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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-110

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO RENEW OR MODIFY
CERTAIN EMPLOYEE HEALTH AND WELFARE BENEFIT
PLAN CONTRACTS FOR THREE YEARS, ENDING
DECEMBER 31, 2021, IN AN AMOUNT NOT TO
EXCEED A CUMULATIVE 10% INCREASE OVER THE
CURRENT CONTRACT RATE.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 2.2, dated October 25, 2018 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 RESOLVED 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 exempt from the California Environmental Quality Act ("CEQA") under Sections 15060(c)(3) and 15378(b)(2) of the CEQA Guidelines because the requested Board actions are not projects under CEQA and therefore no environmental review is required.

Section 2. The Board hereby approves and authorizes the Executive Director to renew or modify certain employee health and welfare benefit plan contracts for a period of three years ending December 31, 2021, as long as the administrative fee rate or premium rate, as the case may be, does not exceed a cumulative 10% over those rates in the current contract, provided that there is no material change in the terms and conditions, and as further described in the Agenda Report, provided that all agreements 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 Board. 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.

At the regular meeting held on October 25, 2018

Passed by the following vote:

Ayes: Commissioners Story, Colbruno, Hamlin, Martinez, and
President Butner – 5

Abstain: Lee – 1

Excused: Cluver – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-111

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY SOUTHWEST AIRLINES.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.3 - the Summary Sheet for Permit Application (Port Permit No. 5204) dated October 9, 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: **Southwest Airlines**
- B. Premises: 1 Airport Drive, Terminal 2, Oakland, California
- C. Estimated Cost: \$1,044,000
- D. Work: Construction of a new storage building on an existing paved area southwest of the end of the Terminal 2 extension, including installation of an approximately 4,900 square foot modular building and installation of electrical, data, and fire water service connections to the Terminal building.

E. Sustainability: This project will follow current Green building and Energy Codes, as enforced by the City of Oakland, as well as the construction of debris recycling requirements, and include the installation of site design measures to reduce pollution, stormwater runoff peak flows and volumes, and other impacts. No other sustainability measures are being considered outside the scope of this project.

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 15303, Class 3(e) (Construction of an Accessory Structure), which exempts the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

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 October 25, 2018

Passed by the following vote:

Ayes: Commissioners Story, Colbruno, Hamlin, Martinez, and President Butner – 5

Abstain: Lee – 1

Excused: Cluver – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-112

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND
SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
PORT SECURITY GRANT FUNDING FOR TWO PORT SECURITY
PROJECTS IN THE AMOUNT OF \$1,350,000.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1 dated October 25, 2018 ("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 hereby finds and determines that:

A. It is in the best interest of the Port to approve the acceptance of grants awarded by the **Department of Homeland Security Federal Emergency Medical Agency ("DHS/FEMA")** for support of **two security initiatives: (1) Port Security Operations Center staffing and (2) Maritime Security Surveillance System major maintenance and repair projects ("Port Security Projects")**.

B. The proposed action to accept the **DHS/FEMA** grant was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. The Port Security Projects were determined to be exempt from CEQA at the time the projects initially approved by the Board. This action to accept grant funding for these Port Security Projects is not subject to additional environmental review under CEQA.

SECTION 2. The Board hereby:

A. Approve the acceptance of grants awarded by **DHS/FEMA** for the **Port Security Projects**.

B. Authorizes the Executive Director to submit documents and accept DHS/FEMA grants on behalf of the Board, and to execute and submit all documents which may be necessary or convenient to complete said applications when said grant offers are released. The Secretary of the Board is hereby authorized and directed to attest to the execution of such grant agreements, if deemed necessary.

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. 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.

At the regular meeting held on October 25, 2018

Passed by the following vote:

Ayes: Commissioners Story, Colbruno, Hamlin, Lee, Martinez, and

President Butner – 6

Excused: Cluver – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-113

RESOLUTION (1) APPROVING AND AUTHORIZING THE PROJECT BUDGET OF \$2,190,000 FOR DESIGN OF PAVEMENT REHABILITATION AT OAKLAND INTERNATIONAL AIRPORT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH ORION ENGINEERS AND ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR THE TOTAL AMOUNT NOT TO EXCEED \$1,200,000 FOR PAVEMENT REHABILITATION AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2 dated October 25, 2018 ("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 project budget for design of the following Oakland International Airport pavement rehabilitation projects identified in the Port's 5-year Capital Improvement Program ending fiscal year 2023: Taxiway Romeo (East), Taxiway Bravo (Between Taxiways Tango and Whiskey), Taxiway Victor, Runway 10R/28L, and Airport Drive/Bessie Coleman Drive (collectively referred to herein as the "OAK Pavement Projects") in an amount not to exceed \$2,190,000;

B. The proposed agreement with Orion Engineers and Associates ("Orion") for the OAK Pavement Projects constitutes an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from Orion;

SECTION 2. The Board hereby approves the following:

A. Authorizing project budget for design of the **OAK Pavement Projects** in an amount not to exceed \$2,190,000.

B. Award of a contract for design of the **OAK Pavement Projects** to **Orion** in an amount not to exceed \$1,200,000.

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

A. Award and execute a contract with Orion for design of the **OAK Pavement Projects** in an amount not to exceed \$1,200,000.

SECTION 4. The proposed actions to approve design project budget and enter into a design agreement were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. Because it can be seen with certainty that there is no possibility that taking the proposed actions may have a significant effect on the environment, these actions are not considered a "project" under CEQA and is not subject to CEQA under the General Rule Exclusion.

SECTION 5. 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 October 25, 2018

Passed by the following vote:

Ayes: Commissioners Story, Colbruno, Hamlin, Lee, Martinez, and

President Butner – 6

Excused: Cluver – 1

Noes: 0