

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-14

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH
RESPECT TO THE OAK TO NINTH PARCELS WITH ZURICH
AMERICAN INSURANCE COMPANY, NEW HAMPSHIRE
INSURANCE COMPANY, NORTH STAR REINSURANCE
CORPORATION, AND ST. PAUL FIRE AND MARINE
INSURANCE COMPANY IN THE AMOUNT OF \$6,200,000.**

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 Agreement and Mutual Release With Respect to The Oak to Ninth Parcels with **ZURICH AMERICAN INSURANCE COMPANY, NEW HAMPSHIRE INSURANCE COMPANY, NORTH STAR REINSURANCE CORPORATION, AND ST. PAUL FIRE AND MARINE INSURANCE COMPANY ("INSURERS")** whereby, among other matters, the **INSURERS** will pay the Port of Oakland ("Port") the total sum of \$6,200,000; 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 February 22, 2018

Passed by the following vote:

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

Noes: 0

EP

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-15

**RESOLUTION APPROVING THE ASSIGNMENT OF
GROUND LEASE INTEREST OF EMBARCADERO
BUSINESS PARK, LLC FROM MR. TED EDEN TO
THEODORE A. EDEN, TRUSTEE, EDEN FAMILY
REVOCABLE TRUST UTD FOR PROPERTY LOCATED AT
1900-2000 EMBARCADERO ROAD, OAKLAND.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.2, dated February 22, 2018 (the "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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Board hereby approves the assignment of the ground lease interest for property located at 1900-2000 Embarcadero Road, Oakland, from Embarcadero Business Park, LLC, as successor to Theodore A. Eden (an individual) and Dorothy E. Bergamaschi (an individual) as tenants in common, to **Theodore A. Eden, Trustee, Eden Family Revocable Trust UTD**, as further described in the Agenda Report, and authorizes the Executive Director to execute such transfer of ownership interest documents and any related documents or agreements to effectuate this transaction, subject to approval as to form and legality by the Port Attorney. Furthermore, if the transfer of ownership interest documents are not fully executed within thirty (30) days after Board approval, the approval shall be null and void unless extended at the sole and absolute discretion of the Executive Director of his designee.

SECTION 2. The Board hereby finds and determines that the proposed assignment is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301, 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. The Board hereby finds and determines that the proposed assignment is also exempt from CEQA pursuant to CEQA Guidelines Section 15300.4, which exempts the execution of leases or agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

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

At the regular meeting held on February 22, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Martinez, Yee and President Story – 6

Excused: Commissioner Hamlin – 1

Noes: 0

EP

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-16

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY FEDEX.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.4 - the Summary Sheet for Permit Application (Port Permit No. 5172) dated February 7, 2018 - 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 approves the building permit for the following work:

- A. Applicant: **FedEx**
- B. Premises: 1 Sally Ride Way, Oakland, California
- C. Estimated Cost: \$250,000

D. Work: Modifications to aircraft power supply that currently provides 400Hz power to each parking gate through a centralized 60Hz to 400Hz converter that must remain energized at all times. The new system will run the 60Hz power to the gates and convert to 400Hz at each gate as needed with portable converters, and will use less power and be more reliable so that it will be less necessary to use backup fuel-powered generators. The work includes replacement of electrical equipment to remove the centralized converter and provide 60Hz power to each gate that will not be converted to 400Hz for planes as needed.

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 15301, Class 1(a), which exempts projects involving alterations to existing electrical conveyances involving negligible or no expansion of an existing use.

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 February 22, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Martinez, Yee and
President Story – 6
Excused: Commissioner Hamlin – 1
Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-17

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE PARKING MANAGEMENT AGREEMENTS WITH DOUGLAS PARKING, LLC FOR SELF-PARKING SERVICES AND WITH VALET HOSPITALITY SERVICES - JACK LONDON SQUARE, LLC FOR VALET PARKING SERVICES FOR VARIOUS PORT-OWNED PARKING FACILITIES IN JACK LONDON SQUARE FOR A TERM OF THREE (3) YEARS WITH TWO (2) ONE-YEAR OPTIONS, FOR AN AMOUNT NOT TO EXCEED \$10,438,861.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated February 22, 2018 (the "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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Board hereby approves the following:

- A. Awarding to, and authorizing the Executive Director to execute with, Parking Management Agreements with **Douglas Parking, LLC** for self-parking services and with **Valet Hospitality Service - Jack London Square, LLC** for valet parking services, respectively, for a total amount not to exceed \$10,438,861 over the potential five-year term, as further described in the Agenda Report, provided that both proposers submit to the Port fully executed Labor Peace Agreements and Parking Management Agreements pursuant to the timeframes in the Request for Proposal (RFP).

- B. If the Labor Peace Agreements or Parking Management Agreements are not executed and submitted to the Port within the timeframes in the RFP, the Board hereby awards to, and authorizes the Executive Director to execute with, a Parking Management Agreement with **ABM Parking Services** for both self-parking services and valet parking services, and that the existing Parking Management Agreements be extended for thirty days as necessary to allow for execution of these documents, as described further in the Agenda Report.

SECTION 2. Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines the following:

- A. The proposed assignment is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15300.4, which exempts the execution of leases or agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.
- B. The proposed agreements are for the performance of general services by contract that are in the public interest because of economy and better performance, and will not result in the loss of employment or salary by any person having permanent status in the competitive service.

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

At the regular meeting held on February 22, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Martinez, Yee and President Story – 6
Excused: Commissioner Hamlin – 1
Noes: 0