

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN 17 AM 9:29

Approved as to Form and Legality

A. M. Menni

Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO 86265 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A UTILITY AGREEMENT WITH THE PORT OF OAKLAND IN AN AMOUNT NOT TO EXCEED \$200,000 FOR FISCAL YEAR 2016-17 AND \$65,000 ANNUALLY UNTIL DECEMBER 31, 2026 FOR THE PROVISION OF CERTAIN UTILITY SERVICES AT THE FORMER OAKLAND ARMY BASE

WHEREAS, on July 26, 2000, the City and the Port of Oakland ("Port") entered into a Utilities Operations Agreement administered by the Oakland Base Reuse Authority (OBRA) to provide efficient, cost effective utility services to the tenants at the former Oakland Army Base ("Base"); the utilities included electricity, water, sewer, storm drain and other necessary services; and

WHEREAS, on January 1, 2005, The City (successor to OBRA) and Port entered into a Resource Management Services Agreement in which: (1) Port provided electricity to the Army Base and the City and Port paid costs for their respective portions of the Army Base; (2) the Parties agreed on the rights to and allocation of a 20-year Base Resource Contract with Western Area Power Administration (Contract No. 00-SNR-381) to provide wholesale electrical power to the Army Base; and (3) Port provided City and its tenants with a percentage of WAPA's Base Resource power; and

WHEREAS, on February 26, 2008, the City and Port entered into an Amended and Restated Utilities Program Management Agreement to supplement and replace the original Utilities Operations Agreement in order to continue to maintain, operate and administer utility services for the Army Base; and

WHEREAS, on July 1, 2011, the City and Port entered into a First Amendment to the Amended and Restated Utilities Program Management Agreement for the continued maintenance, operation and administration of utility services at the Army Base; and

WHEREAS, the City and Port have negotiated a further utility agreement to continue to provide interim utility services at the Oakland Army Base, and to provide short term maintenance and interconnection at a cost not to exceed \$200,000 annually for fiscal year 2016-2017, and thereafter at a cost not to exceed \$65,000 annually; now, therefore be it

RESOLVED, that the City Administrator is authorized to negotiate and execute a utility agreement with the Port to continue to provide interim utility services,

short term maintenance and interconnection at the Army Base at a cost not to exceed \$200,000 annually for fiscal year 2016-2017, and thereafter at a cost not to exceed \$65,000 annually through December 31, 2026; and be it

FURTHER RESOLVED, that funding is available and shall be expended from OBRA Leasing & Utility Fund (5671) Oakland Army Base Redevelopment Organization (85244) OBRA Leasing & Utility – City Project (P294110); and be it

FURTHER RESOLVED, that the City has independently reviewed and considered the environmental determination, and the City finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15061(b)(3) (general rule) 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 for this action; and be it

FURTHER RESOLVED, that the utility agreement with the Port shall be reviewed and approved as to form and legality by the City Attorney prior to execution; and be it

FURTHER RESOLVED, that the City Administrator is further authorized to take whatever action is necessary with respect to the utility agreement with the Port consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, July 5, 2016

PASSED BY THE FOLLOWING VOTE:

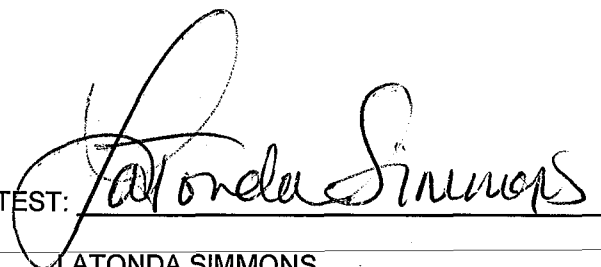
AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, ~~KAPLAN~~, REID,
AND PRESIDENT GIBSON McELHANEY - 7

NOES- 0

ABSENT- Kaplan - 1

ABSTENTION- 0

ATTEST:



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