

AGENDA REPORT

Ordinance: Approval to Extend the Temporary Rental Agreement with the City of Oakland for Emergency Vehicle Access Related to the Reconstruction of the Embarcadero Bridge **(Maritime)**

MEETING DATE: 11/29/2018

AMOUNT: None

PARTIES INVOLVED: City of Oakland, Oakland, CA
Nader Rabahat, Public Works Engineer

SUBMITTED BY: John C. Driscoll, Director of Maritime

APPROVED BY: Danny Wan, Acting Executive Director

ACTION TYPE: Ordinance

EXECUTIVE SUMMARY

The City of Oakland (City) currently has a Temporary Rental Agreement (TRA) from the Port for emergency vehicle access through an area of land south of Middle Harbor Road in the Maritime Area for purposes of the Embarcadero Bridge reconstruction. The term of the TRA expires on December 31, 2018. Staff requests an extension to the TRA through June 30, 2019, which is the current estimated date of completion of the Embarcadero Bridge reconstruction.

BACKGROUND

The City of Oakland (City) was a recipient of Seismic Safety Retrofit Program funds to replace the Embarcadero Bridge (further referred to herein as the "Bridge") over the Lake Merritt Channel. Construction started in May 2016 and is scheduled to end by June 30, 2019, during which time the Bridge is closed. During the closure, if a train is idle on the tracks on/along Embarcadero West, emergency vehicles cannot access properties and areas south of Embarcadero West and west of the Bridge. These properties and areas are owned and/or occupied by the Port of Oakland (Port), private tenants/owners, and includes two housing developments and other private businesses.

The Port entered into a Temporary Rental Agreement (TRA) with the City on January 4, 2016 to provide an emergency vehicle access route during Bridge construction through a parcel of land parallel to and south of Middle Harbor Road in the Port's Maritime Area. The City was authorized to install and maintain certain roadway improvements for the emergency vehicle

access route as approved by the Port's Director of Engineering as a condition of use. The TRA was amended three times due to construction delays, with the last amendment modifying the term expiration from April 16, 2017 to December 31, 2018. Staff seeks to extend the term of the TRA through June 30, 2019. Please refer to Exhibit A for a depiction of the emergency vehicle access route.

ANALYSIS

The City has requested an extension to the TRA through June 30, 2019. Port staff believes that the possibility of an idle train blocking emergency access during the Bridge closure is an unacceptable risk and therefore supports the City's request. The TRA provides that all maintenance of the temporary access route is to be performed by the City at no cost to the Port.

BUDGET & STAFFING

There will be no budget or financial impact from the proposed action. The proposed action does not have a 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.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

Goal: Modernize and Maintain Infrastructure

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

Port staff reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. Port staff concluded that there are no sustainability opportunities associated with this TRA for emergency vehicle access.

ENVIRONMENTAL

CEQA Determination: The proposal to authorize the Executive Director to execute an amendment to extend the term of the TRA with the City for an alternate emergency vehicle access route to properties and area south of Embarcadero West and west of the Bridge through June 30, 2019, was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the Port's CEQA Guidelines. The TRA is categorically exempt from CEQA pursuant to Section 15301(p) of the Port CEQA 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/entity, involving negligible or no expansion of use beyond that previously existing. The extension of term of the TRA to allow emergency vehicle access 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)

The OCIP does not apply to the matters addressed by this Agenda Report as they are not capital improvement construction projects.

OPTIONS

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

1. Extend the term of the TRA through June 30, 2019. This is the recommended action.
2. Extend the term of the TRA to an alternative date, which (depending upon the timeframe proposed) may result in a disruption of the Bridge reconstruction project and prevent emergency access to the affected properties south of Embarcadero West and west of the Bridge.
3. Do not extend the term of the TRA as requested by the City, which may also disrupt the Bridge reconstruction project and prevent emergency access to the associated properties and areas south of Embarcadero West and west of the Bridge.

RECOMMENDATION

Adopt an Ordinance that authorizes the Executive Director to execute a Fourth Amendment to the Temporary Rental Agreement with the City of Oakland for alternate emergency vehicle access to properties south of Embarcadero West and west of the Embarcadero Bridge, which would extend the term of the Temporary Rental Agreement through June 30, 2019.

Exhibit A

