

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 17-121

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY PACIFIC MARITIME ASSOCIATION.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.6 - the Summary Sheet for Permit Application (Port Permit No. 5161) dated November 8, 2017 - and related agenda materials ("Agenda Sheet"), 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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant for a building permit to perform certain work at the Premises, and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby authorizes the Executive Director to approve the building permit for the following work:

A. Applicant: **Pacific Maritime Association**

B. Premises: 1 Jefferson Street, Howard Terminal, Oakland, California

C. Estimated Cost: \$30,000

D. Work: Installation of two new modular buildings on the leased premises: one for classrooms and the other for restroom facilities. The work will include tie-downs staked in the ground, entrance modifications, and utility connections (the sewer connection will include an underground section of approximately 25 feet while the other utilities will be above ground.)

SECTION 2. The Board hereby finds and determines that the Port complies with the California Environmental Quality Act ("CEQA") because the Port, as the Responsible Agency, has determined the work to be performed under this building permit is addressed by a Negative Declaration prepared by the Department of Toxic Substances Control in 2002 pursuant to Section 15096 of the CEQA Guidelines, which Initial Study/Negative Declaration is available at www.envirostor.dtsc.ca.gov for the Howard Marine Terminal Site.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

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

At the regular meeting held on November 30, 2017

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and President Story – 7

Noes: 0

EP [signature]

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 17-122

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY SSA TERMINALS, LLC.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.7 - the Summary Sheet for Permit Application (Port Permit No. 5156) dated November 8, 2017 - and related agenda materials ("Agenda Sheet"), 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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant for a building permit to perform certain work at the Premises, and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby authorizes the Executive Director to approve the building permit for the following work:

- A. Applicant: **SSA Terminals, LLC**
- B. Premises: 1717 Middle Harbor Road, OICT Gate, Oakland, California
- C. Estimated Cost: \$655,000
- D. Work: Construction of a new OCR portal at the entrance gate to replace existing equipment, which work will include new concrete foundations, curbs, and paving; utility upgrades; and removal of old archways and equipment.

SECTION 2. The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15302(c), which exempts the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

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

At the regular meeting held on November 30, 2017

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and President Story – 7

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 17-123

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY PACIFIC GAS & ELECTRIC
COMPANY.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.8 - the Summary Sheet for Permit Application (Port Permit No. 5163) dated November 9, 2017 - and related agenda materials ("Agenda Sheet"), 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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant for a building permit to perform certain work at the Premises, and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby authorizes the Executive Director to approve the building permit for the following work:

- A. Applicant: **Pacific Gas & Electric Company**
- B. Premises: Earhart Road (between Airport Drive and Swan Way), Oakland, California
- C. Estimated Cost: \$528,000
- D. Work: Replacing the existing 3-3.5" steel pipe gas line with a new 4" plastic pipe gas line, including connections to four new tenants and four existing tenants.

SECTION 2. The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15302(c), which exempts the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

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

At the regular meeting held on November 30, 2017

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and
President Story – 7
Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 17-124

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT EXTENDING THE TERM OF THE TRUCK PARKING MANAGEMENT AGREEMENT WITH ABM INDUSTRY GROUPS, LLC DOING BUSINESS AS ABM PARKING SERVICES THROUGH JULY 31, 2018 FOR AN AMOUNT NOT TO EXCEED \$4,000,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4, dated November 30, 2017 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, the Port entered into a parking management agreement ("Agreement") with AMPCO Systems Parking ("AMPCO") on August 1, 2007, for approximately 15 acres of truck parking at the former Oakland Army Base, with the leased area moving to the Howard terminal and Berths 20-21 terminal areas in the Seaport with increased acreage and an expiration date of August 20, 2017; and

WHEREAS, on December 8, 2016, AMPCO changed its name to ABM Industry Groups, LLC, doing business as ABM Parking Services ("ABM"), with the operations and management of the Port's truck parking unchanged; now, therefore, be it

RESOLVED, that the Board hereby approves an extension of the Agreement with ABM from August 20, 2017 through July 31, 2018 for an amount not to exceed \$4,000,000 and on the terms and conditions as more fully set forth in the Agenda Report; and be it

FURTHER RESOLVED, that the Board hereby authorizes the Executive Director to enter into an amendment to the Agreement with ABM to extend the contract through July 31, 2018 and in an amount not to exceed \$4,000,000, subject to approval as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED, that the Board hereby finds and determines that the action taken herein to extend the term of the Agreement is categorically exempt from requirements of 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 or 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. No changes to the premises or use are proposed, as this is an extension of an existing management agreement; 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 and 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; 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 November 30, 2017

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and
President Story – 7

Noes: 0