

PORT ORDINANCE NO. 4458

ORDINANCE AUTHORIZING THE EXECUTIVE DIRECTOR TO (1) EXTEND THE TERM OF A NO-COST TEMPORARY RENTAL AGREEMENT WITH SEAFARER'S MINISTRY OF THE GOLDEN GATE THROUGH MARCH 31, 2018 AND (2) ENTER INTO A NO-COST LEASE WITH SEAFARER'S MINISTRY OF THE GOLDEN GATE FOR A 0.2 ACRE PARCEL OF LAND IN THE MARITIME AREA FOR A TERM OF FIVE YEARS WITH ONE FIVE-YEAR EXTENSION OPTION.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.3, dated November 30, 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;

WHEREAS, since the mid-1990's, various faith-based entities have operated the Seaman Center (the "Center"), a modular building located on approximately 0.2 acres in a designated area within Port View Park in the Seaport area. The Center provides support services to visiting seafarers and workers in the local maritime industry in the forms of counseling, meals, recreation, and communications (email and telephone access);

WHEREAS, the Port has entered into a temporary rental agreement with Seafarer's Ministry of the Golden Gate (Seafarer's) for operation of the Center to allow Port staff and Seafarer's the time to finalize a longer-term lease ("Rental Agreement"); and

WHEREAS, Port staff proposes to extend said Rental Agreement through March 31, 2018 and seeks approval to enter into a no-cost five-year lease with Seafarer's for operation of the Center; 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 Rental Agreement with Seafarer's and to enter into a lease with Seafarer's was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The proposed actions are categorically exempt from CEQA requirements pursuant to Section 15301, which exempts leasing of existing facilities.

Section 3. The Board authorizes the Executive Director or his designee to amend the Rental Agreement with Seafarer's to extend the terms of such Agreement for a total additional term ending no later than March 31, 2018.

Section 4. The Board hereby approves the terms and conditions of the proposed new lease with Seafarer's with the following material terms:

1. Term: Five (5) year initial term, with one five (5) year option to extend subject to mutual agreement of the Port and Seafarer's.
2. Premises: 0.2 acres of land in a designated area within Port View Park at the Seaport.
3. Rent: \$0, including waiver of security deposit. Staff is recommending a no-cost lease given the nature of services provided by Seafarer's.
4. Termination: Either party may terminate the lease with a 90-day written advance notice.
5. Maintenance: Seafarer's is responsible for all maintenance and utility costs.

Section 5. 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 6. 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, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

Daria Edgerly

Secretary of the Board