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OFFICE OF THE CITY CLERK
OAKLAND

2016 JAN 28 PM 4:06

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Mark Sawicki
Director, EWD

SUBJECT: Oakland Fire Department Lease
Amendment

DATE: January 27, 2016

City Administrator Approval

Date:

1/28/16

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute An Amendment To The Lease Agreement By And Between The City Of Oakland And Western Door & Sash For Property Located At 4450 Tidewater Avenue, Oakland, California, For An Emergency Response Facility For The Oakland Fire Department And California Urban Search And Rescue Task Force 4 To Respond To Structure Collapses And Other Emergencies.

EXECUTIVE SUMMARY

The Oakland Fire Department leases (the "Lease") the premises located at 4450 Tidewater Avenue, Oakland, California (the "Premises"). On September 30, 2015, the Lease expired and terms have been renegotiated for an extension of the Lease. The City of Oakland (the "City") is the Sponsoring Agency for a Federal Emergency Management Agency (FEMA) Urban Search and Rescue (US&R) Task Force. Federal and California funds are provided to the US&R Task Force to have a US&R Response System that provides for the coordination, development, and maintenance of the effort to locate, extricate, and provide immediate medical treatment to victims trapped in collapsed structures; and to conduct other lifesaving operations.

The Oakland Fire Department (OFD) has occupied the Premises since 2012. The Premises are sufficient in size to accommodate all the vehicles and the increased materials, equipment, and supplies necessary also known as cache. In addition, the response time of the Task Force is significantly improved if the US&R cache and apparatus continue to be stored in this specific facility due to its central location and good access to the Oakland airport and highways.

This report and resolution reauthorizes the Lease agreement with new renegotiated terms.

Item: _____
Finance Committee
February 9, 2016

BACKGROUND / LEGISLATIVE HISTORY

In 2012 pursuant to Resolution No. 84000 C.M.S. the City Council authorized the Lease between the City and Western Door & Sash for the Property at 4450 Tidewater Avenue. Prior to leasing 4450 Tidewater Avenue the equipment for the US&R Task Force was stored at multiple locations throughout the City. In 2013 pursuant to Resolution No. 84640 C.M.S., the City Council authorized the most recent Cooperative Agreement with FEMA to manage, train, and equip a 210 member disaster response team.

Federal funds are provided to the US&R Task Force to have and maintain a response system that provides for the coordination, development, and deployment of trained first responders. This is in an effort to locate, extricate, and provide immediate medical treatment to victims trapped in collapsed structures, and to conduct lifesaving operations. Federal funding of the US&R Task Force has increased from prior years to provide the national FEMA Task Forces with improved capabilities in water rescue operations and rescues conducted in a contaminated (chemical, biological, radiological, or nuclear) environment.

The City Council Resolution No. 82021 C.M.S. approved a Memorandum of Agreement for participation in the National US&R System dating back to 2009. This is a three party agreement with FEMA, the State of California, and the Oakland Fire Department, as Sponsoring Agency. Funding for the Task Force is provided under a FEMA Cooperative Agreement as well as the State of California. This Cooperative Agreement is approved annually by City Council Resolution. City Council approved (Resolution No. 85273 C.M.S.) occurred in October 2014 for the grant funding period commencing September 2014 and expiring February 2016 (see **Attachment B**). City Council approved (Resolution No. 85941 C.M.S.) in December 2015 accepting grant funds for the period September 30, 2015 through September 30, 2018.

ANALYSIS AND POLICY ALTERNATIVES

Executing a Lease extension for the Premises is critical to OFD operations. There are 28 FEMA US&R Task Forces in the United States, eight in California. OFD, FEMA US&R Task Force has agreements with 16 participating Fire Agencies, in and around the Bay Area, which provide Task Force personnel and support the training and response of Oakland California Task Force Four (CATF-4).

