BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03001

RESOLUTION AUTHORIZING AN APPLICATION TO BE FILED WITH THE FEDERAL AVIATION ADMINISTRATION FOR APPROVAL TO AMEND PFC APPLICATION TEN, AND IMPOSE, COLLECT AND USE PASSENGER FACILITY CHARGES AT THE METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.

WHEREAS in accordance with Federal Aviation Regulations the Port has consulted with air carriers and foreign air carriers to amend the amount of the Passenger Facility Charges ("PFCs") under the Port's tenth PFC application ("PFC #10"); now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby authorizes the Executive Director to submit an application by the Port of Oakland to the Federal Aviation Administration for approval to amend PFC Application Ten to impose, collect and use a $4.50 PFC at the Metropolitan Oakland International Airport to fund the projects, in accordance with the Section 159.23 of Federal Regulations Part 158, as more fully set forth in Agenda Sheet Item No. 11 dated January 21, 2003, with the application to be on a form approved by the Port Attorney; provided that the imposition of such increased PFC for PFC #10 projects shall be by Ordinance to be approved by the Board; and be it

FURTHER RESOLVED that based on the information provided in the above-referenced Agenda Sheet, no subsequent or Supplemental Environmental Impact Report is required.

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301, Class 1 (a, c, d, and f) and Section 15302, Class 2 (b and c).

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held January 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6

Noes: None

Absent: President Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03002

RESOLUTION AUTHORIZING AN APPLICATION TO BE FILED WITH THE FEDERAL AVIATION ADMINISTRATION FOR APPROVAL TO IMPOSE AND USE PASSENGER FACILITY CHARGES ("PFC") RELATED TO THE TWELFTH PFC APPLICATION, AT THE METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.

WHEREAS in accordance with Federal Aviation Regulations the Port has consulted with air carriers and foreign air carriers to discuss proposed projects which the Port proposes to fund with Passenger Facility Charges ("PFCs") under the Port's twelfth PFC application ("PFC #12"); and

WHEREAS the Board has been advised that on March 28, 2002, the San Francisco Bay Area Rapid Transit District ("BART") certified its Final Environmental Impact Report for the Airport BART Connector Project; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby authorizes the Executive Director to submit an application by the Port of Oakland to the Federal Aviation Administration for approval to impose and use a $4.50 PFC at the Metropolitan Oakland International Airport to fund the projects in the PFC Application twelve, in accordance with the Title 14 Code of Federal Regulations Part 158, as more fully set forth in Agenda Sheet Item No. 13 dated January 21, 2003, with the application to be on a form approved by the Port Attorney; provided that the imposition of such PFC for PFC #12 projects shall be by Ordinance to be approved by the Board; and be it

FURTHER RESOLVED that based on the information provided in the above-referenced Agenda Sheet, no subsequent or Supplemental Environmental Impact Report is required; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the projects, with exception of the Airport BART Connector Project, have been cleared pursuant to the 1997 ADP EIR and the 1999 ADP SEIR in compliance with California Environmental Quality Act ("CEQA"); or have been determined to be categorically exempt from the requirements

with the CEQA; and the Port CEQA Guidelines as described in the above-referenced Agenda Sheet, and, with respect to the Airport BART Connector Project, the Board will comply with all appropriate CEQA requirements as a Responsible Agency at the time that the Board approved some component of the BART connector project, or at the time the Board adopts the Ordinance imposing the Passenger Facility Charge to fund a portion of the BART connector on the Airport, whichever is earlier; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03003

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH JOHN J. VEGA DOING BUSINESS AS AIRCRAFT SERVICES.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board a certain License and Concession Agreement between the Port and **JOHN J. VEGA**, doing business as **A2Z AIRCRAFT SERVICES**, for continued access to the South Airport, Oakland International Airport, Oakland, California to provide janitorial services, aircraft washing, cabin cleaning and maintenance and repair services, at the rate proposed and as otherwise described in Agenda Sheet Item No. 14, dated January 21, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to CEQA Guidelines, Article 19, Section 15300.4 and Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

42097

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03004

RESOLUTION APPROVING CONSENT TO ASSIGNMENT OF RIGHTS FROM ROBERTS, ROACH & ASSOCIATES TO UNISYS FOR CERTAIN EXISTING CONSULTANT AGREEMENTS.

WHEREAS on April 24, 2001 by Resolution No. 01148, the Board of Port Commissioners ("Board") approved the consultant agreement with **ROBERTS, ROACH & ASSOCIATES** for specialized air services consulting; now, therefore be it

RESOLVED that the Board consents and hereby grants **ROBERTS, ROACH & ASSOCIATES** the assignment of said consultant agreement to **UNISYS**, provided that such consent is granted upon the express condition that **UNISYS** shall assume all of the obligations and liability of **ROBERTS, ROACH & ASSOCIATES** under said consultant agreement, as more fully set forth in Agenda Item No. 15, dated January 21, 2003; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

42140

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03005

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF RIGHT-OF-ENTRY AGREEMENT AND AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH THE BOEING COMPANY.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **THE BOEING COMPANY** ("**BOEING**") to install certain checked baggage security equipment and to construct physical improvements to the terminal buildings at Oakland International Airport, Oakland, California, as required by the 2001 United States Aviation and Transportation Security Act (the "Act") at the rate proposed and as otherwise described in Agenda Sheet Item No. 16, dated January 21, 2003 (the "Agenda Sheet"); and be it

FURTHER RESOLVED that the Board hereby approves the Right-of-Entry Agreement between the Port and **THE BOEING COMPANY**, which will govern the terms and conditions under which BOEING may enter upon certain areas at the Oakland International Airport to construct additional physical improvements and to install the security equipment as required by the Act and as otherwise described in the Agenda Sheet; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Statutory Exemption 15269(c); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03006

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH OAKLAND MUSEUM OF CALIFORNIA.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **OAKLAND MUSEUM OF CALIFORNIA, (Museum)** for approximately 72 square feet of storage space located in Building M-103, Terminal I and approximately 510 square feet of storage space located at Building M-710, Oakland International Airport, Oakland, California, at the rate proposed and as more fully described in Agenda Sheet Item No. 18, dated January 21, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or agreement, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03007

RESOLUTION ACCEPTING GRANT OF NOISE AND AVIGATION EASEMENT AND COVENANTS RUNNING WITH THE LAND FROM THE BAY AREA CHINESE BIBLE CHURCH, OWNER OF THE LAND ON BAY FARM ISLAND, CITY OF ALAMEDA.

RESOLVED that the Board of Port Commissioners ("Board") hereby accepts that certain Grant of Noise and Avigation Easement and Covenants Running With The Land ("Grant") from the **BAY AREA CHINESE BIBLE CHURCH** ("Grantors"), owners of land on Bay Farm Island, City of Alameda, dated January 22, 2003, on file with the Secretary of the Board, whereby the Grantors grant to the Port an easement for lawful flight of aircraft in the airspace over Grantors' land and for noise and associated impacts resulting from operations at the Metropolitan Oakland International Airport and Grantors agree, among other things, subject to the limitations, terms and conditions of the Grant, that no obstruction to air navigation shall exist on Grantors' land, that structures on Grantors' land will be constructed in accordance with a design to reduce the exterior to interior ambient noise level by 34 dB and to achieve an interior noise level not exceeding 40 dB CNEL and that Grantors shall release and indemnify the Port regarding liability and claims arising out of the Port's exercise of the easement; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized on behalf of the Board to execute the Grant and to accept the Grant for purposes of recording, provided that the Grant is approved as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that the delivery of said Grant shall be on such terms and conditions as may be acceptable to the Port Attorney who is hereby authorized to purchase on behalf of the Port a policy of title insurance subject to such exceptions and such terms and conditions as he may deem appropriate; and be it

FURTHER RESOLVED that the Board finds and determines that the approval and implementation of this resolution are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, since it can be seen with certainty that there is no possibility that these matters will have a significant effect on the environment; and be it

FURTHER RESOLVED that the location and custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based respectively are 530 Water Street, Oakland, California, and the Secretary of the Board; and be it

FURTHER RESOLVED that 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, 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

41794

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03008

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH B & R GENERAL ROOFING, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Commercial Real Estate to execute for and on behalf of the Board a certain License and Concession Agreement between the Port and **B & R GENERAL ROOFING, INC.**, for occupancy at property located at 1899 Dennison Street, Oakland, California, at the rate proposed and as otherwise described in Agenda Sheet Item No. 22, dated January 21, 2003; and

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

42106

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03009

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH JWD GROUP FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 31, dated January 21, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **JWD GROUP** for **truck queuing analysis at major marine terminals within the Port of Oakland** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **JWD GROUP** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **JWD GROUP** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$40,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

42138

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03010

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CERTIFYING CONSIDERATION OF INITIAL STUDY AND NEGATIVE DECLARATION FOR CONSTRUCTION OF BERTHS 32/33 WHARF REHABILITATION, OUTER HARBOR, OAKLAND CALIFORNIA, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE NEGATIVE DECLARATION, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners ("Board") hereby certifies that it has considered the Initial Study and proposed Negative Declaration, together with the public comments and the Port's responses thereto, for the project entitled **"Construction of Berths 32/33 Wharf Rehabilitation, Outer Harbor, Oakland, California"** (said matters considered being herein collectively referred to as the "Initial Study/Negative Declaration"); and be it

FURTHER RESOLVED that on the basis of the whole record before it, including the Initial Study/Negative Declaration and the comments received thereon and the Port's responses thereto, the Board hereby finds that there is no substantial evidence that said project will have a significant effect on the environment; and be it

FURTHER RESOLVED that on the basis of the Board's finding that there is no substantial evidence that said project will have a significant effect on the environment, the Board hereby approves and adopts the Negative Declaration; and be it

FURTHER RESOLVED that the Board hereby finds that the Mitigated Negative Declaration reflects the independent judgment of the Board; and be it

FURTHER RESOLVED that the location and custodian of the documents or other material which constitute the record of proceedings

upon which the Board's decision is based respectively are 530 Water Street, Oakland, California, and the Secretary of the Board; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City and the Seaport Plan; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 32, dated January 21, 2003 (herein "Agenda Sheet"), for **Construction of Berths 32/33 Wharf Rehabilitation, Outer Harbor, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to March 5, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that pursuant to Section 5e of Port Ordinance No. 1606 the time within which a contract may be let to the lowest responsible bidder after bid opening is hereby extended from 60 days to 90 days; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At a regular meeting held January 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6

Noes: None

Absent: President Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03011

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCT RAILROAD SPUR AND SITE WORK AT JOINT INTERMODAL TERMINAL FOR TRANSLOAD WAREHOUSE D-516, VISION 2000, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 34, dated January 21, 2003 (herein "Agenda Sheet"), for **Construct Railroad Spur and Site Work at Joint Intermodal Terminal for Transload Warehouse D-516, Vision 2000, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to February 19, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

42116

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03012

RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH THOMAS D. EYCHNER, INC., FOR THE DEMOLITION OF BUILDINGS C-401, C-406, AND C-407, VISION 2000, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves an additive change order to **Thomas D. Eychner Co., Inc.**, under the contract for the **Demolition of Buildings C-401, C-406, and C-407, Vision 2000, Oakland International Airport, Oakland, California** for sorting Port-furnished soil, in the amount of $100,000.00, consistent with Board Agenda Sheet Item No. 35, dated January 21, 2003, (the "Agenda Sheet"), provided, however, that said change order shall be in a form prepared by the Port Attorney and shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the Board finds that it is in the Port's best interest to grant to the Executive Director the authority to issue additional change orders, not to exceed the aggregate total of $100,000.00 to the contract **Demolition of Buildings C-401, C-406, and C-407, Vision 2000, Oakland International Airport, California,** in accordance with Port Ordinance 1606, Section 5(i)(3)(ii).

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03013

RESOLUTION CERTIFYING CONSIDERATION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR RECONSTRUCTION OF THE BERTH 22 WHARF AND RECONFIGURATION OF ADJACENT YARDS, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND APPROVING THE RECONSTRUCTION OF THE BERTH 22 WHARF AND RECONFIGURATION OF ADJACENT YARDS.

RESOLVED that the Board of Port Commissioners ("Board") hereby certifies that it has considered the Initial Study and proposed Mitigated Negative Declaration, together with the public comments and the Port's responses thereto, for the project entitled **"Reconstruction Of The Berth 22 Wharf And Reconfiguration Of Adjacent Yards"** (said matters considered being herein collectively referred to as the "Initial Study/Mitigated Negative Declaration"); and be it

FURTHER RESOLVED that the Board hereby adopts the Mitigation Monitoring Program, attached to Agenda Sheet Item No. 36 dated January 21, 2003, for the changes made to the project or conditions of project approval, in order to avoid significant effects on the environment; and be it

FURTHER RESOLVED that on the basis of the whole record before it, including the Initial Study/Mitigated Negative Declaration and the comments received thereon and the Port's responses thereto, and the Mitigation Monitoring and Reporting Program adopted by the Board, the Board hereby finds that there is no substantial evidence that said project will have a significant effect on the environment; and be it

FURTHER RESOLVED that on the basis of the Board's finding that there is no substantial evidence that said project will have a significant effect on the environment, the Board hereby approves and adopts the Mitigated Negative Declaration; and be it

FURTHER RESOLVED that the Board hereby finds that the Mitigated Negative Declaration reflects the independent judgment of the Board; and be it

FURTHER RESOLVED that the location and custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based respectively are 530 Water Street, Oakland, California, and the Secretary of the Board; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the project conforms with and is consistent with the City General Plan; and be it

FURTHER RESOLVED that the Board approves the project for **Reconstruction Of The Berth 22 Wharf And Reconfiguration Of Adjacent Yards.**

At a regular meeting held January 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6

Noes: None

Absent: President Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03014

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH THE OAKLAND MUSEUM OF CALIFORNIA FOR MANAGEMENT FOR PUBLIC ART SELECTION PROGRAM AT OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of an agreement with **THE OAKLAND MUSEUM OF CALIFORNIA** in an amount not to exceed $414,935, for management of public art selection program at Oakland International Airport, Oakland, California, in accordance with Agenda Sheet Item No. 41 dated January 21, 2003, and such other actions and agreements as may be necessary to accomplish such management; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03015

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GEOFF DORN FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 42, dated January 21, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **GEOFF DORN** for **public art consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **GEOFF DORN** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **GEOFF DORN** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$25,000 (including amounts paid under a purchase order)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

42139

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03016

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH MERRIWETHER & WILLIAMS INSURANCE SERVICES CORPORATION, A JOINT VENTURE TOGETHER WITH CLARK BAQUIE & CLARK AND JAMES E. INGRAM & CO. ("MERRIWETHER & WILLIAMS"), FOR A SURETY BOND GUARANTEE PROGRAM AND VARIOUS FUNDS CONTROL AND ACCOUNTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 43, dated January 21, 2003, (herein the "Agenda Sheet") the Board of Port Commissioners hereby finds and determines that a First Supplement Agreement with **MERRIWETHER & WILLIAMS** for administration of the surety bond guarantee program and various funds control and accounting services, will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services without competitive bidding; and be it

FURTHER RESOLVED that **MERRIWETHER & WILLIAMS** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation not to exceed $50,000.00, upon terms and conditions set forth in the Agenda Sheet extending the term of the agreement for an additional six months; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03017

RESOLUTION APPROVING AND AUTHORIZING TERMINATION OF LEASE WITH ARTSHIP FOUNDATION.

RESOLVED, that the Board of Port Commissioners ("Board") hereby finds and determines that it is in the best interests of the Port to terminate the month-to-month Lease with **ARTSHIP Foundation**, all in accordance with Agenda Sheet Item No. 44, dated January 21, 2003, and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the Executive Director and the Port Attorney to execute any documents and take any action as may be necessary or appropriate to terminate the Lease and remove the Vessel from Port property.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03018

RESOLUTION GRANTING CONTINENTAL AIRLINES PERMISSION TO PERFORM CERTAIN WORK.

RESOLVED that the Board of Port Commissioners hereby approves the application submitted by **CONTINENTAL AIRLINES**, for permission to perform certain work located at Terminal 1, Building M101, 1 Airport Drive, Oakland International Airport, Oakland, California, at an estimated cost of $1,800 said work and the conditions of Port approval being the following:

1) Replacing an existing two-unit self ticketing counter with a four-unit self ticketing counter;

2) Related electrical, mechanical work;

3) Compliance with all of the terms and conditions of permittee or tenant's agreement or lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a) and Class 1 of Guidelines Section 15302(c).

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

41841

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03019

RESOLUTION APPROVING APPOINTMENT OF BINGHAM MCCUTCHEN, LLP AS PART-TIME SPECIAL COUNSEL TO THE PORT ATTORNEY AND SPECIALTY TECHNICAL CONSULTANTS ("STC") AS SUB-CONSULTANT CONCERNING ENVIRONMENTAL COMPLIANCE MATTERS.

RESOLVED that the Board of Port Commissioners hereby approves the appointment of Bingham McCutchen, LLP, part-time, and STC as sub-consultant, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with environmental compliance and related matters, through December 31, 2004; and be it

FURTHER RESOLVED that Bingham McCutchen LLP shall be compensated at a cost not to exceed $353,300.00; and be it

FURTHER RESOLVED that of the $353,300.00 total compensation, a maximum compensation of $135,000.00 shall be allocated for Bingham McCutchen LLP, unless additional work, up to an additional cost not to exceed $100,000.00, is authorized by the Port Attorney, and a maximum compensation of $218,300.00 shall be allocated for STC, unless additional work, up to an additional cost not to exceed $50,000.00, is authorized by the Port Attorney and requested by the Environmental Health & Safety Compliance Manager.

At a regular meeting held January 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6

Noes: None

Absent: President Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03020

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CAMP DRESSER & MCKEE, INC. (CDM) FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed agreement with **CAMP DRESSER & MCKEE, INC. (CDM)** for **completion of air modeling work, related to the Airport Development Program's second supplemental environmental impact,** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CAMP DRESSER & MCKEE, INC. (CDM)** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution, for and on behalf of the Board, of said agreement, and providing that **CAMP DRESSER & MCKEE, INC. (CDM)** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$70,000,** unless additional work up to an additional amount of **$7,000** is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the Board finds and determines that the activity authorized by this Resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's general rule, or "common sense" exemption set forth in 14 Cal. Code Regs. §15061(b)(3) of the CEQA Guidelines, since it can be seen with certainty that there is no possibility that these matters will have a significant on the environment; and be it

FURTHER RESOLVED that the location and custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based, respectively, are 530 Water Street, Oakland, California, and the Port Attorney; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03021

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT CONCERNING CITY OF OAKLAND VS. KAISERAIR, INC., ET AL, SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA, CASE NUMBER 842350-0.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board a Settlement Agreement concerning City of Oakland vs. KaiserAir, Inc., et al, Superior Court of California, County of Alameda, Case Number 8423540, and containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **January 21, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice-President Protopappas - 6**

Noes: **None**

Absent: **President Kiang - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03022

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH JETBLUE AIRWAYS CORPORATION.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain License and Concession Agreement between the Port and **JETBLUE AIRWAYS CORPORATION**, for approximately 4,400 square feet of warehouse space to be used for a combination of office, storage and aircraft maintenance located at Building M-112, Oakland International Airport, at the rate proposed and as otherwise described in Agenda Sheet Item No. 11, dated February 4, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or agreement, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

42272

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03023

RESOLUTION RATIFYING AND APPROVING THE GRANT APPLICATION TO FEDERAL AVIATION ADMINISTRATION UNDER THE AIRPORT IMPROVEMENT PROGRAM.

RESOLVED that the Board of Port Commissioners ("Board") hereby finds and determines that it is in the best interest of the Port to ratify and approve the grant application to the Federal Aviation Administration ("FAA") for approximately $9,942,844 in Airport Improvement Program entitlement and discretionary funds, as more fully set forth in Agenda Sheet Item No. 12, dated February 4, 2003 ("Agenda Sheet"); and be it

FURTHER RESOLVED that the Board finds and determines that the California Environmental Quality Act ("CEQA"), including the Port of Oakland's CEQA Guidelines, have been complied with and the projects that are the subject of the grant application are supported by the CEQA determinations and findings described and set forth in the February 4, 2003 Board Agenda Sheet for Board Item No. 12. Those determinations and findings are incorporated herein by reference.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

42285

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03024

RESOLUTION AWARDING CONTRACT TO C.E. HARRIS INCORPORATED DOING BUSINESS AS HARRIS ELECTRIC FOR FURNISHING SERVICE AND MAINTENANCE FOR PASSENGER LOADING BRIDGES FOR THE PERIOD COMMENCING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2003, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on November 19, 2002, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on December 18, 2002; and

RESOLVED the Board of Port Commissioners, awards the contract for **Furnishing Service and Maintenance for Passenger Loading Bridges for the Period Commencing January 1, 2003 and Ending December 31, 2003, South Field, Oakland International Airport, Oakland, California**, to **C.E. Harris Incorporated, a California corporation, doing business as Harris Electric,** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received December 18, 2002; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $243,412.98, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $243,412.98 shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project is not in the Capital Improvement Program since it is maintenance work and it will not be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

\yes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03025

RESOLUTION AWARDING CONTRACT TO RAMPART HYDRO SERVICES, A LIMITED PARTNERSHIP, FOR REMOVAL OF RUBBER DEPOSITS FROM RUNWAYS FOR THE PERIOD COMMENCING JANUARY 1, 2003 AND ENDING FEBRUARY 28, 2004, 2005 OR 2006, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on November 19, 2002, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on December 20, 2002; and

RESOLVED the Board of Port Commissioners, awards the contract for **Removal of Rubber Deposits from Runways for the Period Commencing January 1, 2003 and Ending February 28, 2004, 2005 or 2006, Oakland International Airport, Oakland, California**, to **Rampart Hydro Services, LP,** a California limited partnership, (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received December 20, 2002; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $45,921.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $45,921.00 shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project is not in the Capital Improvement Program since it is maintenance work and it will not be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

\yes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03026

RESOLUTION AUTHORIZING AND RATIFYING CHANGE ORDER CONTRACT WITH GALLAGHER & BURK, INC. FOR REPAIR OF TAXIWAY U, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Director of Engineering or his designee is authorized to approve the plans and specifications for said projects in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 16, dated February 4, 2003 (herein "Agenda Sheet"), the Board hereby finds and determines that it is in the best interest of the Port to accomplish the Repair of Taxiway U, Oakland International Airport, Oakland, California without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board of Port Commissioners hereby directly approves the issuance to **Gallagher & Burk, Inc.**, of a change order under the contract for **Overlay and Extension of Taxiway C, North Field, Oakland International Airport, Oakland, California,** for the repair of Taxiway U, in the amount of $55,425.00, consistent with the Agenda Sheet, provided, however, that said change order shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of one hundred percent (100%), and a bond to guarantee the payment of all claims for labor and materials furnished

and for amounts due under the Unemployment Insurance Code in the amount of one hundred percent (100%) of the final contract price(s), as negotiated, shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03027

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF SUPPLEMENTAL AGREEMENTS WITH KGO-AM RADIO, INC., AMFM OHIO, INC. AND ORO SPANISH BROADCASTING, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board of the following supplemental agreements all as more specifically described in Agenda Sheet Item No. 31 dated February 4, 2003:

(1) First Supplemental Agreement between the Port, as Lessor, and **KGO-AM RADIO, INC.** ("KGO-AM"), as Lessee, as assignee of **PACIFIC FM, INC.**, which amends that certain Lease, dated November 18, 1997, and recorded as document No. 98-172142 on May 22, 1998, in the Official Records of the County of Alameda (the "Original Lease"), by providing that the size of the leased premises will be reduced from approximately 6.887 acres to approximately 4.561 acres;

2) First Supplemental Agreement between the Port, as Lessor, and **AMFM OHIO, INC.** ("AMFM Ohio"), as Lessee, as successor to **CHANCELLOR MEDIA CORPORATION OF OHIO** ("Chancellor Ohio"), assignee of **CHANCELLOR MEDIA CORPORATION**, which amends that certain Lease dated June 23, 1998, and recorded as document No. 99-178775 on May 6, 1999, in the Official Records of the County of Alameda (the "Original Lease"), by providing that the Board consents to the merger of Chancellor Ohio with AMFM Ohio, that AMFM Ohio will assume all obligations of Lessee under the Lease and that the size of the leased premises will be reduced from approximately 10.72 acres to approximately 3.763 acres; and

3) First Supplemental Agreement between the Port, as Lessor, and **ORO SPANISH BROADCASTING, INC.** ("Oro"), as Lessee which amends that certain Lease dated October 21, 1997, and recorded as document No. 98-004540 on January 7, 1998, in the Official Records of the County of Alameda (the "Original Lease"), by providing that the size of the leased premises will be reduced from approximately 12.742 acres to approximately 4.887 acres; and be it

FURTHER RESOLVED that this resolution is not evidence of, and shall 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, and is only intended to approve and authorize the execution of supplemental agreements in accordance with the terms of this resolution, and unless and until separate written supplemental agreements are duly executed on behalf of the Board as authorized by said resolution, are signed as approved as to form and legality by the Port Attorney, and are delivered to respective Lessee, there shall be no valid or effective supplemental agreements, and the Board hereby reserves its right at any time prior to such execution, approval and delivery to withdraw the Board's approval and authorization granted by this resolution.

At a regular meeting held February 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5

Noes: None

Absent: Commissioner Kramer and President Kiang - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03028

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH TERRY LIM, AN INDIVIDUAL, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 32, dated February 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **TERRY LIM, an individual**, for **graphic design services in connection with the Middle Harbor Shoreline Park Interpretive Program** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **TERRY LIM** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement upon terms and conditions consistent with the Agenda Sheet and providing that **TERRY LIM** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$30,000 (including payments made under a Purchase Order)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

42300

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03029

RESOLUTION RATIFYING AND APPROVING ADDENDA TO SPECIFICATIONS FOR PROCUREMENT CONTRACT FOR SHEET PILES FOR CONSTRUCTION OF BERTHS 32/33 WHARF REHABILITATION PROJECT, OUTER HARBOR, OAKLAND, CALIFORNIA; EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR; AND AWARDING CONTRACT TO SKYLINE STEEL CORPORATION, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on October 1, 2002, the Board of Port Commissioners ("Board") authorized the Procurement of Sheet Piles for Construction of Berths 32/33 Wharf Rehabilitation Project, Outer Harbor, Oakland, California and authorized staff to advertise for bids to be received on October 16, 2002; now, therefore be it

RESOLVED that the Board hereby ratifies and confirms and approves Addendum No. 1 specifications and other provisions relative thereto filed with the Board and described in Agenda Sheet Item No. 33, dated February 4, 2003, for **Procurement of Sheet Piles for the Construction of Berths 32/33 Wharf Rehabilitation Project, Outer Harbor, Oakland, California**; and be it

FURTHER RESOLVED the Board awards the contract for **Berths 32/33 Wharf Rehabilitation Project, Outer Harbor, Oakland, California**, to **Skyline Steel Corporation, a California corporation** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received December 23, 2002; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $1,586,015.00.00 shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED, that bid bids received from J.F. Fields & Co. and Foster Piling did not conform to the technical specifications and were therefore no-responsive; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), 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; and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03030

RESOLUTION APPROVING POLICIES AND PROCEDURES ADDRESSING UNSOLICITED PROPOSALS.

RESOLVED that the Board of Port Commissioners hereby approves, the proposed Port of Oakland's Administrative Manual Policies and Procedures, Policy Number AP 15, Addressing Unsolicited Proposals, which is attached, to Agenda Sheet Item No. 41 (the "Agenda Sheet"), dated February 4, 2003.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

42347

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03031

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH ALONZA ROBERTSON, AN INDIVIDUAL, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 42, dated February 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **ALONZA ROBERTSON, an individual,** for **communications consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **ALONZA ROBERTSON** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **ALONZA ROBERTSON** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$50,000 (including payments made under a purchase order)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

42290

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03032

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH 2PLUS2 PARTNERS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 43, dated February 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **2PLUS2 PARTNERS, INC.** for **development of an Online Permit Program for Hazardous Material for the Port's Maritime Division** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **2PLUS2 PARTNERS, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **2PLUS2 PARTNERS, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$30,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

42293

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03033

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH FATIMA KASSAM, AN INDIVIDUAL, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 44, dated February 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **FATIMA KASSAM, an individual,** for **government affairs consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **FATIMA KASSAM** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **FATIMA KASSAM** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$40,000 (including payments made under a Purchase Order)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

42295

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03034

RESOLUTION ENDORSING THE INCLUSION OF THE BART-OAKLAND INTERNATIONAL AIRPORT CONNECTOR IN EXPENDITURE PLAN FOR PROPOSED LEGISLATION TO INCREASE BRIDGE TOLLS.

WHEREAS, State Senator Don Perata plans to introduce legislation in the 2003 legislative session to increase the tolls on the Bay Area bridges to fund transportation projects; and

WHEREAS, the BART-Oakland International Airport Connector project is a reliable, cost-effective, efficient, and sustainable rail transit system that will relieve congestion around and on the Bay Bridge; and

WHEREAS, the BART-Oakland International Airport Connector has been a top transportation funding priority for the Port of Oakland; and

WHEREAS, studies show that the BART-Oakland International Airport Connector will significantly improve access to Oakland International Airport, making it a more competitive choice for travelers to and from the Bay Area; and

WHEREAS, the BART-Oakland International Airport Connector has been widely supported by the community and regional transportation agencies; and

WHEREAS, the proposed funding program for the BART-Oakland International Airport Connector identifies $45 million in funding from the proposed bridge toll legislation; now therefore

BE IT RESOLVED, that the Board of Port Commissioners hereby endorses and supports the inclusion of the BART-Oakland International Airport Connector in the Bridge Toll Expenditure Plan.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

42620

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03035

RESOLUTION ENDORSING THE INCLUSION OF FERRY SERVICE EXPANSION IN EXPENDITURE PLAN FOR PROPOSED LEGISLATION TO INCREASE BRIDGE TOLLS.

WHEREAS, State Senator Don Perata plans to introduce legislation in the 2003 legislative session to increase the tolls on the Bay Area bridges to fund transportation projects; and

WHEREAS, the proposed funding program for the newly - formed Water Transit Authority will provide funds to be used to increase the number of ferries and frequency of service for the Alameda-Oakland route; and

WHEREAS, the Port's expansion plans for Jack London Square will benefit from expanded access to Jack London Square by additional ferry services; now therefore

BE IT RESOLVED that the Board of Commissioners hereby endorses and supports the inclusion of Oakland-Alameda ferry service expansion in the Bridge Toll Expenditure Plan.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

42603

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03036

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED CONTRACT WITH KTVU FOX TWO FOR A STRATEGIC MARKETING CAMPAIGN CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF CONTRACT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 46, dated February 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners ("Board") hereby finds and determines that the proposed contract with **KTVU FOX TWO** for a strategic marketing campaign for the Port will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **KTVU FOX TWO** without competitive bidding; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the execution for and on behalf of the Board of said contract, upon terms and conditions consistent with the Agenda Sheet and providing that **KTVU FOX TWO** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed $70,000; and be it

FURTHER RESOLVED that 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 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 agreement.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

42288

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03037

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH DIANE FRASER, AN INDIVIDUAL, DOING BUSINESS AS DEF COMMUNICATIONS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 47, dated February 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **DIANE FRASER, AN INDIVIDUAL, DOING BUSINESS AS DEF COMMUNICATIONS** for **communications consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **DIANE FRASER, AN INDIVIDUAL, DOING BUSINESS AS DEF COMMUNICATIONS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **DIANE FRASER, AN INDIVIDUAL, DOING BUSINESS AS DEF COMMUNICATIONS** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$30,000 (including payments made under Purchase Order No. PS1312)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

42296

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03038

RESOLUTION GRANTING AUTHORIZATION TO INCLUDE FURNISHING LABOR AND EQUIPMENT FOR EMERGENCY AND GENERAL ROOF REPAIRS FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING APRIL 1, 2003, AND ENDING MAY 31, 2004, 2005 OR 2005, OAKLAND, CALIFORNIA, IN THE SMALL BUSINESS PROGRAM, FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR SUCH WORK WITHOUT LOWEST-SEALED BID PROCEDURES; AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Director of Engineer is authorized to approve the plans and specifications for said project in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 48, dated February 4, 2003 (herein "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the Port's Small Business Utilization Program encourages small contractors to develop the capacity to perform public works contracts on a competitive basis, thereby increasing the pool of competitive contractors for future Port contracts; and therefore it is in the best interest of the Port to accomplish **Furnishing Labor, Materials and Equipment for Emergency and General Roof Repairs for Port of Oakland Facilities for the Period Commencing April 1, 2003, and Ending May 31, 2004, 2005 or 2006, Oakland, California**, without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Board of Port Commissioners authorizes that the **Construction of the Electrical Substation for South Airport Tenants, Oakland International Airport, Oakland, California**, be included in the Small Business Program; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of a contract with a local small contractor, for **Construction of the**

Electrical Substation for South Airport Tenants, Oakland International Airport, Oakland, California, based upon the receipt of informal proposals, provided, that if the Executive Director determines that no acceptable proposal has been received from a local small contractor then said contract may be made with any qualified contractor based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA") but will be exempt from the provisions of the (MAPLA) if a contract is awarded to a local small contractor that is eligible for exemption under the program established by MAPLA's Appendix "G"-Letter of Understanding re: Small Business Utilization Program; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that 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 grant agreement in accordance with the terms of this resolution. Unless and until a separate written grant agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective grant agreement.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

\yes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03039

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH CHARLES F. JENNINGS ARCHITECTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 20163, adopted by the Board of Port Commissioners (the "Board") on April 18, 2000, the Board authorized an Agreement with **CHARLES F. JENNINGS ARCHITECTS**, for consulting services with respect to on-call architectural and engineering services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 49, dated February 4, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **CHARLES F. JENNINGS ARCHITECTS** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CHARLES F. JENNINGS ARCHITECTS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CHARLES F. JENNINGS ARCHITECTS** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$150,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the

terms of this resolution. 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

42303

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03040

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH KAMER CONSULTING GROUP FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 50, dated February 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **KAMER CONSULTING GROUP** to **assist in planning and training of the Port's emergency response to natural or man-made disasters** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **KAMER CONSULTING GROUP** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **KAMER CONSULTING GROUP** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$90,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

42301

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03041

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A RELEASE AND SETTLEMENT AGREEMENT REGARDING SITE RESTORATION WITH PRAXAIR, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board a Release and Settlement Agreement Regarding Site Restoration with PRAXAIR, INC. (as successor to The Liquid Carbonic Corporation), and containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03042

RESOLUTION AUTHORIZING AND APPROVING RETENTION OF SPECIAL COUNSEL.

