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OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 30 PM 4:26 **AGENDA REPORT**

**TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR**

**FROM: Fred Blackwell**

**SUBJECT: Army Base Real Estate Items**

**DATE: May 16, 2013**

City Administrator  
Approval

Date 5/30/13

**COUNCIL DISTRICT: 3**

**RECOMMENDATION**

Staff recommends that the City Council adopt:

**An Ordinance Authorizing the City Administrator to Negotiate and Execute a Sixty-Six (66) Year Lease with the Port of Oakland for Rail Uses and Service on Approximately 8 Acres of Port Land Adjacent to City-Owned Land on the Former Oakland Army Base**

**An Ordinance Authorizing the City Administrator to Negotiate and Execute a Sixty-Six (66) Year Sublease with Prologis CCIG Oakland Global, LLC, or Related Entities for Rail Uses and Service on Approximately 8 Acres of Port Land Adjacent to City-Owned Land on the Former Oakland Army Base**

**An Ordinance Authorizing the City Administrator to Negotiate and Execute an up to Thirty (30) Month Lease with the Port of Oakland for Truck Parking and Truck Services on up to 11.7-Acres of Land on the Port-Owned Portion of the Former Oakland Army Base**

**An Ordinance Authorizing the City Administrator to Negotiate and Execute an up to Thirty (30) Month Sublease with Oakland Maritime Support Services (or a Related Entity) for Truck Parking and Truck Services on up to 11.7-Acres of Land on the Port-Owned Portion of the Former Oakland Army Base**

**An Ordinance Authorizing the City Administrator to Negotiate and Enter Into a Lease or License Agreement with California Capital & Investment Group, Inc. for Installation of Air Quality Monitoring Facilities, Equipment and Utilities at Raimondi Park in West Oakland**

**An Ordinance Authorizing the City Administrator to Negotiate and Enter Into an Amendment to the 2005 Purchase and Sale Agreement Between Oakland Base Reuse**

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CED Committee  
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**Authority and California Department of Transportation for approximately 6.5-Acres of Property Adjacent to the Former Oakland Army Base**

**An Ordinance Authorizing the City Administrator to Negotiate and Enter Into a Real Property Agreement with BNSF Railway Company to Relocate An Existing Rail Line Easement Near Engineers Road to Facilitate the Development of the Former Army Base**

**EXECUTIVE SUMMARY**

Staff is requesting authorization to enter into a lease with the Port of Oakland for up to 11.7-acres of Port property located at the former Oakland Army Base to be subleased from the City to Oakland Maritime Support Services (OMSS) for truck parking and truck services. Staff is requesting companion authorization to enter into a sublease with OMSS for the Port property.

Staff is requesting authorization to enter into a lease with the Port of Oakland for approximately 8-acres of Port property located at the former Oakland Army Base to be subleased from the City to Prologis CCIG Oakland Global, LLC, the City's Army Base Master Developer (Prologis/CCIG or Master Developer) for installation of rail infrastructure and rail uses and services. Staff is requesting companion authorization to enter into a sublease with Prologis/CCIG for the Port property.

Staff also is requesting authorization to amend a 2005 Purchase and Sale Agreement (PSA) with California Department of Transportation (Caltrans) for approximately 6.5-Acres of property adjacent to the Army Base. Caltrans has now exercised its rights to acquire the property. The City desires to amend the PSA to further clarify the rights of each party and to specifically locate an easement area for a billboard under a previously-approved Army Base Billboard Agreement.

Additionally, staff is requesting authorization for the City to lease approximately 144 square feet of Raimondi Park for installation of air quality monitoring equipment necessary for establishing an Army Base air quality baseline and ongoing air quality monitoring during the construction and operation of the Project

Finally, staff is requesting authorization for the City to negotiate and enter into a real property agreement with BNSF Railway Company (BNSF) to implement a requirement of a Memorandum of Agreement (MOA) that the City executed with East Bay Municipal Utilities District (EBMUD) to settle EBMUD's lawsuit challenging the Project. The real property agreement would relocate an existing BNSF easement 40 feet to the south into Army Base property.