If the City fails to retain the Premises, OFD will not have the space needed for its vehicles, office space, and other equipment required to fulfill the terms and conditions of the FEMA Cooperative Agreement. Staff conducted a fair market rent analysis, which concluded that the rental rate for the Premises is below the market rent range for the first two years when compared to nearby properties. During the analysis Staff learned that there are no comparable vacancies on the market to which OFD could relocate. Additionally if comparable vacant space were to become available, OFD does not have the funds required to relocate or pay for tenant improvements required for their operations at a new location.

The pros and cons are summarized in the below table.

Pros	This is the most cost effective alternative. Physically moving and relocation costs are not required. The space has been improved specifically for OFD use. The City will pay below market rate rent through September 30, 2017 and market rent from October 1, 2017 through September 30,2020.
Cons	In October 2017, the Landlord is increasing the rent by 3 percent; however, the rent for the first two years is still below fair market rent. The Lease term is longer than the current FEMA grant funding term. However OFD staff will apply for new funding.

FISCAL IMPACT

Lease commencement: October 1, 2015, subject to approval by City Council. The City's Lease is currently in Holdover status.

Lease Term: Five years, from October 1, 2015 to September 30, 2020 with option to terminate if FEMA stops financial support of the program.

Funding Source: Since 2012, FEMA US&R Cooperative Agreements has been the funding source for this program, including the rent payments for the Premises and is projected to fund the rental payments for the Premises throughout the term of the Lease extension. The most recent FEMA funding is for the period commencing September 30, 2015 and expiring September 30, 2018,

Lease year	Square Feet Premises	Rate Per Square Feet	Monthly Total	Annual Total
1	32,780	\$ 0.67	\$ 21,962.60	\$ 263,551.20
2	32,780	\$ 0.69	\$ 22,618.20	\$ 271,418.40
3	32,780	\$ 0.711	\$ 23,306.58	\$ 279,678.96
4	32,780	\$ 0.732	\$ 23,994.96	\$ 287,939.52
5	32,780	\$ 0.754	\$ 24,716.12	\$ 296,593.44
				\$ 1,399,181.52

The Lease is expected to be funded through the FEMA US&R Cooperative Agreement, Federal Emergency Fund (2124), Organization Fire: US&R (20815), Rental Land and Building Account (53211), 2014 US&R Project (G364950), Special Operations Emergency Response Program (PS18).

The most recent City Council approval (Resolution No. 85273 C.M.S.) accepting the funding of the US&R Task Force program occurred in October 2014 for the grant funding period commencing September 2014 and expiring in February 2016.

The property owner is requiring a lease term of five years, which is supported by the market. The Federal grant funding is annual. OFD Staff must apply for additional funding each year. Federal funding of the US&R System has been consistent for two decades with recent increases in funding. There is no expected fiscal impact to the City. However, if the Federal Government elect not to renew the grant prior to the expiration of the Lease, the City will be required to make the monthly lease payments through the end of the third year of the Lease. To protect the City if this funding were to cease, Staff has negotiated options to terminate the lease in year four and five.

PUBLIC OUTREACH / INTEREST

This item will be posted on the City's website and does not require additional public outreach.

COORDINATION

The City of Oakland Real Estate Services Division, Oakland Fire Department, Office of the City Attorney, Controller's Bureau and Oakland Public Works Department have been consulted in the drafting of this report.

SUSTAINABLE OPPORTUNITIES

Economic: This proposed action is the most cost effective viable option for providing these services to the City of Oakland.

Environmental: This proposed action does not provide any environmental benefits.

Social Equity: There is a large social equity benefit to the City because the City is located in an active earthquake fault zone. The residents of Oakland will benefit from the unique training that is available to members of the FEMA US&R Task Force as these members respond to emergencies within the City on a daily basis. In the event of a local disaster, the US&R Task Force equipment is available to local responders.

CEQA

This report is not a project under CEQA per Article 19, Section 15301, Existing Facilities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute An Amendment To The Lease Agreement By And Between The City Of Oakland And Western Door & Sash For Property Located At 4450 Tidewater Avenue, Oakland, California, For An Emergency Response Facility For The Oakland Fire Department And California Urban Search And Rescue Task Force 4 To Respond To Structure Collapses And Other Emergencies.

