

City Attorney

2008 MAY 1 1:47

### OAKLAND CITY COUNCIL

Resolution No. 81327 C.M.S.

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A ONE-YEAR LICENSE OR LEASE AGREEMENT, WITH FIVE ONE (1) YEAR RENEWAL OPTIONS, WITH THE PORT OF OAKLAND FOR USE OF REAL PROPERTY LOCATED AT PORT BUILDING L-118, NORTH AIRPORT, OAKLAND INTERNATIONAL AIRPORT, FOR OFFICE USE AND FOR THE OPERATION, STORAGE AND MAINTENANCE OF CITY HELICOPTERS, AND REASONABLE RELATED USES; IN AN ANNUAL AMOUNT NOT TO EXCEED \$1**

**WHEREAS**, the Oakland Police Department (“OPD”) Air Support Unit, which operates the Department’s helicopters, started in 1971 under a federal traffic grant; and

**WHEREAS**, the Air Support Unit has operated from the Oakland International Airport since its inception; and

**WHEREAS**, the Air Support Unit has been located outdoors in the South Field of the Oakland International Airport since the mid-nineteen seventies; and

**WHEREAS**, the helicopters’ long-term exposure to the external environment has resulted in corrosion, requiring extensive and costly maintenance and repairs; and

**WHEREAS**, in 2004 Airport Management informed OPD that as part of its expansion, the Port of Oakland (“Port”) planned to build a third terminal in the South Field and relocate the helicopters to the North Field where they would continue to be stored outside; and

**WHEREAS**, OPD determined that there were no funds available to build a new facility at the North Field and, after a site search, also determined that the development cost for each of the sites identified was substantial and, therefore, not feasible; and

**WHEREAS**, in March 2008 the Port offered OPD a lease for the use of a hangar recently vacated by a helicopter company, that would provide enough space for the storage, maintenance and support operation of the OPD helicopters; and

**WHEREAS**, the hangar is available for occupancy on May 1, 2008 at the maximum rate of \$1 per year for a term of one year; and

**WHEREAS**, funds for the license are available in General Purpose Fund (1010) Support Operation Org (107710) and Special Operation Org (107410); and

**WHEREAS**, the Port has agreed to prepare and execute a license agreement to facilitate immediate occupancy and intends to later draft a long-term lease agreement that will supersede the license agreement, and the agreements will provide an option to renew the agreement for five additional one (1) year terms; and

**WHEREAS**, the requirements of the California Environmental Quality Act (“CEQA”), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City of Oakland have been satisfied; now, therefore, be it

**RESOLVED**, that the City Council authorizes the City Administrator to negotiate, execute, and amend a one-year license agreement for use of real property located at Port Building L-118, North Airport, Oakland International Airport, and to renew the license for up to five one (1) year terms if a successor Lease is not completed and executed within the one year license term; and be it

**FURTHER RESOLVED**, that the City Council authorizes the City Administrator to enter into a successor lease agreement with five one (1) year renewal options, and to renew the lease without returning to Council, provided funding is available in General Purpose Fund (1010), Support Operation Org (107710) and Special Operation Org (107410) or another fund identified in the City budget, for the lease extensions, for Port Building L-118, North Airport, Oakland International Airport; and be it

**FURTHER RESOLVED**, that the City Council authorizes approximately \$1 in expenditures for Fiscal Year 2007-08. Funds are available in the General Purpose Fund (1010) Support Operation Org (107410) and Special Operation Org (107710). An executed lease agreement will supersede the license agreement. Costs for FY 2008-09, and any renewal periods, shall be approximately \$1 and will be absorbed within the Police Department’s operating and maintenance appropriation; and be it

**FURTHER RESOLVED**, that the City Council has independently reviewed and considered this environmental determination and the Council finds and determines, based on the information provided in the staff report accompanying this Resolution, that this action complies with CEQA because this action is exempt from CEQA pursuant to Section 15301 (existing facilities) of the CEQA Guidelines; and be it

**FURTHER RESOLVED**, that the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (CA Fish and Game Code Section 711.4) for the Project; and be it

**FURTHER RESOLVED**, that the License agreement and the Lease agreement shall be approved as to form and legality by the Office of City Attorney prior to execution and a copy shall be filed with the City Clerk; and be it

**FURTHER RESOLVED**, that the City Administrator or her designee is hereby authorized to take whatever other actions are necessary consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 20 2008

**PASSED BY THE FOLLOWING VOTE:**


AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, ~~REID~~, CHANG, AND  
PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - Reid - 1

ABSTENTION - 0

ATTEST:

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