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the appointment of **FITZGERALD, ABBOTT & BEARDSLEY LLP**, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with the termination of the month-to-month lease with ARTSHIP Foundation and related matters, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel to be made from time to time as approved by the Port Attorney.

At **a regular** meeting held **February 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and Vice-President Protopappas - 5**

Noes: **None**

Absent: **Commissioner Kramer and President Kiang - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03043

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO SOLICIT DESIGN-BUILD PROPOSALS FOR CONSTRUCTION OF NEIL ARMSTRONG WAY EMPLOYEE PARKING LOT, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT LOWEST-SEALED BID PROCEDURES AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Director of Engineering or his designee is authorized to approve the plans and specifications for said projects in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Public Resources Code, Section 21080(b)(4) and CEQA Guidelines, Article 18, Statutory Exemptions, Section 15269(c) for emergency projects; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 12, dated February 18, 2003 (herein "Agenda Sheet"), the Board hereby finds and determines that calling for bids on a competitive basis will unduly delay completion of the work and it is in the best interest of the Port to accomplish the **Design-Build Services for Construction of Neil Armstrong Way Employee Parking Lot, South Field, Oakland International Airport, Oakland, California,** without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of a contract for **Design-Build Services for Construction of Neil Armstrong Way Employee Parking Lot, South Field, Oakland International Airport, Oakland, California,** based upon the receipt of informal

proposals, not only on cost, but also on best value for the investment; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of one hundred percent (100%), and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code in the amount of one hundred percent (100%) of the final contract price(s), as negotiated, shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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; and be it

FURTHER RESOLVED that pursuant to Section 22, Port Ordinance 1666, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director the authority to resolve bid protests.

At a regular meeting held February 18, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6

Noes: None

Absent: Commissioner Protopappas - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03044

RESOLUTION CERTIFYING FINAL EIR, APPROVING CEQA FINDINGS, ADOPTING STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING DEVELOPMENT PERMIT FOR METROPORT PROJECT.

WHEREAS, SIMEON Commercial Properties ("SIMEON" or "Project Applicant") proposes to construct, on a 23-acre site located west of Interstate 880 and adjacent to the Hegenberger Road exit, approximately 1.3 million square feet of Class A office space in five buildings, ranging from 180,000 square feet to 336,000 square feet, and ranging from 6 stories to 14 stories in height. The Project would also include construction of a full-service hotel with approximately 340 rooms in one building of 16 stories. The hotel would include conference space, as well as space for a lobby, restaurant and retail. Approximately 50,000 square feet of retail would be incorporated on the ground floor in various Project buildings. Approximately, 4,850 parking spaces would be provided and located within two parking garages and on surface parking areas throughout the site. The buildings would surround a landscaped, campus quad area with a water feature defining pedestrian walkways between buildings. Oakport Street would be realigned along the northern boundary of the project site, with a perpendicular intersection at Edgewater Drive ("Project" or "Metroport Project"); and

WHEREAS, pursuant to the California Environmental Quality Act, Public Resources Code §2100 et. seq. (collectively "CEQA"), the Port of Oakland ("Port"); determined that an environmental impact report ("EIR") would be required. The Port issued a Notice of Preparation ("NOP"), which was circulated from April 26 to May 29, 2001, to responsible agencies, and interested groups and individuals for review and comment. The Port received comment letters from twelve parties; and

WHEREAS, on May 14, 2001, the Port held a duly noticed EIR scoping meeting, which was attended by seven people, excluding representatives of the Port, EIR consultant and the Project Applicant's staff or consultants; and

WHEREAS, the Port, acting as lead agency under CEQA, prepared a Draft Environmental Impact Report ("DEIR") for the Metroport Project; and

WHEREAS, the DEIR was prepared in accordance with CEQA by identifying and evaluating Project impacts, and proposing mitigation measures, along with a reasonable range of alternatives to the proposed Project, and review and evaluation of the environmental impacts of those alternatives; and

WHEREAS, on November 12, 2002 the DEIR was circulated for a 45-day public review period (November 12 through December 27, 2002); and

WHEREAS, during the DEIR comment period, the Board of Port Commissioners ("Board" or "Port Board"), on December 3, 2002, conducted a duly noticed public hearing on the Project, but no comments were given by members of the public at the public hearing; and

WHEREAS, during the DEIR comment period, the Port received comments on the DEIR from seven parties; and

WHEREAS, on February 6, 2003, the "Response to Comments on the Draft Environmental Impact Report," which responded to comments received by the Port on the DEIR, was released; and

WHEREAS, thereafter and pursuant to CEQA requirements, responses to comments were prepared and circulated by the Port to each commenting responsible agency; and

WHEREAS, the FEIR, which includes the DEIR, the Port's response to comments and all appendices, made certain corrections and changes to the DEIR; and

WHEREAS, all documents comprising the FEIR were made available to responsible agencies and the public for review and comment in accordance with CEQA; and

WHEREAS, pursuant to CEQA, the Port prepared a Mitigation Monitoring and Reporting Program ("MMRP") that identifies each Project mitigation measure, the parties responsible for monitoring the implementation of them, and the associated monitoring and reporting actions and schedules; and

WHEREAS, the DEIR and FEIR were submitted to and fully reviewed, considered and evaluated by the Board, and the Board has fully considered, reviewed and evaluated staff presentations and recommendations, public comments and all documents and other evidence submitted on the Project; now, therefore, be it

RESOLVED: That the Board, as the final decision-making body of the lead agency, makes the following certifications:

(1) The FEIR for the Project has been completed in compliance with CEQA and the Port's environmental review regulations;

(2) The FEIR reflects the lead agency's independent judgment;

(3) The Board, as the final decision-making body of the lead agency, reviewed and considered the impacts and mitigation measures (see Exhibit 1) and all other information in the FEIR before approving the Project that is the subject of this resolution;

FURTHER RESOLVED: That the Board, as the final decision-making body of the lead agency approves the MMRP and adopts and imposes as conditions of approval of the Project all of the mitigation measures identified in the DEIR, as such was revised by the FEIR, and as set forth in the MMRP in Exhibit 2, which is attached hereto and incorporated herein by this reference. The Port's Executive Director is directed to ensure that the mitigation measures contained in the MMRP are duly and diligently implemented and enforced; and be it

FURTHER RESOLVED: That the Board makes and adopts the "General Findings", "Findings Relating to Mitigation Measures, Project Environmental Impacts and Alternatives", and the "Statement of Overriding Considerations for the Unavoidable Adverse Impacts" of the Project, as set forth in Exhibits 3, 4, and 5 respectively, which are attached hereto and incorporated herein by this reference; and be it

FURTHER RESOLVED: That the Board, having fully considered and independently reviewed and evaluated the FEIR, including all corrections and changes to the DEIR, and having determined that said DEIR corrections and changes do not require recirculation of the DEIR, hereby certifies the FEIR for the Project; and be it

FURTHER RESOLVED: That the Board further finds and determines that this Resolution complies with CEQA and directs that a CEQA Notice of Determination be filed with the appropriate agencies; and be it

FURTHER RESOLVED: That the Board further finds that the Project, as conditioned by the Board, is generally consistent with all applicable Port Ordinances, policies and regulations; and be it

FURTHER RESOLVED: That the Board finds and determines that the Project, as conditioned by the Board, is consistent with applicable policies of the Oakland General Plan, as set forth in Exhibits 6 and 7, which are attached hereto and incorporated herein by this reference; and be it

FURTHER RESOLVED: That the Board finds and determines that the Project, as conditioned by the Board, is consistent with applicable policies of the Alameda County Airport Land Use Policy Plan; and be it

FURTHER RESOLVED: That the Board, subject to the "Development Permit Conditions of Approval" set forth in Exhibit 8, which is attached hereto and incorporated herein by this reference and mitigation measures recommended in the FEIR, which are set forth in the Exhibit 1 and the MMRP (Exhibit 2), approves and authorizes issuance of the Development Permit for this Project; and be it

FURTHER RESOLVED: That the record before the Board relating to this Project includes, without limitation, the information, documents, plans, and policies set forth in Exhibit 3, which is attached hereto and incorporated herein by this reference; and

FURTHER RESOLVED: That the location and custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based respectively are Port of Oakland, 530 Water Street, Oakland, California, and the Manager of the Environmental Planning Department; and be it

FURTHER RESOLVED: That the "Whereas" recitals contained in this Resolution are true and correct and are an integral part of the Board's decision; and be it

FURTHER RESOLVED: That the Board approves and adopts all of the staff recommendations contained in the February 18, 2003 Agenda Sheet; and be it

FURTHER RESOLVED: That if any term, provision or portion of the Board's findings or the application of the same to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of the findings, or the application of the same to other situations, shall continue in force and effect unless amended or modified by the Board; and be it

FURTHER RESOLVED: That, to the maximum extent permitted by law, the Project Applicant shall defend, hold harmless, and indemnify the Port and its respective officers, agents and employees (whether the action is on behalf of the Port, or otherwise) (the "Indemnified Parties") against any and all liability, damages, claims, demands, judgments or other losses (including, without limitation, attorneys fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from or caused by any action or approval associated with the Project; and be it

FURTHER RESOLVED: That this indemnity includes, without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set-aside, stay or otherwise rescind any or all approvals granted in connection with the Project, certification of the FEIR for the Project, and granting any permit issued in accordance with the Project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs as used herein shall include, without limitation, any attorneys' fees, expert witness and consultant fees, court costs and other litigation fees, Port Attorney time and overhead costs, and other Port Staff overhead costs and normal day-to-day business expenses incurred by the Port ("Litigation Expenses"). The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the Project Applicant's expense, in the defense of any action specified in this condition of approval. The Indemnified Parties shall take all reasonable steps to promptly notify the Project Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

At a regular meeting held February 18, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6

Noes: None

Absent: Commissioner Protopappas - 1

EXHIBIT 1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Significance After Mitigation
A. SIGNIFICANT UNAVOIDABLE IMPACTS		
A. Air Quality		
A.2: The project would result in an increase in ROG, NOx and PM emissions due to project-related traffic and on-site area sources.	**A.2:** ***Lower Vehicle Emissions.*** To reduce the significance of the operational impacts of the project, the project sponsor shall implement the following mitigation measures. These mitigation measures shall be in place by the time of project build out and occupancy. Rideshare Measures A.2.a The project sponsor shall require tenants at the site to implement carpool/vanpool programs (e.g., carpool, ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.). A.2.b The project sponsor shall require tenants to implement employee rideshare/public transit incentive programs providing cash payments or pre-paid fare media such as transit passes or coupons. Transit Measures A.2.c The project sponsor shall be required to construct transit facilities such as bus turnouts/bus bulbs, benches, sheiters, etc. A.2.d The project sponsor shall contribute to regional transit systems (e.g., right-of-way, capital improvements, park-and-ride lots).	SU

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Environmental Impact	Mitigation Measures	Significance After Mitigation
A. SIGNIFICANT UNAVOIDABLE IMPACTS	Shuttle Measures A.2.e The project sponsor shall provide shuttle service from project to transit stations/multimodal centers. The demand and timing for shuttle service shall be closely monitored by the project sponsor, and shuttle trips shall be scheduled accordingly to provide prompt, adequate and convenient service to the users. The shuttle vehicle shall operate on an alternative fuel, such as compressed natural gas. Parking Measures A.2.f The project sponsor and/or tenants shall provide preferential parking for carpool and vanpool vehicles (e.g., near building entrance, sheltered area, etc.). A.2.g The project sponsor shall require tenants to meet minimum employee ridesharing / public transit requirements or provide incentives for them to meet targets. Bicycle and Pedestrian Measures A.2.h The project sponsor shall be required to provide secure-short-term bicycle parking for retail customers and other non-commute trips. A.2.i The project sponsor shall be required to provide secure, weather-protected bicycle parking for employees.	

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Environmental Impact	Mitigation Measures	Significance After Mitigation
A. SIGNIFICANT UNAVOIDABLE IMPACTS		
	A.2.j The project sponsor shall provide or require tenants to provide showers and lockers for employees bicycling or walking to work. A.2.k The project sponsor shall provide direct safe, attractive pedestrian and bicycle access to transit stops and adjacent development. A.2.l The project sponsor shall provide adequate street lighting. A.2.m The project sponsor shall improve or construct on-site and off-site pedestrian facilities (e.g., overpasses, wide sidewalks, and building access for pedestrians), and provide pedestrian safety designs/infrastructure at crossings.	
A.4: The project together with anticipated future cumulative development in the Bay Area would contribute to regional air pollutant problems.	**A.4:** Implement Mitigation Measure A.2.	SU
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
A. Air Quality		
A.1: Activities associated with site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.	**A.1:** ***Dust Control.*** During construction, the project sponsor shall require the construction contractor to implement BAAQMD's basic and enhanced dust control procedures required for sites larger than four acres.	LS
B. Biological Resources/Wetlands		
B.2: The proposed project development would result in the loss of a non-significant amount of habitat for resident wildlife. However, project implementation could cause the destruction of the nests of special-status and other birds.	**B.2:** ***Nesting Birds.*** Although recent studies of the site indicate that no burrowing owls are present, the project sponsor shall conduct pre-construction breeding bird surveys in all areas that may provide nesting habitat. No more than two weeks before	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
	construction, a survey for burrows and burrowing owls shall be conducted by a qualified ornithologist with recent experience working on burrowing owl related issues. Surveys shall conform to the protocol described by the California Burrowing Owl Consortium (1993) which includes up to four surveys on different dates if there are suitable burrows present. Simultaneous with the owl surveys, an assessment of the project site would also be conducted to determine the nesting status of other birds. If any nests are identified, occupied nests or burrows would not be disturbed during the nesting season (February 1 through August 31 for owls). During the non-nesting season, the applicant would compel owls to relocate to off-site habitat areas through the installation of one-way doors on entrances, prior to permanently collapsing burrows.	
B.3: Construction of the proposed project would result in permanent impacts to 2.4 acres of wetlands regulated by the Regional Water Quality Control Board. Potential impacts include the direct fill of on-site wetlands and the loss of seasonal wetland wildlife habitat.	**B.3:** ***Wetland.*** The project sponsor shall create, enlarge, or enhance a seasonal wetland prior to disturbance of wetlands on the project site. The mitigation wetland, which shall be subject to the approval of the RWQCB, shall be located in the southern or eastern regions of the San Francisco Bay Area, shall be at least equal to or greater than 2.4 acres, and shall be monitored and actively managed in a healthy state for a minimum of five years. If the project sponsor finds that there are no feasible sites for creating, enlarging or enhancing a seasonal wetland of at least 2.4 acres, and the Port of Oakland and RWQCB concur, then the project sponsor may propose alternative mitigation that is in accordance with the priorities of the Baylands Ecosystem Goals Project (Goals Project, 1999) and the San Francisco Bay Area Wetlands Recovery Program. That finding and concurrence must be made, and the alternative mitigation implemented, prior to disturbance of wetlands on the project site.	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
	The project sponsor shall develop and submit for consideration and approval a wetland mitigation plan for the primary or alternative mitigation to the Port of Oakland's Engineering Department and RWQCB prior to submitting an application for a grading and/or building permit for the wetland area of the Metroport site. If there are any new impacts, the mitigation plan may be subject to additional review in accordance with CEQA. The Metroport Wetland Mitigation Plan shall include all of the following for the primary mitigation, and similar elements as appropriate for the alternative mitigation: • Clearly stated objectives and goals consistent with regional habitat goals. • Location, size, and type of mitigation wetlands proposed, including sufficient upland buffer area. • Descriptions of the wetland functions and values of both the filled and mitigation wetlands, to ensure that the Regional Board's "no net loss of wetland value" standard is met. • Sufficient technical detail in the project design including, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the mitigation site base map, and maintenance techniques.	

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
	• Documentation of performance, monitoring and adaptive management standards, which provide a mechanism for making adjustments to the mitigation site. Performance and monitoring standards shall indicate success criteria to be met within 5 years for vegetation, animal use, removal of exotic species and hydrology. Adaptive management standards shall make clear steps to be taken when it is determined through monitoring, or other means, that the enhancement or restoration techniques are not meeting success criteria. • Documentation of the necessary long-term management and maintenance requirements, and provisions for sufficient funding.	
C. Geology and Seismicity		
C.1: In the event of a major earthquake in the region, seismic ground shaking could potentially injure people and cause collapse or structural damage to proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including liquefaction and earthquake-induced settlement.	C.1: *Geotechnical Measures:* The project sponsor shall conduct a design-level geotechnical investigation for the project site that includes an analysis of ground shaking, liquefaction potential, and earthquake-induced settlement, and provide recommendations to reduce these hazards. The project applicant shall comply with recommendations of the geotechnical engineer and these recommendations shall become part of the project. In addition, the project will comply with all applicable local (City of Oakland, County of Alameda)and state policies, codes, and regulations pertaining to geotechnical investigation, seismic design, and grading and construction. Subsurface investigation shall comply with guidelines set forth by the CGS Special Publication 117 for evaluation and mitigation of seismic hazards.	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
C.2: Structures at the proposed project site could be subjected to geologic hazards resulting from differential settlement and expansive soils.	C.2: ***Adverse Soil Conditions.*** The project sponsor shall ensure that the proposed development complies with applicable City policies, and appropriate engineering investigation necessary to reduce the potential detrimental effects of differential settlement, expansive soils, and soil erosion. Recommendations provided by the geotechnical engineer pertaining to mitigation of adverse soil conditions shall become part of the project.	LS
D. Hazardous Materials		
D.1: Disturbance of impacted soils or groundwater during project work could expose construction workers, the public or the environment to hazardous conditions.	D.1a: ***EH&S Plan.*** Prior to construction, the project sponsor shall create an environmental site health and safety plan to address worker safety hazards that may arise during construction activities. D.1b: ***Storage Tanks.*** Prior to construction on the southwest corner of the site, the underground and aboveground storage tanks shall be removed under the guidance of the Alameda County Local Oversight Program. Such removal is to include the over-excavation and disposal of any petroleum hydrocarbon impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency for subsequent industrial uses. D.1c: ***Soil and Groundwater.*** The project sponsor shall comply with all applicable regulatory agency requirements, including those set forth by Alameda County, the Regional Water Quality Control Board, the Bay Area Air Quality Management District, and the California DTSC regulations regarding the potential re-use of impacted artificial fill, and the storage and transportation of hydrocarbon-impacted soil and groundwater.	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
D.2: Demolition of the existing gas station structures could expose construction workers or the public to asbestos or lead-based paint.	**D.2a:** ***Asbestos.*** An asbestos survey shall be conducted prior to demolition of the existing gas station structures. All asbestos containing materials identified in the survey should be removed and appropriately disposed of by a state-certified asbestos contractor, pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant. **D.2b:** ***Lead Paint.*** A lead-based paint survey shall be conducted prior to demolition of the existing gas station structures. If the survey finds lead-based paint, an abatement plan shall be implemented.	LS
E. Hazards/Air Safety		
E.1: The tallest building in the proposed Metroport development would exceed the maximum building height allowable under the Alameda County ALUPP.	**E.1:** ***FAA Study.*** The project sponsor shall file FAA Form 7460-1 with the FAA requesting that an Aeronautical Study be performed for the proposed project. If necessary, the project sponsor shall then reduce the heights of the structures and/or mark and light the structures according to the results of the FAA's determination so that the project would not be a hazard to air navigation.	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
F. Hydrology and Water Quality		
F.2: The proposed project would generate and could increase, over existing conditions, the volume of urban and storm water runoff that removes and transports contaminants from impervious surfaces to local receiving waters.	**F.2a:** ***BMPs.*** The project design shall include Best Management Practices (BMPs) to comply with the provisions of the Clean Water Act regarding reduction and elimination of pollutants in surface water. The project sponsor shall prepare a Storm Water Discharge Plan designed to significantly reduce and where feasible, eliminate, the off-site migration of sediment and storm water pollutants associated with storm water runoff. The Storm Water Discharge Plan shall be prepared by a registered civil engineer with direct experience in preparing drainage plans and implementing BMPs. Performance standards for sediment and pollutant removal shall be consistent with surface water discharge requirements set forth by the City of Oakland, the RWQCB (San Francisco Basin Plan), and those applicable under NPDES. **F.2b:** ***SCM.*** To help minimize the amount of pollutants entering the storm drain system, the project sponsor shall implement source control measures on project roadways and parking areas that shall include, but are not necessarily limited to, regular street sweeping by mechanized equipment, proper clean-up of soil debris following landscape work or small scale construction, available trash receptacles, regular trash collection and the application of absorbent material on oil and fuel leaks from automobiles. Additionally, litter and debris that may accumulate on the project site shall be regularly collected and properly disposed. The project sponsor shall incorporate appropriate source control measures as recommended in the California Storm Water Best Management Practice Handbooks for Industrial and Commercial Sites.	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
F.3: Construction activities would increase soil erosion and may transport other contaminants to downstream receiving waters. Construction activities at the proposed project site could result in dewatering of shallow groundwater resources and contamination of surface water.	**F.3a:** ***NPDES.*** The project sponsor shall obtain NPDES permit required by RWQCB for construction dewatering and implement conditions of the permit. **F.3b:** ***Discharge Permit.*** The project sponsor shall obtain a discharge permit from East Bay Municipal Utilities District (EBMUD), or the City of Oakland Public Works Department (Public Works). **F.3c:** ***Construction Practices.*** The project sponsor shall employ construction storm water quality management practices.	LS
H. Noise		
H.1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity.	**H.1a:** ***Construction Hours.*** The project sponsor shall require construction contractors to limit construction activities in accordance with the City Noise Ordinance or as otherwise allowed by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday; pile driving activities to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m., and no construction activities on weekends until after the building is enclosed without prior authorization of the Building Services Division. **H.1b:** ***Construction Equipment.*** To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures: • Equipment and trucks used for project construction shall utilize the best available noise control techniques (*e.g.*, improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
	• Impact tools (*e.g.*, jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. • Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible. • If feasible, the noisiest phases of construction shall be limited to less than 10 days to show compliance with the local noise ordinance. **H.1c:** ***Pile Driving.*** To reduce the potential for noise impacts from pile driving, alternate methods of driving shall be used, if feasible.	

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
	H.1d: ***Noise Attenuation Plan.*** To further mitigate potential construction noise impacts, the project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified noise consultant. Prior to commencing construction, this plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any potential pile-driving activities: • Erecting temporary plywood noise barriers around the construction site; • Utilizing noise control blankets on the building structure as the building is erected to reduce noise emission from the site; • If feasible, control noise at the receivers by temporarily improving the noise reduction capability of adjacent buildings. **H.1e:** ***Noise Complaints.*** Prior to the issuance of a building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: • A procedure for notifying the City Building Division staff and Oakland Police Department; • A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;	

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
	• A listing of telephone numbers (during regular construction hours and off-hours); • The designation of a construction complaint manager for the project; and • Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity.	
I. Transportation, Circulation and Parking		
I.1: The project would increase traffic at local intersections in the project vicinity in 2005.	**I.1a:** ***Traffic Measures at Phase I.*** At Hegenberger Road / Hegenberger Place [3] and Hegenberger Road / Leet Drive [4], the project sponsor shall work with the City of Oakland to install traffic signs and pavement markings, as appropriate, to prohibit left turns from the side streets (Hegenberger Place and Leet Drive) onto Hegenberger Road. Implementation of this measure shall occur prior to occupancy of Phase 1 of the project. The project sponsor shall fund its fair share of this measure. **I.1b:** ***Traffic Measures at Full Buildout.*** At Oakport Street / Roland Way [12], the project sponsor shall work with the City of Oakland to install traffic signals and crosswalks, as appropriate. Implementation of this measure shall occur prior to full buildout of the project. The project sponsor shall fund its fair share of this measure.	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
I.3: Project-generated traffic in 2005 would overlap with traffic generated in the project vicinity by events at the Oakland Coliseum and/or Arena.	**I.3:** ***Traffic Measures during Coliseum/Arena Events.*** During periods when peak traffic generated by the project overlaps with peak traffic generated by events at the Oakland-Alameda Coliseum complex, the project sponsor shall work with the Oakland Coliseum Authority and Oakland Police Department to fund an appropriate fair share contribution toward increased costs of an expanded Coliseum traffic control plan linked to adverse effects caused by traffic generated by the Metroport project site (e.g., provision of additional traffic control officers to direct traffic in the project area).	LS
J. Utilities and Service Systems		
J.1: Operation of the proposed project would increase the demand for water services and could impact EBMUD's water supply.	**J.1a:** ***Water Conservation.*** The project sponsor shall incorporate water conservation measures into the design and operation of the proposed project through use of current water conservation technologies. Such conservation measures include incorporation of water-efficient equipment and devices, such as low-flush toilets, into building design, the use of drought-resistant and native plants for landscaping, and minimization of turf areas. **J.1b:** ***Recycled Water.*** The project sponsor shall use recycled water from EBMUD's San Leandro Reclamation Facility, if available at the site and as allowed or required by Port Ordinance, for landscape irrigation and other suitable purposes.	LS

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Environmental Impact	Mitigation Measures	Significance After Mitigation
B. SIGNIFICANT BUT MITIGABLE IMPACTS		
J.3: Construction of the proposed project could impede the ability of the City of Oakland to meet the waste diversion requirements of the California Integrated Waste Management Act (AB 939) or the Alameda County Waste Reduction and Recycling Initiative (Measure D).	**J.3:** ***C&D Debris.*** The project sponsor shall prepare and submit a Construction and Demolition Debris Waste Reduction and Recycling Plan to the City of Oakland as part of its application for a building permit. In addition, the project sponsor shall divert a minimum of 50 percent of the construction and demolition debris from each phase of the project. This percentage is to be based on the City of Oakland's method for calculating diversion by total volume or weight as described in Oakland Municipal Code Section 15.34.050.	LS
J.5: Operation of the proposed project would increase the amount of solid waste generated in the City of Oakland, and could impede the City's ability to meet the diversion rate requirements of AB 939 and Measure D.	**J.5:** ***Storage for Recyclables.*** The project sponsor shall prepare and submit building plans that specify adequate storage space for recyclable and compostable materials for each proposed building to the City of Oakland, as part of its application for a building permit. The design, location and maintenance of recycling collection and storage areas shall substantially comply with the provision of the Oakland City Planning Commission's *Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas*, Policy No. 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each 1,000 square feet of commercial space.	LS
C. LESS THAN SIGNIFICANT IMPACTS		
A. Air Quality		
A.3: Project traffic would increase localized carbon monoxide concentrations at intersections in the project vicinity.	None required.	
B. Biological Resources/ Wetlands		
B.1: The proposed project development would result in the conversion of upland ruderal vegetation to new construction and landscaping. Such habitats may be used for foraging by raptors.	None required.	

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Environmental Impact	Mitigation Measures	Significance After Mitigation
C. LESS THAN SIGNIFICANT IMPACTS		
C. Geology and Seismicity		
C.3: Structures at the proposed project site could be subjected to geologic hazards resulting from soil erosion.	None required.	
D. Hazardous Materials		
D.3: Hazardous materials used on-site during construction activities (i.e. solvents) could be spilled through improper handling or storage.	None required.	
F. Hydrology and Water Quality		
F.1: Development of the project site could increase drainage flows as a result of the introduction of impervious surfaces, which could create localized flooding and contribute to a cumulative flooding impact downstream.	None required.	
F.4: The project site lies within the area that could potentially be inundated in the unlikely event of a catastrophic dam failure at Lake Chabot Reservoir.	None required.	
H. Noise		
H.2: Project-generated traffic and other operational noise such as mechanical equipment noise may impact nearby noise receptors.	None required.	
H.3: The proposed project together with anticipated future development in the area as well as Oakland in general could result in long-term traffic increases and could cumulatively increase noise levels.	None required.	

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EXHIBIT (continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Significance After Mitigation
C. LESS THAN SIGNIFICANT IMPACTS		
I. Transportation, Circulation and Parking		
I.2: The project would increase traffic on regional roadways in the project vicinity in 2005.	None required.	
I.4: The project would generate demand for automobile and bicycle parking spaces.	None required.	
I.5: The project would increase pedestrian and bicycle activity in the project vicinity, and would create potential conflict points among motor vehicles, pedestrians and bicyclists.	None required.	
I.6: The project would contribute to cumulative increases in traffic at local intersections in the project area in 2020. This would be a less than significant impact with implementation of mitigation measures identified for the 2005 scenario.	None required.	
I.7: The project would contribute to cumulative increases in traffic on regional roadways in the project vicinity in 2020.	None required.	
I.8: Project-generated traffic in 2020 would overlap with traffic generated in the project vicinity by events at the Oakland Coliseum and/or Arena. This would be a less than significant impact with implementation of Mitigation Measure I.3 identified for the 2005 scenario.	None required.	
I.9: The project would increase ridership on public transit lines in the project vicinity.	None required.	
J. Utilities and Service Systems		
J.2: Operation of the proposed project would increase the demand for sewer collection and treatment services.	None required.	

SU = Significant and Unavoidable
S = Significant
LS = Less than Significant

Environmental Impact	Mitigation Measures	Significance After Mitigation
C. LESS THAN SIGNIFICANT IMPACTS		
J.4: Operation of the proposed project would increase the amount of solid waste disposed by the City of Oakland at the Altamont Landfill and Recycling Facility (Altamont Landfill).	None required.	
J.6: Operation of the project and its components would increase consumption of energy.	None required.	
K. Visual Quality		
K.1: The project would construct nine buildings (including two enclosed parking structures) of up to 16 stories on undeveloped land in the vicinity of existing mid-rise buildings in the Oakland Airport Business Park. The proposed project would therefore alter the existing visual character of the project site.	None required.	
K.2: The project would alter views from and of the project site.	None required.	
K.3: The project would create additional shadow on adjacent blocks to the north and east, but would not affect any public or quasi-public parks, lawns, gardens, or open spaces.	None required.	
K.4: The project would create new sources of light and potential glare.	None required.	

SU = Significant and Unavoidable
S = Significant
LS = Less than Significant

MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
A. AIR QUALITY			
A.1: During construction, the project sponsor shall require the construction contractor to implement BAAQMD's basic and enhanced dust control procedures required for sites larger than four acres. Elements of the "basic" dust control program for project components that disturb less than four acres shall include, but not necessarily be limited to the following: • Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.	City Building Services	At all times during site preparation, grading, and construction.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
Elements of the "enhanced" dust abatement program for project components that disturb four or more acres shall include all of the "basic" measures in addition to the following measures to be implemented by the construction contractor: • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). • Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 miles per hour. • Limit the amount of the disturbed area at any one time, where possible. • Pave all roadways, driveways, sidewalks, etc. as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. • Replant vegetation in disturbed areas as quickly as possible. • Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction.			

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
A.2: To reduce the significance of the operational impacts of the project, the project sponsor shall implement the following mitigation measures. These mitigation measures shall be in place by the time of project build out and occupancy.			
Rideshare Measures			
A.2.a The project sponsor shall require tenants at the site to implement carpool/vanpool programs (e.g., carpool, ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, guaranteed ride home program, etc).	a. Port Engineering Division	a. Throughout the life of the project.	
A.2.b The project sponsor shall require tenants to implement employee rideshare/public transit incentive programs providing cash payments or pre-paid fare media such as transit passes or coupons.	b. Port Engineering Division	b. Throughout the life of the project.	
Transit Measures	c. Port Engineering Division		
A.2.c The project sponsor shall be required to construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.	d. Port Engineering Division	c. Upon full buildout of the project.	
A.2.d The project sponsor shall contribute to regional transit systems (e.g., right-of-way, capital improvements, park-and-ride lots).	e. Port Engineering Division	d. Upon full buildout of the project.	
Shuttle Measures			
A.2.e The project sponsor shall provide shuttle service from project to transit stations/multimodal centers. The demand and timing for shuttle service shall be closely monitored by the project sponsor, and shuttle trips shall be scheduled accordingly to provide prompt, adequate and convenient service to the users. The shuttle vehicle shall operate on an alternative fuel, such as compressed natural gas.		e. Throughout the life of the project until the BART Connector intermediate station is operational on-site or other similar service is in place.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
Parking Measures			
A.2.f The project sponsor and/or tenants shall require tenants to provide preferential parking for carpool and vanpool vehicles (e.g., near building entrance, sheltered area, etc.)	f. Port Engineering Division	f. Prior to plan approval for building permits.	
A.2.g The project sponsor shall require tenants to meet minimum employee ridesharing/public transit requirements or provide incentives for them to meet targets.	g. Port Engineering Division	g. Prior to plan approval for building permits.	
A.2.h The project sponsor shall be required to provide secure, short-term bicycle parking for retail customers and other non-commute trips.	h. Port Engineering Division	h. Prior to plan approval for building permits.	
Bicycle and Pedestrian Measures			
A.2.i The project sponsor shall be required to provide secure, weather-protected bicycle parking for employees.	i. Port Engineering Division	i. Prior to plan approval for building permits.	
A.2.j The project sponsor shall provide or require tenants to provide showers and lockers for employees bicycling or walking to work.	j. Port Engineering Division	j. Prior to plan approval for building permits.	
A.2.k The project sponsor shall provide direct safe, attractive pedestrian and bicycle access to transit stops and adjacent development.	k. Port Engineering Division l. City Building Services	k. Prior to plan approval for building permits and throughout the life of the project. l. Prior to issuance of a certificate of occupancy.	
A.2.l The project sponsor shall provide adequate street lighting.	m. City Building Services and Port Engineering Division	m. Prior to plan approval for building permits and issuance of a certificate of occupancy.	
A.2.m The project sponsor shall improve or construct on-site and off-site pedestrian facilities (e.g., overpasses, wide sidewalks, and building access for pedestrians), and provide pedestrian safety designs/infrastructure at crossings.			

