

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 MAY 30 PM 4: 27

APPROVED AS TO FORM AND LEGALITY


FOU DIANNE DE LUEN
CITY ATTORNEY

13178

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO THIRTY (30) MONTH SUBLEASE WITH OAKLAND MARITIME SUPPORT SERVICES (OR A RELATED ENTITY) FOR TRUCK PARKING AND TRUCK SERVICES ON UP TO 11.7 ACRES OF LAND ON THE PORT-OWNED PORTION OF THE FORMER OAKLAND ARMY BASE

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, conduct materials handling, and arrange for the construction of public infrastructure on the Site; and

WHEREAS, in order to meet the timelines for the materials handling and construction of the public infrastructure, it is necessary for the Property Manager to cause the removal of tenants on the Site; and

WHEREAS, Oakland Maritime Support Services, Inc., or a related entity (OMSS) is currently a City tenant on the Site and needs to vacate its leased premises to accommodate the Property Manager’s work; and

WHEREAS, the City and the Port of Oakland previously signed a Cost Sharing Agreement which provides, among other things, for the Port to undertake good faith efforts to accommodate City tenants displaced by construction and development on the Site; and

WHEREAS, the Port, City and OMSS have agreed in principle that the Port will lease up to 11.7-acres to the City, and the City will sublease the property to OMSS for its truck parking, mini-mart, truck scale, administrative office uses including truck insurance

services, occupational medical center, DMV services, physical examinations, drug testing, and fingerprinting; and

WHEREAS, to facilitate OMSS's move from the Site, the City intends by a concurrent Ordinance to authorize the negotiation and execution of a lease ("City-Port Lease") from the Port of up to 11.7-acres of Port property adjacent to the Site ("Property"); and

WHEREAS, if the City and Port agree on the form of the City-Port Lease, the City intends to sublease the Property to OMSS; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. If the City and Port execute a lease of the Property from the Port to the City, the City Council hereby authorizes the City Administrator, without returning to Council, to negotiate and execute a sublease of the Property to OMSS on the terms set forth in the City-Port Lease.

Section 3. 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.

Section 4. The City Administrator or her designee is hereby authorized to negotiate and execute all agreements and to take whatever other action is necessary with respect to the transaction(s), consistent with this Ordinance and its basic purposes.

Section 5. The City Attorney shall review and approve all documents and agreements related to this lease as to form and legality, and a copy shall be placed on file with the City Clerk.

JUL 2 2013

IN COUNCIL, OAKLAND, CALIFORNIA, _____

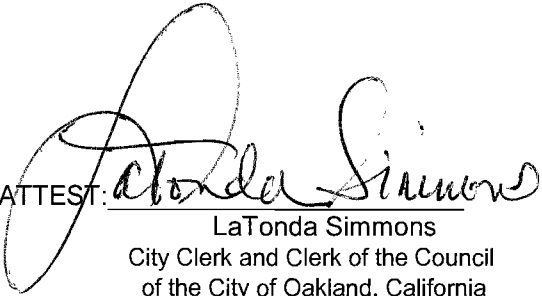
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON-MCELHANEY, ~~KALB~~, KAPLAN, REID, ~~SCHAAF~~ AND PRESIDENT KERNIGHAN - 6

NOES - 0

ABSENT - 0

ABSTENTION - Kalb, SchAAF - 2

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date **JUN 18 2013**

Date of Attestation: **July 12, 2013**

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO THIRTY (30) MONTH SUBLEASE WITH OAKLAND MARITIME SUPPORT SERVICES (OR A RELATED ENTITY) FOR TRUCK PARKING AND TRUCK SERVICES ON UP TO 11.7 ACRES OF LAND ON THE PORT-OWNED PORTION OF THE FORMER OAKLAND ARMY BASE

This ordinance authorizes the City Administrator to negotiate and execute an up to thirty (30) month sublease with Oakland Maritime Support Services (or a related entity) for truck parking and truck services on up to 11.7-Acres of Land on the Port-owned portion of the former Oakland Army Base.