



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT BETWEEN THE CITY, AS TENANT, AND THE PORT OF OAKLAND (PORT) , AS LANDLORD, FOR A 52,000 SF WAREHOUSE LOCATED AT 7200 EARHART ROAD, NORTH FIELD BUILDING L-815 FOR USE AS AN EMERGENCY RESPONSE FACILITY BY THE OAKLAND FIRE DEPARTMENT'S URBAN SEARCH AND RESCUE (US&R) TEAM FOR AN INITIAL TERM OF SIX AND ONE HALF (6.5) YEARS AT AN INITIAL RATE OF TWENTY-NINE THOUSAND SIX HUNDRED AND FORTY DOLLARS (\$29,640) PER MONTH OR ANNUAL RENT OF THREE HUNDRED FIFTY-FIVE THOUSAND SIX HUNDRED EIGHTY DOLLARS (\$355,680) WITH A TWO PERCENT (2%) ANNUAL INCREASE; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the California Governor's Office of Emergency Services and the United States Department of Homeland Security have implemented a State and National Urban Search and Rescue (US&R) Response System; and

WHEREAS, the Federal Emergency Management Agency (FEMA), a component of the Department of Homeland Security (DHS), financially supports all twenty-eight (28) national US&R teams by administering grant funds pursuant to federal cooperative agreements; and

WHEREAS, the Oakland Fire Department is the Sponsoring Agency for California US&R Task Force 4 (CA-TF 4), one of eight (8) California teams trained and equipped to respond to natural disasters and weapons of mass destruction events; and

WHEREAS, the California Office of Emergency Services Swiftwater Team Four is a State-assigned asset used and staffed by the Oakland Fire Department and co-located at the US&R warehouse, responsible for conducting search and rescue in the water environment; and

WHEREAS, the City of Oakland (City) receives annual funding through a FEMA Preparedness Cooperative Agreement to conduct maintenance and store an equipment cache and

vehicles for the purpose of maintaining a twenty-four (24) hour per day response capability to a disaster; and

WHEREAS, CA-TF 4 currently uses a 31,608 sf warehouse located at 9812 Bigge Street, Oakland, California 94603, pursuant to a lease agreement that is set to expire on February 28, 2026, and was authorized pursuant to Resolution No. 88315 C.M.S adopted on October 6, 2020; and

WHEREAS, the Oakland Fire Department has identified a suitable 52,000 sf replacement warehouse for its use at the real property located at 7200 Earhart Road, North Field Bldg. L-815, Oakland, California, 94621 (Property) which is owned by the Port of Oakland (Port); and

WHEREAS, all leases of real property by the City must be authorized by a resolution enacted by the City Council if the lease payments exceed One Hundred Thousand (\$100,000) over the term of the lease, including any extension periods authorized under the lease, pursuant to Section 2.41.050 of the Oakland Municipal Code; and

WHEREAS, the proposed lease payments for use of the Property for an initial term of six and one half (6.5) years at a monthly rate of Twenty-Nine Thousand Six Hundred Forty Dollars (\$29,640) or annual rent of Three Hundred Fifty-Five Thousand Six Hundred Eighty Dollars (\$355,680) with an annual two percent (2%) increase would total a cumulative amount not to exceed of Two Million Three Hundred Eighty-Four Thousand Six Hundred Sixty-Nine Dollars and Forty Cents (\$2,384,669.40) over the six and a half (6.5) year lease term; and

WHEREAS, since 2012, FEMA US&R Cooperative Agreements have been funding the rental payments for the Oakland based CA-TF 4 warehouse and are expected to fund the rental payments for the Property throughout the term of the lease; and

WHEREAS, the City Council adopted Resolution No. 89175 C.M.S on May 17, 2022, authorizing the execution of a grant agreement with FEMA to accept and appropriate FEMA funds in the amount of One Million Two Hundred Thirty-Eight Thousand Eight Hundred Seventy-Eight Dollars (\$1,238,878) annually with an additional supplemental annual funding not to exceed Fifty Percent (50%) of the original grant award per year for fiscal years 2021-2026, for a cumulative not to exceed amount of Nine Million Two Hundred Ninety-One Thousand Five Hundred Eighty-Five Dollars (\$9,291,585) to fund the Oakland Fire Department's CA-TF4; and

WHEREAS, the City anticipates the fiscal year (FY) 2025-26 FEMA grant award amount will be One Million Three Hundred Seventy-Eight Thousand Dollars (\$1,378,311), and the Oakland Fire Department will seek to renew federal funding annually through the term of the lease; and

