

PORT ORDINANCE NO. 4528

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A TEMPORARY LICENSE AGREEMENT WITH CALIFORNIA COLLEGE OF THE ARTS FOR INSTALLATION AND MAINTENANCE OF THE BUOYANT ECOLOGIES FLOAT LAB IN THE MIDDLE HARBOR ENHANCEMENT AREA FOR ONE YEAR WITH TWO, ONE-YEAR OPTIONS FOR NO FEE.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.1, dated July 11, 2019 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 related agenda materials and in testimony received; now, therefore

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

Section 1. Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that the requested action is categorically exempt from the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15306 of the CEQA Guidelines, which exempts projects that include basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource.

Section 2. The Board hereby approves and authorizes the Executive Director to enter into a temporary license agreement with **California College of the Arts** for installation and maintenance of the Buoyant Ecologies Float Lab in the Middle Harbor Enhancement Area for a period of one year with two, one-year options for no fee, as further described in the Agenda Report and provided that all agreements are approved as to form and legality by the Port Attorney.

Section 3. This ordinance 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 Board. This ordinance approves and authorizes the execution of a contract in accordance with the terms of this ordinance. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this ordinance, 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.

The Board of Port Commissioners, Oakland, California, July 11, 2019. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and President Butner - 6. Excused: Commissioner Story - 1. Noes: 0.

Daria Edgerly

Secretary of the Board