

**City of Culver City, California
Agenda Item Report**

Meeting Date: <u>11/09/09</u>		Item Number: <u>C-7</u>
CITY COUNCIL AGENDA ITEM: Approval of an Amendment to the Lease Agreement with the State of California for Use of the Premises Located at 10808 Culver Boulevard (the Armory)		
Contact Person/Dept.: Pam Robinson, Recreation Manager		Phone Number: (310) 253-6632
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐
Public Hearing: ☐	Action Item: ☒	Attachments: ☐
Commission Action Required: Yes ☐ No ☒		Date: _____
Public Notification: (E-Mail) Tim Lipscomb, Senior Land Agent, State of California (11/04/09), (E-Mail) Meetings and Agendas – City Council (11/04/09)		
Department Approval: William LaPointe (10/27/09)	City Attorney Approval: Carol Schwab (by H. Baker) (11/03/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (11/4/09)	City Manager Approval: Mark Scott (11/04/09)	

RECOMMENDATION:

Staff recommends that the City Council approve an amendment to the lease agreement (Agreement) with the State of California (State) for use of the premises located at 10808 Culver Boulevard (the Armory).

BACKGROUND:

The Agreement with the State for City owned property located at 10808 Culver Boulevard as a National Guard Armory expired on August 27, 2007. Through operation of law, the Agreement is now a month-to-month tenancy until such time as the City either extends the expired lease or formally terminates the current tenancy.

DISCUSSION:

During the fourteen (14) months since the expiration of the Agreement and the month-to-month tenancy went into affect, staff has worked with representatives from the State on certain changes to the language in the standard lease extension. All terms and conditions of the Agreement remain unchanged with the exception of the following;

- Additional language was added to better define the premises;
- New language was added addressing access and keys;
- A new section was added addressing cancellation and/or Military termination;
- The section relating to the use and utility payments was clarified;

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- Language was added with regard to the clean-up of hazardous materials on the premises; and
- A section was added requiring the State to give written notice to the City by November 15th of each year whether a City approved cold weather shelter program will be permitted to operate at the premises.

The term of the lease extension is August 23, 2007 through August 31, 2011. Either party may terminate the Agreement by giving a 120-day written notice of termination to the other party.

FISCAL ANALYSIS:

The Agreement requires the State to pay one-dollar (\$1) per year for the use of the premises as a National Guard Armory. All other costs for the operation of the building are paid by the State.

The Agreement further requires that the City provide janitorial services and supplies and pay a pro-rated share of the cost of utilities following all uses by the City. In addition the City must pay for the cost of a National Guard Armory Supervisor to be present during City uses. The past history for City uses of the Armory has been minimal, and any expenses related to the activity were able to be absorbed within the current budget. If more activities at the Armory were to be scheduled by the City, additional funding may need to be allocated in the budget to cover any subsequent expenses related to the activity in which the State would bill us. -

ATTACHMENTS:

None

MOTION:

That the City Council:

1. Approve an Amendment to the Lease Agreement with the State of California for the use of the Premises located at 10808 Culver Boulevard; and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.