

2013 NOV 21 AM 9:30


CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO 84743 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE 5-ACRE LEASE WITH THE PORT OF OAKLAND TO AMEND THE PERMITTED USE FROM TRUCK PARKING AND TRUCK SERVICES TO CONTRACTOR LAYDOWN USES AND EXTEND THE TERM UP TO FORTY-EIGHT MONTHS, WITHOUT RETURNING TO CITY COUNCIL

WHEREAS, the City is developing its portion of the former Oakland Army Base (“Site”) for, among other uses, warehouses, Port of Oakland (Port)-supporting logistics, bulk commodity services, and related maritime uses; and

WHEREAS, the City has executed a Lease Disposition and Development Agreement (“LDDA”) with Prologis CCIG Oakland Global, LLC (Prologis/CCIG), to develop a large portion of the Site; and

WHEREAS, the City has executed an LDDA-related Property Management Agreement (PMA) with California Capital and Investment Group, Inc. (“Property Manager”), to manage and arrange for the construction of public infrastructure on the Site, including materials handling; and

WHEREAS, the Property Manager has hired Turner/Goodfellow Top Grade/ Flatiron (“Turner Joint Venture”) as the City’s Public Infrastructure Project Contractor; and

WHEREAS, in order to enable the construction of public infrastructure on the Site, it was necessary to relocate all of the City’s tenants, including Oakland Maritime Support Services, Inc. (OMSS), which provides truck parking and other trucking services at the former Oakland Army Base; and

WHEREAS, in order to enable the relocation of OMSS, on August 5, 2013, the City and the Port of Oakland executed a 30-month lease for five acres of Port property on the former Oakland Army Base, specifying that the property would be used for truck parking and truck services uses (“Port-City 5-Acre Lease”), and which included certain criteria for each City sublessee; and

WHEREAS, OMSS was unable to satisfy the Port’s criteria in order to take possession of the 5-acre Port-owned property; and

WHEREAS, the City, Property Manager, OMSS and Turner Joint Venture agreed the approximately 6-acres of property in the North Gateway originally slated for use by Turner Joint Venture would be used by OMSS to provide truck parking and truck services and the 5-acre Port-owned site originally slated for use by OMSS could be used by Turner Joint Venture for contractor laydown and a contractor campus; and

WHEREAS, the City intends by a concurrent Ordinance to authorize the sublease of the 5-acre Port-owned property to Turner Joint Venture; now, therefore, be it

RESOLVED, that the City Administrator is authorized to negotiate and enter into an amendment to the Port-City 5-Acre Lease for a term of up to forty-eight (48) month term with contractor laydown and contractor campus as the permitted use(s), without returning to City Council; and be it

FURTHER RESOLVED, that the City has independently reviewed and considered the environmental determination, and the City finds and determines that this action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Army Base Project; (3) the 2012 Army Base project Initial Study/Addendum adequately describes the current action for purposes of CEQA; and (4) no further CEQA review is required pursuant to CEQA Guidelines 15164; and be it

FURTHER RESOLVED, that the amendment(s) to the Port-City 5-Acre Lease contemplated by this Resolution shall be reviewed and approved as to form and legality by the City Attorney prior to execution; and be it

FURTHER RESOLVED, that the City Administrator is further authorized to take whatever action is necessary with the respect to the Port-City 5-Acre Lease consistent with this Resolution and its basic purposes.

OAKLAND, CALIFORNIA, _____, ~~DEC~~ 10 2013

PASSED BY THE FOLLOWING VOTE:

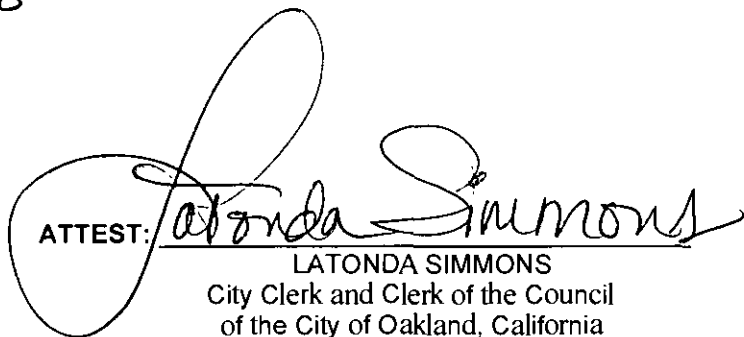
AYES - KALB, REID, GIBSON-MCELHANEY, SCHAAF, GALLO, BROOKS, KAPLAN, AND
CHAIRPERSON KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


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