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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING A PROJECT BUDGET AND SPENDING AUTHORITY OF \$500,000 FOR THE AIRPORT PERIMETER DIKE IMPROVEMENTS (PHASE 1B) PROJECT AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 3.2, dated December 12, 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 September 12, 2019, the Board authorized the award of a construction contract and increased the total approved project budget for the Airport Perimeter DiKE Improvements Project to \$26.5 million; and

WHEREAS, due to the desire of the Port to obtain an Access License Agreement from the City of San Leandro for access to the Airport Perimeter DiKE through the City of San Leandro's Water Pollution Control Plant during construction and for future maintenance of the Airport Perimeter DiKE improvements for \$500,000, the total project budget would need to be increased by \$500,000; 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 \$500,000 for an Access License Agreement with the City of San Leandro for the Airport Perimeter DiKE Improvements Project; and

- B. The requested action is included in the Final Initial Study/Mitigated Negative Declaration determination under the California Environmental Quality Act ("CEQA"), and no further environmental review is required.

SECTION 2. The Board hereby approves and authorizes a project budget and spending authority of \$500,000 for the Access License Agreement with the City of San Leandro for the Airport Perimeter Dike Improvements Project.

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.