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OFFICE OF THE CITY CLERK  
OAKLAND

2016 JAN 28 PM 4:06

# OAKLAND CITY COUNCIL

RESOLUTION No. 85999 C.M.S.

Approved as to Form and Legality

  
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, FEB 16 2016, 20    

**PASSED BY THE FOLLOWING VOTE:**

Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson-McElhaney *- 8 Ayes*

NOES- *0*

ABSENT- *0*

ABSTENTION- *0* *LW huna for*  
ATTEST: \_\_\_\_\_

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