

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-33

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A SETTLEMENT AGREEMENT AND PARTIAL RELEASE
WITH RESPECT TO THE OAKLAND ARMY BASE AND RELATED
AREAS WITH ZURICH AMERICAN INSURANCE COMPANY IN
THE AMOUNT OF \$1,750,000.**

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 Oakland Army Base and Related Areas with Zurich American Insurance Company ("Zurich") whereby, among other matters, Zurich will pay the Port of Oakland \$1,750,000 concerning environmental contamination at the Oakland Army Base Area of Interest; 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 23, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and
President Butner – 7

Noes: 0

CT
DW

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-34

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
EXTEND THE EXISTING PROCUREMENT CONTRACT WITH
ARAMARK UNIFORM SERVICES FOR ONE-YEAR TO JUNE 30,
2020.**

WHEREAS, on April 20, 2012, the Port Purchasing Department issued a formal Request for Proposal 11-12/03 for uniform rental and laundry service; and

WHEREAS, Aramark Uniform Services was awarded the uniform services contract which is scheduled to expire June 30, 2019; and

WHEREAS, the total contract authorization as approved by the Board of Port Commissioners ("Board") is \$600,000 and is not proposed to change; and

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item 2.2 dated May 23, 2019 ("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; now, therefore be it

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; and be it

FURTHER RESOLVED, that the Board hereby authorizes the Executive Director to extend the existing procurement contract with Aramark Uniform Services for the Port's uniform rental and laundry service needs for one year to June 30, 2020, with no increase in maximum compensation; and be it

FURTHER RESOLVED, that the Board determines and finds that it can be seen with certainty that there is no possibility that extending the agreement with Aramark Uniform Services to provide uniform rental and laundry services to Port employees will result in a physical change in the environment, and therefore, this action is not subject to California Environmental Quality Act ("CEQA") and no further environmental review is required; and be it

FURTHER RESOLVED, that this resolution is not evidence of and does not create or constitute (a) a contract(s), 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 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 May 23, 2019
Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and
President Butner – 7
Noes: 0

CTW

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-35

RESOLUTION RATIFYING AUDIT COMMITTEE MEMBERS.

WHEREAS, on May 8, 2014, the Board of Port Commissioners ("Board") approved the designation of a standing Audit Committee consisting of three Board members, with specific and limited responsibilities and subject-matter jurisdiction (as further described in the Agenda Report Item 5.1 dated May 8, 2014 and the accompanying resolution); and

WHEREAS, the President of the Board appointed Commissioners Joan Story (Chair), Michael Colbruno and Arabella Martinez to such standing Audit Committee; and

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item 2.3 dated May 23, 2019 ("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; now, therefore be it

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; and be it

FURTHER RESOLVED, that the Board hereby ratifies the appointment of Commissioners Joan Story (Chair), Michael Colbruno and Arabella Martinez to the standing Audit Committee.

At the regular meeting held on May 23, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-36

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY SEAFARER'S MINISTRY OF THE
GOLDEN GATE (SMGG).**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.4 - the Summary Sheet for Permit Application (Port Permit No. 5231) dated May 9, 2019 - 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 (defined below) for a building permit to perform certain work at the Premises (defined below), 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: **Seafarer's Ministry of the Golden Gate (SMGG).**
- B. Premises: 4001 7th Street, Oakland, California.
- C. Estimated Cost: \$5,000.00.

D. Work: Installation of a sculpture on a new 6'x6' concrete pad adjacent to the Maritime Center building. The proposed installation is outside the 100-foot shoreline band, but Applicant will obtain BCDC approval if required. The sculpture will serve as a memorial to merchant marine veterans, other mariners who have lost their lives at sea, and to all seafarers on ships coming into Oakland. The sculpture's artist is Bosun James Allen King, an active seafarer and member of the Sailors Union of the Pacific.

E. Sustainability: No 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), 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 Port.

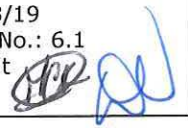
SECTION 4. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on May 23, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-37

**RESOLUTION APPROVING AND AUTHORIZING
ADDITIONAL PROJECT BUDGET OF \$1,840,000
FOR COSTS ASSOCIATED WITH THE RAISING OF
CRANES XC14, 15, 16 AND 17 AT THE OAKLAND
INTERNATIONAL CONTAINER TERMINAL IN THE
SEAPORT.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.1 dated May 23, 2019 ("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, in February of 2017, the Board approved an overall budget of \$14,800,000 for Port tenant SSA Terminals (Oakland) LLC ("SSAT") to raise four (4) cranes, including \$14,000,000 for the fabrication, installation, and commissioning the raising of four (4) Port-owned cranes and \$800,000 for Port oversight of the crane raise efforts; and

WHEREAS, due to increased level of effort by Port staff and consultants during fabrication, installation, and commissioning of the raised cranes, the total projected cost for the crane raising is \$16,640,000, which is \$1,840,000 over the Board authorized budget; 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 and authorize additional project budget of \$1,840,000 for **costs associated with raising Cranes XC14, 15, 16 and 17 at Oakland**

International Container Terminal in the Seaport ("Crane Raise Project"), for a total project budget of \$16,640,000; and

- B. The requested actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this action will result in a physical change in the environment, and therefore, this action is not subject to CEQA and no further environmental review is required.

SECTION 2. The Board hereby approves and authorizes additional project budget of \$1,840,000 for the **Crane Raise Project**, for a total project budget of \$16,640,000.

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.

At the regular meeting held on May 23, 2019
Passed by the following vote:

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