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
B. BIOLOGICAL RESOURCES			
B.2: The project sponsor shall conduct pre-construction breeding bird surveys in all areas that may provide nesting habitat. No more than two weeks before construction, a survey for burrows and burrowing owls shall be conducted by a qualified ornithologist with recent experience working on burrowing owl related issues. Surveys shall conform to the protocol described by the California Burrowing Owl Consortium (1993) which includes up to four surveys on different dates if there are suitable burrows present. Simultaneous with the owl surveys, an assessment of the project site would also be conducted to determine the nesting status of other birds. If any nests are identified, occupied nests or burrows shall not be disturbed during the nesting season (February 1 through August 31 for owls). During the non-nesting season, the applicant shall compel owls to relocate to off-site habitat areas through the installation of one-way doors on entrances, prior to permanently collapsing burrows.	Port Engineering Division	Prior to construction.	
B.3: The project sponsor shall create, enlarge, or enhance a seasonal wetland prior to disturbance of wetlands on the project site. The mitigation wetland, which shall be subject to the approval of the RWQCB, shall be located in the southern or eastern regions of the San Francisco Bay Area, shall be at least equal to or greater than 2.4 acres, and shall be monitored and actively managed in a healthy state for a minimum of five years. The project sponsor shall prepare and submit a mitigation plan for approval of the RWQCB.	Port Engineering Division	Prior to issuance of grading and/or building permits.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
C. GEOLOGY AND SEISMICITY			
C.1: The project sponsor shall conduct a design-level geotechnical investigation for the project site that includes an analysis of ground shaking, liquefaction potential, and earthquake-induced settlement, and provide recommendations to reduce these hazards. The project applicant shall comply with recommendations of the geotechnical engineer and these recommendations shall become part of the project. In addition, the project will comply with all applicable local (City of Oakland, County of Alameda)and state policies, codes, and regulations pertaining to geotechnical investigation, seismic design, and grading and construction. Subsurface investigation shall comply with guidelines set forth by the CGS Special Publication 117 for evaluation and mitigation of seismic hazards.	City Building Services	Prior to issuance of grading and/or building permits.	
C.2: The project sponsor shall ensure that the proposed development complies with applicable City policies, and appropriate engineering investigation necessary to reduce the potential detrimental effects of differential settlement, expansive soils, and soil erosion. Recommendations provided by the geotechnical engineer pertaining to mitigation of adverse soil conditions shall become part of the project.	City Building Services	Prior to issuance of grading and/or building permits.	
D. HAZARDOUS MATERIALS			
D.1a: Prior to construction, the project sponsor shall create an environmental site health and safety plan to address worker safety hazards that may arise during construction activities.	City Building Services	Prior to issuance of grading and/or building permits.	
D.1b: Prior to construction on the southwest corner of the site, the underground and aboveground storage tanks shall be removed under the guidance of the Alameda County Local Oversight Program. Such removal is to include the over-excavation and disposal of any petroleum hydrocarbon impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency for subsequent industrial uses.	City Building Services and Certified Unified Program Agency (CUPA)	Prior to issuance of grading and/or building permits for that portion of the site.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
D.1c: The project sponsor shall comply with all applicable regulatory agency requirements, including those set forth by Alameda County CUPA, the Regional Water Quality Control Board (RWQCB) the Bay Area Air Quality Management District, and the California DTSC regulations regarding the potential re-use of impacted artificial fill, and the storage and transportation of hydrocarbon-impacted soil and groundwater.	Alameda County CUPA, RWQCB, BAAQMD, and CA DTSC	Throughout the duration of construction on that portion of the site.	
D.2a: An asbestos survey shall be conducted prior to demolition of the existing gas station structures. All asbestos containing materials identified in the survey should be removed and appropriately disposed of by a state-certified asbestos contractor, pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant.	City Building Services	Survey, and if necessary, abatement plan: Prior to issuance of demolition permit for gas station structures. Removal and disposal: Throughout demolition of gas station structures.	
D.2b: A lead-based paint survey shall be conducted prior to demolition of the existing gas station structures. If the survey finds lead-based paint, an abatement plan shall be implemented.	City Building Services	Prior to issuance of demolition permit for gas station structures.	
E. HAZARDS/AIRPORT SAFETY			
E.1: The project sponsor shall file FAA Form 7460-1 with the FAA requesting that an Aeronautical Study be performed for the proposed project. If necessary, the project sponsor shall then reduce the heights of the structures and/or mark and light the structures according to the results of the FAA's determination so that the project would not be a hazard to air navigation.	Port Engineering Division and City Building Services	Prior to issuance of grading and/or building permits.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
F. HYDROLOGY AND WATER QUALITY			
F.2a: The project design shall include Best Management Practices (BMPs) to comply with the provisions of the Clean Water Act regarding reduction and elimination of pollutants in surface water. The project sponsor shall prepare a Storm Water Discharge Plan designed to significantly reduce and where feasible, eliminate, the off-site migration of sediment and storm water pollutants associated with storm water runoff. The Storm Water Discharge Plan shall be prepared by a registered civil engineer with direct experience in preparing drainage plans and implementing BMPs. Performance standards for sediment and pollutant removal shall be consistent with surface water discharge requirements set forth by the City of Oakland, the RWQCB (San Francisco Basin Plan), and those applicable under NPDES.	City Building Services and RWQCB	Prior to issuance of grading and/or building permits.	
F.2b: To help minimize the amount of pollutants entering the storm drain system, the project sponsor shall implement source control measures on project roadways and parking areas that shall include, but are not necessarily limited to, regular street sweeping by mechanized equipment, proper clean-up of soil debris following landscape work or small scale construction, available trash receptacles, regular trash collection and the application of absorbent material on oil and fuel leaks from automobiles. Additionally, litter and debris that may accumulate on the project site shall be regularly collected and properly disposed. The project sponsor shall incorporate appropriate source control measures as recommended in the California Storm Water Best Management Practice Handbooks for Industrial and Commercial Sites.	City Building Services and City of Oakland, Public Works Agency	Throughout all grading and construction on site.	
F.3a: If construction dewatering is necessary, the project sponsor shall obtain an NPDES permit required by RWQCB for construction dewatering and implement conditions of the permit.	City Building Services and RWQCB	Prior to issuance of grading and/or building permits.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
F.3b: If construction dewatering is necessary, the project sponsor shall obtain a discharge permit from East Bay Municipal Utilities District (EBMUD), or the City of Oakland Public Works Department (Public Works).	Port Engineering Division, City Building Services, City Public Works Agency, and EBMUD	Prior to dewatering, if needed.	
F.3c: The project applicant shall employ construction storm water quality management practices. At a minimum, these shall include the following: • Plan excavation and grading activities for only the dry season (April 15 to October 15) to the extent possible. This reduces the chance of severe erosion from intense rainfall and surface runoff as well as the potential for soil saturation in swale areas. • If excavation occurs during the rainy season, storm runoff from the construction area shall be regulated by temporary on-site silt traps and/or basins with multiple discharge points to natural drainages and energy dissipaters. Stockpiles of loose material shall be covered and runoff all be diverted away from exposed soil material. If work is stopped due to rains, a positive grading away from slopes shall be provided to carry the surface runoff to areas where flow can be controlled, such as the temporary silt basins. Sediment basin/traps shall be located and operated to prevent offsite sediment transport. Any trapped sediment shall be removed from the basin or trap and placed at a suitable location on-site away from concentrated flows, or removed to an approved disposal site.	City Building Services	Throughout all grading and construction on site.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
• Temporary erosion control measures shall be provided until perennial revegetation or landscaping is established and can prevent discharge of sediment into nearby waterways. For construction within 500 feet of a water body, straw bales shall be placed upstream adjacent to the water body. • Upon completion of grading, erosion protection shall be provided on all cut and fill slopes. Revegetation shall be facilitated by mulching, hydroseeding or other methods, and should be initiated as soon as possible after completion of grading, and prior to the onset of the rainy season (by November 1). • Permanent revegetation/landscaping shall emphasize drought-tolerant perennial ground coverings, shrubs, and trees. • BMPs selected and implemented for the project shall be in place and operational prior to the onset of major earthwork on the site. The construction phase facilities shall be maintained regularly and cleared of accumulated sediment as necessary. • Hazardous materials such as fuels and solvents used on the construction sites shall be stored in covered containers and protected from vandalism. A stockpile of spill cleanup materials shall be readily available at all construction sites. Employees shall be trained in spill prevention and cleanup and individuals shall be designated as responsible for prevention and cleanup activities.			

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
H. NOISE			
H.1a: The project sponsor shall require construction contractors to limit construction activities in accordance with the City Noise Ordinance or as otherwise allowed by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday; pile driving activities to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m.; and no construction activities on weekends until after the building is enclosed without prior authorization of the Building Services Division.	City Building Services	Throughout all grading and construction onsite.	
H.1b: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures: • Equipment and trucks used for project construction shall utilize the best available noise control techniques (*e.g.*, improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible); • Impact tools (*e.g.*, jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; and	City Building Services	Throughout all grading and construction on site.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
• Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible. • If feasible, the noisiest phases of construction shall be limited to less than 10 days to show compliance with the local noise ordinance.			
H.1c: To reduce the potential for noise impacts from pile driving, alternate methods of driving shall be used, if feasible.	City Building Services	Throughout all grading and construction on site.	
H.1d: To further mitigate potential construction noise impacts, the project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified noise consultant. Prior to commencing construction, this plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any potential pile-driving activities; • Erecting temporary plywood noise barriers around the construction site; • Utilizing noise control blankets on the building structure as the building is erected to reduce noise emission from the site; • If feasible, control noise at the receivers by temporarily improving the noise reduction capability of adjacent buildings.	City Building Services	Prior to issuance of grading and/or building permits.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
H.1e: Prior to the issuance of a building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Services a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: • A procedure for notifying the City Building Services staff and Oakland Police Department; • A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem; • A listing of telephone numbers (during regular construction hours and off-hours); • The designation of a construction complaint manager for the project; and • Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity.	City Building Services	Prior to issuance of grading and/or building permits.	
I. TRANSPORTATION, CIRCULATION, AND PARKING			
I.1a: At Hegenberger Road / Hegenberger Place [3] and Hegenberger Road / Leet Drive [4], the project sponsor shall work with the Port and the City of Oakland to install traffic signs and pavement markings, as appropriate, to prohibit left turns from the side streets (Hegenberger Place and Leet Drive) onto Hegenberger Road. Implementation of this measure shall occur prior to occupancy of Phase 1 of the project. The project sponsor shall fund its fair share of this measure.	Port Engineering Division and City Traffic Division	Port to determine fair share prior to occupancy of Phase 1 of the project, and improvements to be in place prior to occupancy of Phase 1 of the project.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
I.1b: At Oakport Street / Roland Way [12], the project sponsor shall work with the City of Oakland to install traffic signals and crosswalks, as appropriate. Implementation of this measure shall occur prior to full buildout of the project. The project sponsor shall fund its fair share of this measure.	Port Engineering Division and City Traffic Division	Port to determine the fair share prior to full buildout of the project, and improvements to be in place prior to full buildout of project.	
I.3: During periods when peak traffic generated by the project overlaps with peak traffic generated by events at the Oakland-Alameda Coliseum complex, the project sponsor shall work with the Oakland Alameda County Coliseum Authority and City of Oakland Police Department to fund an appropriate fair share contribution toward increased costs of an expanded Coliseum traffic control plan linked to adverse effects caused by traffic generated by the Metroport project site (e.g., provision of additional traffic control officers to direct traffic in the project area).	City Traffic Division, Oakland Alameda County Coliseum Authority, and City Police Department	City and Coliseum Authority to determine the project's fair share contribution upon project occupancy at full buildout.	
J. UTILITIES AND SERVICE SYSTEMS			
J.1a: The project sponsor shall incorporate water conservation measures into the design and operation of the proposed project through use of current water conservation technologies. Such conservation measures include incorporation of water-efficient equipment and devices, such as low-flush toilets, into building design, the use of drought-resistant and native plants for landscaping, and minimization of turf areas.	City Building Services, Port Engineering Division, and EBMUD	Prior to issuance of building permits.	
J.1b: The project sponsor shall use recycled water from EBMUD's San Leandro Reclamation Facility, if available at the site and as allowed or required by Port Ordinance, for landscape irrigation and other suitable purposes.	City Building Services, Port Engineering Division, and EBMUD	Prior to issuance of building permits.	

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MITIGATION MONITORING AND REPORTING PROGRAM – METROPORT Project (Continued)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Record (Name / Date)
J.3: The project sponsor shall prepare and submit a Construction and Demolition Debris Waste Reduction and Recycling Plan to the City of Oakland as part of its application for a building permit. In addition, the project sponsor shall divert a minimum of 50 percent of the construction and demolition debris from each phase of the project. This percentage is to be based on the City of Oakland's method for calculating diversion by total volume or weight as described in Oakland Municipal Code Section 15.34.050.	City Building Services	Prior to issuance of building permits.	
J.5: The project sponsor shall prepare and submit building plans that specify adequate storage space for recyclable and compostable materials for each proposed building to the City of Oakland, as part of its application for a building permit. The design, location and maintenance of recycling collection and storage areas shall substantially comply with the provision of the Oakland City Planning Commission's *Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas*, Policy No. 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each 1,000 square feet of commercial space,	City Building Services	Prior to issuance of building permits.	

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EXHIBIT 3

GENERAL PROJECT FINDINGS

A. Purpose

These CEQA findings are adopted by the Port of Oakland (the "Port"), as lead agency for the proposed Metroport Project. These findings pertain to the Environmental Impact Report ("EIR") prepared for that Project. These findings are based upon the entire record described below. Some findings are based especially upon specific references, as noted below. However, all findings are based upon the entire record. References to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the finding.

The findings provide the written analysis and conclusions of the Board regarding the environmental impacts of the Project, mitigation measures, alternatives to the Project, and the overriding considerations that, in the Board's view, justify approval of the Project despite its environmental impacts.

B. Description of Environmental Impact Report

For the purpose of the findings, the Metroport Final EIR consists of the Metroport Draft EIR of November 12, 2002 (State Clearinghouse Number 2001052001), all appendices and documents incorporated by reference in the Metroport Draft EIR, and the Response to Comments of February 6, 2003.

C. The Record

The record upon which all findings and determinations related to the Project are based includes the following:

a. The EIR, and all documents referenced in or relied upon by the EIR.

b. All information (including written evidence and testimony) provided by Port staff to the Port Board relating to the EIR, the proposed permit applications and the Project or its alternatives.

c. All information (including written evidence and testimony) presented to the Port Board by the environmental consultant and subconsultants who prepared the EIR, or incorporated into reports presented to the Port Board.

d. All information (including written evidence and testimony) presented to the Port from other public agencies relating to the Project or the EIR.

e. All applications, letters, testimony and presentations presented by the project sponsor and its consultants to the Port in connection with the Project.

f. All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR.

g. For documentary and information purposes, all applicable locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

h. The Mitigation Monitoring and Reporting Program ("MMRP") for the Project.

i. All other documents comprising the record pursuant to Public Resources Code section 21167.6(e).

The location and custodian of documents described above constituting the record of proceedings respectively are the Port of Oakland, 530 Water Street, Oakland, California 94607, and Manager of the Environmental Planning Department.

D. The Project

SIMEON Commercial Properties ("SIMEON" or "Project Applicant") proposes to construct, on a 23-acre site located west of Interstate 880 and adjacent to the Hegenberger Road exit, approximately 1.3 million square feet of Class A office space in five buildings, ranging from 180,000 square feet to 336,000 square feet, and ranging from 6 stories to 14 stories in height. The Project would also include construction of a full-service hotel with approximately 340 rooms in one building of 16 stories. The hotel would include conference space, as well as space for a lobby, restaurant and retail. Approximately 50,000 square feet of retail would be incorporated on the ground floor in various project buildings. Approximately, 4,850 parking spaces would be provided and located within two parking garages and on surface parking areas throughout the site. The building would surround a landscaped, campus quad area with a water feature defining pedestrian walkways between buildings. Oakport Street would be realigned along the northern boundary of the project site, with a perpendicular intersection at Edgewater Drive ("Project" or "Metroport Project").

E. Consideration and Certification of Environmental Impact Report

The Board certifies that the Metroport EIR was presented to the Board, and that the members of the Board reviewed and considered the information in the Metroport EIR, pursuant to CEQA Guidelines section 15090(a) and all other applicable laws, rules and regulations. The Board certifies that the Final EIR has been completed in compliance with CEQA. The Board ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments and conclusions of the Metroport EIR, except where they are specifically modified by the Board's findings. The Board finds that the Metroport EIR represents the independent judgment of the Board and Port. The Board certifies that the EIR is adequate to support Project approval.

F. Changes to Environmental Impact Report

The Board finds that the Response to Comments on the Draft EIR contains additions, clarifications, modifications and other changes in response to comments on the Draft EIR and incorporates information obtained by the Port since the Draft EIR was issued. The Board make the following findings: The changes and additional information contained in the Response to Comments on the Draft EIR are not significant new information because they do not indicate that any new significant environmental impacts not already evaluated would result from the Project and they do not reflect any substantial increase in the severity of any

environmental impact; no feasible mitigation measures considerably different from those previously analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the Project; and no feasible alternatives considerably different from those analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the Project.

Accordingly, the Board also finds that no information has been revealed that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. The Board finds that the changes and modifications made to the Final EIR after the Draft EIR was circulated for public review and comment do not collectively or individually constitute significant new information within the meaning of Public Resource Code §21092.1 or CEQA Guidelines §15088.5.

EXHIBIT 4

FINDINGS RELATING TO MITIGATION MEASURES, PROJECT ENVIRONMENTAL IMPACTS, AND ALTERNATIVES

A. Findings Relating to Mitigation Measures

The Port Board finds that the Metroport EIR identifies certain significant environmental impacts that may result from the Project and identifies specific mitigation measures to reduce or avoid significant impacts.

1. Adoption of Mitigation Measures

The Board hereby adopts and incorporates, as conditions of approval for the Project, the mitigation measures set forth in Exhibit 1. Exhibit 1 includes all mitigation measures recommended by the Final EIR. The mitigation measures contained in Exhibit 1 are the proposed mitigation measures for the Project upon which the Board's findings are in part based, and which are the measures that the Board adopts as conditions of approval for the Project.

In adopting these mitigation measures, the Board states its intention to adopt each of the mitigation measures recommended in the Final EIR. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit 1, the Board hereby adopts said mitigation measure and it is incorporated in Exhibit 1 by reference.

2. Findings Regarding Modifications to Mitigations Measures Made in the Final EIR

As a result of the comments received on the Draft EIR, several mitigation measures identified in the Draft EIR were modified by the Final EIR. The basis for each of these modifications is set forth in the Final EIR.

3. Findings Regarding Additional Mitigation Measures Proposed in Comments on the Draft EIR

In the comments on the Draft EIR, several measures were suggested by various commenters as proposed additional mitigation measures. With respect to the measures that were proposed in the comments, and not adopted by the Final EIR, the responses to comments in the Final EIR explain why the proposed mitigation measures were not recommended by the Final EIR for adoption and not adopted by the Port Board. The Board adopts and incorporates by reference the reasons stated in the Response to Comments contained in the Final EIR as its grounds for rejecting adoption of these proposed mitigation measures as infeasible.

4. Adoption of Mitigation Monitoring and Report Program

1. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the Port to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The MMRP satisfies CEQA's requirements.

2. The mitigation measures recommended by the EIR and incorporated into the Project are specific and enforceable. As appropriate, some mitigation measures define performance standards to ensure no significant environmental impacts. The MMRP adequately describes conditions, implementation, verification, a compliance schedule and reporting requirements to ensure the Project complies with the adopted mitigation measures. The MMRP ensures that the mitigation measures are in place, as appropriate, throughout the life of the Project.

3. The mitigation measures set forth in the MMRP are derived from the mitigation measures set forth in the Draft EIR. In the Response to Comments, the Port has modified the language of some of the mitigation measures for purposes of clarification and consistency, to enhance enforceability, to defer more to the expertise of other agencies with jurisdiction over the affected resources, to summarize or strengthen the provisions of the measures, and/or to make the mitigation measures more precise and effective, all without making any substantive changes to the mitigation measures.

4. The Board adopts and imposes the mitigation measures recommended in the Final EIR as enforceable conditions of the Project. These mitigation measures comprise the measures necessary to reduce significant impacts to a level less than significant whenever it is feasible to do so. The Port has substantially lessened or eliminated all significant environmental effects where feasible.

5. The mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not analyzed in the Draft EIR.

The Board hereby adopts the MMRP set forth in Exhibit 2 as the MMRP for the Project.

B. Findings Relating to Project Impacts

1. Standard for Findings

CEQA requires under Public Resources Code 21080 that the Board make certain findings for each significant impact identified in the Final EIR before approving the Project. The Board must make one or more of three findings:

a) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

b) Those changes or alterations that are within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other agency.

c) Special economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the EIR.

2. Findings Regarding Project Impacts

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Board adopts the findings and conclusions regarding impacts and mitigation measures that are set forth in the EIR. These findings do not repeat the full

discussions of environmental impacts contained in the EIR. The Port Board ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Port Board adopts the reasoning of the EIR, of staff reports, and of the presentations provided by the Project Applicant.

The Port Board recognizes that the environmental analysis of the Project raises several controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Port Board acknowledges that there are differing and conflicting expert and other opinions regarding the Project. The Port Board has, by its review of the evidence and analysis presented in the EIR and in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Port Board to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record concerning the Project. These findings are based on full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of proceedings for the Project.

The Board has adopted all of the mitigation measures recommended by the Final EIR, and has found none of them to be infeasible.

The Board adopts specific findings with respect to mitigation of the potentially significant impacts identified in the Final EIR being those mitigation measures which are set forth in Exhibit 1 and are hereby incorporated in the Board's findings by reference as if set forth in full therein. Where adoption of the proposed mitigation measures will avoid an impact or mitigate it to a less than significant level, the findings in Exhibit 1 state that the adverse impact will be less than significant. Where no feasible mitigation measures are available for a significant impact, or the adopted mitigation measures will reduce a significant impact, but not to a less than significant level, Exhibit 1 states that the impact will remain significant.

The recommended findings set forth in Exhibit 1 do not repeat the full discussions of the environmental impacts contained in the EIR. Instead, they provide a brief summary description of the impacts, describe the applicable mitigation measures that are recommended for adoption by the Board, and state the recommended findings on the significance of each impact after imposition of the adopted mitigation measures. There are no additional significant impacts remaining after the adoption of the mitigation measures to those already identified in the Metroport EIR. In summary the significant impacts that would remain after the adoption of the mitigation measures are as follows:

Air Quality A.2 (Project-related Impact): The Project would result in an increase in reactive organic gas, nitrogen oxide, and particulate matter emissions due to Project-related traffic and on-site area sources.

Air Quality A.4 (Cumulative Impact): The Project together with anticipated future cumulative development in the Bay Area would contribute to regional air pollutant problems.

With respect to the foregoing impacts that will not be mitigated to a less than significant level, the Board finds that all feasible mitigation measures have been adopted and the remaining

significant impacts are acceptable for the reasons set forth in the Statement of Overriding Considerations in Exhibit 5.

3. Findings Regarding Actions by Other Agencies

Most of the mitigation measures set forth in Exhibit 1, and adopted by the Board within the authority and control of the Port and their implementation will be monitored by the Port. However, several mitigation measures are also within the authority and control of other public agencies. Those agencies shall be responsible for implementation, including monitoring, of the mitigation measures under their jurisdiction.

Under Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2) and 15092(b)(2)(A), the Port recognizes that some mitigation measures require action by, or cooperation from, other agencies. Similarly, mitigation measures requiring the project sponsor to contribute towards improvements planned by other agencies will require the relevant agencies to receive the funds and spend them appropriately. The Port also recognizes that some cumulative impacts will be feasibly mitigated when other agencies build the relevant improvements, which also required action by these other agencies. For each mitigation measure that requires the cooperation or action of another agency, the Port finds that adoption and/or implementation of each of those mitigation measures is within the responsibility and jurisdiction of another public agency, and that the measures can and should be adopted and/or implemented by that other agency.

C. Findings Relating to Alternatives

The Board finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project as discussed in the EIR, and justify approval of the Project despite remaining impacts, as more fully discussed in the Statement of Overriding Considerations.

The Board adopts the EIR's analysis and conclusions regarding alternatives eliminated from further consideration, both during the scoping process and in response to comments.

The Board finds that the Final EIR sets forth a reasonable range of alternatives to the Project sufficient to foster informed public participation and informed decision making and to permit a reasoned choice. The analysis examined the feasibility of each alternative, the environmental impacts of each alternative, and the ability of each alternative to meet the Project objectives. The Board further finds that the Final EIR adequately discusses and evaluates the comparative merits of the alternatives.

The Board certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the Port's and the Board's independent judgment as to alternatives.

The Board finds that the Project provides the best balance between satisfaction of the Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the EIR. The alternatives are rejected as infeasible, for the reasons stated in the EIR and set forth below.

The Board finds that the other Project alternatives set forth in the Final EIR would not allow the full attainment of the objectives of the Project or the benefits of the Project set forth in the Statement of Overriding Considerations, and that the limited environmental advantages in comparison with the Project do not justify their adoption in light of these factors.

The Board makes the following specific findings with respect to the alternatives identified and discussed in the Final EIR as separate and independent grounds for adopting the Project rather than the alternatives.

1. Alternative I: No Project

The Board finds that the No Project Alternative, in which no improvements are constructed, is infeasible, as that term is defined by CEQA, and rejects this alternative, for the following reasons.

This alternative, under the no-build scenario, would avoid all impacts associated with the Project and would be the environmentally superior alternative. However, the No Project Alternative may result in a continued vacancy on the site without realization of objectives in the City of Oakland General Plan, Hegenberger Gateway Plan, and Coliseum Redevelopment Plan to redevelop regional-serving uses, create employment opportunities, and create a distinctive gateway image along Hegenberger Road. Continued vacancy of the Project site is inconsistent with the intent of applicable plans and policies for the area.

In addition, if the proposed Project is not constructed, another Project could be proposed for the site. If such a Project were proposed, its impacts would likely be similar to those of the proposed Project.

The No Project Alternative would not provide the benefits of the proposed Project. The benefits of the Project outweigh the reduction in significant impacts that may occur under the No Project Alternative.

2. Alternative 2: Medical Campus

The Board rejects the Medical Campus Alternative, which would include construction of approximately 450,000 square feet of medical offices and a 550,000 square-foot hospital, for the following reasons.

This alternative would result in significant and unavoidable project-specific and cumulative impacts to air quality that would be similar to, or greater than, the proposed Project. In addition, unlike the Project, this alternative would result in air emissions from the use of emergency diesel generators located on site. The use of the generators would result in a less than significant project-specific impact, but would result in a significant cumulative impact.

Seismically-related impacts may occur beyond those identified for the Project.

While this alternative would avoid significant impacts related to biological resources, the proposed Project would result in less than significant impacts to these resources with the implementation of the identified mitigation measures.

This alternative is not as likely to meet the Project's objectives, and the Port of Oakland's and City of Oakland's goals, of providing a visually distinctive and prominent marker at this key site in the gateway area

3. Alternative 3: Retail/Entertainment Complex

The Board rejects the Retail/Entertainment Complex Alternative, which would include construction of approximately 175,000 square feet of retail, a 50,000 square-foot health club, and a 12 screen multiplex theater, for the following reasons.

While this alternative would result in approximately eight percent less traffic than would the Project, and thus lesser traffic-related impacts to air quality, the impacts would be at a level considered significant and unavoidable.

Further, this alternative is not as likely to meet the Project's, Port's, and City's goals and objectives of providing a visually distinctive and prominent marker at this key site in the gateway area.

4. Alternative 4: Regional Retail and Restaurant Center

The Board rejects the Regional Retail and Restaurant Center Alternative, which would include approximately 275,000 square feet of big box retail and approximately 80,000 square feet of restaurant space, for the following reasons.

This alternative, similar to the Project, would result in significant and unavoidable project-specific and cumulative impacts to air quality.

This alternative is not as likely to meet the Project's, Port's, and City's goals and objectives of providing a visually distinctive and prominent marker at this key site in the gateway area.

5. Alternative 5: Phase One Office

The Board rejects the Phase One Office Alternative, which would include construction of only 420,000 square feet of office space and no hotel or retail space, for the following reasons.

This alternative is the environmentally superior alternative among all of the alternatives except for the No Project Alternative, and would avoid significant impacts related to air quality and biological resources. However, the Project's dense development on this urban, in-fill site would foster transit-oriented development supported by a variety of transportation modes (e.g., BART, AC Transit, and the Oakland International Airport). Such dense, urban, in-fill, and transit-oriented development contributes to congestion management and air quality management by facilitating shorter commute trips and the use of public transit and other alternative modes of transportation.

This alternative would not satisfy the Project's objectives, and would not, to the same extent as the Project, meet the Port of Oakland's and City of Oakland's goals for the redevelopment of this area. This alternative would not provide commercial services, such as retail or restaurant, to support the Oakland Airport Business Park or Hegenberger area. This alternative would also not provide a hotel to serve travelers, including travelers using the Oakland International Airport, which is approximately one mile from the Project site. Under this alternative, the site would be dominated by large surface parking lots visible from

Hegenberger Road and Edgewater Drive, and would not provide a visually distinctive and prominent visual marker for the gateway area. Finally, due to the smaller size of this alternative, it may not generate the same level of land use and economic development benefits for the Port and the City, as would the Project. Overall, the environmental benefits of this alternative, as compared to the overriding benefits of the Project, do not justify the Board's approval of this alternative.

6. Alternative 6: Reduced Office Site

The Board rejects the Reduced Office Site Alternative, which would include construction of approximately 860,000 square feet of office space, an approximately 340-room hotel, and approximately 20,000 square feet of retail space, for the following reasons.

This alternative, similar to the Project, would result in significant and unavoidable project-specific and cumulative impacts to air quality.

In comparison to the Project, this alternative, due to its smaller size, would not be as visually prominent as would the proposed Project, and thus would not satisfy, to the same extent as the Project, the Project's, Port's, or City's goals and objectives of providing a visually distinctive and prominent marker at this key site in the gateway area. In addition, due to the smaller size of this alternative, it may not generate the same level of land use and economic development benefits for the Port and the City as would the Project.

EXHIBIT 5

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE UNAVOIDABLE ADVERSE IMPACTS

Section 15093 of the State CEQA Guidelines provides that where the decision of a public agency allows the occurrence of significant effects that are identified in the Final EIR, the agency shall state in writing specific reasons to support its action based on the Final EIR and/or other information in the record. This statement is referred to as a "Statement of Overriding Considerations."

The Board finds and determines that the potentially significant impacts of the Project will be reduced to less than significant levels by the mitigation measures adopted by the Board, except for the remaining significant impacts described in Exhibit 4 and in the Board's Agenda Sheet. In light of the overriding considerations set forth below, the Board further finds and determines that the benefits of the Project outweigh these remaining significant, adverse impacts. The Board also expressly finds that each of the specific economic, legal, social, technological, environmental and other considerations and the benefits of the Project independently outweigh the remaining significant adverse impacts and is an overriding consideration independently warranting Project approval. These considerations warrant approval of the Project notwithstanding such remaining significant impacts. The overriding considerations are:

a) The Project will assist in revitalizing and developing a key, in-fill site along the Hegenberger corridor, thereby reinforcing the Port's and City's desired Hegenberger Gateway vision and creating a vibrant connection between the Coliseum Area and the Oakland International Airport.

b) The Project will provide a region-serving and visitor-serving development in compliance with the Port's and City's land use objectives.

c) The Project will provide commercial uses, such as retail and restaurant, to support the Project and other businesses along the Hegenberger corridor and in the Oakland Airport Business Park.

d) The Project will provide a substantial development and employment center in close proximity to major transportation facilities (BART, AC Transit, and the Oakland International Airport), thereby fostering transit-oriented development supported by a variety of transportation modes. Such urban, in-fill, transit-oriented development contributes to congestion management and air quality management by facilitating shorter commute trips and the use of public transit and other alternative modes of transportation.

e) The Project will facilitate the future development of an intermediate station for the BART Connector on the Project site, thereby re-enforcing a transit-oriented development and complementing the Airport's expansion.

f) The Project will create additional revenues in the form of property sales, and use taxes to contribute to the local economy, including the City of Oakland and the Oakland Redevelopment Agency.

g) The Project will provide for a development with sufficient intensity to support the Project sponsor's and the Port of Oakland's objectives to intensify the use of an underutilized site and realize the development potential envisioned by the General Plan on this highly visible site.

h) The Project will create an employment center that will not only generate significant short-term and long-term job opportunities in the area, but will attract other businesses and jobs for area residents.

i) The Project will create a visually distinctive and prominent destination marker for travelers on I-880 and Hegenberger Road that furthers the Port's and City's goals of developing the area as a Gateway and a Showcase Destination.

j) The Project will provide adequate parking to serve Project uses while fostering modes of transportation such as transit, walking, and bicycling.

k) The Project will provide numerous sustainability features, including, but not limited to: (1) in-fill development in a redevelopment area; (2) pedestrian paths; (3) bike paths; (4) bus stops; (5) substantial green space in the center of the Project site; (6) vegetated surfaces; and (7) reduced energy demand due to shallow building footprints in order to allow daylight to penetrate into regularly occupied spaces.

l) The Project will provide important street and intersection improvements in the Hegenberger area.