## OUTCOME

The Port and City would enter into real property agreements (lease, easement, etc.) for portions of Port-owned property at or adjacent to the former Oakland Army Base. The City would enter into real property agreements (lease, sublease, etc.) with various Army Base development-related parties, including CCIG, CWS, CASS, and OMSS for these Port-owned properties. The City would pass through any and all real property agreement costs to these various parties.

The City would execute a lease with CCIG for an approximately 144 square foot section of Raimondi Park for the installation of air quality monitoring equipment.

The 2005 Purchase and Sale Agreement for 6.5-acres would be amended to complete the transfer between Caltrans and the City (successor-in-interest to OBRA and the Redevelopment Agency) and to create an easement area for Army Base Billboard #1.

The City would enter into an agreement with BNSF Railway Company (BNSF) to acquire or accept real property interests from BNSF.

## BACKGROUND/LEGISLATIVE HISTORY

### Infrastructure Project – Prologis/CCIG & OMMS Related Agreements

On May 7, 2013, the California Transportation Commission awarded the City \$176 million under the Trade Corridor Improvement Fund (TCIF) for the construction of public infrastructure improvements on the former Oakland Army Base (Infrastructure Project). This report requests authorization to enter into real property agreements with various parties for elements of the Infrastructure Project and to successfully implement the overall development of the City-owned portion of the Army Base (Project).

The development of new Army Base infrastructure, including expanded rail service, more efficient streets and intersections, and new public utilities, will create conditions which will attract subsequent private investment with an estimated value of \$225,000,000. The total Project value of roughly \$750,000,000, including all public and private investment into the site, will create thousands of construction and permanent jobs, and the substantial economic and community benefits that come with those jobs. The vision is a thriving Port and a new industrial district that benefits Oakland, the region and the nation. To achieve these outcomes the City executed a Lease Disposition and Development Agreement (LDDA) with the Army Base Master Developer, and a Cost Sharing Agreement (CSA) with the Port of Oakland which requires the Port and the City to cooperate in certain respects for the funding and development of the Army Base. Additionally, the City executed an LDDA-related agreement, the Property Management Agreement (PMA) with CCIG who is serving as the City's property manager for the site

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(Property Manager). The City also is negotiating development agreements with two recyclers, California Waste Solutions (CWS) and CASS, Inc., and OMSS for development of other portions of the Army Base.

#### Air Quality Monitoring Lease/License

As part of the Army Base Infrastructure Project and the community benefits component of the LDDA, the City and Property Manager desire to install air quality monitoring equipment in West Oakland to establish an air quality baseline and to monitor air quality during the Infrastructure Project construction, the Army Base development program construction, and operations of the development after the completion of construction. The installation of the air quality monitoring equipment requires a flat, open area of more than 20 feet in diameter with easy access to the equipment to maintain the equipment and obtain monitoring data.

#### Amendment to 2005 Purchase and Sale Agreement

In 2005, as partial consideration to Caltrans regarding state legislation pursued by the Oakland Base Reuse Authority (OBRA) and Port, OBRA and the Port agreed to convey approximately 6.5 acres of 9.5 acres of Port property, intended for conveyance to OBRA, to Caltrans. To implement this agreement, OBRA and Caltrans executed the PSA. Caltrans now intends to close the sale. Staff is seeking authorization to amend the PSA to clarify certain rights of both parties to facilitate the Army Base development.

#### BNSF Real Property Agreement

EBMUD previously filed a lawsuit challenging the Project because, among other reasons, it felt the Project negatively affected its access to its adjacent Main Wastewater Treatment Facility (MWWTF). On July 19, 2012, the City and EBMUD settled the lawsuit by executing the MOA. Among other things, the MOA requires the City to cause the realignment and construction of Wake Avenue and Engineers Road. This realignment requires the City to relocate an existing BNSF rail easement. The City, EBMUD, Port and the Property Manager have been working with BNSF to implement this MOA term. The status of this action and staff's recommended approach to resolution is discussed in the Analysis section below.