For questions regarding this report, please contact James Golde, Manager, Real Estate Services Division at 510-238-6354.

Respectfully submitted,



Mark Sawicki, Director
Economic & Workforce Development
Department

Reviewed by:
James Golde, Manager, Real Estate Services
Division

Mark Hoffman, Deputy Chief
Training and Support Services Division,
Oakland Fire Department

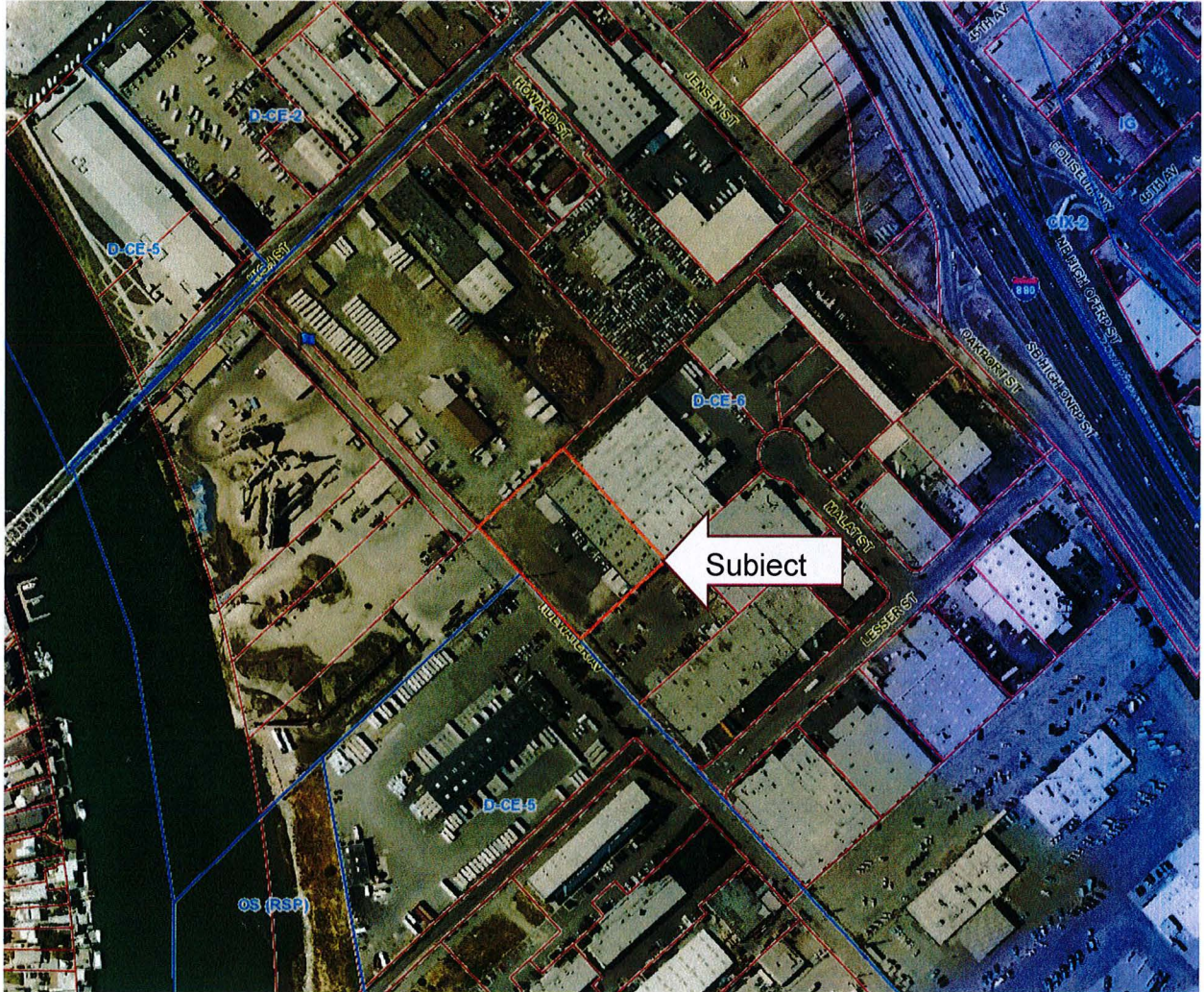
Prepared by:
Anthony J. Reese, MBA, Real Estate Agent
Real Estate Services Division

