

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

11/29/18
CLOSED SESSION
DSC/1st

RESOLUTION NO. 18-114

**RESOLUTION APPROVING AND AUTHORIZING SETTLEMENT IN
THE WORKERS' COMPENSATION APPEALS BOARD MATTER,
CASE NO. ADJ10752533, PORT EMPLOYEE NO. 384529 v.
PORT OF OAKLAND IN THE AMOUNT OF \$150,000.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes settlement in the Workers' Compensation Appeals Board matter, Case No. ADJ 10752533, Port Employee No. 384529 v. Port of Oakland, in the amount of \$150,000 as addressed in the State of California Workers' Compensation Appeals Board Compromise and Release; 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 any 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.

At the regular meeting held on November 29, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-115

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A SETTLEMENT AGREEMENT AND PARTIAL RELEASE
WITH RESPECT TO THE 205-209 BRUSH STREET (CNG
FACILITY) SITE WITH ZURICH AMERICAN INSURANCE
COMPANY IN THE AMOUNT OF \$54,000.**

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 Partial Release With Respect to the 205-209 Brush Street (CNG Facility) Site with Zurich American Insurance Company ("Zurich") whereby, among other matters, Zurich will pay the Port of Oakland \$54,000 concerning the reimbursement of certain environmental contamination-related costs incurred from November 1, 2008, through December 31, 2017; 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 November 29, 2018

Passed by the following vote:

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

Noes: 0

MA

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-116

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A SETTLEMENT AGREEMENT AND RELEASE OF ALL
CLAIMS WITH EMPLOYEE NO. 401018 WHICH INVOLVES
SETTLEMENT PAYMENTS IN THE AMOUNT OF \$350,000
AND OTHER TERMS.**

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 Release of All Claims with Employee No. 401018 which involves settlement payments in the amount of \$350,000 and other terms; 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 November 29, 2018

Passed by the following vote:

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

Noes: 0

MA

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-117

RESOLUTION: (1) APPROVING CAPITAL BUDGET AUTHORIZATION OF UP TO \$5,667,040 TO PROCURE EQUIPMENT FOR USE BY THE AIRPORT AND SEAPORT; (2) DESIGNATING CERTAIN MISCELLANEOUS PORT OF OAKLAND PROPERTY AS INADEQUATE, OBSOLETE OR WORN-OUT; (3) APPROVING THE SALE, DONATION, AND/OR OTHER DISPOSITION OF SUCH PROPERTY AND AUTHORIZING THE EXECUTIVE DIRECTOR TO DISPOSE OF SUCH PROPERTY THROUGH A VARIETY OF MEANS, INCLUDING SALE, DONATION, SCRAPPING, RECYCLING, DESTRUCTION AND ABANDONMENT IN ACCORDANCE WITH PORT ORDINANCE 4321; (4) AUTHORIZING THE EXECUTIVE DIRECTOR TO PROCURE THE EQUIPMENT TOTALING \$5,667,040; (5) AWARDDING ITEMS OVER \$250,000 TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER; AND (6) AUTHORIZING SINGLE-SOURCE PURCHASE OF SPECIFIC ITEMS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.3 dated November 29, 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;

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 total capital budget in a total aggregate amount not to exceed \$5,667,040 for purchase of new vehicles and equipment, specifically as listed in the table below and as further described in the Agenda Report ("New Equipment");

ITEM	QUANTITY
*Replacement Forklift 10,000 LB (electric)	1
Replacement D6 Bulldozer	1
Replacement Grader	1
Replacement Air Compressor	1
Replacement Generator 65 hp	1
Replacement Generator 235 hp	1
*Replacement 10-Passenger Van (electric)	1
Replacement Bucket Truck (gas)	1
Replacement Flatbed Trucks (gas)	1
*Replacement Flatbed Trucks (electric)	1
Upgrade Flatbed Truck (gas)	1
Upgrade Sprayer	1
Replacement Sealcoat Sprayer	1
Replacement Runway "X" Signs	2
New Jet Bridge Monitoring Equipment	1
New Loading Ramp	1
New Passenger Lift	1
New Electro-Magnetic Inspection Scanner	2
New Surveillance Radar	1
Replacement Uninterruptible Power Supply (UPS)	38
Replacement Multi-User Flight Information Display Monitors (MUFIDS)	50
Replacement Satellite Phones	2
New Furniture in Emergency Operations Center	1
New E510 Handheld Readers	3
New Tow Cart Plastic Liners	33
Replacement Recycling Compactors	2
New Washout Bins	2
New Spill Cart	1

ITEM	QUANTITY
Replace Noise Monitoring Terminal Components	7
Replacement Portable Light Towers	4
Replacement Loader	1
Replacement Paver	1
Replacement Large Capacity Forklifts (diesel)	1
*Replacement Large Capacity Forklifts (electric)	1
Replacement Backhoe	1
Replacement Air Compressor	2
Replacement Pressure Washer	1
Replacement Mower	1
Replacement Mobile Vacuum on Trailer	1
New High Lift Wheel Dolly	1
New Transmission Jack	1
Replacement Work Trucks (gas)	9
*Replacement Work Trucks (electric)	2
Replacement Painter Van (gas)	1
Replacement Arrow Board	1
Replacement Scissor Lift	1

B. It is in the best interest of the Port to authorize the Executive Director to waive the requirements of formal competitive bidding for procurement of an electromagnetic inspection station and to procure the equipment through vendor CEIA;

C. It is in the best interest of the Port to authorize the Executive Director to waive the requirements of formal competitive bidding for procurement of a passenger lift and to procure this equipment directly from Lift-A-Loft Engineered Aerial Solutions Corporation;