### ANALYSIS

#### Prologis/CCIG Lease/Sublease

In conjunction with the development of expanded rail infrastructure and service at the Army Base and the development of the East Gateway and West Gateway for warehouse and logistics and bulk commodity services, to name some of the potential development uses at the base, and

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consistent with the CSA with the Port, the development program will construct rail lines on Port property adjacent to the East Gateway and North Gateway. These areas will be leased by the Port to the City and then subleased by the City to Prologis/CCIG. The uses of these properties will be for installation of rail and rail associated equipment, operation of various rail services and uses. The Port-City lease(s) will be pass-through leases with Prologis/CCIG paying the City the same rent the City will pay the Port.

#### OMSS Lease/Sublease

One of the elements of the CSA between the Port and City is the Port's good faith efforts to attempt to accommodate City tenants displaced by the Infrastructure Project's construction and development. OMSS is currently a City tenant in the Central Gateway of the Army Base. The Port, City and OMSS have been in discussions regarding leasing Port property to OMSS. OMSS proposes to lease the property for its truck parking, mini-mart, truck scale, administrative office uses including truck insurance services, occupational medical center, DMV services, physical examinations, drug testing, and fingerprinting. The Port would lease the property to the City. The City would sublease the property to OMSS. The City would be liable to the Port for OMSS' rent and curing other defaults by OMSS under the lease including environment remediation and indemnifying the Port against OMSS litigation.

#### Air Quality Monitoring Lease/License

As noted in the Background section, the Property Manager is undertaking air quality monitoring in West Oakland to establish an air quality baseline and to monitor air quality during the construction and operations at the base. In order to monitor air quality, two air quality monitoring devices need to be installed in West Oakland. One of the two locations identified for placement of the equipment is in Raimondi Park. The proposal is to install the air quality monitoring equipment in a fenced, 12' x 12' area in the park. The equipment would need to be fed by underground utilities and would need to be accessed on a regular basis to read data, perform routine maintenance and any needed repair work. The proposed lease would be for a seven (7) year term with an annual rent rate of \$6 per square foot.

#### Amendment to 2005 Purchase and Sale Agreement

Caltrans has exercised its right to complete the 2005 OBRA-Caltrans Purchase Sale and Agreement (PSA). The 2005 PSA requires Caltrans to take a number of real property actions that are important to the City and its Infrastructure Project and Army Base development program, including quitclaiming rights to two areas of the old Cypress Freeway structures which allow current Army Base property to be more fully integrated into development. Although the transfer does not legally require a PSA amendment, the City will seek Caltrans' approval to amend the PSA to clarify that the City will reserve an easement for placement of Billboard #1 under the Billboard Agreement and access rights to the billboard for maintenance and repair.

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### BNSF Real Property Agreement

As part of the Army Base Infrastructure Project, existing Wake Avenue will be realigned to create three, more standard and useable, parcels in the North Gateway Area of the Army Base. In particular, realigned Wake Avenue creates three parcels in the North Gateway, two of which are sufficient for the relocation of CASS and CWS onto the North Gateway Property. Without this realignment of Wake Avenue, the relocation of both CASS and CWS to the Army Base and the North Gateway would not be feasible.

As part of the previously proposed (but not implemented) Auto Mali Project at the Army Base, the City proposed realigning Wake Avenue to better utilize the North Gateway Area. However, EBMUD alleged that this realignment adversely impacted EBMUD's access into its MWWTF and it sued the City. Prior to moving forward with the Army Base Infrastructure Project, the City and EBMUD entered into an MOA to resolve traffic and utility infrastructure issues. One of the EBMUD MOA pre-conditions to realigning Wake Avenue is the relocation of an existing BNSF rail line approximately 40 feet away from the EBMUD MWWTF. This relocation will allow for the expansion of Engineers Road to be used by EBMUD for traffic circulation to offset the impacts and loss of utility EBMUD alleges it will suffer from the realignment of Wake Avenue. In order for the Infrastructure Project to relocate the existing rail line, the City must reach agreement with BNSF to relocate an easement BNSF has for the existing rail line.

### PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

### COORDINATION

This action has been coordinated with the City Attorney's Office, the Port of Oakland, BNSF Railway Company, California Capital & Investment Group, California Waste Solutions, CASS and Oakland Maritime Support Services.

### COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION:  
The Port-City leases will be pass-through leases with Prologis/CCIG and OMSS paying the City rent and the City passing that rent onto the Port. The air quality monitoring lease or license agreement will initially be paid for by the Infrastructure Project using a

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combination of Army Base funds, TCIF funds and then ultimately paid for by Prologis/CCIG as part of its development and operations costs. The City will realize a small amount of rent income from this lease or license. There is no cost to the City, other than staff time, for the Amendment to the 2005 PSA and the proposed BNSF agreement. There is a risk that one or more of these actions may result in costs to the City in the event the other party defaults on the real property agreement(s).

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

The City is entering into these agreements as a pass through entity to facilitate the development of the Army Base property. The City intends in these agreements to assign the rights and obligations to others. The real property agreements to facilitate the Infrastructure Project and Army Base development will have consideration elements in the form of rent. This consideration will be paid by others. The lease or license agreement for the air quality monitoring equipment will have a rent component. The rent will be paid by a combination of Army Base funds, TCIF funds and then ultimately paid for by Prologis/CCIG as part of its development and operations costs. The Amendment to the 2005 PSA and the BNSF Agreement both have limited cost components. For the amendment to the 2005 PSA, Caltrans will pay the closing costs.

3. SOURCE OF FUNDING:

Army Base funds and TCIF funds will be used initially to pay for the air quality monitoring lease or license. The Prologis/CCIG Lease/Sublease and OMSS Lease/Sublease are pass-through agreement with the source of funding coming from these users.

4. FISCAL IMPACT:

The lease or license agreement for air quality monitoring equipment should result in approximately \$800 annually to the City. It is anticipated that the other proposed actions will not fiscally impact the City. However, as noted above, if a party (e.g., OMSS or Prologis/CIG) defaults on its sublease, the City would be liable for the rent and related costs under the original lease.

FISCAL/POLICY ALIGNMENT

The proposed action aligns with the City's Army Base Infrastructure Development Project and Army Base development program.

**SUSTAINABLE OPPORTUNITIES**

***Economic:*** This proposed action does not provide any additional economic benefits or opportunities over and above those provided for in the Army Base LDDA agreements.

***Environmental:*** This proposed action does not provide any additional environmental benefits over and above those provided for in the Army Base LDDA agreements.

***Social Equity:*** This proposed action does not provide any additional social benefits or social equity to Oakland citizens over and above those provided for in the Army Base LDDA agreements.

For questions regarding this report, please contact John Monetta, Real Estate Agent, at (510) 238-7125.

Respectfully submitted,



*for* Fred Blackwell  
Assistant City Administrator

Reviewed by:  
Doug Cole, Project Manager III  
Office of Neighborhood Investment

Prepared by:  
John Monetta, Project Manager I  
Office of Neighborhood Investment



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2013 MAY 30 PM 4:27

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A SIXTY-SIX (66) YEAR LEASE WITH THE PORT OF OAKLAND FOR RAIL USES AND SERVICE ON APPROXIMATELY 8 ACRES OF PORT LAND ADJACENT TO CITY-OWNED LAND ON THE FORMER OAKLAND ARMY BASE**

**WHEREAS**, the City is developing its portion of the former Oakland Army Base 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 Base for the above-described purposes; and

