

OAKLAND CITY COUNCIL


City Attorney

2016 DEC -1 PM 1:34

ORDINANCE NO. 13412 C.M.S.

ADOPT AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR, WITHOUT RETURNING TO COUNCIL, TO NEGOTIATE AND EXECUTE AN AMENDMENT TO A LICENSE AND CONCESSION AGREEMENT WITH THE PORT OF OAKLAND FOR THE CITY'S USE OF PORT BUILDING L-118 AT THE OAKLAND AIRPORT FOR OFFICE USE AND MAINTENANCE OF CITY HELICOPTERS: (1) EXTENDING THE AGREEMENT BY FIVE YEARS, WITH FIVE (5) ONE YEAR OPTIONS; AND (2) SETTING RENT AT SIXTEEN THOUSAND FOUR HUNDRED SEVENTEEN DOLLARS AND FIVE CENTS (\$16,417.05) MONTHLY, SUCH RENT TO BE OFFSET BY THE EQUIVALENT VALUE OF SERVICES PROVIDED BY THE OAKLAND POLICE DEPARTMENT AT THE AIRPORT; AND MAKING CERTAIN CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTIONS

WHEREAS, in 2011, the City and the Port of Oakland ("Port") executed a License and Concession Agreement ("Agreement") under which: (1) the Oakland Police Department ("OPD") Air Support Unit used Building L-118 at Oakland International Airport (the "Property") for office use and for the operation, storage, and maintenance of City helicopters and reasonable related uses; and (2) the City was required to provide in-kind services in-lieu of rent equal to \$13,545.14 per month; such in-kind services at the airport consisting of OPD vehicle patrols and airport perimeter aerial checks; and

WHEREAS, the City and Port have agreed to amend the Agreement as set forth in the attached Amendment No. 1 ("Amendment") to: (1) extend the term of the Agreement by five years, and giving the City five (5) one-year options to further extend; and (2) setting rent at sixteen thousand four hundred seventeen dollars and five cents (\$16,417.05) monthly, such rent to be offset by the equivalent value of services provided by OPD at the airport; and

WHEREAS, the City determines that the costs of providing the in-kind services are equal to \$16,417.05 monthly, with said amount to be funded from the General Purpose Fund (1010) and Special Operation Org (107710); and

WHEREAS, Council hereby finds and determines that the action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines under Section 15301 which exempts existing facilities that involves negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The use is consistent with the City's General Plan Land Use designation and with the zoning and other land use requirements. It is located within a commercially developed urban area. The property is located at the Oakland International Airport and is properly zoned for the intended helicopter use. No habit values have been identified for rare,

threatened or endangered species. The continued use of the building will not result in any additional impacts pertaining to noise, traffic, air quality or water quality because the project will comply with standard City requirements and other standards established by the Port of Oakland Airport Division. Finally, the subject Property is currently served and will continue to be served adequately by all required public utilities and services;

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. Based upon the facts, data, analysis, and findings set forth in the Agenda Report for this item, the City Administrator is authorized to negotiate and execute the Amendment in substantially the form attached hereto.

Section 3. The costs of providing in-kind services at the Port of Oakland are equal to \$16,417.05 monthly, with such amount to be funded from the General Purpose Fund (1010) and Special Operation Org (107710).

Section 4. Council hereby finds and determines that the action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines under Section 15301 which exempts existing facilities that involves negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The use is consistent with the City's General Plan Land Use designation and with the zoning and other land use requirements. It is located within a commercially developed urban area. The property is located at the Oakland International Airport and is properly zoned for the intended helicopter use. No habit values have been identified for rare, threatened or endangered species. The continued use of the building will not result in any additional impacts pertaining to noise, traffic, air quality or water quality because the project will comply with standard City requirements and other standards established by the Port of Oakland Airport Division. Finally, the subject Property is currently served and will continue to be served adequately by all required public utilities and services

Section 5. The Amendment shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution by the City, and a copy shall be placed on file with the City Clerk.

Section 6. The City Administrator or designee is hereby authorized to file a notice of exemption with the Office of the Alameda County Recorder and to take any other action necessary consistent with this Ordinance and its basic purposes.

Section 7. The record before this Council relating to this Ordinance includes, without limitation, the following:

- A. All staff reports and other documentation and information produced by or on behalf of the City, including all notices relating to this Ordinance;
- B. All oral and written evidence received by City staff and the City Council before and during the consideration of this Ordinance; and
- C. All matters of common knowledge and all official enactments and acts of the City, such as (1) the General Plan; (2) the Oakland Municipal Code, including, without limitation, the City's real estate regulations; (3) the

Oakland Planning Code; (4) other applicable City policies and regulations; and (5) all applicable state and federal laws, rules and regulations.

~~Section 8. The custodians and locations of the documents or other materials which constitute the record of proceedings upon with the City Council's decision is based are respectively (a) the Real Estate Services Division, 250 Frank Ogawa Plaza, 4th Floor, Oakland, CA and (b) Planning and Building Department, 250 Frank Ogawa Plaza, 3rd, Floor, Oakland, CA; and (c) the Office of the City Clerk, 1 Frank Ogawa Plaza, 1st Floor, Oakland, CA.~~

Section 9. The Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

JAN 17 2017

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

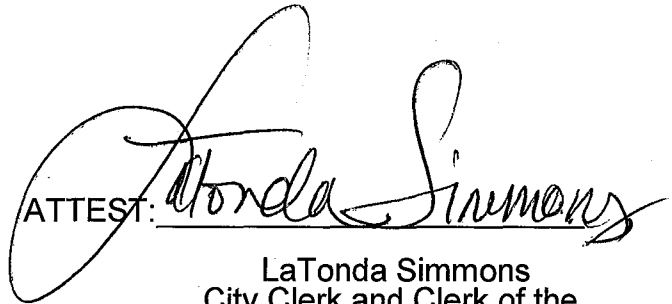
AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, _____, KALB, KAPLAN, REID,
and PRESIDENT GIBSON MCELHANEY - 7

NOES- 0

Excused - Guillén - 1

ABSTENTION- 0

Council
California

ATTEST: 

LaTonda Simmons
City Clerk and Clerk of the
of the City of Oakland,

Introduction Date

DATE OF ATTESTATION: 1-23-17

DEC 13 2016