

AGENDA REPORT

Ordinance: Six-Month Term Extension of a Temporary Rental Agreement with Seafarer's Ministry of the Golden Gate for a Parcel of Land located at 4001 7th Street, Oakland (**Maritime**)

MEETING DATE: 6/8/2017

AMOUNT: \$0
Revenue

PARTIES INVOLVED: Seafarer's Ministry of the Golden Gate
Nancy Smith, Chairman

SUBMITTED BY: John C. Driscoll, Director of Maritime

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Ordinance

EXECUTIVE SUMMARY

Staff requests the Board's Authorization for a six-month term extension to a Temporary Rental Agreement with the Seafarer's Ministry of the Golden Gate for approximately 0.2 acres of property located in the Port's Maritime Area at 4001 7th Street, Oakland.

BACKGROUND

Since the mid-1990's, various faith-based entities have operated the "Seaman Center" (the "Center") in the Port's Maritime Area. The Center is a modular building located on approximately 0.2 acres at 7th Street, across from the Ben E. Nutter Terminal (see Exhibit A, Parcel A). The Center provides support services to visiting seafarers and maritime industry workers, including counseling, meals, recreation, communication (email and telephone access), transportation services for shopping, banking, and urgent medical needs. The staff and volunteers who work at the Center also make periodic visits on board vessels in order to distribute supplies and provide certain services. The Center is funded almost exclusively by grants and charitable donations.

ANALYSIS

To date, five different entities have operated the Center. The terms of the lease agreements with each of these operators have remained relatively consistent over time, and have included:

- 1) Multi-year term (e.g., five year term, with one five-year option),
- 2) Compensation of \$0 or \$1 per year (including waiver of security deposit),
- 3) Tenant owns the modular building on the premises which must be removed at the end of the lease term, and
- 4) Tenant performs all building maintenance, landscaping, and pays for utilities.

The most recent change to Center operations occurred in mid-2016, at which time the Port terminated the lease with the incumbent tenant and issued a Temporary Rental Agreement (TRA) to Seafarer's Ministry of the Golden Gate (SMGG), the current operator. Port staff is currently negotiating a lease with SMGG that is consistent with prior leases, but requires more time to finalize the lease. Therefore, Staff is requesting the Board's authorization to extend the TRA by six months, or through December 31, 2017. Staff proposes that the current terms of the TRA remain unchanged (SMGG pays \$0 rent and either the Port or SMGG may terminate the TRA with a 30-day notice).

BUDGET & STAFFING

The requested action does not have a budget or staffing impact.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters included in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Plan (<http://www.portofoakland.com/pdf/about/strategicPlan2011-2015.pdf>)

- Goal A: Objective 4: Pursue strategic partnerships at all levels: local, regional, national and international.

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to this agreement as the tenant does not employ 21 or more employees working on Port-related work and does not have a tenancy agreement that is expected to generate greater than \$50,000 in payments to the Port. However, the tenant will be required to certify that should living wage obligations become applicable, the tenant shall comply with the Living Wage Regulations.

ENVIRONMENTAL

The proposal to extend a Temporary Rental Agreement with the Seafarer's Ministry of the Golden Gate was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the Port CEQA Guidelines. The proposed agreement is categorically exempt from requirements of CEQA pursuant to Section 15301, which exempts leasing of existing facilities. Therefore, no additional environmental review is required.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

The Owner Controlled Insurance Program (OCIP) does not apply to the matters addressed by this Agenda Report as they are not capital improvement construction or design projects.

OPTIONS

Staff has identified three options for the Board's consideration:

- 1) Extend the Temporary Rental Agreement through December 31, 2017. This is the recommended option.
- 2) Extend the Temporary Rental Agreement under different terms than those stated in this Agenda Report, as may be directed by the Board.
- 3) Allow the current Temporary Rental Agreement to terminate on June 30, 2017. Under this option, SMGG will have to vacate the subject property by this date.

RECOMMENDATION

Staff recommends that the Board authorize the Executive Director to Extend the Temporary Rental Agreement with Seafarer's Ministry of the Golden Gate for 0.2 acres at 4001 7th Street, Oakland, through December 31, 2017.

Exhibit A