**WHEREAS**, to facilitate the proposed development, the City desires to lease from the Port approximately 10-acres of Port property adjacent to the East Gateway and North Gateway areas of the former Oakland Army Base (the “Property”) to construct and operate necessary rail lines thereon; and

**WHEREAS**, the City intends to sublease the Property to Prologis/CCIG to facilitate and complement development under the LDDA; 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, without returning to Council, to negotiate and execute a sixty-six (66) year lease with the Port for approximately 8 acres of Port land adjacent to City-owned on the former Oakland Army Base for the installation, construction, operation, maintenance, upgrade and repair of rail lines and associated rail equipment.

**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 transaction(s), consistent with this Ordinance and its basic purposes.

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

## NOTICE AND DIGEST

### **AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A SIXTY-SIX (66) YEAR LEASE WITH THE PORT OF OAKLAND FOR RAIL USES AND SERVICE ON APPROXIMATELY 8 ACRES OF PORT LAND ADJACENT TO CITY-OWNED LAND ON THE FORMER OAKLAND ARMY BASE**

This ordinance authorizes the City Administrator to negotiate and execute a sixty-six (66) year lease with Port of Oakland for rail uses and service on approximately 8 acres of Port land adjacent to City-owned land on the former Oakland Army Base.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 30 PM 4:27

APPROVED AS TO FORM AND LEGALITY

 FOR DIANNE MILLER  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO SIXTY-SIX (66) YEAR SUBLEASE WITH PROLOGIS CCIG OAKLAND GLOBAL, LLC, OR RELATED ENTITIES FOR RAIL USES AND SERVICE ON APPROXIMATELY 8 ACRES OF LAND ADJACENT TO CITY-OWNED LAND ON THE FORMER OAKLAND ARMY BASE**

**WHEREAS**, the City is developing its portion of the former Oakland Army Base 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 Base for the above-described purposes; and

**WHEREAS**, to facilitate the proposed development, the City intends to lease from the Port approximately 8-acres of Port property adjacent to the East Gateway and North Gateway areas of the former Oakland Army Base (the “Property”) to construct and operate necessary rail lines thereon (the “City-Port Lease”) to serve the development contemplated by the LDDA; and

**WHEREAS**, if the City and Port execute a lease for the Property, the City intends to sublease the Property to Prologis/CCIG, or any related entity or entities, for the purposes set forth in the City-Port Lease; 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.** If the City and Port execute the City-Port Lease as described in the recitals hereto, the City Council hereby authorizes the City Administrator, without returning to Council, to negotiate and execute a sublease of the Property for up to sixty-six (66) years with Prologis/CCIG.

**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 transaction(s), consistent with this Ordinance and its basic purposes.

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

## NOTICE AND DIGEST

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO SIXTY-SIX (66) YEAR SUBLEASE WITH PROLOGIS CCIG OAKLAND GLOBAL, LLC, OR RELATED ENTITIES FOR RAIL USES AND SERVICE ON APPROXIMATELY 8 ACRES OF LAND ADJACENT TO CITY-OWNED LAND ON THE FORMER OAKLAND ARMY BASE**

This ordinance authorizes the City Administrator to negotiate and execute a sixty-six (66) year sublease with Prologis CCIG Oakland Global, LLC, or related entities for rail uses and service on approximately 8 acres of Port land adjacent to City-owned land on the former Oakland Army Base.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 30 PM 4:27

APPROVED AS TO FORM AND LEGALITY

*[Signature]*  
FOR DINNER  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO THIRTY (30) MONTH LEASE WITH THE PORT OF OAKLAND FOR TRUCK PARKING AND TRUCK SERVICES ON UP TO 11.7 ACRES OF LAND ON THE PORT-OWNED PORTION OF THE FORMER OAKLAND ARMY BASE**

**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**, in order to meet the timelines for the materials handling and construction of the public infrastructure, it is necessary for the Property Manager to cause the removal of tenants on the Site; and