PORT OF OAKLAND

EXHIBIT 6

December 5, 2002

City of Oakland, Community and Economic Development Agency
Director of Planning and Zoning
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612
Attn: Leslie Gould

SUBJECT: Determination of Conformance to the Oakland General Plan: Metroport Project

Dear Ms. Gould:

Pursuant to Policy-W1.1 of the Land Use & Transportation Element of the Oakland General Plan, attached for your review is the Port staff's General Plan conformance determination for the proposed Metroport project in the Airport Business Park area. We anticipate that an application for a Port building/development permit to develop the subject property may be considered by the Board in early 2003. Please review the attached General Plan conformance analysis and forward any comments you may have regarding this determination by December 27, 2002, which coincides with the deadline for submittal of written comments regarding the adequacy of the Draft EIR for the subject project. If we do not receive any comments from you on or before December 27, 2002 we will assume your concurrence with this conformity determination. If you have any questions about the project, please feel free to contact me at (510) 627-1168.

Sincerely,

Pamela Kershaw
Commercial Real Estate Division

cc: Omar Benjamin, Director of Commercial Real Estate
Sharon Maves, Environmental Planning
Brit Johnson, Permit Coordinator
Bill Salmon, SIMEON Commercial Properties

GENERAL PLAN CONFORMITY ANALYSIS – METROPORT PROJECT

Description of Proposed Project

The proposed project entails construction of approximately 1.3 million square feet of Class A office space in five buildings ranging from 180,000 square feet to 336,000 square feet and ranging from 6 stories to 14 stories in height. The project would also include construction of a full-service hotel with approximately 340 rooms in one building of 16 stories. The hotel would include conference space as well as space for a lobby, restaurant, and retail. About 4,850 parking space would be provided and located within two parking garages and on surface parking areas throughout the site. The buildings would surround a landscaped, campus quad area with a water feature defining pedestrian walkways between buildings. Approximately 50,000 square feet of retail space would also be incorporated on the ground floor in various project buildings. Oakport Street would be realigned along the northern boundary of the site, with a perpendicular intersection at Edgewater Drive. The project site would them become a contiguous 23 acre property, as it would no longer be bisected by Oakport Street.

The buildings would be sited to display a prominent freeway presence for the project. The project would be designed with stepped massing of the mid-rise office buildings along the freeway and the higher 12-story and 14-story office buildings as well as the 16-story hotel in the background. The hotel would be sited off Edgewater Drive creating a secondary icon and gateway into the project site. The hotel would serve as the major focal point for business travelers and guests as they exit the future BART Connector station located along Hegenberger Road (proposed as part of a separate project sponsored by BART) and move through a pedestrian plaza on the ground level. A copy of the proposed site plan and building elevations are attached for reference.

Description of Project Site and Surrounding Area

The approximate 23-acre project site is currently vacant except for Oakport Street and the existing gas station located on the northeast corner of Hegenberger Road and Edgewater Drive (southwestern corner of the project site). The project site is generally bounded by Interstate 880 on the east, Hegenberger Road on the south, and Edgewater Drive on the west. Oakport Street approaches the project site from the north and bisects the site in an approximately east-west direction as it connects to Edgewater Drive. The portion of the project site north of Oakport Street is surrounded by a cyclone fence and is partially paved in areas. North of Oakport Street, the site contains several shallow depressions that have developed isolated, seasonal wetland characteristics over the years. Between 1947 and 1950 the site was filled and leveled. A Chevron gasoline service station has occupied the southwest corner of the project site since the early 1960's. By 1968, a Ramada Inn was constructed on the northern portion of the site and a Century Theater was located on the western portion of the site. Around 1998, Oakport Street was relocated to its current location and the Ramada Inn was demolished. The Century Theater was demolished sometime after September 1999. North of Oakport Street, most of the site has been vacant, except for the northern part, which was used for theater parking. Today the site is vacant.

The project site is located in the northeast corner of the Oakland Airport Business Park, which is generally located in an area bounded by the Damon Channel to the north, Hegenberger Road to

the south, I-880 to the east, and Doolittle Drive to the west. Located to the east of the Oakland International Airport, vicinity land uses in the business park consist of distribution, warehousing, office, hotel and light industrial uses, including businesses such as RJR Polymers, Photon Press, and Mutual Fabrication. The City of Oakland's maintenance yard and the Alameda County Social Services Agency offices are located on Edgewater Drive. The Oakland Airport Business Park consists of mostly one and two-story warehouse and office structures on large lots and with surface parking areas. Along Hegenberger Road and Oakport Street, a number of multi-story office buildings and hotels exist. The Martin Luther King Jr. Regional Shoreline Park runs through the business park and along Damon Slough at the end of Edgwater Drive; San Leandro Creek and the Arrowhead Marsh are located in the Shoreline Park. The Oakland Airport Business Park includes office, business service, warehouse, distribution, and research and development uses. The Business Park environment is characterized by a mix of low-rise and high-rise structures with large footprints and ample surface parking. However, along Oakport Drive fronting I-880 lies Zhone Technologies, which occupies a 340,000-square-foot headquarters in a campus-like setting and Rainin Instruments, which occupies a 180,000 square feet of office, manufacturing, and research and development facilities. Other uses, such as a medical research facility, manufacturing and office uses are planned for parcels on Edgewater Drive and Oakport Street.

Beyond the Oakland Airport Business Park and directly across the street to the east of the project site is the Union Bank of California building containing "back office" uses (data processing) on Hegenberger Road and a 3-story ancillary building. An office building containing a Wells Fargo Bank is located on the corner of Hegenberger Road at Edgewater Drive, directly across the street from the project site to the east. A low-rise restaurant is located on the southern frontage of Edgewater Drive. Further along Hegenberger Road, airport-related uses in the form of hotels, motels, rental car companies and parking lots are located on an approximately .75 mile stretch between the intersection of Edgewater to Doolittle Drive at the entryway to the Oakland International Airport. New hotel development such as the Marriott Courtyard Oakland Airport (opened 2001) complement older, existing hotel uses such as the Hilton (opened 1970).

Applicable General Plan Policies

The Oakland General Plan establishes comprehensive, long-term land use policy for the City. As required by state law, the General Plan includes the following elements: Land Use and Transportation; Housing; Environmental Hazards (seismic safety and other hazards); Noise; and Open Space, and Conservation. Oakland's General Plan also includes Recreation as part of the Open Space and Conservation Element and a Historic Preservation Element and a Bicycle Master Plan.

Land Use and Transportation Element

As described in the Land Use and Transportation Element, the project site is located within the Airport/Gateway Showcase District. The General Plan identifies Showcase Districts as "dynamic areas that can respond to broad trends and market demands (Land Use and Transportation Element, II-31)." The Land Use and Transportation Element notes, "recognizing the Airport's importance to the City and the region, the General Plan's vision is to capitalize on the economic benefits of the airport and jobs created by its growth, and to improve the Hegenberger Gateway into a regional attraction . The Elements also support continued growth in

related activities such as cargo handling and distribution, visitor accommodations and services in the Hegenberger Road area, and transportation services to provide access for airport patrons and employees." (p.81) In order to achieve this Airport Showcase vision, the General Plan further states, "the Hegenberger Road frontage is designated for regional commercial uses to capture the potential of the corridor to serve as a more attractive gateway to the city, especially in the airport area. Key areas for new hotels and regional serving commercial areas, as well as business mix areas, are located along Hegenberger both east and west of the freeway."

The Land Use and Transportation Element of the General Plan designates the proposed project site as both Regional Commercial and Business Mix. The intent of the Regional Commercial land use designation is to "maintain, support, and create areas of the City that serve as region-drawing centers of activity (p. 143)." These Regional Commercial land uses "...are generally located adjacent to regional transportation facilities where they benefit from good access and visibility and are able to attract patrons from within and outside the City limits (p. 143)." The desired character of the Regional Commercial designation is "a mix of commercial, office, entertainment, arts, recreation, sports, visitor serving activities, residential mixed use development and other uses of similar character or supportive of regional drawing power." Concurrently, the Land Use and Transportation element also designates the project site as Business Mix. The intent of the Business Mix designation is to "create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. . . Different examples of this classification would include Edgewater Business Park, commercial or other market supported development on the freeway frontage along I-880, and portions of West Oakland that have historically been very business intensive" (p. 143). The General Plan establishes maximum floor-area-ratios (FAR) for non-residential uses; for the Regional Commercial and Business Mix designation, the maximum FAR is 4.0.

The following goals, objectives, and policies in the Land Use and Transportation Element are particularly relevant to the proposed project:

- Recognize and support industrial and commercial land use as a primary vehicle for the generation of the economic support required for the attainment of the physical, social and community service goals of the Oakland General Plan. (Goal I/C 1)

- Strengthen and expand Oakland's diverse economic base through land use and transportation decisions. (Goal I/C 2)

- Provide increased employment, training, and educational opportunities through land use and transportation decisions. (Goal I/C 4)

- Ensure that the Oakland community has access to a wide variety of goods and services, meeting daily and long term needs. (Goal I/C 5)

- Expand and retain Oakland's job base and economic strength. (Objective I/C 1)

- Maximize the usefulness of existing abandoned or underutilized industrial buildings and land. (Objective I/C 2)

- Ensure that Oakland is adequately served by a wide variety of commercial uses, appropriately sited to provide for competitive retail merchandising and diversified office uses, as well as personal and professional services. (Objective I/C 3)

- The public investment strategy of the City should support economic development expansion efforts through such means as identifying target "catalyst projects" for investment which will support the employment or revenue base of the City and providing infrastructure improvements to serve key development locations or projects which are consistent with the goals and objectives of this Plan (Policy I/C 1.3, *Supporting Economic Development Expansion through Public Investment*).

- City-owned properties should, where feasible, be utilized to stimulate economic development activities or serve as catalysts to such efforts. (Policy I/C 1.5, *Using City-Owned Property to Stimulate Economic Development*)

- Development in older industrial areas should be encouraged through the provision of an adequate number of buildable sites designated for future development (Policy I/C 2.3, *Providing Vacant or Buildable Sites*).

- The City should encourage the expansion of private business services and government sectors within Oakland. (Policy I/C 3.6, *Expanding Private Business and Government in Oakland*)

- The potential for new or existing industrial or commercial uses, including seaport and airport activities , to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls. (Policy I/C 4.2, *Minimizing Nuisances*)

- Improve all types of transportation links including the Air BART shuttle service, between the Airport and business and neighborhood activity centers and the City (Policy T1.2, *Improving Transportation Links*).

- Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city commuter rail (Policy T2.1, *Encouraging Transit-Oriented Development*).

- Encourage transportation improvements that facilitate economic development (Policy T2.4, *Linking Transportation and Economic Development*).

- Link transportation facilities and infrastructure improvements to recreational uses, job centers, commercial nodes, and social services (Policy T2.5, *Linking Transportation Activities*).

- The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage use of alternative modes of transportation such as transit, bicycling and walking (Policy T4.1, *Incorporating Design Features for Alternative Travel*).

- Transportation corridors which serve the harbor / airport terminals should be preserved and enhanced to accommodate higher capacities, service and safety levels, and intermodal connections (Policy W6.3, *Enhancing Intermodal Transportation*).

- Outside the seaport and the airport, land should be developed with a variety of uses that benefit from the close proximity to the seaport and the airport and that enhance the unique characteristics of the seaport and the airport. These lands should be developed with uses, which can buffer adjacent neighborhoods from impacts related to such activities (Policy W7.1, *Developing Lands in the Vicinity of the Seaport/Airport*).

- Other commercial and industrial uses should be encouraged at appropriate locations (Port owned or not) where they can provide economic opportunity for the community at large (Policy W7.2, *Encouraging Commercial and Industrial Uses*).

Open Space, Conservation and Recreation Element (OSCAR)

The Open Space, Conservation and Recreation Element (OSCAR; adopted June 11, 1996) addresses the management of open land, natural resources and parks in Oakland. The following OSCAR policies are particularly relevant to the proposed project:

- Require use of drought-tolerant plants to the greatest extent possible and encourage the use of irrigation systems, which minimize water consumption (Policy CO-4.2, *Drought-tolerant Landscaping*).

- Work with federal, state, and regional agencies on an on-going basis to determine mitigation measures for development which could potentially impact wetlands. Strongly discourage development with unmitigatable adverse impacts (Policy CO-8.1, *Mitigation of Development Impacts*).

- Maintain a coordinated bus, rail, and ferry transit system which provides efficient service to major destinations and promotes alternatives to the single passenger auto (Policy CO-12.2: *Coordinated Transportation Systems*).

- Encourage the use of energy-efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency (Policy CO-13.3, *Construction Methods and Materials*).

Oakland Bicycle Master Plan

On July 20, 1999, the City Council adopted the Oakland Bicycle Master Plan (Bicycle Plan) as part of the Land Use and Transportation Element (Resolution No. 75148). Among other things, the Plan contains a series of recommendations for bicycle parking to be included in new developments. The recommendations include spaces for short-term and long-term parking. For short-term parking, the Plan recommends 1 space per 10,000 square feet of office space, 1 space per 5,000 sf of general retail space and 2 spaces for "all other categories," which includes hotel space. For long-term parking, the Bicycle Plan recommends 1 space per 3,000 square feet of office space and 1 space per 8,000 square feet of retail space and 1 or 2 spaces per each

10 employees for "all other categories." For Metroport, the recommended ratios translate into 146 short-term and 487 long-term spaces. While the Bicycle Plan encourages locating these spaces on-site, it notes that developers should be given the option to provide half of the long-term spaces at an off-site location or through payment of an in-lieu fee.

The parking ratios described above are presented as recommendations in the Bicycle Plan. However, the City is now considering adopting alternative requirements in the City's Zoning Ordinance. The ratios currently being discussed are lower than the ones summarized above and are more in keeping with what the City has required in recent project approvals (Colin Burgett, CEDA, personal communication, August 13, 2001). These ratios for office space are 1 short-term space per 40,000 sf, and 1 long-term space for 10,000 sf. This translates into 34 short-term spaces and 134 long-term spaces.

Conformity Analysis

The project would be generally consistent with the above objectives and policies because it would provide regional commercial uses with densities and land uses consistent with the General Plan. The project would provide office, hotel, and commercial uses that would help create a regional destination along Hegenberger Road and I-880 in close proximity to the Oakland International Airport. The project would revitalize a currently vacant and underutilized site to assist in the implementation of the objectives to create an Airport Gateway area along Hegenberger Road and expand the economic development potential of the area. The project includes making land available along Hegenberger Road for the proposed BART Connector line and station to the Oakland International Airport and providing a shuttle to the Coliseum BART station until the BART Connector line and station are constructed. The project would help facilitate this transportation facility and planned transit improvement, which would support nearby businesses and encourage alternative modes of transportation. The project would greatly expand the local and regional revenue base of the City and Redevelopment Agency and provide vast employment opportunities and visitor-serving amenities for this important area of Oakland, consistent with the intended vision of the General Plan.

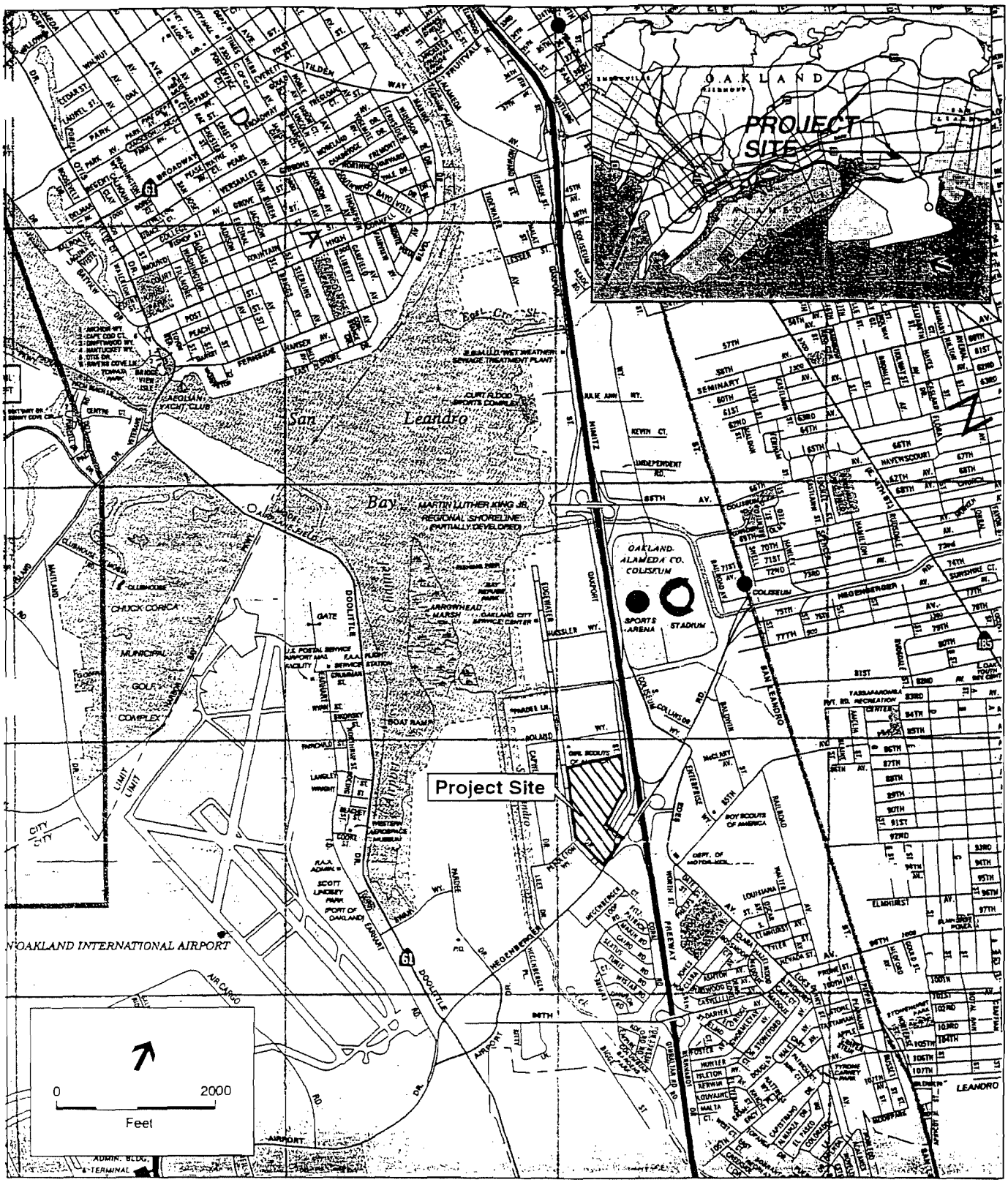
The project would include on-site parking lots and garages and on-site open space that would adequately serve the tenants and visitors. The project would also include ground-floor commercial spaces, such as proposed convenience retail uses adjacent to public pedestrian areas, a public plaza, and conference facilities within the hotel. The hotel and office towers (ranging in height from 5 to 18 stories) would be designed with stepped massing of the mid-rise office buildings along the freeway with the tallest tower at the corner of Edgewater and Hegenberger Road, creating a visual landmark to the Oakland Airport Business Park and making an attractive contribution to the airport gateway image. The project design incorporates architectural elements from the aerospace industry and entails a building system with approximately 75 percent glass and aluminum curtain wall with 25 percent metal panels on the façade. Providing a freeway presence, the project would be designed with stepped massing of the mid-rise office buildings along the freeway with -10-story, 8-story and 6-story office buildings. A 16-story hotel would be located on Edgewater Drive creating a secondary icon and gateway into the project site. The hotel would serve as the major focal point for business travelers and guests as they exit the future BART Connector station on Hegenberger Road and move through the pedestrian oriented plaza at ground level. The project would dramatically increase the visual quality of Hegenberger Road by constructing a project of high quality design on an underutilized, vacant lot. Furthermore,

construction of the proposed project would enhance and complement the major public infrastructure improvements recently completed in the area (such as streetscape improvements recently completed on Hegenberger Road).

The proposed project also facilitates development and utilization of alternative transportation options for project employees, visitors and area patrons. At present, AirBART service is provided by motor coach on Hegenberger Road along the Oakland Airport Business Park and to the Oakland International. BART is currently planning a BART Connector rail line to connect the Coliseum Station to the Oakland International Airport along Hegenberger Road. This BART Connector could make the Coliseum station one of the most important multi-modal transit stations in Oakland. In addition to the proposed BART improvements, Amtrak is planning to open a new station in the near future across the street from the Coliseum BART station for passengers on the Capitol Corridor trains from Sacramento to San Jose. The project includes provision of space along Hegenberger Road for the BART Connector and an intermediate station. The BART Connector station would achieve a high level of visibility due to its location on the corner of Hegenberger Road and Edgewater Drive. Metroport would incorporate a public plaza and pedestrian-oriented commercial uses that would direct transit users through the project site to convenience retail, the proposed hotel and conference facilities, and office buildings. The BART Connector station, connected by a pedestrian circulation network through the project site would expand mobility options for patrons of the project.

In addition, the project proposes to incorporate 34 short-term and 134 long-term bicycle parking spaces on site, consistent with the City's current practices of implementing the Bicycle Master Plan. Pedestrian circulation within, through, and around the project site would be achieved by the project providing paved walkways interconnecting the plaza spaces. The project would provide the required 6-foot wide sidewalk along the public edges of the project site, including 6-foot wide sidewalks on each side of the realigned Oakport Street, an approximately 12-foot wide, landscaped sidewalk along Edgewater Drive and an approximately 25-foot wide pedestrian sidewalk through the project site.

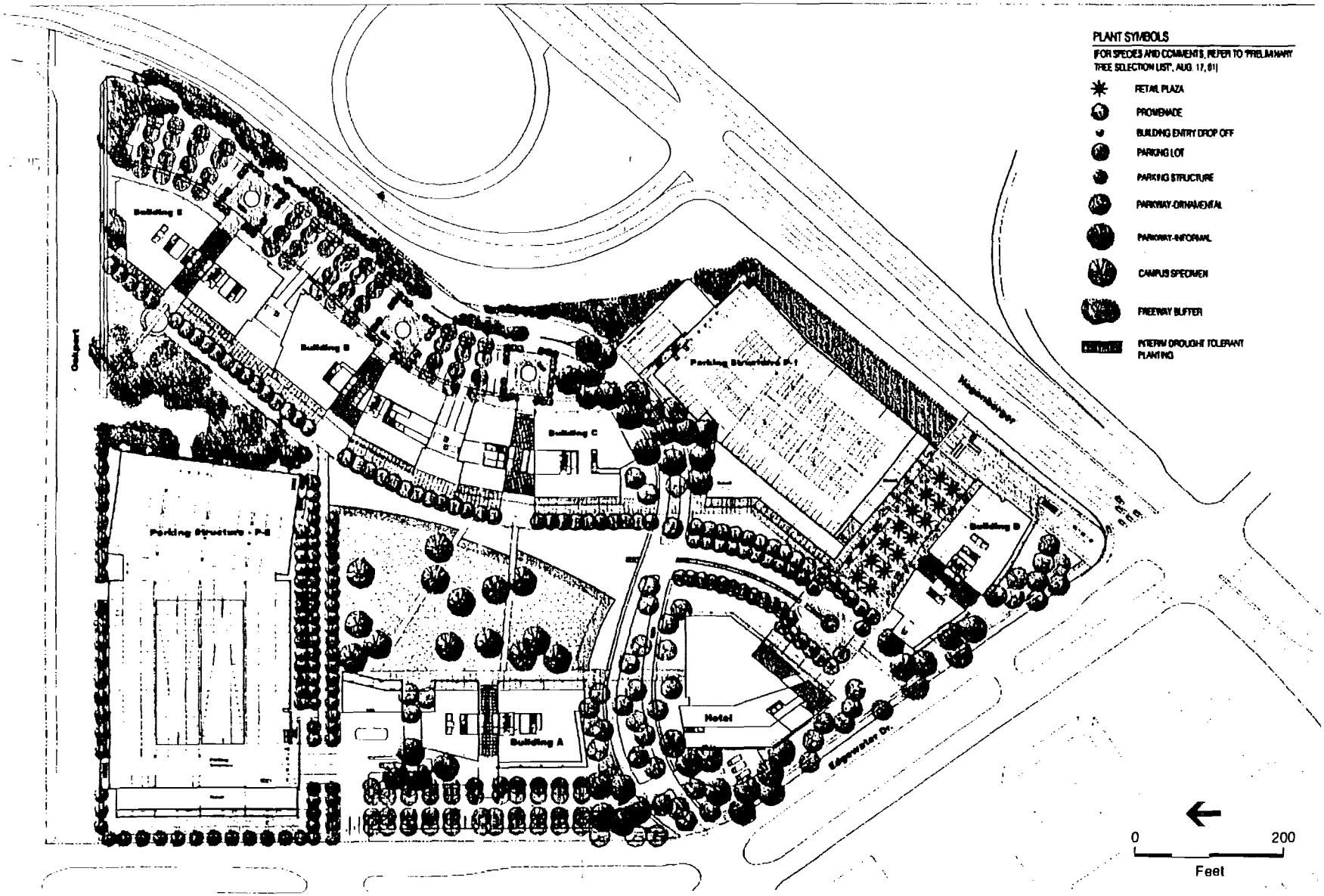
The proposed project is also consistent with the density limits established by the General Plan for the site. The General Plan establishes a maximum FAR of 4.0 to 1 for the project site. The project's FAR would be 1.67 to 1, which would be within the allowable FAR permitted by the General Plan. Thus, based upon the proposed land uses and densities of the proposed project, and the relevant goals, objectives and policies contained within the General Plan, the proposed project is consistent with the General Plan as indicated in the analysis contained in the preceding paragraphs.



SOURCE: Environmental Science Associates; California State Automobile Association