D. It is in the best interest of the Port to designate and the Board hereby designates certain miscellaneous Port property, including a diesel 10,000 lb forklift, a bulldozer, a grader, three (3) air compressors, a 65-hp portable diesel generator, a large passenger van, a diesel-operated bucket truck, two (2) flatbed trucks, a ½ ton truck, a 100-gallon sprayer, a sealcoat sprayer, two (2) runway closure "X" signs, thirty-eight (38) uninterruptible power supplies, fifty (50)

multi-user flight information display monitors, two (2) satellite phones, seven (7) noise monitoring components, four (4) portable light towers, a loader, a paver, two (2) large capacity forklifts, a backhoe, a pressure washer, a mobile vacuum on trailer, six (6) work trucks, a painter van, an arrow board and an electric scissor lift, all as further described in the Agenda Report and the Attachment to the Agenda Report (collectively, "Surplus Property"), as inadequate, obsolete or worn-out within the meaning of Port Ordinance No. 4321, and Sections 5.13(a) of the Port's Bond Indentures.

E. The proposed action to purchase New Equipment and to declare Surplus Property was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. The CEQA Guidelines Section 15378(b)(2) states that "(c)ontinuing administrative or maintenance activities, such as purchases for supplies" is not considered a project. Because this action involves purchasing equipment for maintenance activities, Section 15378(b)(2) applies and therefore is not subject to CEQA.

SECTION 2. The Board hereby:

A. Authorizes the total capital budget for purchase of New Equipment in a total aggregate amount not to exceed \$5,667,040.

B. Authorizes the sale, donation and/or disposition of Surplus Property.

C. Authorizes the Executive Director to dispose of Surplus Property through a variety of means, including sale, donation, scrapping, recycling, destruction and abandonment in compliance with Port Ordinance No. 4321, as more fully described in the Agenda Report.

D. Authorizes the Executive Director to execute all appropriate documents necessary to transfer ownership of property subject to the conditions stipulated, as more fully described in the Agenda Report.

E. Authorizes the Executive Director to procure the New Equipment at a total cost not to exceed \$5,667,040, provided, however, that the contract(s) for said procurement shall be approved as to form and legality by the Port Attorney.

F. Authorizes the Executive Director to award to the lowest responsive, responsible bidder the following items that exceed \$250,000: D6 Bulldozer, Grader, Loading Ramp & Passenger Lift.

G. Authorizes the Executive Director to waive competitive bidding and directly procure the electromagnetic inspection scanner through CEIA and the passenger lift through Lift-A-Loft Engineered Aerial Solutions Corporation; 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 disposition and execution of any necessary agreements in accordance with the terms of this resolution. Unless and until each such separate 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 other contracting party, there shall be no valid or effective agreement; and be it

FURTHER RESOLVED, 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.

At the regular meeting held on November 29, 2018

Passed by the following vote:

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

Noes: 0

[Handwritten signature] *MA*

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-118

**RESOLUTION APPROVING THE APPOINTMENT OF
REBECCA HAGGERTY AS THE CHIEF AUDIT OFFICER
EFFECTIVE JANUARY 2, 2019 AT AN ANNUAL
SALARY OF \$195,000.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.5 dated November 29, 2018 ("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; now, therefore, be it

RESOLVED, that the Board hereby appoints Rebecca Haggerty as the Chief Audit Officer effective January 2, 2019 at an annual salary of \$195,000; 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 the testimony received.

At the regular meeting held on November 29, 2018

Passed by the following vote:

Ayes: Commissioners Story, Martinez, Colbruno, Cluver and
President Butner – 5
Abstain: Lee - 1
Noes: 0

MA

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-119

**RESOLUTION ADOPTING A NEW SCHEDULE FOR THE MEETING
OF THE BOARD OF PORT COMMISSIONERS FOR CALENDAR YEAR
2019.**

WHEREAS, Article III of the By-Laws and Administrative Rules for the Board of Port Commissioners ("By-Laws"), the Port of Oakland Sunshine Ordinance (No. 4265), and Rule V(C) of the Rules for Public Participation at Meetings of the Board of Port Commissioners and Standing Committees ("Rules") specify that the Board of Port Commissioners ("Board") shall establish a regular meeting schedule for Board meetings; and

WHEREAS, the Ralph M. Brown Act (California Government Code Section 54950 et seq.) permits the Board to determine and adjust the dates and times of the Board's regular meetings, from time to time, by way of resolution or motion; now, therefore be it

RESOLVED, that the Board's meetings for calendar year 2019 shall be held in the Board Room of the Port of Oakland Building, 530 Water Street, in the City of Oakland on the following days at the following times:

Thursday, January 24, 2019	1:00 PM
Thursday, February 14, 2019	1:00 PM
Thursday, February 28, 2019	1:00 PM
Thursday, March 14, 2019	1:00 PM
Thursday, March 28, 2019	1:00 PM
Thursday, April 11, 2019	1:00 PM
Thursday, April 25, 2019	1:00 PM
Thursday, May 9, 2019	1:00 PM
Thursday, May 23, 2019	1:00 PM
Thursday, June 13, 2019	1:00 PM
Thursday, June 27, 2019	1:00 PM
Thursday, July 11, 2019	1:00 PM
Thursday, July 25, 2019	1:00 PM

August Recess

Thursday, September 12, 2019	1:00 PM
Thursday, September 26, 2019	1:00 PM
Thursday, October 10, 2019	1:00 PM
Thursday, October 24, 2019	1:00 PM
Thursday, November 7, 2019	1:00 PM
Thursday, November 21, 2019	1:00 PM
Thursday, December 12, 2019	1:00 PM

FURTHER RESOLVED, that the Board shall modify this meeting schedule, as appropriate from time to time, by action of the Board.

At the regular meeting held on November 29, 2018

Passed by the following vote:

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

Noes: 0