**WHEREAS**, Oakland Maritime Support Services, Inc. (OMSS) or a related entity is currently a City tenant on the Site and needs to vacate its leased premises to accommodate the Property Manager’s work; and

**WHEREAS**, the City and the Port of Oakland previously signed a Cost Sharing Agreement which provides, among other things, for the Port to undertake good faith efforts to accommodate City tenants displaced by construction and development on the Site; and

**WHEREAS**, the Port, City and OMSS have agreed in principle that the Port will lease up to 11.7-acres to the City, and the City will sublease the property to OMSS for its truck parking, mini-mart, truck scale, administrative office uses including truck insurance

services, occupational medical center, DMV services, physical examinations, drug testing, and fingerprinting; and

**WHEREAS**, to facilitate OMSS's move from the Site, the City desires to lease from the Port approximately 10.7-acres of Port property adjacent to the Site ("Property"); and

**WHEREAS**, the City intends by a concurrent Ordinance to authorize the sublease of the Property to OMSS; 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, without returning to Council, to negotiate and execute a lease of the Property with the Port of Oakland for up to a thirty (30) month term for truck parking, mini-mart, truck scale, administrative office uses including truck insurance services, occupational medical center, DMV services, physical examinations, drug testing, and fingerprinting.

**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 transaction(s), consistent with this Ordinance and its basic purposes.

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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



## NOTICE AND DIGEST

### **AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO THIRTY (30) MONTH LEASE WITH THE PORT OF OAKLAND FOR TRUCK PARKING AND TRUCK SERVICES ON UP TO 11.7 ACRES OF LAND ON THE PORT-OWNED PORTION OF THE FORMER OAKLAND ARMY BASE**

This ordinance authorizes the City Administrator to negotiate and execute an up to thirty (30) month lease with the Port of Oakland for truck parking and truck services on up to 11.7-Acres of Land on the Port-owned portion of the former Oakland Army Base.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 30 PM 4:27

APPROVED AS TO FORM AND LEGALITY

  
FOU DIANE DE LUCA  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO THIRTY (30) MONTH SUBLEASE WITH OAKLAND MARITIME SUPPORT SERVICES (OR A RELATED ENTITY) FOR TRUCK PARKING AND TRUCK SERVICES ON UP TO 11.7 ACRES OF LAND ON THE PORT-OWNED PORTION OF THE FORMER OAKLAND ARMY BASE**

**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**, in order to meet the timelines for the materials handling and construction of the public infrastructure, it is necessary for the Property Manager to cause the removal of tenants on the Site; and

**WHEREAS**, Oakland Maritime Support Services, Inc., or a related entity (OMSS) is currently a City tenant on the Site and needs to vacate its leased premises to accommodate the Property Manager’s work; and

**WHEREAS**, the City and the Port of Oakland previously signed a Cost Sharing Agreement which provides, among other things, for the Port to undertake good faith efforts to accommodate City tenants displaced by construction and development on the Site; and

**WHEREAS**, the Port, City and OMSS have agreed in principle that the Port will lease up to 11.7-acres to the City, and the City will sublease the property to OMSS for its truck parking, mini-mart, truck scale, administrative office uses including truck insurance

services, occupational medical center, DMV services, physical examinations, drug testing, and fingerprinting; and

**WHEREAS**, to facilitate OMSS's move from the Site, the City intends by a concurrent Ordinance to authorize the negotiation and execution of a lease ("City-Port Lease") from the Port of up to 11.7-acres of Port property adjacent to the Site ("Property"); and

**WHEREAS**, if the City and Port agree on the form of the City-Port Lease, the City intends to sublease the Property to OMSS; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section L** 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.** If the City and Port execute a lease of the Property from the Port to the City, the City Council hereby authorizes the City Administrator, without returning to Council, to negotiate and execute a sublease of the Property to OMSS on the terms set forth in the City-Port Lease.

**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 transaction(s), consistent with this Ordinance and its basic purposes.

