

CITY OF ALAMEDA ORDINANCE NO. 3356
New Series

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE ALAMEDA SWIMMING POOL ASSOICATION WITH A TERM OF FOUR YEARS AND ELEVEN MONTHS FOR THE OPERATON AND MAINTENANCE OF THE POOLS AT FRANKLIN PARK AND LINCOLN PARK

WHEREAS, the City owns land at Franklin Park and Lincoln Park that have been improved with swimming facilities ("Swimming Pools"); and

WHEREAS, the Alameda Swimming Pool Association, a not for profit organization ("ASPA"), has been operating and maintaining the Swimming Pools since design and construction began in 1959; and

WHEREAS, City representatives, with City Council direction, have negotiated with ASPA representatives to arrive at acceptable terms of a Lease Agreement such that the ASPA will continue to operate and maintain the Swimming Pools; and

WHEREAS, the salient terms of the Lease Agreement include: a term of four years and eleven months; no monthly rent but ASPA to reimburse the City for all water utility costs; ASPA responsible for all maintenance and operations; ASPA to increase public access to the Swimming Pools with clear marketing of programs, and membership applications in coordination with the City, increased financial assistance also marketed by the City, a voucher program for non-members and swim times for three Alameda non-profit organizations; and a clear schedule for ASPA to implement certified lifeguards at all times when the Swimming Pools are in use; and

WHEREAS, the Lease Agreement is not considered a disposition of surplus property and therefore is not subject to the State Surplus Land Act.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that by four affirmative votes that:

Section 1. The City Manager of the City of Alameda or the City Manager's designee is hereby authorized to execute on behalf of the City of Alameda, a Lease Agreement with the Alameda Swimming Pool Association subject to such technical or clarifying revisions as are reasonably determined necessary by the City Manager and approved by the City Attorney, and the City Clerk is hereby authorized and directed to attest to the same.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on this 17th day of October 2023, by the following vote to wit:

AYES: Councilmembers Daysog, Herrera Spencer, Jensen, and Mayor Ezzy Ashcraft – 4.

NOES: None.

ABSENT: Councilmember Vella – 1.

ABSTENTIONS: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of October 2023.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney City
of Alameda