

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 15-043

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF ANY NECESSARY SETTLEMENT DOCUMENTATION WITH
OAKLAND MARINAS, LLP WITH RESPECT TO THE
SEPTEMBER 2010 FUEL SPILL.**

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board any necessary settlement documentation with respect to the September 2010 fuel spill matter with **OAKLAND MARINAS, LLP ("OAKLAND MARINAS")** whereby, among other matters, OAKLAND MARINAS will pay the Port of Oakland \$4,000; and be it

FURTHER RESOLVED that 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 Board. This resolution approves and authorizes the execution of an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement 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 the other contracting parties, there shall be no valid or effective agreement; and be it

FURTHER RESOLVED that this resolution shall become effective immediately upon adoption by the Board.

At the regular meeting held on May 14, 2015

Passed by the following vote:

Ayes: Commissioners Colbruno, Head, Hamlin, Uno and
President Yee – 5

Excused: Commissioners Butner and Parker – 2

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 15-044

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A SETTLEMENT AND CLAIM RELEASE AGREEMENT
WITH RESPECT TO THE PARKING TAX MATTER WITH
CHARTIS SPECIALTY INSURANCE COMPANY N/K/A
AMERICAN INTERNATIONAL SPECIALTY LINES
INSURANCE COMPANY.**

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board a Settlement and Claim Release Agreement with respect to the Parking Tax matter with **CHARTIS SPECIALTY INSURANCE COMPANY N/K/A AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY ("AISLIC")** whereby, among other matters, AISLIC will pay the Port of Oakland \$27,500; and be it

FURTHER RESOLVED that 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 Board. This resolution approves and authorizes the execution of an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement 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 the other contracting parties, there shall be no valid or effective agreement; and be it

FURTHER RESOLVED that this resolution shall become effective immediately upon adoption by the Board.

At the regular meeting held on May 14, 2015

Passed by the following vote:

Ayes: Commissioners Colbruno, Head, Hamlin, Uno and
President Yee – 5
Excused: Commissioners Butner and Parker – 2
Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 15-046

**RESOLUTION APPROVING THE EXTENSION OF THE
CUSTODIAN ELIGIBLE LIST FOR ONE YEAR FROM MAY
13, 2015 THROUGH MAY 13, 2016.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 2.2 in its May 14, 2015 Board Agenda ("Agenda Report") as well as related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore, be it

RESOLVED, that the Board hereby approves the retroactive extension of the Custodian Eligible List for one year, from May 13, 2015 through May 13, 2016, as more fully described in the Agenda Report; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, 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 materials and in testimony received.

At the regular meeting held on May 14, 2015

Passed by the following vote:

Ayes: Commissioners Colbruno, Head, Hamlin, Uno, Parker and
President Yee – 6

Excused: Commissioner Butner – 1

Noes: 0

CT
[Signature]

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 15-047

**RESOLUTION APPROVING A LETTER AGREEMENT WITH THE
CITY OF OAKLAND REGARDING PORT PENSION PAYMENTS AS
A RESULT OF THE CITY PARTICIPATING IN THE CALPERS
PRE-PAY PROGRAM.**

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 4.2 dated May 14, 2015 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 RESOLVED AS FOLLOWS:

SECTION 1. The Board hereby:

A. Approves a Letter Agreement with the City of Oakland ("City") outlining Port pension payment of \$16.03 million for FY 2016 as a result of the City participating in the CalPERS Pre-Pay Program.

B. Authorizes the Chief Financial Officer to (i) execute such Letter Agreement, subject to approval as to form and legality by the Port Attorney, and (ii) make such additions, modifications, or corrections as necessary to implement the Letter Agreement or to correct errors, provided that any such addition, modification or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report.

SECTION 2. 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 Board. Unless and until a separate written agreement 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 the other contracting party, there shall be no valid or effective agreement.

SECTION 3. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on May 14, 2015

Passed by the following vote:

Ayes: Commissioners Colbruno, Head, Hamlin, Uno, Parker and
President Yee – 6

Excused: Commissioner Butner – 1

Noes: 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 15-048

RESOLUTION APPROVING AND AUTHORIZING THE TOTAL PROJECT BUDGET OF \$2,032,479 FOR THE CONSTRUCTION OF AIR CARGO WAY REPAIR PROJECT AT SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT; AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR CONSTRUCTION OF AIR CARGO WAY REPAIR PROJECT AT SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT; CALLING FOR BIDS THEREFORE; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER IN TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,200,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated May 14, 2015 ("Agenda Report") and related agenda materials, 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 RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:

A. It is in the best interest of the Port to approve and authorize the Capital Needs Assessment Fiscal Year 2014-15 budget for Construction of **Air Cargo Way Repair Project at South Field, Oakland International Airport** ("Air Cargo Repair Project") in a total aggregate amount not to exceed \$2,032,479;

B. It is in the best interest of the Port to authorize the project for the **Air Cargo Repair Project**;

C. The development and use provided for in the project manual and the subsequent use of the development approved by this

resolution are in conformity with the General Plan of the City; and be it

D. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with this project.

SECTION 2. The Board hereby approves the following:

A. Authorizing the Capital Needs Assessment Fiscal Year 2014-15 budget for Construction of **Air Cargo Way Repair Project at South Field, Oakland International Airport** ("Air Cargo Repair Project") in a total aggregate amount not to exceed \$2,032,479.