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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

## NOTICE AND DIGEST

### **AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO THIRTY (30) MONTH SUBLEASE WITH OAKLAND MARITIME SUPPORT SERVICES (OR A RELATED ENTITY) FOR TRUCK PARKING AND TRUCK SERVICES ON UP TO 11.7 ACRES OF LAND ON THE PORT-OWNED PORTION OF THE FORMER OAKLAND ARMY BASE**

This ordinance authorizes the City Administrator to negotiate and execute an up to thirty (30) month sublease with Oakland Maritime Support Services (or a related entity) for truck parking and truck services on up to 11.7-Acres of Land on the Port-owned portion of the former Oakland Army Base.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 30 PM 4:27

APPROVED AS TO FORM AND LEGALITY

 FOR THE CITY ATTORNEY  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A LEASE OR LICENSE AGREEMENT WITH CALIFORNIA CAPITAL & INVESTMENT GROUP, INC., FOR INSTALLATION OF AIR QUALITY MONITORING FACILITIES, EQUIPMENT AND UTILITIES AT RAIMONDI PARK IN WEST OAKLAND**

**WHEREAS**, as part of the construction of public infrastructure on the former Oakland Army Base (Infrastructure Project) and the community benefits associated with the Lease Disposition and Development Agreement approved for the development of the Army Base, the City and its agent, California Capital & Investment Group, Inc. (CCIG), have agreed to complete air quality monitoring during the Army Base Infrastructure Project construction, the Army Base development program construction, and the operations of the development after the completion of construction; and

**WHEREAS**, CCIG proposes to install the air quality monitoring facilities, equipment and utilities in the City-owned Raimondi Park in West Oakland; and

**WHEREAS**, the installation of the air quality monitoring equipment requires a flat, open area of more than 32 feet in diameter with easy access to the equipment to maintain the equipment and obtain monitoring data; and

**WHEREAS**, CCIG proposes to install the air quality monitoring equipment in a fenced, 12' x 12' area in Raimondi Park; and

**WHEREAS**, the City and CCIG wish to enter into a lease or license for an approximately 144 square feet of area in the park for a seven (7) year term with an annual rent rate of \$6 per square foot; 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, without returning to Council, to negotiate and enter into a lease or license agreement with CCIG for a term of up to seven (7) year term with an annual rent rate of \$6 per square foot for

approximately 144 square feet of area in Raimondi Park (West Oakland) for the installation and maintenance of air quality monitoring and related equipment.

**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 transaction(s), consistent with this Ordinance and its basic purposes.

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

## NOTICE AND DIGEST


**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A LEASE OR LICENSE AGREEMENT WITH CALIFORNIA CAPITAL & INVESTMENT GROUP, INC., FOR INSTALLATION OF AIR QUALITY MONITORING FACILITIES, EQUIPMENT AND UTILITIES AT RAIMONDI PARK IN WEST OAKLAND**

This ordinance authorizes the City Administrator to negotiate and enter into a lease or license agreement with California Capital & Investment Group, Inc. for Installation of Air Quality Monitoring Facilities, Equipment and Utilities at Raimondi Park in West Oakland.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 30 PM 4:27

APPROVED AS TO FORM AND LEGALITY

  
FOR DIORRE MUMEN  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE 2005 PURCHASE AND SALE AGREEMENT BETWEEN THE OAKLAND BASE REUSE AUTHORITY AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 6.5 ACRES OF PROPERTY ADJACENT TO THE FORMER OAKLAND ARMY BASE**

**WHEREAS**, On May 23, 2005, the Oakland Base Reuse Authority (OBRA) and the California Department of Transportation (Caltrans) executed a purchase and sale agreement for approximately 6.5-acres of property adjacent to the former Oakland Army Base ("PSA"); and

**WHEREAS**, on August 7, 2006, OBRA conveyed all of its rights, interests and obligations to the property and the PSA to the Oakland Redevelopment Agency; and

**WHEREAS**, by grant deed recorded on January 31, 2012 as document 2012030757 in the records of the Alameda County Recorder's Office, the Oakland Redevelopment Agency conveyed the property and all of its rights, interests and obligations under the PSA to the City; and

**WHEREAS**, Caltrans now intends to proceed with closing escrow and acquiring the property under the PSA; and

**WHEREAS**, the City desires to amend certain provisions of the PSA to facilitate development of the Anny Base; 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, without returning to Council, to negotiate and enter into an Amendment to the 2005 PSA.

