

**RESOLUTION NO. 18-\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute An Exclusive Right To Negotiate Agreement With Orton Development Inc. For The Purpose Of Negotiating A Lease Disposition And Development Agreement For The Redevelopment And Operation Of 4060 Hollis Street As An Art Center**

**WHEREAS**, in March 2006, the Emeryville Redevelopment Agency (“Agency”) purchased the former United Stamping Company building at 4060 Hollis Street (“Site”) for the purpose of establishing an arts and cultural facility (the “Art Center”); and

**WHEREAS**, following dissolution of all redevelopment agencies, the Site was legally transferred from the Successor Agency to the Emeryville Redevelopment Agency (“Successor Agency”) to the City of Emeryville on September 5, 2017 in accordance with the Long Range Property Management Plan prepared by the Successor Agency; and

**WHEREAS**, On January 16, 2018, the City Council held a study session regarding implementation options to re-start the Art Center project, directed staff to pursue a public-private partnership approach, and approved a draft Request for Qualifications/Proposals (RFQP) to solicit developer interest in partnering with the City for development of the Art Center; and

**WHEREAS**, following the release of the RFQP on February 12, 2018, the City received nine responses by the April 13, 2018 deadline; and

**WHEREAS**, a selection panel comprised of staff members from various departments (the “Selection Panel”) reviewed the submittals received in response to the RFQP and conducted follow-up interviews with the teams, resulting in a determination that a short list of three teams were the most qualified and should be invited to move forward to the second phase of the RFQP process; and

**WHEREAS**, the short-listed teams included Orton Development Inc. (“ODI”), Community Arts Stabilization Trust and Crew, and MSL & Company/Artspace/I.D.E.A. Partners (together, the “Finalists”); and

**WHEREAS**, the Finalists submitted conceptual proposals pursuant to the RFQP on June 29, 2018, which were scored by the Selection Panel and a panel of community members who were subject area experts (the “Blue Ribbon Panel”); and

**WHEREAS**, the results of both panels’ scoring was then reported to the City Council at their regular meeting of September 17, 2018; and

**WHEREAS**, on September 17, 2018 the City Council adopted Resolution No. 18-130 authorizing staff to negotiate an Exclusive Right to Negotiate Agreement (“ERN”) with ODI for the construction and operation of an Art Center on the Site; and

**WHEREAS**, the City Attorney has prepared the ERN attached hereto as Exhibit A for the Council’s consideration; now, therefore, be it

**RESOLVED**, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute an ERN with ODI for the Art Center project in substantial form as attached as Exhibit A to this resolution; and be it further

**RESOLVED**, that the City Council hereby authorizes the City Manager to execute minor amendments to the ERN with ODI and take all necessary actions as may be necessary to effectuate its purpose.

**ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 13, 2018 by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY