

OAKLAND CITY COUNCIL

RESOLUTION No. 73498 C. M. S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF OAKLAND AND MONTCLAIR GOLF ENTERPRISES, INC. FOR THE OPERATION, MAINTENANCE AND IMPROVEMENT OF MONTCLAIR GOLF COURSE FOR A TERM COMMENCING ON JUNE 1, 1997, AND ENDING TWENTY (20) YEARS FROM THE DATE OF COMPLETION OF LANDSLIDE REPAIR WORK AT MONTCLAIR GOLF COURSE

WHEREAS, on March 31, 1996, the concession agreement between the City of Oakland ("City") and Montclair Golf Enterprises/Ron Childers ("MGE/RC") expired; and

WHEREAS, on April 6, 1996, the City Council approved an Interim concession agreement between the City and MGE/RC; and

WHEREAS, on June 28, 1996, Montclair Golf Enterprises, Inc. ("Concessionaire") submitted a proposal to the City of Oakland, Office of Parks, Recreation and Cultural Affairs ("OPRCA") for the operation, maintenance and improvement of Montclair Golf Course; and

WHEREAS, on November 19, 1996, the City Council selected the proposal submitted by the Concessionaire, subject to the successful negotiation of a concession agreement between the parties; and

WHEREAS, City staff and the Concessionaire have successfully negotiated a draft concession agreement which implements the Concessionaire's June 28, 1996 proposal and protects the City's financial and operational interests related to Montclair Golf Course; and

WHEREAS, the golf course improvements referenced in said concession agreement have been reviewed at a public meeting held at Montclair Golf Course on May 5, 1997, and at the regular meeting of the Park and Recreation Advisory Commission held on May 14, 1997; and

WHEREAS, the feedback generated at the public meetings referenced above has been brought before the City Council for consideration; and

WHEREAS, the City Council has considered and incorporated where appropriate community feedback into the concession agreement; now, therefore, be it

RESOLVED: That the City Manager is hereby authorized to execute the concession agreement with MGE, Inc. for the maintenance, operation and improvement of the Montclair Golf Course; and be it

FURTHER RESOLVED: That said concession agreement includes the provisions of the proposal submitted by MGE, Inc. to OPRCA on June 28, 1996; and be it

FURTHER RESOLVED: That Concessionaire shall pay City a minimum monthly rent of \$5,000 or the alternative monthly rent, whichever amount is greater except when waived or reduced as provided in Section 8 of the agreement. The alternative monthly rent is the sum of the following amounts:

2% of gross monthly revenues derived from the sale of golf merchandise;

6% of gross monthly revenues derived from the sale of food and non-alcoholic beverages;

10% of gross monthly revenues derived from the sale of alcoholic beverages, vending machine sales and/or commissions, golf instruction, driving range operations, greens fees, practice putting fees, all other golf course user fees and other miscellaneous sales; and be it

FURTHER RESOLVED: That the term of the agreement shall commence on June 1, 1997, and end on the last day of the twentieth (20th) year from the date written notice is given by City to Concessionaire that the landslide repair work at Montclair Golf Course is complete; and be it

FURTHER RESOLVED: That the amount of \$20,000 is hereby approved as the amount of a performance bond to be furnished to City by Concessionaire; and be it

FURTHER RESOLVED: That the agreement has been reviewed by the Office of the City Attorney, a copy of which will be on file in the Office of the City Clerk.

MAY 20 1997

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, ~~CHANG~~, DE LA FUENTE, MILEY, NADEL, REID, ~~RUSSO~~, SPEES AND
PRESIDENT HARRIS - 17

NOES- None

ABSENT- None

ABSTENTION- None

Excused- Chang / Russo - 2

ATTEST. 
CEDA FLOYD

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