Section 3. This action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Anny 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 transaction(s), consistent with this Ordinance and its basic purposes.

Section 5. The City Attorney shall review and approve the Amendment to the PSA as to form and legality, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

**NOTICE AND DIGEST**

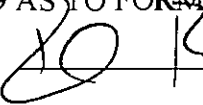
**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE 2005 PURCHASE AND SALE AGREEMENT BETWEEN THE OAKLAND BASE REUSE AUTHORITY AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 6.5 ACRES OF PROPERTY ADJACENT TO THE FORMER OAKLAND ARMY BASE**

This ordinance authorizes the City Administrator to negotiate and execute an amendment to the 2005 Purchase and Sale Agreement between Oakland Base Reuse Authority and California Department of Transportation for approximately 6.5-acres of property adjacent to the former Oakland Army Base

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 30 PM 4:28

APPROVED AS TO FORM AND LEGALITY

  
FOU-VI-ARND RE-UNSA  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A REAL PROPERTY AGREEMENT WITH BNSF RAILWAY COMPANY TO RELOCATE AN EXISTING RAIL LINE EASEMENT NEAR ENGINEERS ROAD TO FACILITATE THE DEVELOPMENT OF THE FORMER OAKLAND ARMY BASE**

**WHEREAS**, On July 19, 2012, the City and East Bay Municipal Utility District (“EBMUD”) entered into a Memorandum of Agreement (“EBMUD MOA”) regarding development of the City-owned portions of the former Oakland Army Base to alleviate alleged impacts on EBMUD’s adjacent Main Wastewater Treatment Plant; the EBMUD MOA, among other things, includes the parties’ agreement to construct a realigned Wake Avenue and expanded Engineers Road on the former Oakland Army Base; and

**WHEREAS**, the EBMUD MOA requires the City to relocate an existing rail line owned by BNSF Rail Company(BNSF) to allow for the expansion of Engineers Road; and

**WHEREAS**, the City must obtain BNSF’s agreement to relocate its existing rail line easement; and

**WHEREAS**, relocation of the BNSF rail line easement and corresponding realignment and construction of Wake Avenue will allow the City to move forward with negotiating development agreements to move two recyclers, California Waste Solutions (CWS) and CASS, Inc. (CASS), out of West Oakland residential neighborhoods onto the Army Base; and

**WHEREAS**, the relocation of CWS and CASS will reduce truck traffic and remove a land use conflict from the community; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

Section L 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, without returning to Council, to negotiate and enter into a real property agreement with BNSF Railway Company (BNSF) or related entity for relocation of its rail road easement to allow the City to implement a requirement of the EBMUD MOA.

**Section 3.** This action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Anny 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 this Ordinance and its basic purposes.

**Section 5.** The City Attomey shall review and approve all documents and agreements related to the proposed agreement with BNSF as to form and legality, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

## NOTICE AND DIGEST

### **AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A REAL PROPERTY AGREEMENT WITH BNSF RAILWAY COMPANY TO RELOCATE AN EXISTING RAIL LINE EASEMENT NEAR ENGINEERS ROAD TO FACILITATE THE DEVELOPMENT OF THE FORMER OAKLAND ARMY BASE**

This ordinance authorizes the City Administrator to negotiate and enter into a real property agreement with **BNSF Railway Company** to relocate an existing rail line easement near **Engineers Road** to facilitate the development of the former **Oakland Army Base**