Attachments (2):
A – Site Map
B – Resolution No. 85273 C.M.S.

Item: _____
Finance Committee
February 9, 2016

Attachment A

4450 Tidewater Ave.



Attachment B

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 OCT 30 PM 2:39

Approved as to Form and Legality

Amadi S. [Signature]
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

85 273

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO (A) ENTER INTO A GRANT COOPERATIVE AGREEMENT TO ACCEPT AND APPROPRIATE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FUNDS FOR THE PERIOD OF SEPTEMBER 1, 2014 TO FEBRUARY 29, 2016, IN THE AMOUNT OF ONE MILLION TWO HUNDRED FIFTY EIGHT THOUSAND ONE HUNDRED THIRTY ONE DOLLARS (\$1,258,131) TO MEET CONTINUING MANAGEMENT, TRAINING AND EQUIPMENT NEEDS OF THE FIRE DEPARTMENT'S URBAN SEARCH AND RESCUE (US&R) TASK FORCE; AND (B) EXPEND FEMA GRANT FUNDS IN ACCORDANCE WITH THE PRELIMINARY SPENDING PLAN WITHOUT FURTHER CITY COUNCIL APPROVAL, INCLUDING THE PURCHASE OF US&R EQUIPMENT FROM THE GENERAL SERVICES ADMINISTRATION (GSA) AND OTHER GOVERNMENT PRICING SCHEDULES; AND 2) WAIVING THE CITY'S ADVERTISING AND BIDDING REQUIREMENTS FOR THE PURCHASE OF THE US&R EQUIPMENT WHEN NECESSARY UNDER GRANT GUIDELINES; AND; 3) APPROVING TRAVEL FOR CITY PERSONNEL WHO PROVIDE SERVICES UNDER THE FEMA GRANT AND COOPERATIVE AGREEMENT OF SHORT NOTICE WITHOUT FURTHER COUNCIL AUTHORIZATION

WHEREAS, the Oakland Fire Department is the Sponsoring Agency for California Task Force 4 (CA-TF4), an Urban Search and Rescue (US&R) Task Force, which includes members of 17 Local Participating Fire Agencies including: Alameda Fire Department, Alameda County Fire Department, Berkeley Fire Department, Monterey County Regional Fire District, Contra Costa County Fire Protection District, Fremont Fire Department, Hayward Fire Department, Livermore Pleasanton Fire Department, Moraga-Orinda Fire District, Marin County Fire Department, Novato Fire Protection District, Parks Reserve Forces, Salinas Fire Department, San Ramon Valley Fire Protection District, Santa Rosa Fire Department, Windsor Fire Protection District, and Seaside Fire Department; and

WHEREAS, California Task Force 4 (CA-TF4) is one of 8 California and 28 national US&R teams trained and equipped to respond to natural disasters and weapons of mass destruction (WMD) events; and

WHEREAS, the Federal Emergency Management Agency (FEMA), a component of the Department of Homeland Security (DHS), is the federal management agency; and

WHEREAS, FEMA supports all 28 US&R teams with federal cooperative agreements; and

WHEREAS, CA-TF4 is eligible to apply for a FEMA preparedness cooperative agreement program grant in the amount of one million two hundred fifty eight thousand one hundred thirty one dollars (\$1,258,131) for disaster response and operational readiness, preparedness training, personnel and equipment; and

