

AGENDA REPORT

Ordinance: Approval of First Amendment to Extend the Term of a Rent Free Temporary Rental Agreement with the City of Oakland through July 31, 2019 for Police Officer Staff Training at the Berth 33 Backlands. **(Maritime)**

MEETING DATE: 9/27/2018

AMOUNT: \$0

PARTIES INVOLVED: City of Oakland, Oakland, CA
Glenn Hara, Police Officer

SUBMITTED BY: John C. Driscoll, Director of Maritime

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Ordinance

EXECUTIVE SUMMARY

The City of Oakland ("City") currently has a Temporary Rental Agreement ("TRA") with the Port of Oakland ("Port") for non-exclusive access and use of the Berth 33 backland area ("Berth 33 Backlands") to conduct as-needed specialized staff training for the Oakland Police Department. The TRA expired on July 31, 2018 and Port staff ("Staff") is requesting a one-year extension to the agreement.

BACKGROUND

In November 2016, the City's Oakland Police Department ("OPD") requested access and use of Port lands for the purposes of conducting driving skills classes and training for OPD officers. On August 1, 2017, the Port entered into a TRA with the City for as-needed City/OPD access and use of approximately 11.5 acres of paved land at the Berth 33 Backlands. The TRA expired on July 1, 2018.

ANALYSIS

The City has requested a one-year extension to the TRA with the same terms. These key terms include:

- Rent: \$0.00
- Security Deposit: \$0.00
- Term: August 1, 2018 – July 31, 2019
- Either party can terminate with 30 days prior written notice

Staff has determined that continuing to allow OPD temporary use of B33 Backlands under the same terms provides a direct benefit to the City and can be accommodated without adverse impacts to the Port's maritime operations. Any TRA with a term of more than one-year requires approval from the Port's Board of Commissioners ("Board"). Consequently, Staff is requesting that the Board authorize the Port's Executive Director to amend the TRA to extend the term for one-year, retroactively commencing on August 1, 2018 and ending on July 31, 2019.

BUDGET & STAFFING

The proposed action does not have any 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 Business Plan (2018-2022).

<https://www.portoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: Strengthen Safety and Security
- Goal: Serve Our Community

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, do not apply to this agreement because the City is a government agency.

SUSTAINABILITY

Staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities.

ENVIRONMENTAL

The proposal to authorize the Executive Director to execute an amendment to extend the term of a TRA with the City for the use of approximately 11.5 acres of paved land at the Berth 33 Backlands for OPD officer driver training through July 31, 2019 was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA guidelines. The TRA is categorically exempt from CEQA pursuant to Section 15301(p) of the

Port Guidelines which exempts the execution of leases or license agreements where the premises or licensed activity was previously leased or licensed to the same or another person involving negligible or no expansion of use beyond that previously existing. Extending the term of the TRA for the training purposes outlined above meets the criteria for this exemption.

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)

This action is not subject to the Port's Owner Controlled Insurance Program ("OCIP") as it is not a capital improvement construction project.

OPTIONS

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

1. Authorize the Executive Director to extend the term of the TRA with the City for access and use of the Berth 33 Backlands through July 31, 2019. **This is the recommended action.**
2. Authorize the Executive Director to extend the term of the TRA with the City subject to other and/or additional modifications as may be directed by the Board
3. Do not authorize the Executive Director to extend the term of the TRA with the City for access and use of the Berth 33 Backlands at this time. Under this option, the City would have to seek an alternative training location for officer skills training.

RECOMMENDATION

Approve and authorize the Executive Director to execute an amendment to extend the term of the Temporary Rental Agreement with the City of Oakland, retroactively commencing on August 1, 2018 and terminating on July 31, 2019, for the purposes of Oakland Police Department officer training at the Berth 33 Backlands as detailed in this Agenda Report.