B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for **Air Cargo Repair Project**.

C. Advertising for bids for the construction of the **Air Cargo Repair Project**.

D. Award of a contract for construction of the **Air Cargo Repair Project** to the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$1,200,000.

E. Rejection of all other bids received for the **Air Cargo Repair Project** and direction that securities accompanying said bids shall be returned to the respective bidders.

SECTION 3. The Board hereby authorizes the Executive Director to:

A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance.

B. Award contract to the lowest responsible responsive bidder, based upon the receipt of formal sealed bids, for the **Air Cargo Repair Project**, in a total aggregate amount not to exceed \$1,200,000.

SECTION 4. The Board further finds that:

A. The Director or Engineering or his designee is authorized to approve the project manual and plans for the **Air Cargo Repair Project** in advance of construction, pursuant to Government Code Section 830.6.

B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.

C. The provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA") apply to this project.

D. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications.

E. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the executed of said contract.

SECTION 5. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public and private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

SECTION 6. 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 Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement(s).

At the regular meeting held on May 14, 2015

Passed by the following vote:

Ayes: Commissioners Colbruno, Head, Hamlin, Uno, Parker and
President Yee – 6
Excused: Commissioner Butner – 1
Noes: 0

5/14/15

Item: 6.6

JS/lhr

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 15-049

**RESOLUTION AFFIRMING CONSENT TO PLANNED UNIT DEVELOPMENT
AMENDMENT APPROVED BY THE CITY OF OAKLAND FOR VARIOUS
PROPERTIES IN JACK LONDON SQUARE.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.6 dated May 14, 2015 ("Agenda Report") and related agenda materials, 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 RESOLVED AS FOLLOWS:

RESOLVED, that the Board hereby affirms its consent to the Planned Unit Development Amendment previously approved by the City of Oakland for various properties in Jack London Square, as further detailed in the Agenda Report, authorizing the allocation of up to 216 units of residential density from Site G to Site D and Site F-2, subject to a one-time payment of \$275,000 to the Port and subject to Final Development Plan/Design Review approvals from the City of Oakland within the timeframes established by the City Development Agreement; and be it

FURTHER RESOLVED, that the Board hereby authorizes the Executive Director, or his designee, to negotiate, approve, and execute such other agreements and additional documents as may be necessary to consummate this transaction, subject to approval by the Port Attorney as to form and legality, and subject to the condition that this authorization shall be valid for no longer than one (1) year from the date of this Resolution, and that if the amount of \$275,000 is not paid to the Port by that date then such authorization shall be null and void unless further extended at the sole and absolute discretion of the Executive Director or his designee; and be it

FURTHER RESOLVED, that 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 Board. Unless and until a separate written agreement 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 agreement; and be it

FURTHER RESOLVED, that this Resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on May 14, 2015

Passed by the following vote:

Ayes: Commissioners Colbruno, Head, Hamlin, Uno, Parker and President Yee – 6

Excused: Commissioner Butner – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 15-050

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
(1) APPROVE ADDITIONAL BUDGET NOT TO EXCEED
\$250,000 FOR EXPENDITURES IN CONNECTION WITH
CONSULTANT SERVICES RELATED TO GRANT FUNDING
CONSIDERATION OF PORT PRIORITY PROJECTS, (2)
EXECUTION OF SUPPLEMENTAL AGREEMENTS WITH BAYPAC
CONSULT, INC. AND PARSONS BRINCKERHOFF AND (3)
TAKE ALL ACTIONS TO ACCEPT ALAMEDA COUNTY
TRANSPORTATION COMMISSION (ACTC) GRANT FUNDS FOR
PROJECT SCOPING.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.7, dated May 14, 2015 ("Agenda Report") and related agenda materials, has received the expert testimony of 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; and

WHEREAS, on January 15, 2015, the Board authorized a project budget of \$500,000 for expenditures in connection with consultant services related to the grant funding consideration of Port priority projects; and

WHEREAS, the Port entered into a contract with PARSONS BRINCKERHOFF on January 20, 2015 for maritime area project scoping services, for a maximum compensation of \$237,200, as authorized by Port Resolution No. 15-008; and

WHEREAS, the Port executed a Purchase Order Contract with BAYPAC CONSULT, INC., for an amount not to exceed \$150,000, paid for within and pursuant to the Executive Director's operating budget and contracting authority; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report and testimony received, the Board hereby:

A. Authorizes additional budget of up to \$250,000 for expenditures for project scoping services related to the grant funding consideration of Port priority projects, for a total project budget of \$750,000, subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director to execute (i) a supplemental agreement with **BAYPAC CONSULT, INC.** and (ii) as needed Supplemental Agreement(s) with **PARSONS BRINCKERHOFF** both for grant funding consultant services without and waiving competitive procurement requirements therefor, for a combined additional compensation not to exceed \$512,800 for both agreements.

C. Authorizes the Executive Director to execute any and all agreements with the Alameda County Transportation Commission ("ACTC") and take all actions necessary to accept grant funds related to proposed project scoping.

SECTION 2. 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 Board. Unless and until a separate written agreement 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 agreement.

SECTION 3. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on May 14, 2015

Passed by the following vote:

Ayes: Commissioners Colbruno, Head, Hamlin, Uno, Parker and
President Yee – 6

Excused: Commissioner Butner – 1

Noes: 0