Metroport / 200561 ■

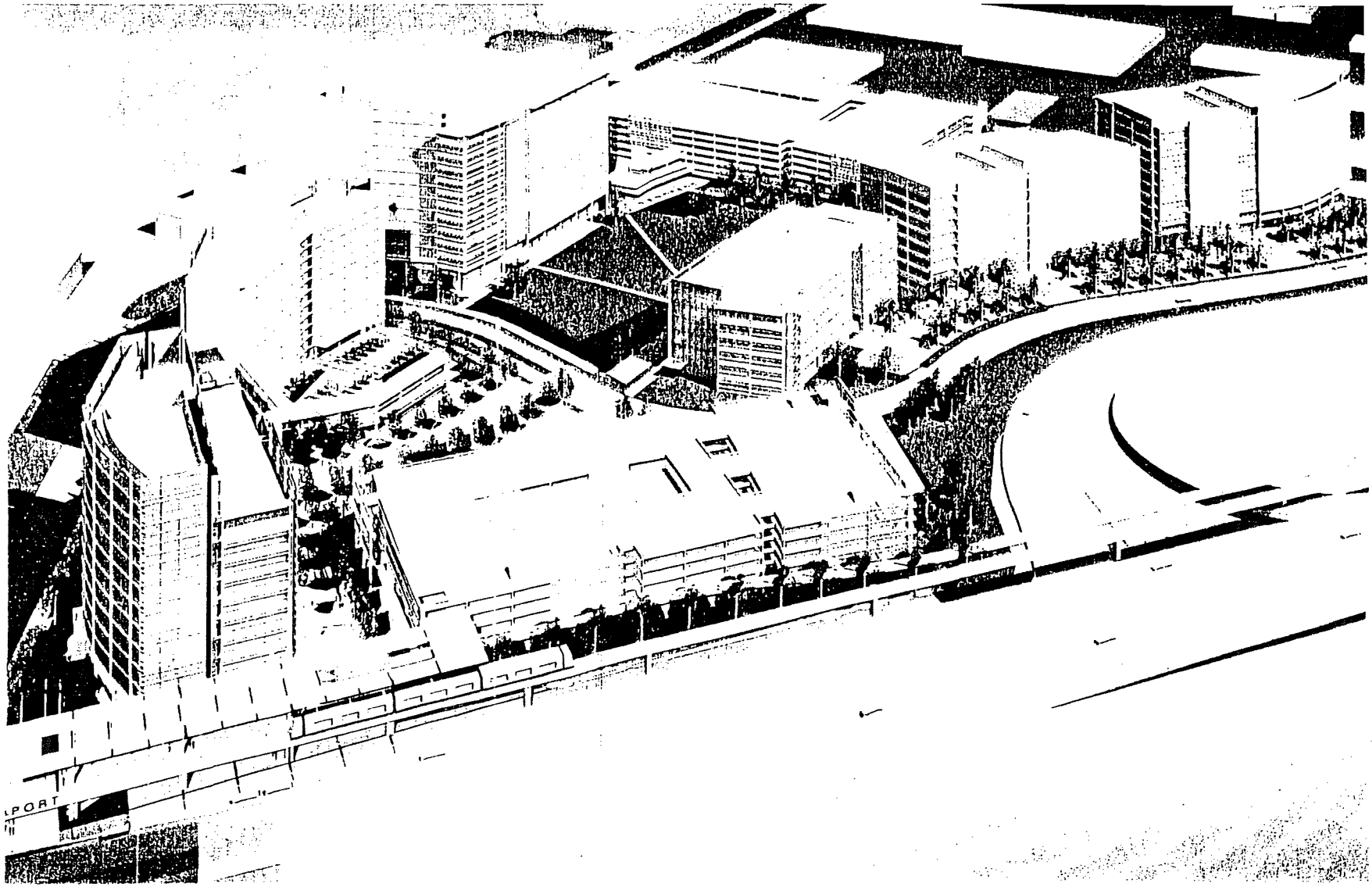
Figure III-1
Project Location



Metroport / 200561 ■

SOURCE: SWA Group

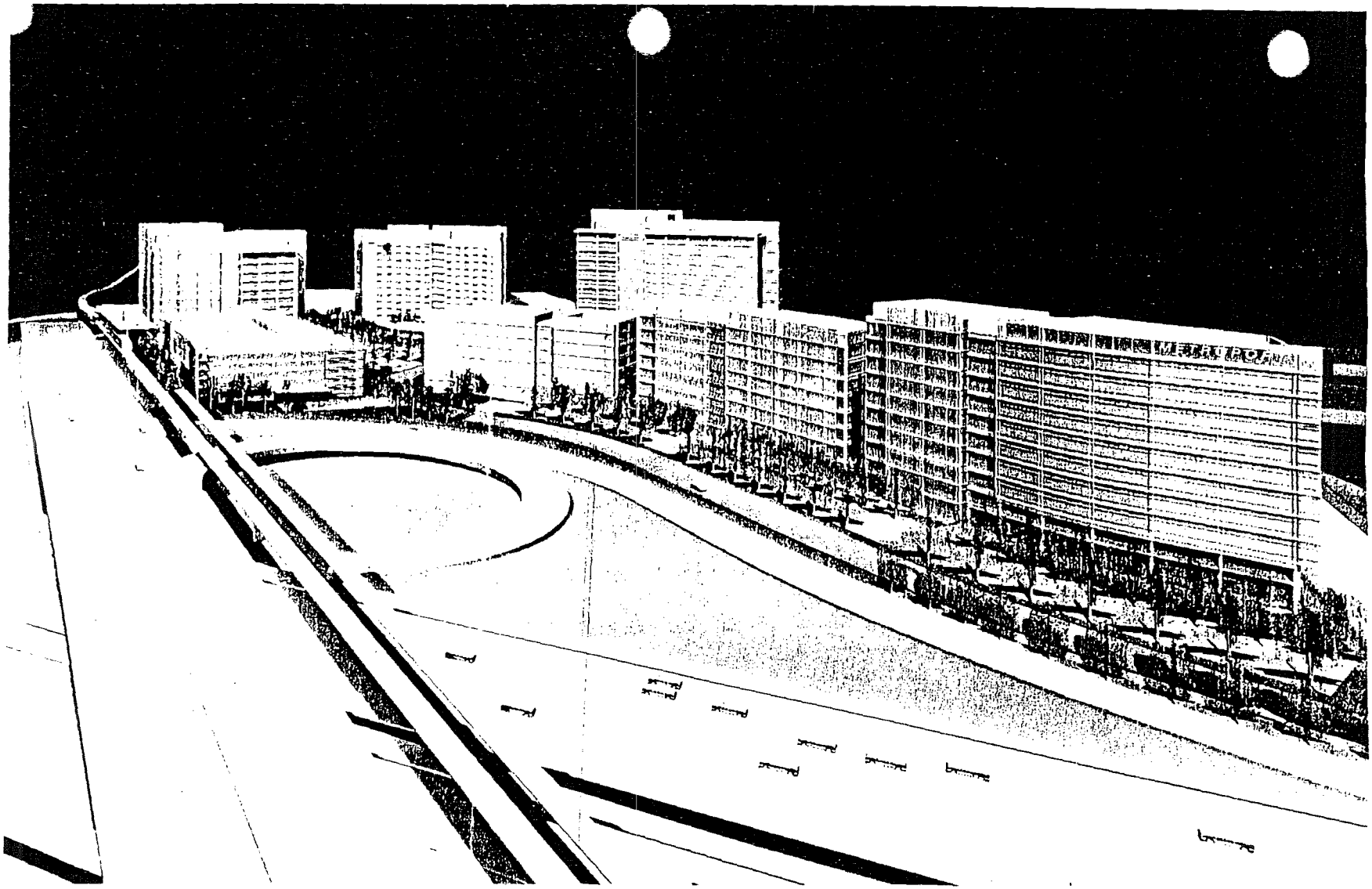
Figure III-3
Project Landscape Plan



SOURCE: Gensler

Metroport / 200561 ■

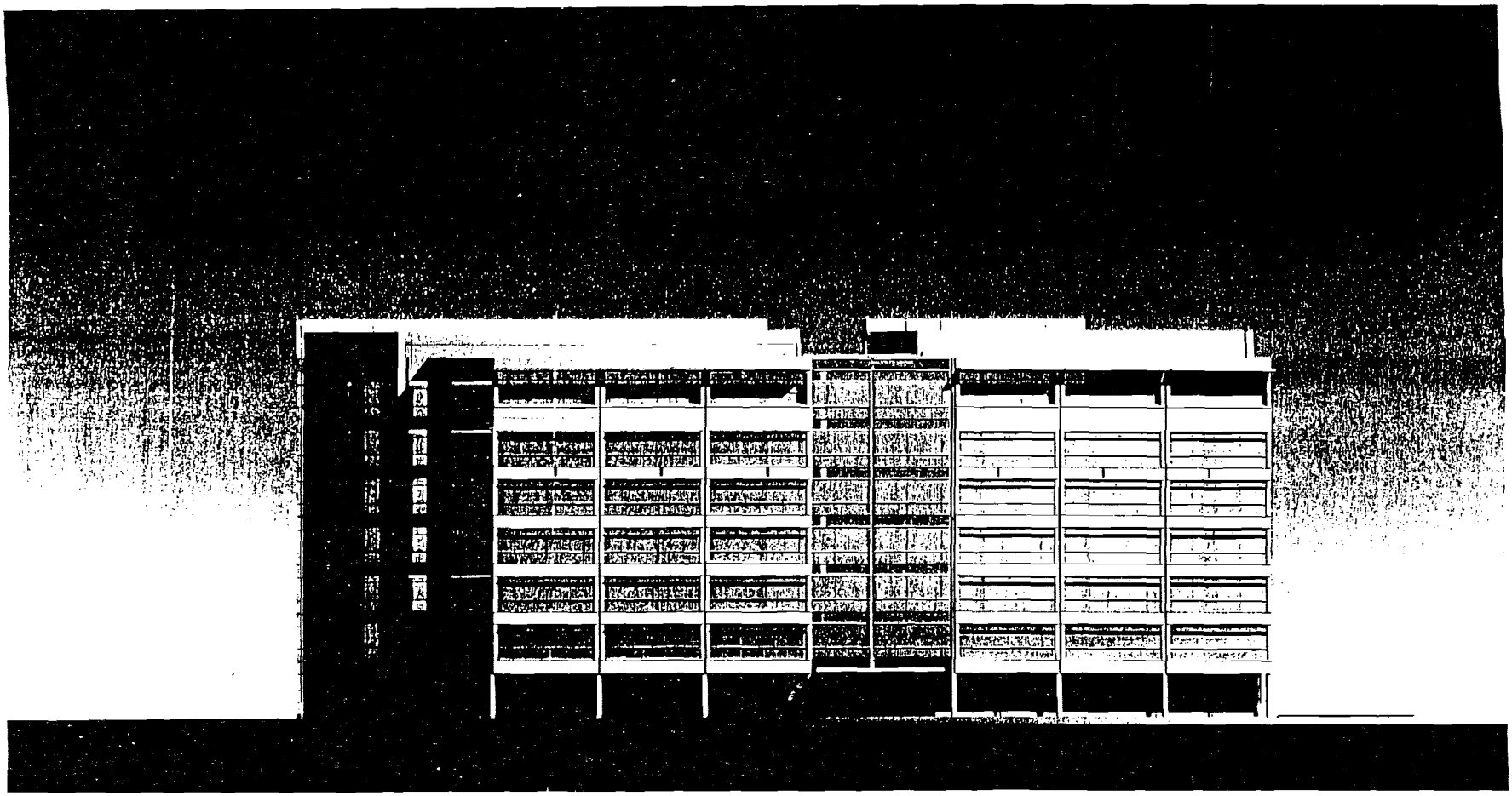
Figure III-4
Project Aerial View



SOURCE: Gensler

Metroport / 200561 ■

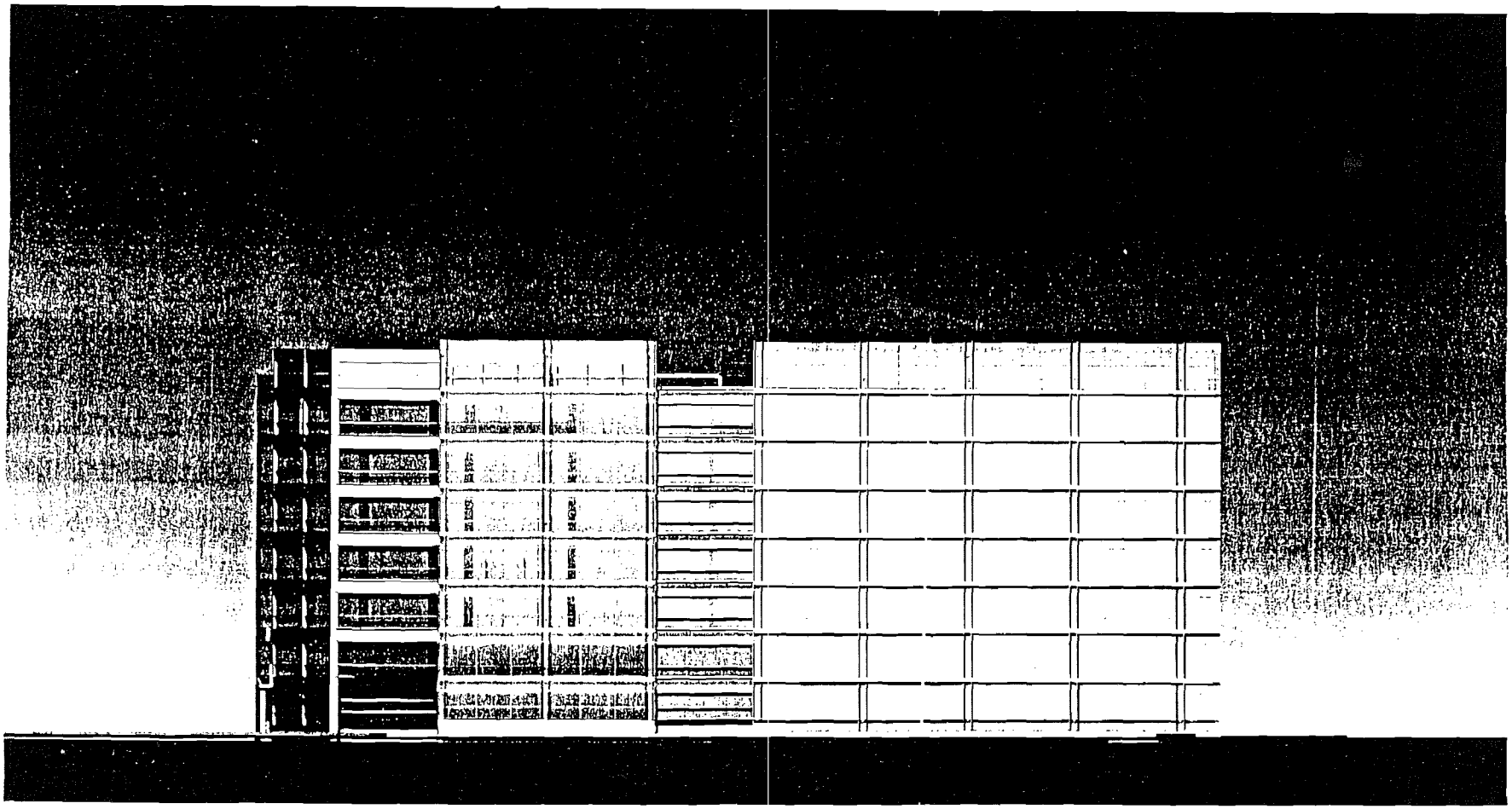
Figure III-5
Project Perspective from I-880



SOURCE: Gensler

Metroport / 200561 ■

Figure III-6
Typical Office Building Elevation
from Campus Quad Area



SOURCE Gensler

Metroport / 200561

Figure III-7
Typical Office Building Elevation
from I-880

EXHIBIT 7

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 3330 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 839-6451

RECEIVED
2003 JAN 21 AM 10:05
OFFICE OF PLANNING DEPT.

January 14, 2003

Port of Oakland
Commercial Real Estate Division
70 Washington Street, Suite 205
Oakland, CA 94607
Attn: Pamela Kershaw

SUBJECT: Determination of Conformance to the Oakland General Plan: Metroport Project

Dear Ms. Kershaw:

The City of Oakland has completed a review of the Determination of Conformance to the Oakland General Plan for the Metroport Project that was transmitted on December 5, 2002 from the Port of Oakland in compliance with Policy W1.1 of the Land Use & Transportation Element of the Oakland General Plan. We are excited about the potential to revitalize this vacant underutilized property with a project that will create an economic catalyst for the Hegenberger Road corridor and one which will create a distinctive visual marker for this important gateway location. Based upon our review of the proposed project, the Determination of Conformance transmitted on December 5th, and the goals, objectives and policies of the General Plan, we concur that the proposed Metroport Project conforms to the Oakland General Plan.

However, we believe that the proposed project could be modified to further comply with policies of the General Plan which specifically relate to encouraging alternative modes of transport by attempting to further reduce the supply of parking provided on the site.

We strongly encourage you to develop a comprehensive and effective Transportation Demand Management Program that includes pricing parking, transit pass subsidies, and offering a parking cash-out program. A specific set of performance objectives for percentage of employees using alternate modes of transportation should be set as part of the program. This would offer the opportunity to reduce the amount of parking provided on-site, saving costs, reducing traffic, improving air quality, and reducing the visual mass of the Hegenberger Rd. parking structure. Actual details of the transportation demand management program and any reduction in parking should be based on actual studies performed either: (a) when the BART connector station is fully funded and agreements for its construction are authorized; and/or (b) when Phase I is complete and at least 70 percent occupied for a year.

Please feel free to contact me if you have any questions regarding this matter at (510) 238-6191. We look forward to working with the project applicant and the Port of Oakland in the upcoming months as this exciting project moves forward.

Sincerely,

Leslie Gould
Director of Planning and Zoning

cc: Omar Benjamin, Director of Commercial Real Estate
Sharon Maves, Environmental Planning
Brit Johnson, Permit Coordinator
Bill Salmon, SIMEON Commercial Properties

EXHIBIT 8

DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL

1. The Project's Port Development Permit will be valid for 10 years from the date of approval. The work must commence within that period and continue with a valid City of Oakland building permit until completion. If the work is discontinued at any time after the 10-year term of the permit for more than 365 days, a new Port of Oakland Development Permit will be required for any additional work.

2. The Project Applicant shall dedicate the new section of Oakport Street that is to be designed and constructed by the Applicant at the Applicant's expense to the Port upon completion of construction of the roadway per the provisions of these conditions of approval and the Purchase and Sale Agreement between SIMEON Commercial Properties and the Port of Oakland. Oakport Street shall remain open in either alignment for through traffic and connected to Edgewater at all times during construction.

3. The Project Applicant's demolition of existing structures shall include removal of any hazardous materials.

4. The Project Applicant shall be responsible for obtaining all other development-related permits required from other agencies, and is to be solely responsible for any conditions of such permits unless otherwise specified and agreed to by the Port.

5. The Project Applicant shall comply with all of the mitigation measures identified in the Mitigation Monitoring and Report Program (MMRP) for the Project, included as Exhibit 2 to Port Resolution Number _____ and incorporated herein as a condition of approval of the Development Permit. With respect to Mitigation Measure 1.1a of the Environmental Impact Report (EIR) and MMRP, the Project Applicant's "fair share" of implementation of this measure shall be deemed to be 100 percent, and full implementation shall occur prior to issuance of a Certificate of Occupancy for Phase 1 of the Project. With respect to Mitigation Measure 1.1b of the EIR and MMRP, the Project Applicant's "fair share" of implementation of this measure shall be deemed to be 100 percent, and full implementation shall occur prior to issuance of a Certificate of Occupancy for full build out of the Project. In each instance, all design, construction and permit fee costs shall be part of the Project Applicant's 100 percent "fair share" obligations.

6. Final construction details, including landscaping plans, paving details, and building material samples, shall be submitted to the Port Permit Coordinator for review and approval prior to release of drawings for a City of Oakland application for a building permit for the Project, or any portion of the Project. Such review will insure consistency with this approval. In addition, the Project Applicant shall submit final plans for the proposed parking structure adjacent to Hegenberger Road that attempt to further refine the exterior appearance of this structure and/or incorporate appropriate landscape treatments along Hegenberger Road to either screen or enhance the visual appearance of this structure. Such plans shall be submitted to the Port Permit Coordinator for review and approval prior to release of drawings for a City of Oakland application for a building permit for the subject parking structure.

7. The Project Applicant shall obtain, at the Project Applicant's expense, all Port variances and City of Oakland building permits required for the Project.

8. The Project Applicant shall maintain the Project site in a clean and orderly condition during the entire term of the Development Permit. If there is a work stoppage at any time after construction has commenced for a period of more than 30 days, the Project Applicant shall secure any completed or uncompleted work and remove or screen any stored materials. The Chief Engineer of the Port may provide a 30-day notice and order to the Project Applicant to comply with this condition. If the Project Applicant fails to comply during that time period, or fails to present and implement an acceptable plan for compliance, the Port maintains the right, at the Port's discretion, to complete the necessary work and bill the Project Applicant for all related costs, or impose reasonable fines for violation of this condition of approval and/or the Port Chief Engineer's order. Any such fine shall be reasonably related to the nature of the violation and/or the cost of correcting it.

9. To the maximum extent permitted by law, the Project Applicant shall defend, indemnify and hold harmless the Port, its officers, agents and employees (the "Indemnified Parties") against any and all actions, proceedings, liabilities, damages, claims, demands, judgments, or other losses (including, without limitation, attorneys fees) to attack, set aside, void, or annul any approval for the Project. The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the Project Applicant's expense, in the defense of any action specified in this condition of approval. The Indemnified Parties shall take all reasonable steps to promptly notify the Project Applicant of any claim, demand, or legal actions that may create a claim for indemnification under this condition of approval.

10. The Project Applicant shall develop a comprehensive and effective Transportation Demand Management (TDM) Program that includes, at a minimum, but not limited to, transit pass subsidies and a parking cash-out program. The TDM Program shall include a specific set of performance objectives for the percentage of employees using alternate modes of transportation. The TDM Program shall be based on a study that shall be conducted either (a) when the BART Connector intermediate station on-site is fully funded and agreements for its construction are authorized, and/or (b) when Phase I of the Project is complete and at least 70 percent occupied for one year. The study and TDM shall be subject to the approval of the Port Chief Engineer.

11. The parking provided on the Project site shall be used only by employees, patrons. and visitors to the Project. Prior to issuance of the Certificate of Occupancy, the Project Applicant shall develop and implement a parking control system, subject to the approval of the Port Chief Engineer.

12. The Project Applicant shall comply with the Port Public Art Policy, Ordinance #3694, as it applies to the Project. Implementation of this condition shall be subject to the review and approval of the Port Permit Coordinator.

13. These conditions of approval shall be printed on the first page of the Project plans submitted for grading and building permits to the City of Oakland. Three copies of the Project plans shall also be submitted to the Port Permit Coordinator for review for consistency with the Port Development Permit for the Project.

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03045

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SYNCHRONET MARINE, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 32, dated February 18, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **SYNCHRONET MARINE, INC.** to **provide a computerized truck congestion management and empty container street-turn system** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **SYNCHRONET MARINE, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **SYNCHRONET MARINE, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$300,000**, unless additional work up to an additional amount of **$25,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6** 42463

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03046

RESOLUTION APPROVING DELIVERY OF APPROXIMATELY 18.75 ACRES OF LAND IN THE BERTHS 57-59 TERMINAL (PHASE 1.1 PREMISES) TO SSA TERMINALS, LLC ("SSAT"), AND EXECUTION OF AMENDMENTS TO THE NON-EXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT FOR BERTHS 57-59 WITH SSAT.

RESOLVED that the Board of Port Commissioners ("Board"), hereby ratifies and approves delivery to SSAT on December 23, 2002, of the approximately 18.75-acre Phase 1.1 Premises in the Berths 57-59 terminal, and approves and authorizes the execution for and on behalf of the Board of an agreement or agreements with SSAT which amend the present First Amended and Restated Non-Exclusive Preferential Assignment Agreement ("Agreement") with SSAT to provide for the addition of the Phase 1.1 Premises to the Berth 57-59 Premises on a permanent basis as of December 23, 2002, for a reduction in the first Contract Year pro-rated MAG by approximately 4,600 loaded TEUs, for modification of the primary use provisions effective January 1, 2003, and for such other minor modifications that are consistent with the foregoing amendments and with other authorizations by the Board with respect to the present SSAT Agreement, all in accordance with Agenda Sheet Item No. 33 dated February 18, 2003, and be it

FURTHER RESOLVED that 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 an agreement or agreements in accordance with the terms of this resolution. Unless and until a separate written agreement or agreements are duly executed on behalf of the Board as authorized by this resolution, are signed as approved as to form and legality by the Port Attorney, and are delivered to other contracting party, there shall be no valid or effective agreements.

At a regular meeting held February 18, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6

Noes: None

Absent: Commissioner Protopappas - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03047

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH HARVEY HARTMANN, AN INDIVIDUAL, DOING BUSINESS AS HARTMANN & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 34, dated February 18, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **HARVEY HARTMANN, an individual, doing business as HARTMANN & ASSOCIATES** to **provide oversight consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **HARVEY HARTMANN an individual, doing business as HARTMANN & ASSOCIATES** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **HARVEY HARTMANN, an individual, doing business as HARTMANN & ASSOCIATES** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$25,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03048

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH RICONDO & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 20163, adopted by the Board of Port Commissioners (the "Board") on April 18, 2000 and as amended by Resolution No. 99013, adopted on January 5, 1999, the Board authorized an agreement with **RICONDO & ASSOCIATES**, for consulting services with respect to as-needed aviation planning consulting services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 34, dated February 18, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **RICONDO & ASSOCIATES** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **RICONDO & ASSOCIATES** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **RICONDO & ASSOCIATES** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional $90,000 unless additional work up to an additional amount of $20,000 is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03049

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH JWD GROUP FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 35, dated February 18, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **JWD GROUP** for **terminal planning consulting services for the Maritime Development Plan, Vision 2000 Program** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **JWD GROUP** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **JWD GROUP** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$700,000 (including both the original contract amount and additional amounts that may be approved in writing by the Executive Director)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6** 42469

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03050

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CCS PLANNING AND ENGINEERING, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 36, dated February 18, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **CCS PLANNING AND ENGINEERING, INC.** for **Roadway planning and traffic analysis for the Maritime Development Plan, Vision 2000 Program** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CCS PLANNING AND ENGINEERING, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CCS PLANNING AND ENGINEERING, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$400,000 (including both the original contract amount and additional amounts that may be approved in writing by the Executive Director)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6** 42472

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03051

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD CONTRACTS TO THREE NON-SBE BIDDERS FOR FURNISHING LABOR, MATERIALS AND EQUIPMENT FOR PAVING, GRADING AND ASSOCIATED CONTRACTOR'S SERVICES FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING DECEMBER 1, 2002, AND ENDING DECEMBER 31, 2003, 2004 OR 2005, OAKLAND, CALIFORNIA, WITHOUT LOWEST-SEALED BID PROCEDURES AND AUTHORIZING EXECUTION OF CONTRACTS FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.

WHEREAS, on September 17, 2002, pursuant to Resolution No. 02321, the Board authorized the Executive Director to execute two contracts, one with a certified local small contractor, and the other with any qualified contractor, for **Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing December 1, 2002, and Ending December 31, 2003, 2004 or 2005, Oakland, California**

FURTHER RESOLVED that on December 5, 2002, the Port received four informal bids for the Non-SBE work; and be it.

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 41, dated February 18, 2003 (herein the "Agenda Sheet"), the Board hereby approves and authorizes the execution for and on behalf of the Board of contracts with the three lowest successful bidders for the Non-SBE contract; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that, pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to staff the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), 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 an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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(s).

At a regular meeting held February 18, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6

Noes: None

Absent: Commissioner Protopappas - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03052

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO REALLOCATE BUDGETED FUNDS FOR MATERIALS TESTING AND RELATED CONSULTING SERVICES AND THAT PROPOSED SUPPLEMENTAL AGREEMENTS WITH CONSOLIDATED ENGINEERING, TESTING ENGINEERS AND INSPECTION CONSULTANTS FOR SUCH CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 42, dated February 18, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to reallocate budgetd funds for materials testing and related consulting services as more fully described in the Agenda Sheet; and be it

FURTHER RESOLVED that proposed supplemental agreements for such services will constitute agreements for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CONSOLIDATED ENGINEERING, TESTING ENGINEERS AND INSPECTION CONSULTANTS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CONSOLIDATED ENGINEERING, TESTING ENGINEERS AND INSPECTION CONSULTANTS** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum aggregate compensation that shall not exceed $2,100,000 for all three firms; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

42527

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03053

RESOLUTION GRANTING SSA TERMINALS, LLC PERMISSION TO PERFORM CERTAIN WORK.

RESOLVED that the Board of Port Commissioners hereby approves the application submitted by **SSA TERMINALS, LLC**, for permission to perform certain work located at Berths 57, 58 and 59, 1999 Middle Harbor Road, Oakland, California, at an estimated cost of $230,000 said work and the conditions of Port approval being the following:

1) Construction of an additional traffic lane at the outbound gate;

2) Installation of monitoring equipment for refrigerated containers;

3) Installation of additional power supply for security equipment;

4) Improvements to the security gates at the Berth 57, 58 & 59 terminal complex;

5) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03054

RESOLUTION GRANTING CROWN CASTLE USA, PERMISSION TO PERFORM CERTAIN WORK.

RESOLVED that the Board of Port Commissioners hereby approves the application submitted by **CROWN CASTLE USA**, for permission to perform certain work located at 107 Burma Road, Oakland, California, at an estimated cost of $5,000, said work and the conditions of Port approval being the following:

1) Installation of four (4) cellular telephone antennas on the rooftop of an existing AT&T equipment shelter;

2) Related electrical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03055

RESOLUTION GRANTING FEDERAL EXPRESS CORPORATION, PERMISSION TO PERFORM CERTAIN WORK.

RESOLVED that the Board of Port Commissioners hereby approves the application submitted by FEDERAL EXPRESS CORPORATION, for permission to perform certain work located at 1 Sally Ride Way, Building No. M-114, Oakland International Airport, Oakland, California, at an estimated cost of $50,000, said work and the conditions of Port approval being the following:

1) Installation of three (3) pre-fabricated booths on the FedEx ramp area to store equipment used for aircraft gate support;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 3 of Guidelines Section 15303(e).

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03056

RESOLUTION GRANTING JETBLUE AIRWAYS CORPORATION PERMISSION TO PERFORM CERTAIN WORK.

RESOLVED that the Board of Port Commissioners hereby approves the application submitted by **JETBLUE AIRWAYS CORPORATIONS**, for permission to perform certain work located at 1 Alan Shepard, Air Cargo Building (M112), Oakland International Airport, Oakland, California, at an estimated cost of $150,000, said work and the conditions of Port approval being the following:

1) Remodel existing space within the Air Cargo building;
2) Construct new partition walls within space to create separated storage areas, restroom and office spaces;
3) Repair or replace exterior doors at front and rear;
4) Install new stairs and wheelchair lift to landside entrance;
5) Install new ceilings over some areas;
6) Install restroom fixtures
7) Install new lighting;
8) Related electrical and mechanical work;
9) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Sections 15301(a).

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03057

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CAPTAIN ROBERT E. RILEY, AN INDIVIDUAL, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 31, dated February 18, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that he proposed agreement with **CAPTAIN ROBERT E. RILEY, an individual**, to **provide instruction and related activities for the Maritime Division's Maritime Training Program** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CAPTAIN ROBERT E. RILEY** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CAPTAIN ROBERT E. RILEY** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$60,000**, unless additional work up to an additional amount of **$12,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **February 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Scates, Tagami, Uribe and President Kiang - 5**

42460

Noes: **None**

Absent: **Commissioners Kramer and Protopappas - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03058

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SECOND SUPPLEMENTAL AGREEMENT WITH UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Second Supplemental Agreement to that certain License No. 93-ABF-201 dated May 23, 1997, between the Port and **UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**, to extend the License term for eight (8) months, at the rate proposed and as otherwise described in Agenda Sheet Item No. 11, dated March 4, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03059

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF RIGHT-OF-ENTRY AGREEMENT AND AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH PARSONS TRANSPORTATION GROUP, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **PARSONS TRANSPORTATION GROUP, INC. ("PARSONS")** to install certain checked baggage security equipment and to construct physical improvements to the terminal buildings at Oakland International Airport, Oakland, California, as required by the 2001 United States Aviation and Transportation Security Act (the "Act") at the rate proposed and as otherwise described in Agenda Sheet Item No. 12, dated March 4, 2003 (the "Agenda Sheet"); and be it

FURTHER RESOLVED that the Board hereby approves the Right-of-Entry Agreement between the Port and **PARSONS TRANSPORTATION GROUP, INC.**, which will govern the terms and conditions under which **PARSONS** may enter upon certain areas at the Oakland International Airport to construct additional physical improvements and to install the security equipment as required by the Act and as otherwise described in the Agenda Sheet; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Statutory Exemption 15269(c); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03060

RESOLUTION AUTHORIZING AND RATIFYING CONTRACT WITH LLOYD W. AUBRY CO., INC. FOR INSTALLATION OF ADVANCE INTERFACE AND BAGGAGE DISPLAY SYSTEM, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.

WHEREAS, on December 17, 2002, pursuant to Resolution 02432, the Board of Port Commissioners approved and ratified a contract with Avetek Integrated Systems, Inc., for the installation of the advance interface baggage display system, Oakland International Airport, Oakland, California, without lowest-sealed bid procedures, now, therefore, be it

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 13, dated March 4, 2003 (herein "Agenda Sheet"), the Board of Port Commissioners hereby approves and ratifies the execution for and on behalf of the Board of a contract with **Lloyd W. Aubry Co., Inc.,** for the installation of the advance interface and baggage display system, Oakland International Airport, Oakland, California; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of one hundred percent (100%), and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code in the amount of one hundred percent (100%) of the final contract price(s), as negotiated, shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held March 4, 2003

Passed by the following vote:

yes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03061

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR ENHANCEMENT OF DAMON SLOUGH WETLAND MITIGATION SITE, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 14, dated March 4, 2003 (herein "Agenda Sheet"), for **Enhancement of Damon Slough Wetland Mitigation Site, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to April 9, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board an agreement between the Port and the **East Bay Regional Park District** for reimbursement by **East Bay Regional Park District** to the Port for costs incurred for the design and construction of a Bay Trail extension within the Park's lease area of the Martin Luther King Regional Shoreline Park; and be it

FURTHER RESOLVED that 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 agreements in accordance with the terms of this resolution. 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.

At a regular meeting held March 4, 2003

Passed by the following vote:

yes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03062

RESOLUTION DETERMINING THAT NEED TO TAKE IMMEDIATE ACTION IS NECESSARY TO PREVENT SERIOUS INJURY TO THE PUBLIC INTEREST IF ACTION WERE DEFERRED AND THAT THE NEED FOR SUCH ACTION CAME TO THE ATTENTION OF THE BOARD SUBSEQUENT TO THE AGENDA BEING POSTED; AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FEDERAL EXPRESS CONCERNING ACCEPTANCE OF DONATION.

RESOLVED, that the Board of Port Commissioners hereby determines that the need to take immediate action on Agenda Sheet Item No. 15, recommending that the Board adopt a Port Resolution relating to the acceptance by the Port of an airplane for security and aircraft fire and rescue training, is necessary to prevent serious injury to the public interest if action were deferred and that the need for such action came to the attention of the Board subsequent to the Agenda being posted for the Board meeting of March 4, 2003; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of an agreement with Federal Express Corporation for the acceptance by the Port of an airplane for security and aircraft fire and rescue training, in accordance with Agenda Sheet Item No. 15 dated March 4, 2003 or an agreement containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03063

RESOLUTION APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH JOSEPH J. ALBANESE, INC., FOR DEMOLITION OF CENTRAL WING AND CORE OF BUILDING D-833, VISION 2000, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board of Port Commissioners hereby approves and ratifies the issuance of a deductive change order to the contract with **Joseph J. Albanese, Inc.** for **Demolition of Central Wing and Core of Building D-833, Vision 2000, Oakland, California** in the amount of $105,840.00, to delete Bid Item No. 8, "All Electrical Work", consistent with Board Agenda Sheet Item No. 31, dated March 4, 2003, provided, however, that said change order shall not be effective unless and until approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the Board finds that it is in the Port's best interest to grant to the Executive Director the authority to issue additional change orders, not to exceed the aggregate total of $25,000.00 to the contract for **Demolition of Central Wing and Core of Building D-833, Vision 2000, Oakland, California,** in accordance with Port Ordinance 1606, Section 5(i)(3)(ii).

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

42658

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03064

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH PARSONS TRANSPORTATION GROUP FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 32, dated March 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **PARSONS TRANSPORTATION GROUP** for **railroad operations and planning for the Maritime Development Plan** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **PARSONS TRANSPORTATION GROUP** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **PARSONS TRANSPORTATION GROUP** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$525,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03065

RESOLUTION AUTHORIZING EXERCISE OF OPTION TO PURCHASE ONE CONTAINER CRANE FROM SHANGHAI ZHENHUA PORT MACHINERY CO., LTD. (ZPMC) AND APPROVING ISSUANCE OF CHANGE ORDER TO PURCHASE ONE ADDITIONAL CRANE.

WHEREAS on April 20, 1999, the Board of Port Commissioners ("Board") awarded a contract to **SHANGHAI ZHENHUA PORT MACHINERY CO., LTD. ("ZPMC")** for **Construction and Installation of Container Cranes at Berths 55-56, Oakland, California,** which included an option for the Port to purchase nine additional cranes; and

WHEREAS the Board on August 3, 1999, authorized the purchase of six additional cranes pursuant to said option; and

WHEREAS the Board on April 24, 2001, authorized the purchase of three additional cranes pursuant to said option and to date the Port has only purchased two of those cranes; and

WHEREAS the Port now wishes to exercise the option to purchase the one crane remaining under said option; now, therefore be it

RESOLVED that the Board of Port Commissioners ("Board") hereby finds and determines that it is in the best interest of the Port to waive competitive bidding with respect to issuing and entering into a Change Order to the Contract with ZPMC for the purchase of one additional crane in an amount not to exceed $6,360,000.00, as set forth in Agenda Sheet Item No. 33, dated March 4, 2003, including all necessary engineering services; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the Execution Director to issue to ZPMC an additional change order to the existing Contract for the purchase of one additional crane in an amount not to exceed $6,360,000.00 in accordance with the above-referenced Agenda Sheet Item; and be it

FURTHER RESOLVED that this conditional approval and authorization is conditioned upon the Port, through the Port's Chief Engineer and Port Attorney, reaching agreement with ZPMC on the written form of all of the terms and conditions of a change order(s), including appropriate safeguards to protect the Port's interests, and unless and until such agreement is reached and evidenced by the Chief Engineer and ZPMC signing the change order(s) and the Port Attorney in writing approving the change order as to form and legality, the Board expressly does not approve of any change to the contract; and be it

FURTHER RESOLVED that this contract predates the Maritime and Aviation Project Labor Agreement (MAPLA), and therefore the MAPLA does not apply to this contract.

At a regular meeting held March 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03066

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FOURTH SUPPLEMENTAL AGREEMENT WITH MCKAY INTERNATIONAL ENGINEERS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 98100, adopted by the Board of Port Commissioners (the "Board") on March 10, 1988 and as amended, the Board authorized an Agreement with **MCKAY INTERNATIONAL ENGINEERS**, for consulting services with respect to engineering design services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 33, dated March 4, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Fourth Supplemental Agreement with **MCKAY INTERNATIONAL ENGINEERS** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **MCKAY INTERNATIONAL ENGINEERS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **MCKAY INTERNATIONAL ENGINEERS** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional $431,300, unless additional work up to an additional amount of $50,000 is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03067

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED THIRD SUPPLEMENTAL AGREEMENT WITH LIFTECH CONSULTANTS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 98100, adopted by the Board of Port Commissioners (the "Board") on March 10, 1998 and as amended, the Board authorized an Agreement with **LIFTECH CONSULTANTS, INC.**, for consulting services with respect to engineering and inspection services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 33, dated March 4, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Third Supplemental Agreement with **LIFTECH CONSULTANTS, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **LIFTECH CONSULTANTS, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **LIFTECH CONSULTANTS, INC.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional $142,800 unless additional work up to an additional amount of $40,000 is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03068

RESOLUTION APPROVING AND ADOPTING AN ADMINISTRATIVE POLICY TO ESTABLISH GUIDELINES AND PROCEDURES FOR UNDERTAKING INTERNAL REVIEW OF PORT DIVISIONS, DEPARTMENTS AND FUNCTIONS.

RESOLVED that the Board of Port Commissioners ("Board") hereby adopts an administrative policy to establish guidelines and procedures relating to the conduct of internal review of Port divisions, departments and functions, a copy of which is attached hereto, and directs that a copy be maintained on file in the office of the Secretary to the Board.

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

42792

SUBJECT: Internal Review Protocol – Policies and Guidelines

SECTION: Office of Audit Services **POLICY NUMBER: AP 16**

INITIAL DATE PREPARED: **LAST DATE REVISED:**

I. PURPOSE

To assure compliance with all applicable laws and regulations as well as efficiency, productivity and compliance with sound business practices in all Port operations.

