

FILED:
OFFICE OF THE CITY CLERK
OAKLAND

2013 NOV 21 AM 9:30

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY

ORDINANCE NO. 13207 MS

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO FORTY-EIGHT (48) MONTH SUBLEASE WITH TURNER/GOODFELLOW TOP GRADE/FLATIRON, A JOINT VENTURE OF TURNER CONSTRUCTION COMPANY, GOODFELLOW TOP GRADE CONSTRUCTION, AND FLATIRON WEST, INC., OR A RELATED ENTITY, FOR CONTRACTOR LAYDOWN AND CONTRACTOR CAMPUS USES ON APPROXIMATELY 5-ACRES OF PORT-OWNED LAND AT THE FORMER OAKLAND ARMY BASE, WITHOUT RETURNING TO THE CITY COUNCIL

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, the City and the State of California executed a \$247 million Army Base Public Infrastructure Project grant agreement for the construction of public infrastructure on the Site, and

WHEREAS, the Property Manager has hired Turner/Goodfellow Top Grade/ Flatiron, a joint venture of Turner Construction Company, Goodfellow Top Grade Construction, and Flatiron West, Inc (“Turner JV”), as the City’s Public Infrastructure Project Contractor, and

WHEREAS, on August 5, 2013, the City and the Port of Oakland executed a 30-month lease for a five-acre parcel on Port property (“Port-City 5-Acre Lease”), which included certain criteria for each City sublessee, and

WHEREAS, it was originally contemplated that Oakland Maritime Support Services, Inc (OMSS) or a related entity would occupy the 5-acre Port-owned property for truck parking and truck services uses, and

WHEREAS, OMSS was unable to satisfy the Port's criteria in order to occupy the 5-acre Port-owned property, and

WHEREAS, the City, Property Manager, OMSS and Turner JV agreed the approximately 6-acres of property in the North Gateway originally slated for use by Turner JV would be used by OMSS to provide truck parking and truck services and the 5-acre Port-owned site originally slated for use by OMSS could be used by Turner JV for contractor laydown and a contractor campus, and

WHEREAS, the City intends by a concurrent Resolution to authorize the amendment of the Port-City 5-Acre Lease to extend the term to up to 48 months, and to change the permitted use to that of a contractor laydown yard and contractor campus, and

WHEREAS, staff recommends that the City Council authorize the City Administrator to negotiate and execute an up to 48-month sublease with Turner JV or a related entity, for contractor laydown and contractor campus uses on five acres of Port-owned land at the former Oakland Army Base, without returning to the City Council, 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. The City Council hereby authorizes the City Administrator to negotiate and execute a sublease of the parcel the City has leased from the Port by way of the Port-City 5-Acre Lease. with Turner/Goodfellow Top Grade/ Flatiron, a joint venture of Turner Construction Company, Goodfellow Top Grade Construction, and Flatiron West, Inc , or a related entity, for up to a forty-eight (48) month term for contractor laydown and contractor campus use(s), without returning to the City Council

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 sublease, consistent with this Ordinance and its basic purposes

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

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 07 2014

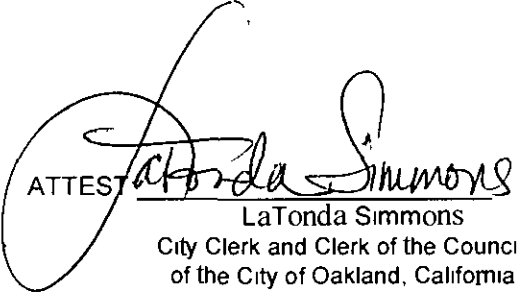
PASSED BY THE FOLLOWING VOTE

AYES - BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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

Date of Attestation
January 8, 2014

Introduction Date DEC 10 2013

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 DEC -6 PM 1:51

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO FORTY-EIGHT (48) MONTH SUBLEASE WITH TURNER/GOODFELLOW TOP GRADE/FLATIRON, A JOINT VENTURE OF TURNER CONSTRUCTION COMPANY, GOODFELLOW TOP GRADE CONSTRUCTION, AND FLATIRON WEST, INC., OR A RELATED ENTITY, FOR CONTRACTOR LAYDOWN AND CONTRACTOR CAMPUS USES ON APPROXIMATELY 5-ACRES OF PORT-OWNED LAND AT THE FORMER OAKLAND ARMY BASE, WITHOUT RETURNING TO THE CITY COUNCIL

This ordinance authorizes the City Administrator to negotiate and execute a Gr sublease with Turner/Goodfellow Top Grade/ Flatiron, a Joint Venture of Turner Construction Company, Goodfellow Top Grade Construction, and Flatiron West, Inc for up to a forty-eight (48) month term for contractor laydown and contractor campus use(s)