

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP -3 AM 9:10

Approved as to Form and Legality

A. McLean
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82284 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AMENDED LEASE WITH WILLARD AND CELESTE KORN FOR THE STORAGE OF URBAN SEARCH AND RESCUE MATERIAL FOR THE OAKLAND FIRE DEPARTMENT, FOR AN ADDITIONAL (1) YEAR WITH FIVE (5) ONE YEAR OPTIONS TO EXTEND, BEGINNING OCTOBER 2009 AT 35 HEGENBERGER PLACE, IN THE AMOUNT OF \$67,860 PER ANNUM PLUS AN ANNUAL RENT ESCALATOR NOT TO EXCEED 4%

WHEREAS, the City of Oakland Fire Department (OFD) is the sponsor of the Urban Search and Rescue, California Task Force 4 (CATF-4) under supervision of the Federal Emergency Management Agency (FEMA) and the U.S. Department of Homeland Security; and

WHEREAS, FEMA awarded OFD a Weapons of Mass Destruction (WMD) grant in October 2002 and April 2006; and

WHEREAS, the above grants required OFD to develop and continue a long-term plan for rescue equipment and related supplies, and to acquire appropriate warehouse space for that equipment; and

WHEREAS, Willard & Celeste Korn (owners) currently lease to OFD 6,500 square feet of warehouse space at 35 Hegenberger Place, Oakland, CA 94621-1301 (Premises) for storage of the rescue equipment and related supplies (the "Lease"); and

WHEREAS, OFD desires to amend the Lease to extend the term for an additional 1 year, with five (5) one year options; and

WHEREAS, the continuation of the long-term storage of the equipment and supplies in Oakland will benefit the City and the citizens by supporting local property owners and keeping the rescue equipment warehoused in Oakland; and

WHEREAS, the owners are willing to amend the Lease for the Premises at an annual rental of \$67,860 for one year, with five (5) one year options to extend with rent escalators not to exceed 4% per year; and

WHEREAS, the City Council wishes to authorize the City Administrator to enter into a Lease amendment to provide the OFD with a facility for continued long-term storage of supplies and equipment; and

WHEREAS, lease of the storage space by the City of Oakland has no significant effect on the environment and therefore said lease is exempt from the requirements of the California Environmental Quality Act "CEQA" by Section 15301 (existing facilities) of the CEQA Guidelines; now therefore be it

RESOLVED: That the City Council finds and determines that it would be in the best interests of the City to continue to warehouse supplies and rescue equipment in the City of Oakland as provided for in the two FEMA grants under the Urban Search and Rescue Plan of California Task Force 4 (CATF-4), in which the Oakland Fire Department is the local sponsoring agency; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute an amendment to the Lease extending the term of the Lease for one (1) year for the sum of \$67,860 per annum rent for the first year effective, October 1, 2009, with five (5) one year options to extend with a not to exceed 4% rent escalator per year ("Amended Lease"); and be it

FURTHER RESOLVED: For FY 2009-2010 the funds will be allocated from Federal Emergency Management Agency Fund (2124), Fire – U.S.A.R. Org. (20815), U.S.A.R. Project (G364810); and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized and directed to take any and all actions necessary and consistent with this Resolution to complete the Amended Lease transaction; and be it

FURTHER RESOLVED: That the City Administrator shall cause to be filed with the County of Alameda a Notice of Exemption; and be it

FURTHER RESOLVED: That the Amended Lease shall be approved as to form and legality by the Office of the City Attorney and copies shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009

PASSED BY THE FOLLOWING VOTE:

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


NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - De La Fuente - 1

ATTEST:



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