WHEREAS, the coding block is Federal Emergency Management Agency (FEMA) Fund (2124), Special Operation Division (20815), Special Operation Program (PS18), in various accounts and a project to be determined, and the revenue received from this grant will be deposited to same fund, organization, project, program and the FEMA Grants Revenue account (46130); and

WHEREAS, regulatory instructions issued by Office of Management and Budget (OMB) Circular A-102 .25(G) require the City to record program revenue using the deductive method; and

WHEREAS, this FEMA Program Grant requires the City to provide training to members of CA-TF4, respond as requested to Local, State and National Incidents, and to procure and store equipment as directed by FEMA in a fully reimbursed and cost neutral manner; and

WHEREAS, Oakland Municipal Code Section 2.04.050.1.5 permits the City Council to waive its advertising and bidding requirements upon a finding that it is in the best interests of the City to do so; and

WHEREAS, when necessary this FEMA program grant requires the City to purchase equipment from various General Service Administration Agency (GSA) and/or other Governmental Purchasing Schedules in order to maintain consistency in training and equipment among the jurisdictions participating in the state and national US&R Teams. Whenever possible, City of Oakland purchasing methodology is used to purchase equipment; and

WHEREAS, staff recommends that it is in the best interests of the City to waive the City's advertising, bidding, and purchasing requirements for the purchase of equipment with the FEMA grant funds so that the City can receive the full FEMA grant funding amount and be in compliance with the procurement lists of the General Services Administration and other related government pricing schedules; now, therefore, be it

RESOLVED: that the City Administrator or designee is authorized to enter into a grant cooperative agreement with the Federal Emergency Management Agency (FEMA) to accept and appropriate federal funds (FEMA grant funds) for the Oakland Fire Department for the period September 1, 2014 to February 28, 2016, in the amount not to

exceed one million two hundred fifty eight thousand one hundred thirty one dollars (\$1,258,131) to meet continuing management, training and equipment needs of the Fire Department's Urban Search and Rescue task force (US&R task force); and be it

FURTHER RESOLVED: that the City administrator or his designee is authorized to expend the FEMA grant funds in accordance with the preliminary spending plan without further council approval, including funding for training and the purchase of equipment as required by the General Services Administration and other government pricing schedules to support the US&R task force's response capability as required by the FEMA grant; and be it

FURTHER RESOLVED: That City Council finds that pursuant to Oakland Municipal Code Section 2.04.050.I.5, for the reasons stated above and in the agenda report accompanying this resolution, that it is in the best interests of the City to waive the advertising and bidding requirements for the purchase equipment needed for the California Task Force 4 US&R team training when such purchases and services are required by FEMA to be selected from the General Services Administration and other government procurement lists, and so waives the requirements; and, be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, for timeliness and security reasons, to authorize City personnel participating in the FEMA cooperative agreement program to travel on short notice per FEMA directives without return to Council; and, be it

FURTHER RESOLVED: That all agreements authorized hereunder shall be reviewed and approved by the office of the City Attorney for form and legality and copies shall be placed on file in the Office of the City Clerk.

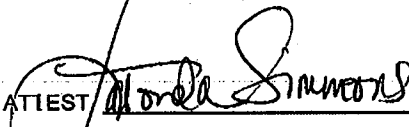
IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2014

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, ~~CHAPMAN, KALB, KAPLAN, REID, SCHAAF~~ and
PRESIDENT KERNIGHAN - 7

NOES - 0
ABSENT - Gibson McElhaney - 1
ABSTENTION - 0

ATTEST



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

Archie Varnes
City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 DEC 10 PM 1:25

OAKLAND CITY COUNCIL

RESOLUTION No. 85941 C.M.S.

