



BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO (1) A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF OAKLAND OUTLINING ROLES AND RESPONSIBILITIES FOR ENGINEERING DESIGN OF TWO ARTERIAL ROADWAY IMPROVEMENT PROJECTS FUNDED BY THE PORT AND FREIGHT INFRASTRUCTURE PROGRAM GRANT; AND (2) A COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 2.2, dated November 20, 2025, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that 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 testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board finds and determines that the Third Street Corridor and Adeline Street Corridor Projects in the City of Oakland (the "Projects"), which are the subject of these agreements, were determined to be exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301(c) Existing Facilities and Section 15332 In-Fill Development Projects of the CEQA Guidelines. On May 28, 2024, a Notice of Exemption was filed with the County for the projects (File No: 24-187 and 24-185).

Section 2. The Board hereby approves and authorizes the Executive Director to:

A. Enter into a Memorandum of Understanding or other agreement with the City of Oakland outlining roles and responsibilities for engineering design of two arterial roadway improvement projects

funded by the Port and Freight Infrastructure Program grant, including subgrant of costs, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Enter into a cooperative agreement with the California Department of Transportation regarding the Projects, including work for the Adeline Street Corridor Project near Fifth Street and Union Street in the City of Oakland; and

C. Enter into any agreements or make any additions, modifications, or corrections necessary to implement the proposed action or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, and are approved as to form and legality by the Port Attorney.

Section 3. This resolution is not evidence of and does not create or constitute: (a) a contract, or the grant of any right, entitlement, or property interest; or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

Section 4. This resolution shall be effective immediately upon adoption by the Board.