31, 2034; and be it

FURTHER RESOLVED: That the City will pay an annual subsidy to CFL in an amount not to exceed \$200,000 plus an annual cost of living adjustment from the General Purpose Fund (1010) or other eligible source of City funds that will be included in the City of Oakland's adopted budget; and be it

FURTHER RESOLVED: That the City will also provide for electricity, water, garbage removal and recycling services at the Park at an estimated average value of \$55,000 per year; and be it

FURTHER RESOLVED: That the City will also provide for Commercial General Liability/Property Loss insurance at the Park with premium costs estimated to average \$69,000 per year, with CFL contributing \$10,000 per year toward the insurance premiums; and be it

FURTHER RESOLVED: That CFL will provide the City with one facility rental per year for an event upon request and mutually agreed upon date at no cost of rental fees but with the City paying for direct costs associated with the event such as event security and custodial staffing; and be it

FURTHER RESOLVED: That the CFL Board of Directors will increase in size from the current total of up to eleven (11) members to a new total of up to fifteen (15) members, which shall be selected from a broad cross-section of people in the Bay Area that reflects the cultural diversity of the Oakland community and the East Bay; and be it

FURTHER RESOLVED: That eleven (11) of the CFL Board of Directors shall be appointed by CFL and four (4) shall be appointed by the City, of which three (3) shall be appointed by the Mayor and confirmed by the City Council and one (1) shall be a City Administrator designee; and be it

FURTHER RESOLVED: That the Office of the City Attorney shall review and approve the Agreement authorized by this Resolution prior to the City Administrator's execution of same; and a copy of the Agreement will be on file at the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to take whatever action is necessary with respect to the Oakland Children's Fairyland, Inc. Agreement for Park operations in accordance with the basic purpose of this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 04 2019

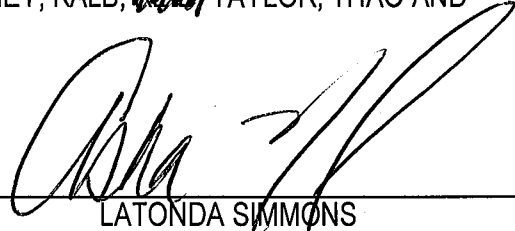
PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~WILLIAMS~~ TAYLOR, THAO AND PRESIDENT KAPLAN → 7

NOES - 0
ABSENT - 0
ABSTENTION - 0

Excused - 1 (Red)

ATTEST:



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