WHEREAS, the City appropriates \$150,000 annually to the Fire Department US&R Organization (20815) budget to help offset the cost of warehouse rental costs; and

WHEREAS, the proposed lease payments for the CA-TF 4 warehouse at the Property will be paid with such Council accepted and appropriated federal FEMA funds; and

WHEREAS, the federal funding for CA- TF 4 must be applied for by staff on an annual basis. Federal funding of CA-TF 4 has been consistent for three decades. Currently there are no expected fiscal impacts to the City for CA-TF 4. However, in the event that prior to the expiration of this lease, the federal government elects not to renew the funding, the City shall have the right to cancel this lease or to relinquish any portion of the premises upon giving the Port a thirty (30) days written notice of the City’s cancellation; and

WHEREAS, pursuant to the Department of Homeland Security Notice of Funding Opportunity for National Urban Search and Rescue Response System, FEMA cooperative grant funds for CA-TF 4 may only be used to pay for warehouse leases for a twelve (12) month consecutive period within the overall three (3) year period of performance, and there is no guarantee of cooperative funding in future years; and

WHEREAS, the proposed lease would commence January 1, 2026, and lease payments using federal funds would begin March 1, 2026, with a two (2) month rent abatement period for cleaning, repairs, and move in; and

WHEREAS, the monthly rent with the proposed annual two percent (2%) increase is as follows:

March 1, 2026 to December 31, 2026	\$29,640.00 per month
January 1, 2027 to December 31, 2027	\$30,323.80 per month
January 1, 2028 to December 31, 2028	\$30,837.46 per month
January 1, 2029 to December 31, 2029	\$31,454.21 per month
January 1, 2030 to December 31, 2030	\$32,083.29 per month
January 1, 2031 to December 31, 2031	\$32,724.96 per month
January 1, 2032 to June 30, 2032	\$33,379.46 per month

WHEREAS, the proposed use of the Property as an emergency response facility is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities); 15183 (projects consistent with General Plan and Zoning); and 15061(b)(3) (no significant effect on the environment); and

WHEREAS, the proposed lease would terminate upon a thirty (30) day notice in the event of inadequate funding; now, therefore, be it

RESOLVED: that the City Administrator is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this lease agreement between the City, as tenant, and the Port, as landlord, for the approximately 52,000 SF Port warehouse located at 7200 Earhart Road, North Field, Building L-815, Oakland, California 94621 for a term of six and a half (6.5) years with two (2) months of rent abatement at a rate of approximately Twenty-Nine Thousand Six Hundred Forty Dollars (\$29,640) per month or an annual rent of Three Hundred Fifty-Thousand Six Hundred Eighty Dollars (\$355,680) with a two percent (2%) annual increase, for the purpose of providing an emergency response facility, including maintenance and storage of vehicles and parts, consistent with the

FEMA US&R grant funds accepted and allocated by City Council pursuant to Resolution No. 89175 C.M.S.; and be it

FURTHER RESOLVED: That in the event that federal funding ceases to be available for the lease and/or funding is not approved by City Council at each budget approval, the proposed lease would allow the City to terminate the lease with a thirty (30) day notice in the event of inadequate funding; and be it

FURTHER RESOLVED: That the proposed lease payments shall not exceed Two Million Three Hundred Eighty-Four Thousand Six Hundred Sixty-Nine Dollars and Forty Cents (\$2,384,669.40) over the six and a half (6.5) year lease term; and be it

FURTHER RESOLVED: That all lease payments for the Port's warehouse located at 7200 Earhart Road will be funded through the FEMA US&R Cooperative Agreement: Federal Emergency Management Agency (FEMA) Fund (2124), Fire: U.S.A.R. Organization (20815), Special Operations Program (PS18), in Rental Land and Building Account (53211), US&R FEMA Grant Project (1007718, adjusted annually). Warehouse lease funding is also partially provided by a \$150,000 annual contribution from the General Purpose Fund (1010), Fire: U.S.A.R. Organization (20815), Special Operations Program (PS18), Rental Land and Building Account (53211), Administrative Project (1000009); and be it

FURTHER RESOLVED: That the proposed use of the Property as an emergency response facility is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities); 15183 (projects consistent with General Plan and Zoning); and 15061(b)(3) (no significant effect on the environment); and be it

FURTHER RESOLVED: That all agreements executed pursuant to the Resolution shall be approved as to form and legality by the Office of the City Attorney and copies shall be placed on file in the City Administrator's Office.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California