

[Handwritten signature]

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE MANAGEMENT AGREEMENTS WITH ABM INDUSTRY GROUPS, LLC DBA ABM PARKING SERVICES FOR THE SEAPORT INTERIM TRUCK PARKING FACILITIES FOR A TERM OF THREE (3) YEARS WITH TWO (2) ONE-YEAR OPTIONS, FOR AN AMOUNT NOT TO EXCEED \$17,500,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated May 10, 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 a Management Agreement ("Agreement") with **ABM Industry Groups LLC dba ABM Parking Services** for the Seaport Interim Truck Parking Facilities for a total amount not to exceed \$17,500,000 over the maximum term not to exceed five years and as further described in the Agenda Report, provided that ABM executes the Agreement within a reasonable time and in advance of July 31, 2018.

- B. If the Agreement is not executed and submitted to the Port in a reasonable time, the Board hereby awards to, and authorizes the Executive Director to execute a Management Agreement ("Agreement") with the next highest ranked respondent for the Seaport Interim Truck Parking Facilities, and that the existing Parking Management Agreement with ABM Industry Groups, Inc. dba ABM Parking Services be extended up to October 31, 2018 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. This action was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and applicable existing CEQA documentation. The 2002 Oakland Army Base Area (OAB) Redevelopment Plan Environmental Impact Report (2002 Redevelopment EIR) evaluated the potential impacts of redevelopment of the 1,800-acre redevelopment area, including the former OAB and the Maritime sub-district. The EIR was certified by the lead agency, the City of Oakland, in July 2002. On September 17, 2002, the Board of Port Commissioners, acting on behalf of the Port of Oakland as a responsible agency under CEQA, adopted findings and the mitigation program in the City's EIR (Resolution No. 02317). In 2012, the City of Oakland, in consultation with the Port, issued an Initial Study/Addendum to the Redevelopment EIR to evaluate proposed changes to the redevelopment plan. The resulting updated Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP) was adopted by the Board of Port Commissioners on June 21, 2012 (Resolution No. 12-76). The OAB Redevelopment EIR, as addended, includes 90 acres of ancillary maritime services such as Truck Parking that would be located within the Seaport. The Truck Parking services that would continue under the proposed action are consistent with the project analyzed in OAB Redevelopment EIR, as addended, and no substantial changes are proposed. Operational impacts would be the same as described in the EIR and Addendum. The proposed action does not trigger any of the conditions set forth in Section 15162 of the CEQA Guidelines, and no further CEQA review is thus required.
- 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.

DRAFT