II. POLICY

It is the policy of the Port of Oakland to examine from time to time its various divisions, departments and functions by way of internal review to evaluate performance of personnel and to implement any appropriate measures to enhance, improve or correct performance consistent with legal, business and operational needs and requirements.

III. GUIDELINES AND CONDITIONS

A. Commencement of Internal Review

1. The Port Internal Auditor shall undertake review of Port operations as directed by the Board of Port Commissioners or the Executive Director as the designated representative of the Board. Prior to commencement of the review, the Auditor shall consult with the Port Attorney to determine whether there are legal requirements or needs that the review be conducted under the direction of the Port Attorney due to existing or potential litigation in order to preserve any attorney-client confidentiality or attorney work product as may be appropriate and as allowed by law.

B. Conduct of Internal Review

1. The review is conducted in order to assist the Board of Port Commissioners and Port Management in evaluating the performance of Port personnel in the various Port divisions, departments and functions. In order to assure candor on the part of all participants and to assure full and unqualified access to information and candid disclosures to the Auditor, the contents of the review and its working papers will be kept confidential to the extent permitted by law.

2. Notwithstanding the confidential nature of the review, the Port reserves its right to take any appropriate corrective action including any personnel or disciplinary action necessary to respond to facts, conditions, or performance discovered in the course of the review.

C. Internal Review Reports

1. Upon completion of the review process, the Port Internal Auditor shall prepare a preliminary draft report referred to as "AP 16 Internal Personnel Report" for discussions with Port management and the Audit Budget Finance Committee. Thereafter, the Committee shall authorize preparation of a final draft AP 16 Internal Personnel Report (AP 16 report). After approval of the final draft AP 16 report by the Committee it shall be a submitted to the Board of Port Commissioners for acceptance at a duly noticed meeting of the Board.

2. During the course of the review if there is any attorney-client, attorney work product or other privileged confidential information or material covered by the review or any part of the review process, such information or material shall be maintained in a separate report to the Port Attorney marked "confidential" and will not appear in the AP 16 report. Notwithstanding any other provision in this policy, at the direction of the Port attorney any report or review may be delivered orally to the Audit Budget Finance Committee or to the Board under conditions determined by the Port Attorney to be appropriate, including oral delivery in closed session.

3. Preliminary drafts, notes and memoranda utilized in preparation of the AP 16 report are not maintained in the due course of business of the Port and the public interest in obtaining candid disclosures in furtherance of the integrity of the review process outweighs any public interest in their disclosure. Such preliminary drafts, notes and memoranda are to be discarded to the extent they were working documents unless retention is required by law or they were needed for official duties and were made with intent to preserve informational content for future reference.

4. Preliminary or final AP 16 reports may be discussed in closed session in conjunction with and as relevant to closed session evaluation of performance of the Port employee responsible for the division, department or function which is the subject of the review or any other Port employee as to whose performance evaluation the report is relevant. Reports marked "confidential" may be discussed by the Port Attorney with the Board in closed session as allowed by law.

5. AP 16 reports after acceptance by the Board shall be filed with the Secretary of the Board who shall maintain them by date in the order received. Upon request, copies shall be made available to the public. Provided however, any AP 16 reports prepared under the direction of the Port Attorney pursuant to part III A 1 herein shall be filed with the Port Attorney under conditions of confidentiality as allowed by law.

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03069

RESOLUTION APPROVING BUILDING PERMIT WITH SSA TERMINALS, LLC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **SSA TERMINALS, LLC**, for permission to perform certain work located at 1999 Middle Harbor Road, Berth 57, 58 & 59, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $70,000 said work and the conditions of Port approval being the following:

1) Installation of six (6) additional directional and informational signs;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03070

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A TOLLING AGREEMENT WITH PHOENIX IRON WORKS, CONCERNING CONTAMINATED PROPERTY AT 720 BRUSH STREET, 720 SECOND STREET AND 299 CASTRO STREET, OAKLAND, CALIFORNIA ("THE PROPERTY") AND APPROVING THE APPOINTMENT OF DUANE MORRIS, LLP, AS SPECIAL COUNSEL TO THE PORT ATTORNEY.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute a Tolling Agreement with Phoenix Iron Works, tolling any applicable statute of limitations period or laches defense concerning The Property, until December 31, 2003; and be it

FURTHER RESOLVED that the Board hereby approves the appointment of Duane Morris, LLP, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with this matter at a cost not to exceed $75,000, beyond the $15,000 previously authorized by the Port Attorney; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation of liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03071

RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE FILING OF A PROOF OF CLAIM IN THE BANKRUPTCY OF NATIONAL CAR RENTAL SYSTEM, INC.

RESOLVED that the Board of Port Commissioners hereby ratifies, confirms and approves the filing of a Proof of Claim in the bankruptcy of National Car Rental System, Inc.; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation of liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03072

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF MEDIATION CONFIDENTIALITY AGREEMENTS WITH EXXONMOBIL OIL CORPORATION, COVERING BERTHS 23/24.

RESOLVED that the Board hereby approves and authorizes the execution of mediation confidentiality agreements concerning City of Oakland v. ExxonMobil Oil Corp., U.S.D.C. N.D. Cal. Case No. C022968 JSW; and be it

FURTHER RESOLVED that the Board finds and determines that this decision complies with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Port of Oakland's CEQA Guidelines, in that the decision is covered by CEQA's general rule, or "common sense" exemption (CEQA Guidelines §15061(b)(3)), that CEQA applies only to projects which have the potential for causing significant effects on the environment. When it can be seen with certainty, as with this decision, that there is no possibility that the activity in question may have a significant effect on the environment, the actively is not subject to CEQA; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation of liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. *Unless and until* a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At **a regular** meeting held **March 4, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03073

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF EXCLUSIVE NEGOTIATING AGREEMENT WITH FOOD SPECIALISTS, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board that certain **Exclusive Negotiating Agreement** with **FOOD SPECIALISTS, INC.** for the potential sale of an approximately 1.75-acre site located at 2400 Diesel Street near Union Point (the "ENA") in order to begin formal agreement negotiations, and as more fully described in Agenda Sheet Item No. 22 dated March 18, 2003; and be it

FURTHER RESOLVED that 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 an ENA in accordance with the terms of this resolution. Unless and until a separate written ENA is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party or parties, there shall be no valid or effective ENA.

At **a regular** meeting held **March 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03074

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH WORLDWIDE QUALITY ASSURANCE LTD. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02098, adopted by the Board of Port Commissioners (the "Board") on April 2, 2002, the Board authorized an Agreement with **WORLDWIDE QUALITY ASSURANCE LTD.**, for consulting services with respect to training and finalization of the Port's written quality standard policies and procedures to accomplish ISO Certification; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 31, dated March 18, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **WORLDWIDE QUALITY ASSURANCE LTD.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **WORLDWIDE QUALITY ASSURANCE LTD.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **WORLDWIDE QUALITY ASSURANCE LTD.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional $20,000, unless additional work up to an additional amount of $2,008.28 is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **March 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

42955

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03075

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR PERFORMING EMERGENCY SPILL RESPONSE OR EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 41, dated March 18, 2003 (herein "Agenda Sheet"), for **Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2003 and Ending June 30, 2004, 2005 or 2006, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to April 23, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project is not subject to the provisions of the Maritime and Aviation Project Labor Agreement (MAPLA) because it supports the Port's on-going operations and responsibilities, and will not be used on any capital project covered by the MAPLA.

At **a regular** meeting held **March 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03076

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR REMOVAL AND DISPOSAL OF HAZARDOUS WASTE, DESIGNATED WASTE, UNIVERSAL WASTE, AND OTHER CONTAMINATED MATERIALS FOR THE PERIOD COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 42, dated March 18, 2003 (herein "Agenda Sheet"), for **Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2003 and Ending June 30, 2004, 2005 or 2006, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to April 23, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project is not subject to the provisions of the Maritime and Aviation Project Labor Agreement (MAPLA) because it supports the Port's on-going operations and responsibilities, and will not be used on any capital project covered by the MAPLA.

At **a regular** meeting held **March 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03077

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MOFFATT & NICHOL ENGINEERS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 43, dated March 18, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **MOFFATT & NICHOL ENGINEERS** for **consulting services in connection with the Port's Design and Procedures Manual** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **MOFFATT & NICHOL ENGINEERS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby

agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **MOFFATT & NICHOL ENGINEERS** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$50,000**, unless additional work up to an additional amount of **$10,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **March 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

42994

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03078

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A POOLING AGREEMENT, SCHEDULE COORDINATION PROGRAM AGREEMENT AND RELATED AGREEMENTS THERETO BETWEEN THE PORT AND THE NORTHERN CALIFORNIA POWER AGENCY ("NCPA") AND A JOINT INTERCONNECTION AGREEMENT WITH NCPA AND THE PACIFIC GAS & ELECTRIC CO. ("PG&E") TO PROVIDE FOR ELECTRICAL INTERCONNECTION TO THE PORT'S ELECTRICAL SYSTEM.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of a Pooling Agreement, Schedule Coordination Program Agreement and related Agreements between the Port and the Northern California Power Agency ("NCPA") and a Joint Interconnection Agreement with NCPA and PG&E for electrical interconnection to the Port's electrical system, in accordance with Agenda Sheet Item No. 44 dated March 18, 2003, or agreements containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director and which are approved as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that 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 agreements in accordance with the terms of this resolution. 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.

At **a regular** meeting held **March 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03079

RESOLUTION APPROVING AND ESTABLISHING A COMMUNITY OVERSIGHT COMMITTEE.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and establishes a Community Oversight Committee. The Committee will monitor implementation of the Local Business Utilization policy in Port construction projects and will report to the Executive Director.

At **a regular** meeting held **March 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

42907

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03080

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT CONCERNING THE CLAIMS OF OAKLAND GOLF, LLC, IN CONNECTION WITH THE FORMER LEW F. GALBRAITH GOLF COURSE.

RESOLVED that the Board of Port Commissioners ("Port") hereby approves and authorizes the execution for and on behalf of the Board a general release of claims and settlement agreement in the amount $875,000 with Oakland Golf, LLC and the City of Oakland, and containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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 the other contracting parties, there shall be no valid or effective agreement.

At **a regular** meeting held **March 18, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03081

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH RUI CANHA DOING BUSINESS AS AMERICAN BUILDING SERVICE.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain License and Concession Agreement between the Port and **RUI CANHA** doing business as **AMERICAN BUILDING SERVICE** for continued access to the South Airport, Oakland, California, to provide aircraft cabin cleaning and facilities janitorial services, at the rate proposed and as more fully described in Agenda Sheet Item No. 11, dated April 1, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Guidelines, Article 19, Section 15300.4 and to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

43150

Absent: **Commissioners Protopappas and Uribe - 2**

R

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03082

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A LICENSE AND CONCESSION AGREEMENT WITH KEISER AND ASSOCIATES, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board of a License and Concession Agreement with Keiser and Associates, Inc. for a one-year term commencing September 1, 2002, consisting of 154 square feet of office space on the 2nd floor of Building M-102, in accordance with Agenda Sheet Item No. 12 dated April 1, 2003 or an agreement containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

43074

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03083

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH ROSS INVESTMENTS, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Commercial Real Estate to execute for and on behalf of the Board a certain License and Concession Agreement between the Port and **ROSS INVESTMENTS, INC.**, for occupancy of approximately 9,5382 square feet of premises for storing and maintaining its corporate jet and approximately 268 square feet of premises for restroom/common use space, at the North Airport, Oakland, California, at the rate proposed and as otherwise described in Agenda Sheet Item No. 13, dated April 1, 2003; and

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03084

RESOLUTION APPROVING HEARING OFFICER'S RECOMMENDATION TO REJECT ALL BIDS FOR UPGRADE OF ENERGY MANAGEMENT CONTROL SYSTEM AT TERMINALS I AND II, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; DIRECTING RETURN OF BID BONDS TO BIDDERS; AND AUTHORIZING A CONTRACT IN THE OPEN MARKET WITHOUT LOWEST-SEALED BID PROCEDURES.

RESOLVED that based upon the information contained in Agenda Sheet Item No. 16, dated April 1, 2003 (herein "Agenda Sheet") the Board of Port Commissioners (herein "Board") hereby approves and ratifies the recommendation of Hearing Officer Thomas H. Daniels, and hereby rejects the six bids received on January 8, 2003, for **Upgrade of Energy Management Control System at Terminals I and II, South Field, Oakland International Airport, Oakland, California,** pursuant to Port Ordinance 1606, Section 5(e), and bid securities accompanying said bids shall be returned to the respective bidders; and be it

FURTHER RESOLVED that only Mesa Energy submitted a timely protest, all other bidders waived the right to pursue any protest, including filing a Government Code Claim or legal proceedings; and be it

FURTHER RESOLVED that based upon the information contained in the Agenda Sheet, the Board approves the sole use of the Tridium System, with no substitution allowed, for the work of this project; and be it

FURTHER RESOLVED that based upon the information contained in the Agenda Sheet, the Board hereby finds and determines that it is in the best interest of the Port to contract for the above-described work without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to negotiate a contract for such work based upon the receipt of sealed informal proposals that shall be requested from

the original bidders who are certified by Tridium to install its equipment; and be it

FURTHER RESOLVED that if the Executive Director is unable to negotiate a contract with one of the above-described bidders,
he is hereby authorized to negotiate and execute a contract for such work in the open market based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that this project is subject to the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Executive Director is authorized to approve revisions to the plans and specifications resulting from value engineering; and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03085

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH URS CORPORATION DOING BUSINESS IN CALIFORNIA AS URS CORPORATION AMERICAS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 17, dated April 1, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **URS CORPORATION DOING BUSINESS IN CALIFORNIA AS URS CORPORATION AMERICAS** for **engineering services for Overlay of Taxiway D and apron improvements adjacent to Building L-812, North Field, California** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **URS CORPORATION DOING BUSINESS IN CALIFORNIA AS URS CORPORATION AMERICAS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **URS CORPORATION DOING BUSINESS IN CALIFORNIA AS URS CORPORATION AMERICAS** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$575,000**, unless additional work up to an additional amount of **$75,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

43166

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03086

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH JADA CONSULTANTS, LLC FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 18, dated April 1, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **JADA CONSULTANTS, LLC** for **program management services for Airport EIR Mitigation Monitoring and Reporting Program (MMRP)** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **JADA CONSULTANTS, LLC** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **JADA CONSULTANTS, LLC** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$225,000, which amount shall include any amounts authorized by the Executive Director**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03087

RESOLUTION REJECTING THE TWO CURRENT MARINA PROPOSALS/BIDS AND APPROVING THE RE-ISSUANCE OF A REVISED REQUEST FOR PROPOSALS FOR THE LEASE AND OPERATION OF THE PORT OF OAKLAND'S RECREATIONAL MARINAS.

RESOLVED that based upon the information contained in Agenda Sheet Item No. 21, dated April 1, 2003 (herein "Agenda Sheet") the Board of Port Commissioners (herein "Board") hereby approves the re-issuing of a revised Request for Proposals (herein "RFP") for the Privatization of the Port's Recreational Marina Portfolio, and hereby rejects the current proposals/bids received on November 15, 2002; and be it

FURTHER RESOLVED that in accordance with the Agenda Sheet, if the successful candidate after selection is unable to conclude negotiations and sign a Lease Agreement with the Port within 30-days, the Executive Director be and hereby is authorized to terminate negotiations and as more fully described in the Agenda Sheet; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract, agreement 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

43157

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03088

RESOLUTION REQUESTING THE CITY COUNCIL TO VACATE FERRO STREET, OAKLAND, CALIFORNIA.

WHEREAS Section 713 of the Charter of the City of Oakland ("Charter") sets forth the procedure pursuant to which public streets within the Port Area may be vacated; now therefore be it

RESOLVED that the Board of Port Commissioners ("Board") hereby finds and determines that it is necessary to vacate the publicly dedicated portion of Ferro Street within the Port Area as more fully described in Agenda Sheet Item No. 31 dated April 1, 2003 ("Agenda Sheet"); and be it

FURTHER RESOLVED that the Board hereby requests that the City Manager of the City of Oakland and the City Council of the City of Oakland initiate and carry to completion the proceedings necessary to vacate the publicly dedicated portion of Ferro Street within the Port Area as described and depicted in the Agenda Sheet; and be it

FURTHER RESOLVED that the Board respectfully requests the City Manager and City Council to undertake such street vacation proceedings as expeditiously as possible; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the proposed street vacation is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15305 (Class 5), of the Port's CEQA Guidelines which exempts from CEQA minor alterations in land use and limitations; and be it

FURTHER RESOLVED that the Executive Director of his designee is hereby authorized to take such actions as may be necessary to effectuate actions hereby approved and determinations hereby made.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

43160

R

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03089

RESOLUTION APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDERS FOR CONTRACT WITH O.C. JONES & SONS, INC., FOR THE CONSTRUCTION OF POINT ARNOLD/PORT VIEW PARK CONNECTOR, MHSP, STAGE 1, VISION 2000, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves and ratifies additive change orders to **O.C. Jones & Sons, Inc.,** under the contract for the **Construction of Point Arnold/Port View Park Connector, MHSP Stage 1, Vision 2000, Oakland, California** for 1) replacing damaged Cement Treated Sand (CTS) paths in various areas with asphalt, decomposed granite or Portland Cement Concrete; applying non-skid paint at Point Arnold wharf deck; repairing drains; raising a drop inlet at 7th Street and Middle Harbor Road; repairing concrete pads at the trellis; adding a POW/MIA memorial to the park; making minor changes to the irrigation system; re-grading areas of the park; securing park benches; grouting trellis base plates; modifying the re-circulating fountain; making minor changes to the lighting system and installing the Historic Mast name plates and plaques; installing fence for railroad track safety; and relocating benches along the connector, for a total amount of $200,000.00, consistent with Board Agenda Sheet Item No. 32, dated April 1, 2003, (the "Agenda Sheet"), provided, however, that said change order(s) shall be in a form prepared by the Port Attorney and shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the Board finds that it is in the Port's best interest to grant to the Executive Director the authority to issue additional change orders, not to exceed the aggregate total of $25,000.00 to the contract for **Construction of Point Arnold/Port View Park Connector, MHSP Stage 1, Vision 2000, Oakland, California,** in accordance with Port Ordinance 1606, Section 5(i)(3)(ii).

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

43120

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03090

RESOLUTION APPROVING AND AUTHORIZING REIMBURSEMENT TO THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR ADDITIONAL COSTS ASSOCIATED WITH DESIGN AND CONSTRUCTION FOR THE RELOCATION OF AN EXISTING NAVY FORCE MAIN AND GRAVITY SANITARY SEWER.

RESOLVED that based upon the information contained in Agenda Sheet Item No. 34, dated April 1, 2003 (herein "Agenda Sheet"), the Board of Port Commissioners hereby approves and authorizes the payment of $147,212.00 to East Bay Municipal Utility District for additional costs associated with design for the relocation of the existing Navy force main and gravity sanitary sewer serving the former Alameda Naval Air Station and the former Fleet and Industrial Supply Center, Oakland, California; and be it

FURTHER RESOLVED that with respect to any additional costs associated with design and construction, the Port reserves all legal and equitable rights, and the Port's payment of the amounts authorized above shall not be deemed an admission of any liability.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

43122

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03091

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AMENDED AGREEMENT WITH BAY SHIP & YACHT CO. FOR RELOCATION RESULTING FROM INNER HARBOR TURNING BASIN -50' DREDGING PROJECT CONSTRUCTION.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board an amended agreement with Bay Ship & Yacht Co. ("BSY") which will amend that certain "Agreement Between Bay Ship & Yacht Co. and the Port of Oakland Regarding the Oakland Harbor Navigation Improvement (-50 Foot) Project" dated as of January 18, 2000 (as previously amended and supplemented, the "Original Agreement"), by providing that BSY instead of the Port shall be responsible for design and construction of the "Repair Facilities Project" that will provide the new facilities to which BSY will relocate as required by construction as a part of Oakland Harbor Navigation Improvement (-50 Foot) Project ("50' Dredging Project") of the enlarged Inner Harbor Turning Basin in the area where BSY's existing ship repair facilities are located on lands that BSY leases from Alameda Gateway, Ltd. ("Gateway") and that, in part Gateway owns and in part master leases from the City of Alameda ("Alameda"), by including Gateway (at Gateway's option) and Alameda as parties to the amended agreement to the extent provided in the amended agreement, and by making other amendments to the Original Agreement that are consistent with Agenda Sheet Item No. 35, April 1, 2003 (the "Agenda Sheet"); and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the Executive Director for and on behalf of the Board to execute such other agreements with BSY, agreements with Gateway amending that certain "First Amended and Restated Agreement between Alameda Gateway, Ltd. (and Related Parties) and the Port of Oakland Regarding the Oakland Harbor Navigation Improvement (-50 Foot) Project" dated as of December 8, 2000 ("Gateway-Port Agreement"), agreements with Alameda amending that certain "Agreement Between the City of Alameda and the Port of Oakland Regarding the Oakland Harbor Navigation Improvement (-50 Foot) Project" dated as of January 18, 2000 ("Alameda-Port Agreement"), and such other related agreements with BSY, Gateway and Alameda (such as easement agreements and other agreements as necessary or appropriate to carry out and implement the amended agreement with BSY, the Gateway-Port Agreement or the Alameda-

Port Agreement), provided that all agreements approved and authorized for execution by the Executive Director for and on behalf of the Board shall be consistent with the Agenda Sheet and shall not otherwise create any new significant net increase in costs or obligations to the Port over what is described in the Agenda Sheet and the Original Agreement (as to BSY) or over the Board's previous approval and authorization to execute the Gateway-Port Agreement (as to Gateway) and to execute the Alameda-Port Agreements (as to Alameda), all as reasonably determined by the Executive Director and as approved as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that 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 agreements in accordance with the terms of this resolution. 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 the other contracting party or parties, there shall be no valid or effective agreement.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03092

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH COATES FIELD SERVICE, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 36, dated April 1, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **COATES FIELD SERVICE, INC.** to **provide consultation services in connection with relocations as required by construction of the Inner Habor Turning Basin (IHTB)** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **COATES FIELD SERVICE, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **COATES FIELD SERVICE, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$40,000 (including payments previously made under Port Purchase Order No. 129106)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

43186

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03093

RESOLUTION APPROVING AND AUTHORIZING PAYMENTS TO QUALIFYING TENANTS FOR RELOCATION CLAIMS AS REQUIRED BY CONSTRUCTION OF THE INNER HARBOR TURNING BASIN (-50 FOOT PROJECT) AND NECESSARY INSTRUMENT(S) TO EFFECT SAID PAYMENTS THEREFOR.

RESOLVED that, in accordance with Agenda Sheet Item No. 36 dated April 1, 2003, the Board of Port Commissioners ("Board") hereby authorizes the Executive Director or his designee on behalf of the Board to enter into instrument(s) for and make payments to qualifying tenants for relocation claims as required by construction of the Inner Harbor Turning Basin (-50 Foot Project) in an amount not to exceed $210,000; and be it

FURTHER RESOLVED that 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 necessary instrument/agreement(s) in accordance with the terms of this resolution. Unless and until a separate written instrument 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 instrument/agreement(s).

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

43071

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03094

RESOLUTION EXTENDING CERTAIN PAY AND BENEFITS TO PORT OF OAKLAND EMPLOYEE MEMBERS OF THE MILITARY RESERVE RECALLED TO ACTIVE DUTY IN RESPONSE TO THE MILITARY SITUATION IN IRAQ.

WHEREAS the President of the United States has signed an order to recall persons in the military reserve to active duty in response to the military situation in Iraq.

WHEREAS some of those reservists are employees of the Port of Oakland; and

WHEREAS the Port of Oakland currently provides military leave continuance of certain pay and benefits for a maximum of 30 calendar days per fiscal year to employees who have been employed by the Port for at least one (1) year and have been ordered to report to active duty; and

WHEREAS the Board of Port Commissioners believes it to be in the public interest to ensure that those employees recalled to active duty during this crisis are able to continue providing for their families while in the service of their country without undue hardship or loss; and

WHEREAS several Port of Oakland employees have been recalled to active military duty and have or are near to exhausting the 30 calendar days of military leave pay and benefits currently provided for; now, therefore, be it

RESOLVED that any full-time employee of the Port of Oakland who has at least one year of service or one year of combined active military service and Port service and is involuntarily ordered to active duty shall continue to receive military leave pay and benefits for a period of up to 90 additional calendar days; and be it

FURTHER RESOLVED that the military leave pay provided for by this resolution shall be discounted by the amount of active duty military pay and allowances received by the employee such that the employee does not receive more than the employee's Port base pay; and be it

FURTHER RESOLVED that the Port of Oakland does hereby delegate to the Director of Administration the authority to consult and confer with the Port's employee organizations as to the practical details of calculating the appropriate amount of military leave pay provided for

by this resolution such that the employee does not receive more in combined military leave pay and active duty military pay than the employee's Port base pay, and to resolve any disputes that arise with regard to same; and be it

FURTHER RESOLVED that the military leave benefits (as distinguished from military leave pay) provided by this resolution shall be the same as those currently provided during the initial 30 days of military leave; and be it

FURTHER RESOLVED that the Executive Director of the Port may at his discretion extend the additional period of military leave pay and benefits provided by this resolution, but in no case not beyond a total period of one year for any employee; and be it

FURTHER RESOLVED that the Board of Port Commissioners will consider further recommendations on this matter that are deemed appropriate by the Director of Administration after consultation with Port staff and the employee organizations; and be it

FURTHER RESOLVED that this resolution is intended to address a specific, limited need, and is not intended to create a permanent increased military leave benefit or beneficial past practice; and be it

FURTHER RESOLVED that the Board hereby ratifies and approves temporary extension of military leave benefits from and after January 1, 2003.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03095

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR FURNISHING PILE DRIVER CREW FOR REPAIRS TO PORT OF OAKLAND DOCKS AND WATERFRONT FACILITIES FOR THE PERIOD COMMENCING JUNE 1, 2003 AND ENDING MAY 31, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 43, dated April 1, 2003 (herein "Agenda Sheet"), for **Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing June 1, 2003 and Ending May 31, 2004, 2005 or 2006, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to May 8, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

43121

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03096

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH BECKY L. TAYLOR, AN INDIVIDUAL, DOING BUSINESS AS BLT ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02376, adopted by the Board of Port Commissioners (the "Board") on November 5, 2002, the Board authorized an Agreement with **BECKY L. TAYLOR, an individual, doing business as BLT ASSOCIATES**, for consulting services with respect to Human Resources consulting; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 45, dated April 1, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **BECKY L. TAYLOR, an individual, doing business AS BLT ASSOCIATES** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **BECKY L. TAYLOR, an individual, doing business as BLT ASSOCIATES** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **BECKY L. TAYLOR, an individual, doing business as BLT ASSOCIATES** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$12,000** (for an aggregate maximum of $42,000) and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03097

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH DAVID J. DAVIS, AN INDIVIDUAL, DOING BUSINESS AS D SQUARED BUSINESS CONSULTING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02296, adopted by the Board of Port Commissioners (the "Board") September 3, 2002 and as amended by the First Supplemental Agreement dated November 5, 2002, the Board authorized an Agreement with **DAVID J. DAVIS, an individual, doing business as D SQUARED BUSINESS CONSULTING**, for consulting services with respect to consulting services in connection with the implementation of ISO9001-2000 and process improvement; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 47, dated April 1, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Second Supplemental Agreement with **DAVID J. DAVIS, an individual, doing business as D SQUARED BUSINESS CONSULTING** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **DAVID J. DAVIS, an individual, doing business as D SQUARED BUSINESS CONSULTING** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Second Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **DAVID J. DAVIS, an individual, doing business as D SQUARED BUSINESS CONSULTING** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum

compensation that shall not exceed an additional **$215,000** (for an aggregate maximum of $380,000); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03098

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MAXIMUS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 48, dated April 1, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **MAXIMUS** to **prepare a Cost Allocation Plan that conforms with the guidelines of both the federal government and the State of California** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **MAXIMUS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **MAXIMUS** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$24,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held April 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5

Noes: None

Absent: Commissioners Protopappas and Uribe - 2

43144

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03098

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH DMG-MAXIMUS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 48, dated April 1, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **DMG-MAXIMUS, INC.** to **prepare a Cost Allocation Plan that conforms with the guidelines of both the federal government and the State of California** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **DMG-MAXIMUS, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said

providing that **DMG-MAXIMUS, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$24,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **April 1, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5**

43144

Noes: **None**

Absent: **Commissioners Protopappas and Uribe - 2**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03099

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENTS WITH AMERICAN EXPRESS TRAVEL RELATED SERVICES, BANK OF AMERICA, SOUTHWEST AIRLINES EMPLOYEES FEDERAL CREDIT UNION AND OAKLAND MUNICIPAL CREDIT UNION.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board those certain License and Concession Agreements between the Port and **AMERICAN EXPRESS TRAVEL RELATED SERVICES (AmEx), BANK OF AMERICA (BofA), SOUTHWEST AIRLINES EMPLOYEES FEDERAL CREDIT UNION (SWAEFCU)** and **OAKLAND MUNICIPAL CREDIT UNION (OMCU)** to operate automated teller machines (ATMs) at the Oakland International Airport, at the rate proposed and as otherwise described in Agenda Sheet Item No. 11, dated April 15, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to CEQA Guidelines, Article 19, Section 15300.4 and Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or agreement, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43349

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03100

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF BERTH 22 WHARF REPLACEMENT, OUTER HARBOR, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 31, dated April 15, 2003 (herein "Agenda Sheet"), for **Construction of Berth 22 Wharf Replacement, Outer Harbor, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to May 28, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that pursuant to Section 5e of Port Ordinance No. 1606 the time within which a contract may be let to the lowest responsible bidder after bid opening is hereby extended from 60 days to 90 days; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03101

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH CCS PLANNING & ENGINEERING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02191, adopted by the Board of Port Commissioners (the "Board") on June 18, 2002, the Board authorized an Agreement with **CCS PLANNING & ENGINEERING**, for consulting services with respect to Traffic Transportation Analysis and Signage Study; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 13, dated April 15, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **CCS PLANNING & ENGINEERING** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CCS PLANNING & ENGINEERING** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CCS PLANNING & ENGINEERING** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$56,000** unless additional work up to an additional amount of **$5,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03102

RESOLUTION GRANTING AUTHORIZATION TO INCLUDE FURNISH AND INSTALL DYNAMIC ROADWAY SIGNAGE FOR PUBLIC PARKING AND INTERIM RENTAL CAR FACILITY, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, IN THE SMALL BUSINESS PROGRAM, FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR SUCH WORK WITHOUT LOWEST-SEALED BID PROCEDURES; AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Director of Engineer is authorized to approve the plans and specifications for said project in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 12, dated April 15, 2003 (herein "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the Port's Small Business Utilization Program encourages small contractors to develop the capacity to perform public works contracts on a competitive basis, thereby increasing the pool of competitive contractors for future Port contracts; and therefore it is in the best interest of the Port to accomplish **Furnish and Install Dynamic Roadway Signage for Public Parking and Interim Rental Car Facility, Oakland International Airport, Oakland, California**, without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Board of Port Commissioners authorizes that the **Furnish and Install Dynamic Roadway Signage for Public Parking and Interim Rental Car Facility, Oakland International Airport, Oakland, California**, be included in the Small Business Program; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of a contract with a local small contractor, for **Furnish and Install**

Dynamic Roadway Signage for Public Parking and Interim Rental Car Facility, Oakland International Airport, Oakland, California, based upon the receipt of informal proposals, provided, that if the Executive Director determines that no acceptable proposal has been received from a local small contractor then said contract may be made with any qualified contractor based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA") but will be exempt from the provisions of the (MAPLA) if a contract is awarded to a local small contractor that is eligible for exemption under the program established by MAPLA's Appendix "G"-Letter of Understanding re: Small Business Utilization Program; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that 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 grant agreement in accordance with the terms of this resolution. Unless and until a separate written grant agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective grant agreement.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03103

RESOLUTION RATIFYING AND APPROVING ADDENDA TO SPECIFICATIONS TO CONSTRUCT RAILROAD SPUR AND SITE WORK AT THE JOINT INTERMODAL TERMINALS FOR TRANSLOAD WAREHOUSE D-516, VISION 2000, OAKLAND, CALIFORNIA; REJECTING BID PROTEST OF BAY CITIES PAVING AND GRADING, INC.; AND AWARDING CONTRACT TO O.C. JONES & SONS, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on January 21, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on February 26, 2003; and

RESOLVED that the Board hereby ratifies and confirms and approves Addenda Nos. 1 and 2 to the plans and specifications and other provisions relative thereto filed with the Board and described in Agenda Sheet Item No. 32, dated April 15, 2003 (herein "Agenda Sheet"), for **Construct Railroad Spur and Site Work at the Joint Intermodal Terminal for Transload Warehouse D-516, Vision 2000, Oakland, California**; and be it

FURTHER RESOLVED that based upon the information contained in the Agenda Sheet the Board of Port Commissioners hereby rejects Bay Cities Paving & Grading, Inc.'s bid protest; and be it

FURTHER RESOLVED the Board of Port Commissioners, awards the contract for **Railroad Spur and Site Work at the Joint Intermodal Terminal for Transload Warehouse D-516, Vision 2000, Oakland, California**, to **O.C. Jones & Sons, Inc., a California corporation** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received February 26, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $1,281,735.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $1,281,735.00 shall be provided by the

Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03104

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH OAKLAND RAILWAY COMPANY.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Maritime to execute for and on behalf of the Board a certain License and Concession Agreement between the Port and **OAKLAND RAILWAY COMPANY**, a railroad company jointly owned by the Burlington Northern Santa Fe (BNSF) and the Union Pacific Railroad (UPRR), for occupancy of the approximately 22-acre Knight Yard area at the former Oakland Army Base for use in providing railroad-switching services to tenants of the Oakland Base Reuse Authority, at the rate proposed and as otherwise described in Agenda Sheet Item No. 33, dated April 15, 2003; and

FURTHER RESOLVED that the Board hereby finds and determines that this project is categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43348

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03105

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH KTVU PARTNERSHIP FOR A STRATEGIC MARKETING CAMPAIGN CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 41, dated April 15, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners ("Board") hereby finds and determines that the proposed agreement with **KTVU PARTNERSHIP** for a strategic marketing campaign for the Port will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **KTVU PARTNERSHIP** without competitive bidding; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **KTVU PARTNERSHIP** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed $70,000; and be it

FURTHER RESOLVED that 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 an agreement 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 agreement.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

43287

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03106

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH NBA ENGINEERING, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 01273, adopted by the Board of Port Commissioners (the "Board") on October 15, 2001 and as amended by the First Supplemental Agreement dated October 15, 2002, the Board authorized an Agreement with **NBA ENGINEERING, INC.**, for on-call mechanical engineering design services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 42, dated April 15, 2003, (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Second Supplemental Agreement with **NBA ENGINEERING, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **NBA ENGINEERING, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Second Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **NBA ENGINEERING, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed an additional **$350,000 (for an aggregate maximum compensation of $1,350,000)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

43324

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03107

RESOLUTION APPROVING BUILDING PERMIT WITH HILTON HOTELS CORPORATION.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **HILTON HOTELS CORPORATION,** for permission to perform certain work located at 1 Hegenberger Road (Klll), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $75,000 said work and the conditions of Port approval being the following:

1) Installation of a parking control system for the hotel site;

2) Installation of a new control booth and concrete pad to replace the existing booth of similar size at the main entrance;

3) Installation of a bus shelter in the rear parking lot;

4) Installation of electric gate control arms for entry and exit at the main Hegenberger entrance and Doolittle entrance;

5) Related electrical and mechanical work;

6) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 11 of Guidelines Section 15311; and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03108

RESOLUTION AUTHORIZING AND APPROVING THE EXECUTIVE DIRECTOR TO EXECUTE AGREEMENTS, AND APPROVING SETTLEMENT.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Executive Director to: (a) execute Agreement and Release of Any and All Claims with Berths 57/58 Constructors, J.V; (b) execute Policyholder's Claim Release with Lexington Insurance and TIG Insurance; and (c) execute the settlement of claims arising from the CDSM wall failure which will come solely from the insurance carriers, as addressed in the April 11, 2003, Confidential: Attorney-Client letter to the Board; and

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Tagami - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03109

RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL, APPROVING AND AUTHORIZING EXPENDITURE AUTHORITY, AND APPROVING SETTLEMENT.

