

## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

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.