

PORT ORDINANCE NO. 4426

**ORDINANCE AUTHORIZING THE EXECUTIVE DIRECTOR TO EXTEND
THE TERM OF THE TEMPORARY RENTAL AGREEMENT WITH
SEAFARER'S MINISTRY OF THE GOLDEN GATE FOR SIX (6)
MONTHS IN THE MARITIME AREA.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 2.2, dated June 8, 2017 (the "Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore,

WHEREAS, the Port of Oakland ("Port") has entered into a temporary rental agreement with Seafarer's Ministry of the Golden Gate (Seafarer's) for approximately 0.2 acres of property located at 4001 7th Street in the maritime area ("Agreement"); and

WHEREAS, Port staff proposes to extend said Agreement for six (6) months; and now therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

Section 2. The Board hereby finds and determines that the proposal to authorize the Executive Director to extend the Agreement with Seafarer's 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 CEQA requirements pursuant to Section 15301, which exempts leasing of existing facilities.

Section 3. The Board approves the terms and conditions of and authorizes the Executive Director or his designee to amend the Agreements with Seafarer's to extend the terms of such Agreement for a total additional term ending no later than December 31 2017.

Section 4. The Board hereby authorizes the Executive Director or his designee to approve and execute any documents that may be required to carry out the extension of the subject Agreement as described in the Agenda Report, in consultation with and subject to the Port Attorney's approval as to form and legality.

Section 5. This Ordinance is not evidence of and does not create or constitute (a) a contract or lease, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any

officer or employee of the Board. Unless and until separate written agreements are duly executed on behalf of the Board as authorized by this Ordinance, are signed and approved as to form and legality by the Port Attorney, and are delivered to each of the other contracting parties, there shall be no valid or effective agreements.

The Board of Port Commissioners, Oakland, California, June 8, 2017, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Hamlin, Martinez, Story, Yee and President Colbruno - 7. Noes: 0.

John T. Betterton

Secretary of the Board