INTRODUCED BY COUNCILMEMBER

RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO (A) ENTER INTO A GRANT COOPERATIVE AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO ACCEPT AND APPROPRIATE FEDERAL FEMA FUNDS FOR THE PERIOD SEPTEMBER 30, 2016 TO SEPTEMBER 30, 2018, IN THE AMOUNT OF ONE MILLION TWO HUNDRED TWENTY NINE THOUSAND FIVE HUNDRED EIGHTY TWO DOLLARS (\$1,229,582) TO MEET CONTINUING MANAGEMENT, TRAINING AND EQUIPMENT NEEDS OF THE FIRE DEPARTMENT'S URBAN SEARCH AND RESCUE (US&R) TASK FORCE (US&R TASK FORCE) AND (B) TO EXPEND THE FEMA FUNDS IN ACCORDANCE WITH THE PRELIMINARY SPENDING PLAN WITHOUT FURTHER COUNCIL APPROVAL, INCLUDING FUNDING FOR TRAINING AND THE PURCHASE OF EQUIPMENT FROM THE GENERAL SERVICES ADMINISTRATION (GSA) AND OTHER GOVERNMENT PRICING SCHEDULES; (2) WAIVING THE CITY'S ADVERTISING, COMPETITIVE BIDDING AND PURCHASING REQUIREMENTS FOR THE PROCUREMENT OF EQUIPMENT WHEN REQUIRED BY THE GRANT TERMS; AND (3) APPROVING TRAVEL FOR CITY PERSONNEL THAT PROVIDE SERVICES UNDER THE FEMA COOPERATIVE AGREEMENT ON SHORT NOTICE WITHOUT FURTHER COUNCIL AUTHORIZATION.

WHEREAS, the Oakland Fire Department is the Sponsoring Agency for California Task Force Four (CATF-4), an US&R Task Force, which includes members of 16 Local Participating Fire Agencies including: Alameda Fire Department, Alameda County Fire Department, Berkeley Fire Department, Central Fire Authority of Sonoma County, Contra Costa County Fire Protection District, Fremont Fire Department, Hayward Fire Department, Livermore Pleasanton Fire Department, Marin County Fire Department, Monterey County Regional Fire District, Moraga-Orinda Fire District, Novato Fire Protection District, Parks Reserve Forces, Salinas Fire Department, San Ramon Valley Fire Protection District, Santa Rosa Fire Department; and

WHEREAS, CATF-4 is one of 8 California and 28 national US&R teams trained and equipped to respond to natural disasters and weapons of mass destruction (WMD) events; and

WHEREAS, the FEMA, a component of the Department of Homeland Security (DHS), is the federal management agency; and

WHEREAS, FEMA supports all 28 US&R teams with federal cooperative agreements; and

WHEREAS, CATF-4 is eligible to apply for a FEMA preparedness cooperative agreement program grant in the amount of one million two hundred twenty nine thousand five hundred eighty two dollars (\$1,229,582) for disaster response and operational readiness, preparedness training, personnel and equipment; and

WHEREAS, FEMA has approved this funding to support the following positions:

1.00 FTE	Program Coordinator
.50 FTE	Logistics Manager, PT
1.00 FTE	Student Trainees, PT

WHEREAS, the coding block is FEMA Fund (2124), Special Operation Division (20815), Special Operation Program (PS18), in various accounts and a project to be determined, and the revenue received from this grant, including reimbursement from training courses, will be deposited to same fund, organization, project, program and the FEMA Grants Revenue account (46130); and

WHEREAS, this FEMA Program Grant requires the City to provide training to members of CATF-4, respond as requested to Local, State and National Incidents, and to procure and store equipment as directed by FEMA in a fully reimbursed and cost neutral manner; and

WHEREAS, Oakland Municipal Code Section 2.04.050.1.5 permits the City Council to waive the City's advertising, bidding, and purchasing requirements upon a finding that it is in the best interests of the City to do so; and

WHEREAS, when necessary this FEMA program grant requires the City to purchase equipment from various GSA and/or other Governmental Purchasing Schedules in order to maintain consistency in training and equipment among the jurisdictions participating in the state and national US&R Teams; and

