

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

10/11/18
Item No. 2.1
MCR/msr
Hee
de

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FIRST AMENDMENT TO THE TEMPORARY RENTAL AGREEMENT WITH JACOBS ENGINEERING GROUP, INC. THROUGH DECEMBER 31, 2020 FOR DATA COLLECTION, LAND SURVEYING, UTILITY POTHOLING, AND SOIL TESTING IN SUPPORT OF THE GOPORT PROJECTS AT LOCATIONS WITHIN THE SEAPORT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated October 11, 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. 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.

Section 2. The Board hereby finds and determines as follows:

A. The Port entered into a rent-free Temporary Rental Agreement ("TRA") with the Jacobs Engineering Group on or about November 1, 2017, for data collection, land surveying and utility potholing within the Port boundaries in support of the design, development and delivery of the GoPort projects in conjunction with the Alameda County Transportation Commission ("Alameda CTC");

B. Alameda CTC and Jacobs have requested a one-year extension to the TRA on the same terms as the initial agreement;

C. Port staff has reached agreement with Jacobs on the terms of an extension to the TRA, with the following key terms:

- i. Premises: Located adjacent to and within the right of way of:
 - a. Middle Harbor Road: From Adeline Street bridge to 7th Street
 - b. Maritime Street: From Chungking Street to Middle Harbor Road
 - c. 7th Street: From Caltrans Right of Way to Ben E. Nutter Terminal;
- ii. Term: November 1, 2018–December 31, 2020;
- iii. Monthly Rent: \$0;
- iv. Security Deposit: \$0; and
- v. Use of Premises: Site visits as required to collect data for traffic counts, land surveys, utility potholing and soil testing.

D. The Board further finds and determines based upon all the information received by the Port to date that the proposed TRA extension provides a benefit to the Port through development of the GoPort projects which will improve and enhance seaport operations and that the activities contemplated in the TRA, as extended, can be accommodated without adverse impacts to the Port's current seaport operations.

E. The Board further finds and determines based upon all the information received by the Port to date that the proposed lease is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15306, which exempts from CEQA data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Section 3. The Board hereby authorizes the Executive Director or his designee to execute the proposed TRA extension with Jacobs and to make minor amendments to the TRA consistent with the intent of this ordinance and the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 4. This ordinance 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 ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

DRAFT

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney