

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION APPROVING THE REMOVAL OF THE RADIO  
FREQUENCY DEVICE READER PROJECT FROM THE  
DEPARTMENT OF HOMELAND SECURITY FEDERAL  
EMERGENCY MANAGEMENT AGENCY GRANT AND RELATED  
ACTIONS FOR THE FREIGHT INTELLIGENT  
TRANSPORTATION SYSTEM PROJECT IN THE SEAPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 3.2 dated September 26, 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 or around October of 2018, the Board authorized Port staff to accept grant funding ("Grant") in the amount of \$1,824,000 from the United States Department of Homeland Security Federal Emergency Management Agency ("FEMA") for funding of two Port security projects, the Emergency Operations Center project ("EOC Project") and the Radio Frequency Identification Device Reader Project ("RFID Project"); and

**WHEREAS**, the EOC Project and RFID Project are part of the overall Freight Intelligent Transportation System Program ("FITS Program"), in which the Port is partnering with Alameda County Transportation Commission ("Alameda CTC"); and

**WHEREAS**, following the receipt of higher than anticipated construction bids on the RFID Project, the Port sought and obtained approval from FEMA to remove the RFID Project from the Grant and re-allocate the funds from the RFID Project to the EOC Project; 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 the removal of the RFID Project from the Grant and re-allocate the funds from the RFID Project to the EOC Project.

B. The proposed action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. 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, which included the Port locations for the FITS Program components. The EIR was certified by the lead agency, the City of Oakland, in June 2002. On September 17, 2002, the Board, 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 Board approved the revised redevelopment plan and adopted the revised mitigation program on June 21, 2012 (Resolution No. 12-76). 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.

**SECTION 2.** The Board hereby:

A. Approves the removal of the RFID Project from the Grant and re-allocate the funds from the RFID Project to the EOC Project.

B. Authorizes the Executive Director to execute and submit all documents which may be necessary or convenient to complete the removal of the RFID Project from the Grant, including amendment of agreements with Alameda CTC as necessary for the FITS Program. The Secretary of the Board is hereby authorized and directed to attest to the execution of documents, if deemed necessary.

**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. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. 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.