WHEREAS, staff recommends that it is in the best interests of the City to waive the City's advertising, bidding, and purchasing requirements for the purchase of equipment with the FEMA grant funds so that the City can receive the full FEMA grant funding amount and be in compliance with the procurement lists of the GSA and other related government pricing schedules; and

WHEREAS, the City requires the Fire Chief and City Administrator to obtain Council approval for the payment of travel expenses for Fire Department personnel in advance, and this FEMA program grant requires the City to send Oakland Fire Department firefighters and other personnel from other jurisdictions to do FEMA required business, training or response activities on short notice; and

WHEREAS, CATF-4 is available to the City of Oakland in the event of an attack within the City or surrounding communities or occurrence of a local natural disaster; now, therefore, be it

RESOLVED: that the City Administrator or her designee is authorized to enter into a grant cooperative agreement with FEMA to accept and appropriate federal funds (FEMA grant funds) for the Oakland Fire Department for the period September 30, 2015 to September 30, 2018, in the amount not to exceed one million two hundred twenty nine thousand five hundred eighty two dollars (\$1,229,582) to meet continuing management, training and equipment needs of the Fire Department's US&R Task Force; and

FURTHER RESOLVED: that the City Administrator or her designee is authorized to expend the FEMA grant funds in accordance with the preliminary spending plan without further Council approval, including funding for training and the purchase of equipment as required by the GSA and other government pricing schedules to support the US&R Task Force's response capability as required by FEMA; and

FURTHER RESOLVED: that, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.1.5 and reasons stated in the agenda report accompanying this Resolution and above, the City Council hereby finds that it is in the best interests of the City to waive Oakland's competitive bidding requirements for the purchase of equipment needed for the California Task Force Four US&R team; and, be it

FURTHER RESOLVED: that the City Council hereby authorizes the City Administrator or her designee to expend the FEMA grant funds in accordance with the preliminary spending plan, including funding for training and the purchase of equipment needed for the US&R team from the GSA and/or other Governmental Purchasing Schedules without return to Council; and, be it

FURTHER RESOLVED: that the City Council finds that pursuant to Oakland Municipal Code Section 2.04.050.1.5, for the reasons stated above and in the agenda report accompanying this resolution, that it is in the best interests of the City to waive the advertising and bidding requirements for the purchase of equipment needed for the California Task Force Four US&R team training when such purchases and services are required by FEMA to be selected from the GSA and other government procurement lists, and so waives such requirements; and, be it

FURTHER RESOLVED: that the City Council hereby authorizes the City Administrator, for timeliness and security reasons, to authorize City personnel participating in the FEMA cooperative agreement program to travel on short notice per FEMA directives without return to Council; and, be it

FURTHER RESOLVED: that all contracts issued hereunder shall be reviewed and approved by the office of the City Attorney for form and legality and copies shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 05 2016, 2015

PASSED BY THE FOLLOWING VOTE:

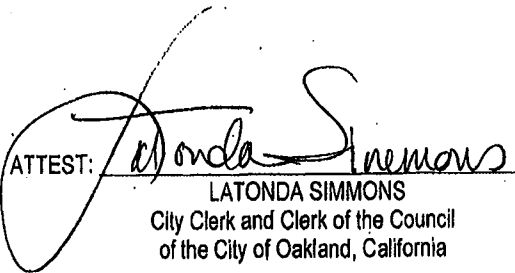
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND
PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

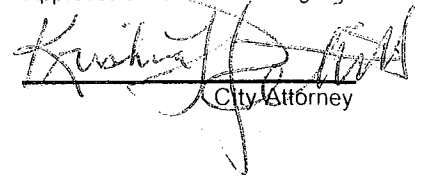

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2016 JAN 28 PM 4:06

RESOLUTION No. _____ C.M.S.


