

ORDINANCE NO. 7,274–N.S.

LEASE AGREEMENT WITH THEATREFIRST, INC. FOR THE USE AND MANAGEMENT OF THE LIVE OAK THEATRE AT THE LIVE OAK COMMUNITY CENTER AT 1301 SHATTUCK AVENUE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The City Manager, or designee, is hereby authorized to execute a five-year lease agreement with one-five year option and any amendments thereto with TheatreFIRST, INC. for the use and management of the Live Oak Theatre at the Live Oak Community Center at 1301 Shattuck Avenue, Berkeley, CA. Such lease shall be on substantially the terms set forth in Exhibit A.

Section 2. The rent for the first three years will be zero. Commencing on the fourth year the monthly rent will be \$500. On the fifth year of the lease agreement, the monthly rent will be increased by 4% and the City shall receive five percent of TheatreFIRST's net box office revenue. In exchange for favorable rent, TheatreFIRST will take over the responsibility for the building maintenance, utility cost, and janitorial costs of the theatre from the City. In addition, TheatreFIRST will perform a list of capital improvements to the theatre as described in Exhibit C of the lease. CMS Number PRPZA.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on November 27, 2012, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.
Noes: None.
Absent: Anderson.

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At a regular meeting of the Council of the City of Berkeley held on December 11, 2012, this Ordinance was adopted by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington and Wozniak.

Noes: None.

Absent: Bates.

Linda Maio, Mayor Pro Tempore

ATTEST: _____
Mark Numainville, CMC, Acting City Clerk

Date signed: _____