City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BY AND BETWEEN THE CITY OF OAKLAND AND WESTERN DOOR & SASH FOR PROPERTY LOCATED AT 4450 TIDEWATER AVENUE, OAKLAND, CALIFORNIA, FOR AN EMERGENCY RESPONSE FACILITY FOR THE OAKLAND FIRE DEPARTMENT AND CALIFORNIA URBAN SEARCH AND RESCUE TASK FORCE 4 TO RESPOND TO STRUCTURE COLLAPSES AND OTHER EMERGENCIES

WHEREAS, the City of Oakland (the "City") is the Sponsoring Agency for a Federal Emergency Management Agency ("FEMA") Urban Search and Rescue ("US&R") Task Force. Federal and California funds are provided to the US&R Task Force to have a US&R Response System that provides for the coordination, development, and maintenance of the effort to locate, extricate, and provide immediate medical treatment to victims trapped in collapsed structures; and to conduct other lifesaving operations; and

WHEREAS, the Oakland Fire Department ("OFD") and Western Door & Sash Co., a California Corporation ("Lessor") entered a lease dated June 25, 2012 (the "Lease"), for the premises located at 4450 Tidewater Avenue, Oakland, California (the "Premises") to house the US&R Task Force. On September 30, 2015, the Lease expired and OFD became a holdover tenant; and

WHEREAS, OFD and the Lessor desire to execute an Amendment to the Lease Agreement ("Amendment") to extend the term of the Lease for five years commencing October 1, 2015 to September 30, 2020 and to increase the rent; and

WHEREAS, since 2012 FEMA US&R Cooperative Agreements have been the funding source for this program, including the rent payments for the Premises and are expected to fund the rental payments for the Premises throughout the term of the Lease extension; and

WHEREAS, the Federal funding for the US&R Task Force must be applied for by Staff on an annual basis. Federal funding of the US&R Task Force has been consistent for two decades with recent increases in funding. Currently, there are no expected fiscal impacts to the City for the US&R Task Force. However, in the event that prior to the expiration of the Lease extension, the Federal Government elects not to renew the funding the City would be obligated to make the monthly rental payments until the end of the third year of the Lease extension. Under the Amendment, OFD has the right to terminate the last two years of the Lease extension, years four and five, if OFD does not receive Federal funding for the US&R Task Force; and

WHEREAS, the City Council approval (Resolution No. 85273 C.M.S.) occurred in October 2014 for the grant funding period commencing September 2014 and expiring in February 2016; and

WHEREAS, the monthly and annual rent, respectively, for Year 1 is \$21,962.60 monthly and \$263,551.20 annually, Year 2 is \$22,618.20 monthly and \$271,418.40 annually, Year 3 is \$23,306.58 monthly and \$279,678.96 annually, Year 4 is \$23,994.96 monthly and \$287,939.52 annually, Year 5 is \$24,716.12 monthly and \$296,593.44 annually; now, therefore, be it

RESOLVED, That the City Administrator or Designee is hereby authorized to enter into a five year Lease extension, with an option to terminate years four and five of the extension, with the Lessor for the warehouse located at 4450 Tidewater Avenue, Oakland, CA; and be it

FURTHER RESOLVED, That the Lease extension commencement date was October 1, 2015; and be it

FURTHER RESOLVED, That the City Administrator or Designee is hereby authorized to make lease payments for three years and, for years four and five if Federal funds are received for those years, in an amount totaling one million three hundred ninety nine thousand one hundred eighty one dollars and fifty one cents (\$1,399,181.51) from funds received through the FEMA US&R Cooperative Agreement, Federal Emergency Fund (2124), Organization Fire: US&R (20815), Rental Land and Building Account (53211), 2014 US&R Project (G364950), Special Operations Emergency Response Program (PS18); and be it

FURTHER RESOLVED, That the City Administrator or Designee is hereby authorized to complete all required negotiations and provide assurances and execute any certifications and documentation required to terminate the Lease extension in years four and/or five as authorized by the Lease extension; and be it

FURTHER RESOLVED, That the City Attorney shall review and approve said Lease extension as to form and legality and copies of said agreement shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson-McElhaney

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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