RESOLVED that the Board of Port Commissioners hereby (a) approves the appointment of **Wulfsberg, Reese, Colvig & Firstman (WRCF)**, and any necessary litigation consultants, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, as Special Counsel to the Port Attorney to render expert assistance in connection with the Pacific Coast Building Products, Inc. v. Lumberman's Mutual Casualty Company, et al., Alameda No. 2001-024620; (Claims of O.C. Jones & Sons, Inc. arising from construction of the Hanjin terminal) matter, (b) approves and authorizes expenditure authority for the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel, and any necessary litigation consultants, to be made from time to time as approved by the Port Attorney, as addressed in the April 11, 2003, Confidential: Attorney-Client letter to the Board, and (c) approves the amount of $925,000 for settlement of the O.C. Jones component of the claim.

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Tagami - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03110

RESOLUTION APPROVING INCREASED EXPENDITURE AUTHORITY OF SPECIAL COUNSEL AND NECESSARY EXPERTS.

RESOLVED that the Board of Port Commissioners hereby approves increased expenditure authority of Special Counsel and necessary experts, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with anticipated litigation on the matters concerning Harding ESE for claims arising from the closure of the Landfill at former as discussed in the confidential memorandum dated April 11, 2003, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel and Consultants to be made from time to time as approved by the Port Attorney.

At **a regular** meeting held **April 15, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Tagami - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03111

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF ASPHALT CONCRETE OVERLAY OF TAXIWAY UNIFORM BETWEEN TAXIWAYS T AND W, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 13, dated May 6, 2003 (herein "Agenda Sheet"), for **Construction of Asphalt Concrete Overlay of Taxiway Uniform Between Taxiways T and W, South Field, Oakland International Airport, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to June 4, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43624

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03112

RESOLUTION SELECTING AND AWARDING PRIME BUILDER CONTRACT FOR THE OAKLAND INTERNATIONAL AIRPORT TERMINAL EXPANSION (TEx) PROGRAM TO TURNER CONSTRUCTION CO.; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT.

WHEREAS, on January 22, 2003, the Port issued a Request for Qualifications ("RFQ") for the Prime Builder for the Oakland International Airport Terminal Expansion (TEx) Program; and

WHEREAS, on March 13, 2003, the Port received Statements of Qualifications (SOQs) for the Prime Builder contract from 1) Austin Commercial/Swinerton, J.V.; 2) Clark Construction/Phelps, J.V.; 3) Hensel Phelps Construction Co. and 4) Turner Construction Co.; and

WHEREAS, on April 1, 2003, the Port's Independent Monitor issues his Tentative Short-List Report, which identified the following three short-listed firms, without rank order: 1) Austin Commercial/Swinerton, J.V.; 2) Hensel-Phelps Construction Co. and 3) Turner Construction Co.; and

WHEREAS, no respondent submitted a protest to the Tentative Short-List or any other aspect of the Prime Builder procurement occurring prior to the publication of the Tentative Short-List; and

WHEREAS, based on the absence of any protest, the Port proceeded to the Aviation Committee evaluation phase; and

WHEREAS, on April 14, 2003, the three short-listed respondents appeared before the Aviation Committee to make presentations and be interviewed; and

WHEREAS, at the conclusion of the presentation/interviews, the members of the Aviation Committee rated each respondent with

respect to its qualifications and local business utilization programs;

WHEREAS, the ratings of the Aviation Committee were combined with the Price rating developed by the Independent Monitor, who based upon the rating criteria contained in the RFQ, then tabulated the results of the ratings with the following results:

Overall Ranking	Short-listed Respondent	Price (price rank)	Points
1	Turner Construction Co.	$14,843,391 (1)	95.7
2	Hensel-Phelps Construction Co.	$19,995,000 (3)	87.9
3	Austin Commercial/Swinerton J.V.	$16,885,972 (2)	84.2

; now, therefore be it

FURTHER RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Director of Engineering is authorized to approve the plans and specifications for said project in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 14 dated May 6, 2003, (herein the "Agenda Sheets") and all written and oral information submitted by the Respondents, the Board of Port Commissioners hereby awards the Prime Builder Contract for pre-construction services to Turner Construction Company; and be it

FURTHER RESOLVED that the Prime Builder's compensation shall be calculated in accordance with the price submission provided in its SOQ; and

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes the Executive Director to negotiate a Guaranteed Maximum Price ("GMP")with the selected firm, containing terms approved by the Port Attorney to the extent it is consistent with the overall Board-approved TEx Program, said GMP shall be reviewed and approved by the Aviation Committee and the Board prior to execution; and be it

FURTHER RESOLVED that if the selected Prime Builder declines to execute a Prime Builder Agreement on terms acceptable to the Port, the Executive Director is authorized to execute a Prime Builder Agreement with one of the other short-listed respondents; and

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that this project will be covered by the Non-Discrimination and Small and Local Business Policy ("NDSLBU") and during the term of the pre-construction services the Director of Social Responsibility shall provide a monthly briefing to the Aviation Committee on the Prime Builder's progress; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami and President Kiang - 6**

Noes: **None**

Absent: **None**

Recused: Commissioner Uribe - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03113

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE EXCLUSIVE NEGOTIATING AGREEMENT WITH OAKLAND HARBOR PARTNERS LLC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board that certain **First Amendment to the Exclusive Negotiating Agreement** with **OAKLAND HARBOR PARTNERS LLC** for the Oak to Ninth District Properties (the "ENA") in order to extend the deadlines specified in the ENA Performance Schedule due to complexity issues, as more fully described in Agenda Sheet Item No. 21 dated May 6, 2003; and be it

FURTHER RESOLVED that 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 agreements in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party or parties, there shall be no valid or effective agreement.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and Vice President Protopappas - 6**

Noes: **None**

Absent: **None**

Recused: President Kiang - 1

43664

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03114

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH BASELINE ENVIRONMENTAL CONSULTING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 22, dated May 6, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **BASELINE ENVIRONMENTAL CONSULTING** for **assistance in the investigation and remediation plan for environmental conditions** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **BASELINE ENVIRONMENTAL CONSULTING** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **BASELINE ENVIRONMENTAL CONSULTING** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$250,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

43617

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, and Vice President Protopappas - 5**

Noes: **None**

Absent: **None**

Recused: Commissioner Uribe and President Kiang - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03115

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SEVERN TRENT LABORATORIES, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 42, dated May 6, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **SEVERN TRENT LABORATORIES, INC.** for **as-needed analytical laboratory professional services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **SEVERN TRENT LABORATORIES, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **SEVERN TRENT LABORATORIES, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$400,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03116

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CURTIS AND TOMPKINS, LTD. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 42, dated May 6, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **CURTIS AND TOMPKINS, LTD.** for **as-needed analytical laboratory professional services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CURTIS AND TOMPKINS, LTD.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CURTIS AND TOMPKINS, LTD.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$400,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03117

RESOLUTION APPROVING THE PORT'S PROPOSED DISADVANTAGED BUSINESS ENTERPRISE FY 02-03 FEDERAL AVIATION ADMINISTRATION GOALS & METHODOLOGY REPORT FOR PUBLIC COMMENT.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves the Port of Oakland's proposed Disadvantage Business Enterprise FY 02-03 Goals & Methodology Report for the Federal Aviation Administration, for public comment, as set forth in Agenda Sheet Item No. 43, dated May 6, 2003; and be it

FURTHER RESOLVED that the Board hereby approves implementation of said program, subject to review and determination by the Director of Social Responsibility, upon consultation with the Port Attorney, that public comment does not identify significant concerns or issues regarding said report or the proposed implementation of said program.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43678

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03118

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH AON RISK SERVICES, A DIVISION OF AON CORPORATION, A DELAWARE CORPORATION, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by 99082, dopted by the Board of Port Commissioners (the "Board") on March 2, 1999, the Board authorized an Agreement with **AON RISK SERVICES, A DIVISION OF AON CORPORATION, A DELAWARE CORPORATION ("AON Corporation)**, for consulting services with respect to design, marketing and administration of an Owner Controlled Insurance Program; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 45, dated May 6, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with AON Corporation will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from AON Corporation without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that AON Corporation shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed (i) $2,605,000 for the additional period of four (4) years; unless additional work up to an additional amount of 10% of such maximum compensation is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43625

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03119

RESOLUTION APPROVING THE FIRST EXTENSION OF THE OWNER CONTROLLED INSURANCE PROGRAM (OCIP).

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 45, dated May 6, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby authorizes the Executive Director to approve the first extension of the Owner Controlled Insurance Program for an additional premium not to exceed **$500,000** upon terms and conditions set forth in said Agenda Sheet; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **None**

43682

Recused: Commissioner Protopappas - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03120

RESOLUTION APPROVING, AUTHORIZING AND ADOPTING A CHANGE OF CHAIR, AN ADDITIONAL VOTING MEMBER, AND AMENDMENTS TO THE RESTATED DEFERRED COMPENSATION PLAN.

RESOLVED that the Board of Port Commissioners (Board) authorizes the change of Chair of the Deferred Compensation Advisory Committee from Chief Financial Officer to Director of Administration; and be it

FURTHER RESOLVED that Board approves and authorizes the addition of the Deputy Executive Director as a voting member of the Deferred Compensation Advisory Committee; and be it

FURTHER RESOLVED that the Board approves the amendments to the Restated Deferred Compensation Plan of the Port of Oakland, in substantially the form on file with the Secretary of the Board, with such changes as may be approved by the Port Attorney, and that such Restated Plan and amendments be and hereby is adopted in full, as more fully set forth in Agenda Sheet Item No. 46, dated May 6, 2003.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03121

RESOLUTION AUTHORIZING THE RENEWAL OF PORT'S INSURANCE PROGRAM INCLUDING, COVERAGE FOR AUTOMOBILE LIABILITY, AUTOMOBILE PHYSICAL DAMAGE, PORT LIABILITY, PUBLIC OFFICIALS ERRORS & OMISSIONS, CAPA UMBRELLA EXCESS LIABILITY, AIRPORT LIABILITY, EXCESS WORKERS' COMPENSATION, CRANE PHYSICAL DAMAGE, AIRPORT TERRORISM, COMPUTERS, LOSS OF ACCESS, AND FIRE INSURANCE POLICY.

RESOLVED that the Board of Port Commissioners hereby authorizes the renewal of the Port's Insurance Program including coverage for Automobile Liability, Automobile Physical Damage, Port Liability, Public Officials Errors And Omissions, CAPA Umbrella Excess Liability, Airport Liability, Excess Workers' Compensation, Crane Physical Damages, and Airport Terrorism, for the term May 20, 2003 through May 20, 2004, in accordance with Agenda Sheet Item No. 47, dated May 6, 2003, (herein the "Agenda Sheet"), provided, however, that said insurances shall be approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and ratifies for and on behalf of the Board the renewal of insurance coverage for the Port of Oakland's Computers and Loss of Access for the term June 1, 2003, through June 1, 2004 and fire insurance for the term May 15, 2003 to July 1, 2004 in accordance with the Agenda Sheet, provided, however, that said insurances shall be approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby finds and determines that said insurance program is in such amounts and against such risks as are, in the judgment of the Board, prudent and reasonable taking into account, but not being controlled by, the amounts and types of insurance or self-insured programs provided by similar ports.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43616

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03122

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PURCHASE NEW VEHICLES AND EQUIPMENT, AUTHORIZING THE EXECUTIVE DIRECTOR TO SELL SURPLUS VEHICLES AND ASSIGN AND/OR TRANSFER THE NEIGHBORHOOD ELECTRIC VEHICLES TO PORT TENANTS, CUSTOMER AND STAFF.

RESOLVED that Board of Port Commissioners ("Board") hereby finds and determines that it is in the best interest of the Port to purchase new vehicles and equipment without competitive bidding; and be it

FURTHER RESOLVED that certain surplus vehicles are determined to be inadequate, obsolete or worn out within the meaning of Section 5.13(a) of the Master Trust Indenture by and between the Port and First Trust of California, as Trustee; and be it

FURTHER RESOLVED that the Executive Director hereby is authorized and directed to sell the surplus vehicles at open market to the highest bidder(s) therefor after the receipt of informal bids, or to donate the vehicles to eligible not-for-profit community based organizations; and be it

FURTHER RESOLVED that any remaining surplus vehicles will be reclassified as scrap and disposed of accordingly; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized for and on behalf of this Board to procure the vehicles and equipment as more fully described in Agenda Sheet Item No. 48 dated May 6, 2003 (hereinafter "Agenda Sheet") at a cost of approximately $1,022,000.00, plus taxes and fees, through cooperative agreement with other public entities or through open market procurement, provided, however, that the contract(s) for said procurement, whether with the State of California or otherwise, shall be approved as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that the Executive Director be and he is hereby authorized to execute any necessary Bill of Sale and other appropriate documents in connection therewith, provided that such documentation shall be approved as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that the Executive Director be and he is hereby authorized to assign and/or transfer said Neighborhood Electric Vehicles to Port tenants, customers and staff based on the recommendations of the Division Directors and approval by the Port Attorney of any such contracts for same; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03123

RESOLUTION APPROVING BUILDING PERMIT WITH NEXTEL OF CALIFORNIA INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **NEXTEL OF CALIFORNIA, INC.**, for permission to perform certain work located at 1 Airport Drive (M101 and M103), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $17,920 said work and the conditions of Port approval being the following:

1) Installation of a new cellular antenna on canopy in front of M101 and fiber optic cable connection to the Nextel equipment room in M103;

2) Related mechanical work; and

3) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03124

RESOLUTION APPROVING BUILDING PERMIT WITH THE HERTZ CORPORATION.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **THE HERTZ CORPORATION,** for permission to perform certain work located at 8000 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $50,000 said work and the conditions of Port approval being the following:

1) Installation of two pre-manufactured structures on the Hertz Quick-Turn-Around facility for temporary use;

2) Installation of an ADA ramp;

3) Related electrical and mechanical work; and

4) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 3(d)(e) of Guidelines Section 15303(p) and Statutory Exemption 15269(c); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03125

RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL.

RESOLVED that the Board of Port Commissioners hereby approves the appointment of **BINGHAM, MCCUTCHEN, LLP**, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with Airport Master Plan, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel to be made from time to time as approved by the Port Attorney.

At **May 6, 2003** meeting held

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03126

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH E-AGENCY, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed agreement with **E-AGENCY, INC.** for **communications plan services, related to implementation of the Airport Development Program settlement agreements and ADP's Second Supplemental Environmental Impact**, will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **E-AGENCY, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution, for and on behalf of the Board, of said agreement, and providing that **E-AGENCY, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$75,000**, unless additional work up to an additional amount of **$25,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that the Board finds and determines that the activity authorized by this Resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's general rule, or "common sense" exemption set forth in 14 Cal. Code Regs. §15061(b)(3) of the CEQA Guidelines, since it can be seen with certainty that there is no possibility that these matters will have a significant on the environment; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03127

RESOLUTION COMPROMISING AND SETTLING CLAIMS AND AUTHORIZING EXECUTION OF STIPULATED SETTLEMENT.

WHEREAS, LOUISE ENGEL has pending as Case No. SF 450409 as application for adjudication of claim filed before the Workers' Compensation Appeals Board alleging injuries she sustained arising out of and in the course of employment and seeking compensation therefor; and

WHEREAS, a dispute has arisen between the Port and LOUISE ENGEL regarding the extent of injuries arising out of and in the course of employment and the extent and amount of permanent disability indemnity and future medical treatment which may be payable; and

WHEREAS, LOUISE ENGEL has offered to accept the sum of $27,500.00, less legally chargeable credits, in compromise and full satisfaction of said workers' compensation claims for permanent disability and future medical treatment arising out of and in the course of her employment by the Port; and

WHEREAS, this Board does find that it is in the best interest of the Port to compromise and settle said claims and Workers' Compensation Appeals Board proceedings upon said basis for the total sum of $27,500.00, less legally chargeable credits, respecting workers' compensation benefits from which sum LOUISE ENGEL agrees to pay her attorney's fees; now, therefore, be it

RESOLVED that the Port Attorney be and he hereby is authorized to compromise and settle said claim for workers' compensation benefits as Case No. SF 450409 now pending before the Workers' Compensation Appeals Board by paying to LOUISE ENGEL the sum of $27,500.00, less legally chargeable credits, and further to enter into a stipulated agreement on said basis, and the Port Attorney is hereby authorized to execute any and all necessary agreements to effect this compromise and settlement.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

43543

Noes: **None**

Absent: **Commissioner Protopappas - 1**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03128

RESOLUTION CONFIRMING, RATIFYING AND APPROVING THE RETENTION OF THE LAW FIRM BUCHANAN INGERSOLL AS SPECIAL COUNSEL TO THE PORT ATTORNEY.

RESOLVED that the Board of Port Commissioners hereby confirms, ratifies and approves the retention of the law firm **Buchanan Ingersoll**, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with bankruptcy consulting advice and related matters, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel to be made from time to time as approved by the Port Attorney.

At **a regular** meeting held **May 6, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 6**

Noes: **None**

Absent: **Commissioner Protopappas - 1**

43587

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03129

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A LICENSE AND CONCESSION AGREEMENT WITH UNITED AIR LINES, INC., AND A SUB-TENANCY AGREEMENT WITH SAN FRANCISCO INTERNATIONAL AIRPORT, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE STIPULATIONS AND OTHER AGREEMENTS NECESSARY IN CONNECTION WITH THE LICENSE AND CONCESSION AGREEMENT AND WITH UNITED AIR LINES, INC.'S REJECTION IN BANKRUPTCY OF ITS LEASE OF THE OAKLAND MAINTENANCE CENTER.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board of a License and Concession Agreement with United Air Lines, Inc. ("UAL") for a one-year term subject to the right of either party to terminate upon thirty (30) days written notice, commencing May 31, 2003, consisting of approximately 480 square feet of interior office/equipment room space on the third floor of Building No. M-110's "C" Core, plus various antenna locations on the roof of Building No. M-110, and electrical and telecommunications conduits to connect antennae to the telecommunications room, including UAL's access rights through Building No. M-110 to periodically maintain its facilities, in accordance with Agenda Sheet Item No. 11 dated May 20, 2003 or an agreement containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director and approved by the Port Attorney; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the execution, for and on behalf of the Board, of stipulations and other agreements as necessary in connection with the execution of the UAL License and Concession Agreement and with the rejection by UAL of its existing Lease of the Oakland Maintenance Center; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held May 20, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03130

RESOLUTION APPROVING DISPENSING WITH COMPETITIVE BIDDING TO OBTAIN SERVICE CONTRACTS TO PROVIDE ONGOING MAINTENANCE AT THE FORMER UNITED AIR LINES, INC. OAKLAND MAINTENANCE CENTER; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH ENSMINGER CONSULTING; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TERMINATE SUCH ASSIGNMENTS AND/OR NEW AGREEMENTS.

WHEREAS on December 9, 2002, UAL Corporation and its principal subsidiary United Air Lines, Inc. (herein referred to as "United") filed for Chapter 11 bankruptcy protection, and on May 2, 2003 United filed a motion to reject in bankruptcy two leases with the Port, including the lease for United's Oakland Maintenance Center ("OMC"), and there are certain contracts and actions that should be taken to protect the Port's interests, as more fully set forth in Agenda Sheet Item No. 12, dated May 20, 2003 ("Agenda Sheet"); now, therefore, be it

RESOLVED that the Board of Port Commissioners ("Board") hereby finds and determines that based upon the information contained in the above-referenced Agenda Sheet, and because such services constitute professional, technical and specialized services that are temporary in nature, it is in the best interest of the Port to dispense with competitive bidding to obtain service contracts to provide ongoing maintenance at the former OMC (Port owned Building No. M-110) and with Ensminger Consulting; and be it

FURTHER RESOLVED that the Board hereby authorizes the Executive Director to execute assignments from United and/or negotiate new agreements with: Superior Sprinkler; Scientific Concepts; LFR Services; Thyssen Krupp Elevator; United Rental; Crane Pest Control; Roto-Rooter Service; SBC Communications; Romic; Diesel Fuel Landscape Service; and Industrial Plant Engineering, or similar service vendors, and to execute an agreement with Ensminger Consulting, all as more fully described in the above referenced Agenda Sheet, and to terminate such assignments and/or new agreements as may be necessary from time to time, all such agreements to contain such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held May 20, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03131

RESOLUTION GRANTING AUTHORIZATION TO INCLUDE DEMOLITION OF BUILDING L-719, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, IN THE SMALL BUSINESS PROGRAM, FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR SUCH WORK WITHOUT LOWEST-SEALED BID PROCEDURES; AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Director of Engineer is authorized to approve the plans and specifications for said project in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 13, dated May 20, 2003 (herein "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the Port's Small Business Utilization Program encourages small contractors to develop the capacity to perform public works contracts on a competitive basis, thereby increasing the pool of competitive contractors for future Port contracts; and therefore it is in the best interest of the Port to accomplish **Demolition of Building L-719, North Field, Oakland International Airport, Oakland, California**, without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Board of Port Commissioners authorizes that the **Demolition of Building L-719, North Field, Oakland International Airport, Oakland, California**, be included in the Small Business Program; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of a contract with a local small contractor, for **Demolition of Building L-719, North Field, Oakland International Airport, Oakland, California,** based upon the receipt of informal proposals, provided, that if the Executive Director determines that no acceptable proposal has been received from a local small contractor then said contract may be made

with any qualified contractor based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA") but will be exempt from the provisions of the (MAPLA) if a contract is awarded to a local small contractor that is eligible for exemption under the program established by MAPLA's Appendix "G"-Letter of Understanding re: Small Business Utilization Program; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be statutorily exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code, Section 21080 (b)(4) and CEQA Guidelines, Article 18, Statutory Exemptions, Section 15269(c) covering emergency projects.

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that 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 grant agreement in accordance with the terms of this resolution. Unless and until a separate written grant agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective grant agreement.

At a regular meeting held May 20, 2003

Passed by the following vote:

yes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03132

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO THE PURCHASE AND SALE AGREEMENT WITH SIMEON COMMERCIAL PROPERTIES FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 23 ACRE PARCEL OF LAND LOCATED AT I-880 AND HEGENBERGER ROAD.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board of a Second Amendment to the Purchase and Sale Agreement with **SIMEON COMMERCIAL PROPERTIES** to modify the payment terms of the purchase price as set forth in Agenda Sheet Item No. 22 dated May 20, 2003, (the "Agenda Sheet"); and be it

FURTHER RESOLVED the Board hereby authorizes the Executive Director to execute said amendment and such other agreements as may be necessary to carry out this resolution, consistent with this resolution and the Agenda Sheet and containing such additional provisions as shall be reasonably necessary to carry out this resolution; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Guidelines Section 15061(b)(3); and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or agreement, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03133

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MACIAS, GINI AND COMPANY, LLP, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 41, dated May 20, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **MACIAS, GINI AND COMPANY, LLP**, for audit services will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **MACIAS, GINI AND COMPANY, LLP** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **MACIAS, GINI AND COMPANY, LLP** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$188,000 for Fiscal Year 2003 and $197,000 for Fiscal year 2004 (including an approximate 5% annual increase)**; unless additional work up to an additional amount of **$10,000 per year**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43679

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03134

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PROCURE UNIFORM SERVICES WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SAME WITH ARAMARK UNIFORM SERVICES OR PROCUREMENT FOR SAME ON THE OPEN MARKET.

RESOLVED that the Board of Port Commissioners ("Board") does hereby find and determine that it is in the best interest of the Port to procure uniform services for Port personnel, as set forth in Agenda Sheet Item No. 42, dated May 20, 2003 ("Agenda Sheet"), without competitive bidding, and said competitive bidding is hereby waived; and be it

FURTHER RESOLVED that this Board does hereby authorize the Executive Director or his/her designee for and on behalf of this Board to procure said uniform services for a period of three years commencing July 1, 2003, from Aramark Uniform Services or to procure same on the open market provided said procurement shall not exceed an annual cost of $75,000.00; and be it

FURTHER RESOLVED that this Board does hereby authorize the Executive Director or his/her designee for and on behalf of this Board to approve extending the procurement of said uniform services for two addition annual extensions at the sole discretion of the Port; and be it

FURTHER RESOLVED that this Board does hereby authorize the Executive Director or his/her designee for and on behalf of this Board to procure said uniform services that are rendered this fiscal year on the open market for a fee of approximately $80,000.00 and for such additional related services based on current schedule of rates as further described on said Agenda Sheet; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

43687

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03135

RESOLUTION APPROVING BUILDING PERMIT WITH DOLLAR RENT-A-CAR SYSTEMS, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **DOLLAR RENT-A-CAR SYSTEMS, INC.**, for permission to perform certain work located at 222 Langley Street, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $100,000 said work and the conditions of Port approval being the following:

1) Alterations to the quick turnaround site at North Field, Oakland International Airport;

2) Installation of asphalt paving;

3) Installation of 20 new parking stalls;

4) Installation of new iron fencing;

5) Related landscaping and lighting;

6) Related electrical and mechanical work; and

7) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301, Class 3 of Guidelines Section 15303(d)(e) and Statutory Exemption 15269(c); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43941

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03136

RESOLUTION APPROVING BUILDING PERMIT WITH AVIS RENT A CAR SYSTEM, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **AVIS RENT A CAR SYSTEM, INC.**, for permission to perform certain work located at 8100 Boeing Street, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $1,500,000 said work and the conditions of Port approval being the following:

1) Construction of quick turnaround facility;

2) Construction of a carwash/administration building with an attached canopy over fueling stations;

3) Construction of an entry control booth;

4) Construction of two 6000 gallon fuel tanks;

5) Related paving, fencing, lighting;

6) Related electrical and mechanical work; and

7) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15269(c); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03137

RESOLUTION APPROVING BUILDING PERMIT WITH HERTZ RENT A CAR SYSTEMS, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **HERTZ RENT A CAR SYSTEMS, INC.**, for permission to perform certain work located at 7600 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $75,000 said work and the conditions of Port approval being the following:

1) Installation of a customer service booth;

2) Installation of a prefabricated booth on a concrete pad near the main shared customer service building;

3) Related electrical and mechanical work; and

4) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Sections 15303(e) and 15269(c); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43954

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03138

RESOLUTION APPROVING BUILDING PERMIT WITH FEDERAL EXPRESS CORPORATION.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **FEDERAL EXPRESS CORPORATION**, for permission to perform certain work located at 1 Sally Ride Way (M141), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $20,000 said work and the conditions of Port approval being the following:

1) Remodeling of existing office space;

2) Construction of new partition walls;

3) Related electrical and mechanical work; and

4) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03139

RESOLUTION APPROVING BUILDING PERMIT WITH AIR TERMINAL SERVICES, INCORPORATED.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **AIR TERMINAL SERVICES, INCORPORATED**, for permission to perform certain work located at 1 Airport Drive (M102), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $12,000 said work and the conditions of Port approval being the following:

1) Remodeling of counters;

2) Installation of new equipment;

3) Repair of tile floors;

4) Related electrical and mechanical work; and

5) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43957

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03140

RESOLUTION APPROVING BUILDING PERMIT WITH CROWN CASTLE GT COMPANY LLC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **CROWN CASTLE GT COMPANY LLC**, for permission to perform certain work located at 107 Burma Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $7,000 said work and the conditions of Port approval being the following:

1) Alterations to the cellular antenna pole near the Bay Bride;

2) Installation of a new dish antenna on the existing pole;

3) Relocation of two dish antennae; and

4) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

Noes: **None**

Absent: **None**

43959

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03141

RESOLUTION COMPROMISING AND SETTLING CLAIMS AND AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT.

WHEREAS, during the period from July 1, 1976 through January 17, 1998, the Port appointed certain employees to positions in the classifications of Airport Servicemen and Airport Operations Supervisor, and was and has always been the employer that directly appointed, retained, employed and compensated the personnel in said positions for the duration of their tenure as employees of the City in said positions; and

WHEREAS, effective July 1, 1976, the City contracted with CalPERS for participation of City employees in CalPERS, enrolled as either miscellaneous or safety members in accordance with the requirements of state law; and

WHEREAS, as a result of a decision by CalPERS' Board of Administration on April 15, 1998, employees appointed to positions in the classifications of Airport Servicemen and Airport Operations Supervisors were reclassified from miscellaneous member status in CalPERS to safety member status, effective retroactively to the latter of either the date of their respective employment in such classifications or July 1, 1976; and

WHEREAS, the decision to reclassify employees to safety member status as described above, has resulted in a net cost to provide retirement benefits, including subsequent actual experience through June 30, 2000, and projected experience through June 30, 2002, of which has been estimated to be $5,915,256.00; and

WHEREAS, the Port and City desire to enter into an agreement with CalPERS for the Port to pay in full the estimated liability arising from said reclassification; and

WHEREAS, this Board does find that it is in the best interest of the Port to compromise and settle claims resulting from said reclassification by paying in full the liability described above, upon terms and conditions satisfactory to the Port, City and CalPERS; now, therefore, be it

RESOLVED that the Port Attorney be and he hereby is authorized to compromise and settle said claim for payment of unfunded liability resulting from reclassification of certain Port employees to CalPERS safety member status, as described above, and further to enter into an agreement on said basis, and the Port Attorney is hereby authorized to execute any and all necessary agreements to effect this compromise and settlement, upon terms and conditions which include payment(s) over a term of twenty years as generally set forth on that certain schedule on file with the Secretary; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or Lease, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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

At **a regular** meeting held **May 20, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7**

43989

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03142

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF ENDORSEMENT TO POLICY ISSUED BY LEXINGTON INSURANCE COMPANY.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute an endorsement to policy number 8526124 issued by Lexington Insurance Company amending Limit of Insurance, Line 3 of the Policy Declaration and Policy Limit of Liability, Item 6.A of the Policy form to read $350,000,000.00.

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held May 20, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03143

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FOURTH SUPPLEMENTAL AGREEMENT WITH PIERRE MURPHY, ESQUIRE FOR AIR SERVICE DEVELOPMENT CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 95323 adopted by the Board of Port Commissioners (the "Board") on April 24, 1996, and as amended by the First Supplemental Agreement dated January 1, 1997, the Second Supplemental Agreement dated January 1, 1999 and the Third Supplemental Agreement dated January 1, 2001, the Board authorized an Agreement with **PIERRE MURPHY ESQUIRE** for air service development representation; and

. . . . . .

Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 12, dated June 3, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Supplemental Agreement with **PIERRE MURPHY ESQUIRE** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **PIERRE MURPHY ESQUIRE** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **PIERRE MURPHY ESQUIRE** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed an additional $108,000; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03144

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH SOUTHWEST AIRLINES CO.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain License and Concession Agreement between the Port and **SOUTHWEST AIRLINES CO.**, for approximately 7,700 square feet of warehouse to be used for additional cargo space, located at Building M-106, Oakland International Airport, at the rate proposed and as otherwise described in Agenda Sheet Item No. 13, dated June 3, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or agreement, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

44304

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03145

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED THIRD SUPPLEMENTAL AGREEMENT WITH KEISER & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 98001 adopted by the Board of Port Commissioners (the "Board") on January 6, 1998, and as amended by the First Supplemental Agreement dated July 1, 2000, and the Second Supplemental Agreement dated December 5, 2000, the Board authorized an Agreement with **KEISER & ASSOCIATES** for air cargo marketing services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve extension of said Agreement as set forth in Agenda Sheet Item No. 14, dated June 3, 2003 (herein the "Agenda Sheet"); be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Supplemental Agreement with **KEISER & ASSOCIATES** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **KEISER & ASSOCIATES** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **KEISER & ASSOCIATES** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed an additional $45,000 per year for three (3) years, unless additional work up to an additional amount of $50,000 is approved by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03146

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH HARTMANN & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 15, dated June 3, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **HARTMANN & ASSOCIATES** for **aviation consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **HARTMANN & ASSOCIATES** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **HARTMANN & ASSOCIATES** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$85,000**, unless additional work up to an additional amount of **$15,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

44250

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03147

RESOLUTION CONSENTING TO ASSIGNMENT OF LEASE FROM SIERRA ACADEMY OF AERONAUTICS, INC. TO SIERRA BUSINESS JET-OAKLAND LP, APPROVING A SUBLEASE FROM SIERRA BUSINESS JET-OAKLAND LP TO SIERRA ACADEMY OF AERONAUTICS, INC. OR AN AFFILIATE AND WAIVING THE REAPPRAISAL AND RENT ADJUSTMENT REQUIREMENTS OF THE LEASE UPON ASSIGNMENT.

WHEREAS SIERRA ACADEMY OF AERONAUTICS, INC., has requested the consent of the Board of Port Commissioners ("Board") to the assignment of the Lease between the Port of Oakland and **SIERRA ACADEMY OF AERONAUTICS, INC. (Sierra)**, dated June 19, 2001, (the "Lease")to **SIERRA BUSINESS JET-OAKLAND LP (SBJ-O)**; and

WHEREAS SIERRA has provided the following documents for the Port's review and consideration in connection with the assignment from Sierra to SBJ-O and sublease from SBJ-0 to Sierra: (i) Assignment of Lease from Sierra Academy of Aeronautics, Inc. to SIERRA BUSINESS JET-OAKLAND LP including Port of Oakland Consent to Assignment and Sublease ("Assignment and Consent"); (ii) Operating Agreement of Sierra Jet Service, LLC, a California Limited Liability Company ("Operating Agreement"); (iii) Agreement of Limited Partnership of Business Jet Center Oakland, LP, a California limited partnership ("Partnership Agreement"); and (iv) Sublease Agreement with SIERRA BUSINESS JET-OAKLAND LP as sublessor and Sierra Academy of Aeronautics or affiliate ("Sublease") (collectively, the "Legal Documents"); and

WHEREAS the Legal Documents will be finalized and executed following Board action on the requested consent to assignment and sublease; now, therefore be it

RESOLVED that the Director of Aviation is hereby authorized to execute the Consent and any related documents provided that the Director of Aviation determines that the requirements for assignment set forth in the Lease have been complied with, and provided further that the final Legal Documents are substantially in the form previously presented to Port staff, with such modifications as the Director of Aviation shall determine to be consistent with the assignment provisions set forth in the Lease, and are approved by the Port Attorney as to form and legality, as more fully set forth in Agenda Sheet No. 18, dated June 3, 2003; and be it

FURTHER RESOLVED that the Board approves waiving the reappraisal requirement set forth in the Lease as a condition to assignment; and be it

FURTHER RESOLVED that the Board hereby authorizes the Director of Aviation to consent to the sublease from SBJ-O to Sierra or an affiliate, subject to the conditions set forth in the first RESOLVED clause of this resolution; and

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or Lease, 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 an agreement or Lease in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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 or Lease.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03148

RESOLUTION AWARDING CONTRACT FOR ENHANCEMENT OF DAMON SLOUGH WETLAND MITIGATION SITE, OAKLAND, CALIFORNIA TO BELIVEAU ENGINEERING CONTRACTORS, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS; DIRECTING RETURN OF BID BONDS TO BIDDERS; AUTHORIZING EXECUTIVE DIRECTOR TO IMPLEMENT PERMIT OBLIGATIONS AND TO NEGOTIATE LEASE REVISIONS WITH THE EAST BAY REGIONAL PARK DISTRICT.

WHEREAS on March 4, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on April 9, 2003; and

RESOLVED the Board of Port Commissioners, awards the contract for **Enhancement of Damon Slough Wetland Mitigation Site, Oakland, California**, to **Beliveau Engineering Contractors, Inc., a California corporation** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received April 9, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $597,100.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $597,100.00 shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons; and be it

FURTHER RESOLVED that the Board hereby authorizes the Executive Director to implement any permit requirements for the Project; and be it

FURTHER RESOLVED that the Executive Director is authorized to negotiate lease revisions with the East Bay Regional Park District ("EBRPD") as more fully set forth in Agenda Sheet Item No. 19, dated June 3, 2003; and be it

FURTHER RESOLVED that the agreement negotiated with EBRPD be presented to this Board for its approval upon completion of the negotiation process; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or lease, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03149

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR REPLACEMENT OF TERMINAL 1 AUTOMATIC AND MANUAL DOORS, BUILDING M-101, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 20, dated June 3, 2003 (herein "Agenda Sheet"), for **Replacement of Terminal 1 Automatic and Manual Doors, Building M-101, South Field, Oakland International Airport, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to July 2, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA");and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15302(c) covering replacement or reconstruction projects.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03150

RESOLUTION SUPPORTING THE COMMITMENT TO PROVIDE FINANCIAL ASSURANCES AND FUNDS NECESSARY TO ENSURE IMPLEMENTATION AND COMPLETION OF ENVIRONMENTAL REMEDIAL ACTIONS AT THE OAKLAND ARMY BASE REQUIRED UNDER THE CONSENT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL.

WHEREAS the Base Closure Community Assistance Act (Public Law 103-160), as amended by the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) ("EDC law"), authorizes the conveyance of closed military base property to a recognized Local Redevelopment Authority at no cost to spur economic development and job creation in the affected community;

WHEREAS conveyance of title to the Oakland Army Base property is subject to the assurances and environmental remediation activities required by the Comprehensive Environmental Response, Compensation and Liability Act;

WHEREAS the Oakland Base Reuse Authority ("OBRA"), the Oakland Redevelopment Agency ("ORA") and the United States Department of the Army entered into agreements regarding transfer of portions of the Oakland Army Base to OBRA, including an Environmental Services Cooperative Agreement ("ESCA"), which agreements obligate OBRA to implement and complete certain environmental remedial actions at or on the Oakland Army Base in exchange for the conveyance of the property;

WHEREAS that certain *Consent Agreement between Oakland Base Reuse Authority, City of Oakland acting by and through the Oakland Redevelopment Agency, and State of California, California Environmental Protection Agency, Department of Toxic Substances Control ["DTSC"], concerning Oakland Army Base, Oakland, California,* dated September 27, 2002 ("Consent Agreement"), was entered into for the purposes, among other things, of ensuring implementation and completion of all environmental remedial actions at the Oakland Army Base required under the Consent Agreement;

WHEREAS ORA and OBRA have indicated in the Consent Agreement their intention to transfer certain portions of the Oakland Army Base to the City of Oakland by and through the Board of Port Commissioners ("Port");

WHEREAS the Board of Port Commissioners and the City Council, as governing agencies of the City of Oakland, and the governing agencies of OBRA, and ORA have formally approved the major terms of a Memorandum of Agreement ("MOA") that allocates responsibility for funding environmental remediation at the Oakland Army Base, including use of funds provided under the ESCA and associated environmental insurance agreements;

WHEREAS the Port has other funds at its disposal to fulfill its obligations arising from conveyance of any portion of the property by OBRA and/or ORA to the Port or under the MOA with respect to environmental remediation activities at the Oakland Army Base property;

WHEREAS the Port provides this Resolution, in conjunction with each of OBRA's, the City Council's, and ORA's provision of a similar resolution and its financial information, to meet DTSC's requirements to demonstrate financial assurances of OBRA's, the City Council's, ORA's, and the Port's respective commitments to funding such required environmental remedial actions;

WHEREAS the Port agrees that the implementation and completion of environmental remedial actions pursuant to the Consent Agreement are necessary and in the best interest of all parties concerned and of the economic redevelopment of the of the Oakland Army Base property; and

WHEREAS the Port has provided its fiscal year 2002 audited financial statements to DTSC, which has determined that such statements are satisfactory; now, therefore, be it

RESOLVED that the Port commits to provide the funds necessary to ensure implementation and completion of environmental remedial actions at the Oakland Army Base for any portion of the Oakland Army Base conveyed to the Port by ORA and/or OBRA and to the extent the Port has otherwise agreed under the MOA; and be it

FURTHER RESOLVED that the Port agrees to provide, within 180 days from the close of each fiscal year during the effective term of the Consent Agreement, a letter on the Port's letterhead from its chief financial officer certifying whether the Port's financial condition remains adequate to sustain its commitment to ensure implementation and completion of environmental remedial actions at the Oakland Army Base required for any portion of the Oakland Army Base conveyed to the Port by ORA and/or OBRA and to the extent the Port has otherwise agreed under the MOA.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03151

RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH STACY & WITBECK, INC., FOR THE CONSTRUCTION OF STORAGE TRACK, COMPRESSED AIR SYSTEM, AND MISCELLANEOUS IMPROVEMENTS TO THE JOINT INTERMODAL TERMINAL, VISION 2000, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves an additive change order to **Stacy & Witbeck, Inc.**, under the contract for the **Construction of Storage Track, Compressed Air System, and Miscellaneous Improvements to the Joint Intermodal Terminal, Vision 2000, Oakland, California** for completion of the lead track and turnout work, in the amount of $897,070.00, consistent with Board Agenda Sheet Item No. 34, dated June 3, 2003, (the "Agenda Sheet"), provided, however, that said change order shall be in a form prepared by the Port Attorney and shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the work required by this change order will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03152

RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH SHANGHAI ZHENHUA PORT MACHINERY CO. LTD (ZPMC), FOR CONSTRUCTION AND INSTALLATION OF CONTAINER CRANES AT PORT OAKLAND, OPTION FOR TWO ADDITIONAL CRANES, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves an additive change order to **Shanghai Zhenhua Machinery Company Ltd,** under the contract for **Construction And Installation Of Container Cranes At Port Oakland, Option For Two Additional Cranes, Oakland, California,** in the amount of $400,000, for removal of cranes X401 and X423, which pursuant to Resolution No. 01245, the Board declared on June 19, 2001, to be obsolete or worn out within the meaning of Section 5.13(a) of the Master Trust Indenture, consistent with Board Agenda Sheet Item No. 35, dated June 3, 2003, provided, however, that said change order shall not be effective unless and until approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that to the extent that there is any conflict between this resolution and Resolution No. 01245, this resolution shall supersede Resolution No. 01245; and be it

FURTHER RESOLVED that the work required by this change order will not be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

44245

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03153

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR RIGGING AND REPAIR FOR 2003 STRUCTURAL INSPECTION OF ZPMC CRANES X437, X438, AND X439 AT BERTH 35 AND BERTH 23, OUTER HARBOR, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. 36, dated June 3, 2003 (herein "Agenda Sheet"), for **Rigging and Repair for 2003 Structural Inspection of ZPMC Cranes X437, X438, and X439 at Berth 35 and Berth 23, Outer Harbor, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to July 2, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03154

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH HARRIS & ASSOCIATES/TRS, JOINTLY, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 99430, adopted by the Board of Port Commissioners (the "Board") on October 22, the Board authorized an Agreement with **HARRIS & ASSOCIATES/TRS**, jointly, for consulting services with respect to construction management services for construction of Berths 57-59 Container Yard and Gate, Vision 2000; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 37, dated June 3, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **HARRIS & ASSOCIATES/TRS** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **HARRIS & ASSOCIATES/TRS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **HARRIS & ASSOCIATES/TRS** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$60,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03155

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH CORVEL CORPORATION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 99255, adopted by the Board of Port Commissioners (the "Board") on June 15, 1999 and as amended by the First Supplemental Agreement dated November 1, 2001, the Board authorized an Agreement with **CORVEL CORPORATION**, for consulting services with respect to provide workers' compensation medical bill review services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. 42, dated June 3, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Second Supplemental Agreement with **CORVEL CORPORATION** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CORVEL CORPORATION** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CORVEL CORPORATION** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$55,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the

terms of this resolution. 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03156

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH ELEUSINIAN ENTERPRISES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 44, dated June 3, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **ELEUSINIAN ENTERPRISES** for **implementation of a web-based bidding system** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **ELEUSINIAN ENTERPRISES** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **ELEUSINIAN ENTERPRISES** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$70,000**, unless additional work up to an additional amount of **$15,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03157

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MALCOLM PIRNIE, AN INDIVIDUAL, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 45, dated June 3, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **MALCOLM PIRNIE, an individual**, to **conduct a potable water study** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **MALCOLM PIRNIE** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **MALCOLM PIRNIE** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$450,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03158

RESOLUTION RATIFYING AND APPROVING ACCEPTANCE OF ENERGY CONSERVATION GRANTS FROM THE STATE OF CALIFORNIA FOR ENERGY CONSERVATION-RELATED PROJECTS.

RESOLVED that the Board of Port Commissioners hereby ratifies, confirms and approves the Port's acceptance of four State of California grants totaling $58,416.00, for use in energy conservation-related projects, all as more specifically described in Agenda Sheet Item No. 46 dated June 3, 2003.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03159

RESOLUTION APPROVING BUILDING PERMIT WITH THE BOEING COMPANY.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **THE BOEING COMPANY** for permission to perform certain work located at 1 Airport Drive, Terminals 1 and 2 (M102 and M130), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $1,500,000 said work and the conditions of Port approval being the following:

1) Relocating the existing Explosive Trace Detection baggage screening equipment in Terminal 2;

2) Adding two (2) new Explosive Detection System machines to the International/Charter Ticket Counters in Terminal 1;

3) Related electrical and mechanical work;

4) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15269(c) and pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03160

RESOLUTION APPROVING BUILDING PERMIT WITH PACIFIC BELL WIRELESS LLC, DOING BUSINESS AS CINGULAR WIRELESS

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **PACIFIC BELL WIRELESS LLC**, a Nevada limited liability company, doing business as **CINGULAR WIRELESS** for permission to perform certain work located at 1 Airport Drive, Terminal 2 (M130), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $15,000 said work and the conditions of Port approval being the following:

1) Installation of four (4) cellular antennae and connecting coaxial cables;

2) Related electrical and mechanical work; and

3) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At **a regular** meeting held **June 3, 2003**

Passed by the following vote:

Ayes: **Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7**

Noes: **None**

Absent: **None**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03161

RESOLUTION AUTHORIZING THE PORT ATTORNEY TO INITIATE LITIGATION AGAINST HARDING ESE FOR CLAIMS ARISING OUT OF THE CONTRACT FOR CLOSURE OF THE LANDFILL AT THE FORMER LEW F. GALBRAITH GOLF COURSE, AND APPROVING INCREASED EXPENDITURE AUTHORITY OF SPECIAL COUNSEL AND NECESSARY EXPERTS.

RESOLVED that the Board of Port Commissioners ("Board") hereby authorizes the Port Attorney to initiate litigation against Harding ESE for claims arising out of the contract for closure of the landfill at the former Lew F. Galbraith Golf course; and

RESOLVED that the Board hereby approves increased expenditure authority of Special Counsel and necessary experts, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with anticipated litigation on the matters concerning Harding ESE for claims arising from the closure of the Landfill at former as discussed in the confidential memorandum dated May 30, 2003, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel and Consultants to be made from time to time as approved by the Port Attorney.

At a regular meeting held June 3, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03162

RESOLUTION APPROVING CHANGE ORDER(S) TO CONTRACT WITH BELIVEAU ENGINEERING CONTRACTORS, INC., FOR FURNISHING LABOR, MATERIAL AND EQUIPMENT FOR GENERAL BUILDING CONTRACTORS SERVICES FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JULY 1, 2002 AND ENDING JUNE 30, 2003, OR 2004, OAKLAND, CALIFORNIA.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 11, dated June 17, 2003 (herein "Agenda Sheet"), the Board hereby finds and determines that it is in the best interest of the Port to accomplish the work described therein without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Director of Engineer is authorized to approve the plans and specifications for said project(s) in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and ratifies Staff's directives to **Beliveau Engineering Contractors, Inc.,** under the contract for **Furnishing Labor, Materials, and Equipment for General Building Contractor Services for Port of Oakland Facilities for the Period Commencing July 1, 2002 and Ending June 30, 2003, or 2004, Oakland, California,** to perform the Federal Inspection Service ("FIS") Facility work which is underway; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(v), the Board of Port Commissioners directly approves an additive change order(s) to **Beliveau Engineering Contractors, Inc.,** under the contract for **Furnishing Labor, Materials, and Equipment for General Building Contractor Services for Port of Oakland Facilities for the Period Commencing July 1, 2002 and Ending June 30, 2003, or 2004, Oakland, California,** for 1) to perform the FIS work in the amount of $1,000,000.00, 2) perform the structural/architectural work required for the construction of the Commons Systems Equipment (MUSE- Multi User

System Equipment and FIDS-Flight Information Display System, and 3) for replacement of the food and beverage storage for CA-1 in the amount of $200,000.00, for a total amount of $1,600,000.00, consistent with the Agenda Sheet, provided, however, that said increase to the change order(s) shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the work required by this change order(s) will be covered by the provisions of the Maritime and Aviation Project Labor Agreement; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), 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 change order or contract change orders in accordance with the terms of this resolution. Unless and until a separate written contract change order is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective change order(s).

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

44515

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03163

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AMENDED AND RESTATED LICENSE AND CONCESSION AGREEMENTS AND AMENDED AND RESTATED LEASE AGREEMENTS FOR THE INTERIM RENTAL CAR FACILITIES.

WHEREAS the Board of Port Commissioners ("Board") approved certain License and Concession Agreements, and Ground Leases, and amendments thereto, by Port Ordinance No. 3668 dated December 4, 2001, Resolution No. 02003 dated January 15, 2002, and Resolution No. 02043 dated February 19, 2003, with certain rental car companies, and for the reasons set forth on Agenda Item No. 12, dated June 17, 2003, it is now appropriate to further amend and restate said agreements; now, therefore, be it

RESOLVED that the Board hereby approves and authorizes the execution for and on behalf of the Board of **Amended and Restated License and Concession Agreements** and **Amended and Restated Lease Agreements** with (a) Avis Rent-A-Car System, Inc., (b) Budget Rent A Car System, Inc., (c) DTG Operations, Inc., formerly known as Dollar Rent A Car Systems, Inc., (d) Enterprise Rent-A-Car Company of San Francisco, (e) Fox Rent A Car, Inc., (e) The Hertz Corporation, (f) National Car Rental Systems, Inc., and (g) Thrifty Rent-A-Car System, Inc., for operation of the Interim Rental Car Facility, in accordance with Agenda Sheet Item No. 12, dated June 17, 2003, or an agreement(s) containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director, subject to the Port Attorney's approval; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03164

RESOLUTION RATIFYING AND APPROVING THE EXISTING AGREEMENT BETWEEN THE PORT AND TRANSPORTATION SECURITY ADMINISTRATION FOR CONTINUED PARTICIPATION IN THE EXPLOSIVES DETECTION CANINE TEAM PROGRAM.

RESOLVED that the Board of Port Commissioners ("Board") hereby finds and determines that it is in the best interest of the Port to ratify and approve the existing agreement between the Port and the Transportation Security Administration, dated January 25, 2002, for continued participation in the Explosives Detection Canine Team Program, at the Metropolitan Oakland International Airport; as more fully set forth in Agenda Sheet Item No. 13, dated June 17, 2003; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

44512

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03165

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH THE ASSOCIATION FOR THE PRESERVATION OF THE PRESIDENTIAL YACHT POTOMAC AND APPROVING THE BUDGET OF THE ASSOCIATION FOR THE PRESIDENTIAL YACHT POTOMAC FOR FISCAL YEAR 2003/2004.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board of an Amendment to the Agreement dated September 27, 1983 with **THE ASSOCIATION FOR THE PRESERVATION OF THE PRESIDENTIAL YACHT POTOMAC (the "Association")**, to modify the language to be more consistent with efficient operational practices and as more fully set forth in Agenda Sheet Item No. 21 dated June 17, 2003, (the "Agenda Sheet"); and

RESOLVED that the Board of Port Commissioners ("Board") hereby approves the Fiscal Year 2003/2004 operating budget for **the Association**, as set forth in the Agenda Sheet; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or agreement, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03166

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST SUPPLEMENTAL AGREEMENT TO THE LEASE WITH GRAY AND REYNOLDS PROPERTIES, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board of a First Supplemental Agreement to the Lease with **GRAY AND REYNOLDS PROPERTIES, INC.** to modify the payment terms as set forth in Agenda Sheet Item No. 22 dated June 17, 2003, (the "Agenda Sheet"); and be it

FURTHER RESOLVED the Board hereby authorizes the Executive Director to execute said agreement and such other agreements as may be necessary to carry out this resolution, consistent with this resolution and the Agenda Sheet and containing such additional provisions as shall be reasonably necessary to carry out this resolution; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Guidelines Section 15332; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or agreement, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03167

RESOLUTION APPROVING PERMITS FOR THE INSTALLATION OF FACILITIES FOR A SOIL AND GROUNDWATER INVESTIGATION AND REMEDIATION SYSTEM ON BERTHS 23 AND 24, AUTHORIZING EXECUTION OF A ONE-YEAR RIGHT-OF-ENTRY AGREEMENT WITH EXXONMOBIL OIL CORPORATION ("EMOC"), CERTIFYING CONSIDERATION OF A RELATED INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND APPROVING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP").

RESOLVED that the Board of Port Commissioners ("Board") hereby certifies that it has considered the Initial Study and proposed Mitigated Negative Declaration, together with the public comments, to the extent there were any, and the Port's responses thereto, for the project entitled **"Vapor Extraction and Air Sparging Pilot Testing Interim Remediation at Berths 23 and 24"** (said matters considered being herein collectively referred to as the "Initial Study/Mitigated Negative Declaration"); and be it

FURTHER RESOLVED that the Board hereby adopts the reporting or monitoring program for the changes made to the project or conditions of project approval, as said program is identified in the Board Agenda Sheet Item No. 31, dated June 17, 2003, ("Agenda Sheet") in order to avoid significant effects on the environment; and be it

FURTHER RESOLVED that on the basis of the whole record before it, including the Initial Study/Mitigated Negative Declaration and the comments received thereon and the Port's responses thereto, the Board hereby finds that there is no substantial evidence that said project will have a significant effect on the environment; and be it

FURTHER RESOLVED that on the basis of the Board's finding that there is no substantial evidence that said project will have a significant effect on the environment, the Board hereby approves and adopts the Mitigated Negative Declaration; and be it

FURTHER RESOLVED that the Board hereby finds that the Mitigated Negative Declaration reflects the independent judgment of the Board; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the issuance of permits, as described in the Agenda Sheet, for the installation of facilities for a soil and groundwater investigation and remediation system on Berths 23 and 24; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the execution of a one-year Right-of-Entry and Indemnity Agreement with EMOC, as described in the Agenda Sheet, and be it

FURTHER RESOLVED that the location and custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based respectively are 530 Water Street, Oakland, California, and the Secretary of the Board; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03168

RESOLUTION FINDING AND DETERMINING THAT PROPOSED AGREEMENTS WITH APPLIED MATERIALS & ENGINEERING, INC., CONSOLIDATED ENGINEERING LABS, SIGNET TESTING LABS/TRS CONSULTANTS, JOINT AND SEVERALLY, AND SMITH EMERY COMPANY/BUSINESS DEVELOPMENT, INC., JOINT AND SEVERALLY, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 41, dated June 17, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreements with **APPLIED MATERIALS & ENGINEERING, INC., CONSOLIDATED ENGINEERING LABS, SIGNET TESTING LABS/TRS CONSULTANTS, joint and severally,** and **SMITH EMERY COMPANY/BUSINESS DEVELOPMENT, INC., joint and severally,** (hereinafter called "Consultants") for **material testing and construction inspection services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from Consultants without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreements, upon terms and conditions consistent with the Agenda Sheet and providing that Consultants shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$3,000,000 over the 3-year term for all contracts with Consultants**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

45441

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03169

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that **JOSEPH WONG**, be and he hereby is appointed to the position of Deputy Executive Director, Salary Rate, $14,584/month, effective July 1, 2003; and be it

RESOLVED that **JOHN GLOVER**, be and he hereby is reappointed to the position of Director, Office of Strategic & Policy Planning, Salary Rate, $12,043/month, effective July 1, 2003.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

44523

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03170

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GRAND PARAMETER, LLC FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 43, dated June 17, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **GRAND PARAMETER, LLC** for **government affairs consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **GRAND PARAMETER, LLC** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **GRAND PARAMETER, LLC** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$45,000 (including payments made under a Port Purchase Order)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

45441

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03171

RESOLUTION APPROVING BUILDING PERMIT WITH AVIS RENT A CAR SYSTEM, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **AVIS RENT A CAR SYSTEM, INC.**, for permission to perform certain work located at 7600 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $300,000 said work and the conditions of Port approval being the following:

1) Installation of a prefabricated booth (approximately 500 square feet) on a concrete pad near the main shared customer service building;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15303(e) and Statutory Exemption Section 15269(c); and be it

FURTHER RESOLVED that 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03172

RESOLUTION APPROVING BUILDING PERMIT WITH DOLLAR RENT-A-CAR SYSTEMS, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **DOLLAR RENT-A-CAR SYSTEMS, INC.**, for permission to perform certain work located at 7600 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $20,000 said work and the conditions of Port approval being the following:

1) Installation of a prefabricated booth (approximately 300 square feet) on a concrete pad near the main shared customer service building;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15303(e) and Statutory Exemption Section 15269(c); and be it

FURTHER RESOLVED that 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

44525

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03173

RESOLUTION APPROVING BUILDING PERMIT WITH BUDGET RENT-A-CAR SYSTEMS, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **BUDGET RENT-A-CAR SYSTEMS, INC.**, for permission to perform certain work located at 7600 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $20,000 said work and the conditions of Port approval being the following:

1) Installation of a prefabricated booth (approximately 260 square feet) on a concrete pad near the main shared customer service building;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15303(e) and Statutory Exemption Section 15269(c); and be it

FURTHER RESOLVED that 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03174

RESOLUTION APPROVING BUILDING PERMIT WITH NATIONAL RENT-A-CAR SYSTEMS, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **NATIONAL RENT-A-CAR SYSTEMS, INC.**, for permission to perform certain work located at 7600 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $15,000 said work and the conditions of Port approval being the following:

1) Installation of a prefabricated booth (approximately 100 square feet) on a concrete pad near the main shared customer service building;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15303(e) and Statutory Exemption Section 15269(c); and be it

FURTHER RESOLVED that 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03175

RESOLUTION APPROVING BUILDING PERMIT WITH ENTERPRISE RENT A CAR COMPANY OF SAN FRANCISCO.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **ENTERPRISE RENT A CAR COMPANY OF SAN FRANCISCO**, for permission to perform certain work located at 7600 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $20,000 said work and the conditions of Port approval being the following:

1) Installation of a prefabricated booth (approximately 200 square feet) on a concrete pad near the main shared customer service building;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15303(e) and Statutory Exemption Section 15269(c); and be it

FURTHER RESOLVED that 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03176

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF STANDSTILL AND TOLLING AGREEMENTS WITH NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA ("NATIONAL UNION") CONCERNING THE NINTH AVENUE MARINE TERMINAL AND THE CRYER BOATYARD SITES.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board a Standstill and Tolling Agreement with National Union concerning the Ninth Avenue Marine Terminal and Cryer Boatyard sites in Oakland, California, tolling the statute of limitations concerning certain environmental claims from December 2, 2002, until June 2, 2003, and containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the execution for and on behalf of the Board a Standstill and Tolling Agreement with National Union concerning the Ninth Avenue Terminal and Cryer Boatyard sites in Oakland, California, tolling the statute of limitations for certain environmental claims from December 2, 2002, until December 31, 2003; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03177

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH EXXONMOBIL OIL CORPORATION ("MOBIL") CONCERNING BERTHS 23 AND 24; CITY OF OAKLAND V. EXXONMOBIL OIL CORPORATION, U.S.D.C. N.D. CAL. CASE NO. C022968 JSW.

WHEREAS pursuant to the California Environmental Quality Act ("CEQA") and the Port's CEQA Guidelines, the Port prepared and approved a mitigated negative declaration and a Mitigation Monitoring and Reporting Program ("MMRP") for this project; and

WHEREAS the approval described herein and made hereby complies with the Board of Port Commissioners ("Board") CEQA approvals for the project, and the Board finds that there is no substantial evidence before the Board warranting either revised CEQA project documents, or an environmental impact report; now, therefore, be it

RESOLVED that the Board hereby approves and authorizes the execution for and on behalf of the Board a Settlement Agreement with Mobil concerning Berths 23 and 24, and containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held June 17, 2003

Passed by the following vote:

Ayes: Commissioners Batarse, Katzoff, Kramer, Protopappas and President Kiang - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Scates - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03178

RESOLUTION FINDING AND DETERMINING THAT CERTAIN FUELING VEHICLES AND EQUIPMENT ARE NO LONGER REQUIRED FOR PORT USE AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TRANSFER TITLE, SELL, DONATE OR SCRAP SURPLUS VEHICLES AND EQUIPMENT.

RESOLVED that the Board of Port Commissioners ("Board") hereby finds and determines that 22 Port-owned fueling vehicles and equipment, as more fully described in Agenda Sheet Item No. A-2 dated July 1, 2003, are inadequate, obsolete or worn out within the meaning of Section 5.13(a) of the Master Trust Indenture, as amended by and between the Port and U.S. Bank N.A., as Trustee, and are surplus and no longer necessary for Port purposes; and be it; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the transfer of title of the surplus fueling vehicles to the Oakland Fuel Facilities Corporation for the disposal of such vehicles; and be it

FURTHER RESOLVED that the Director of Aviation be and he is hereby authorized to execute any necessary Bill of Sale and other appropriate documents in connection therewith, provided that such documentation shall be approved as to form and legality by the Port Attorney.

At a regular meeting held July 1, 2003

Passed by the following vote: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Ayes:

Noes: None

Absent: None

44720

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03179

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH SUPERIOR AIRCRAFT SERVICES, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **SUPERIOR AIRCRAFT SERVICES, INC.**, for continued access to the South Airport, Oakland, California, to provide skycap, wheelchair and baggage handling services, at the rate proposed and as more fully described in Agenda Sheet Item No. A-3, dated July 1, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Article 19 of Guidelines Section 15300.4 and pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03180

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE CITIES OF SAN LEANDRO AND OAKLAND TO FUND UP TO $300,000 (16% OF TOTAL PROJECT) FOR THE AIRPORT GATEWAY DOOLITTLE STREETSCAPE IMPROVEMENT AND TO REMIT PAYMENT OF UP TO $300,000 TO THE CITY OF SAN LEANDRO FOR CONSTRUCTION OF THESE IMPROVEMENTS.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director for and on behalf of the Board to execute a Memorandum of Understanding with the City of San Leandro and City of Oakland to fund up to $300,000 for the Airport Gateway Doolittle Streetscape Improvements and to remit payment of up to $300,000 to the City of San Leandro for construction of these improvements, all in accordance with Board Agenda Sheet Item No. A-4 dated July 1, 2003; and be it

FURTHER RESOLVED that in accordance with the California Environmental Quality Act ("CEQA") section of Board Agenda Sheet Item No. A-4 dated July 1, 2003, the Board finds that this action by the Port, pursuant to CEQA Guidelines Section 15301(c) is exempt from CEQA and the Port CEQA Guidelines; and be it

FURTHER RESOLVED that 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 memorandum of understanding in accordance with the terms of this resolution. Unless and until a separate written memorandum of understanding is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective memorandum of understanding.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03181

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CCS PLANNING & ENGINEERING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. A-5, dated July 1, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **CCS PLANNING & ENGINEERING** to **develop a terminal and roadway sign standard for Oakland International Airport** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CCS PLANNING & ENGINEERING** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CCS PLANNING & ENGINEERING** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$100,000**, unless additional work up to an additional amount of **$20,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

44736

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03182

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIFTH SUPPLEMENTAL AGREEMENT WITH CAROL H. WILLIAMS ADVERTISING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 99072, adopted by the Board of Port Commissioners (the "Board") on March 2, 1999, as amended by a First Supplemental Agreement dated September 20, 1999, as amended by a Second Supplemental Agreement dated July 1, 2000, as amended by a Third Supplemental Agreement dated July 1, 2001, and as amended by a Fourth Supplemental Agreement dated July 16, 2002, the Board authorized an Agreement with **CAROL H. WILLIAMS ADVERTISING,** for consulting services with respect to airport advertising and media relations services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-6, dated July 1, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Fifth Supplemental Agreement with **CAROL H. WILLIAMS ADVERTISING** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CAROL H. WILLIAMS ADVERTISING** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Fifth Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CAROL H. WILLIAMS ADVERTISING** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$350,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Scates and President Kiang - 6

Noes: None

Absent: Commissioner Protopappas (Recused) – 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03183

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH E-AGENCY, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 03126, adopted by the Board of Port Commissioners (the "Board") on May 6, 2003, the Board authorized an Agreement with **E-AGENCY, INC.**, for consulting services with respect to special public relations projects and advertising program; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-7, dated July 1, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

[illegible] determines that the proposed First Supplemental Agreement with **E-AGENCY, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **E-AGENCY, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **E-AGENCY, INC.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional $218,000; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Scates and President Kiang - 6

Noes: None

Absent: Commissioner Protopappas (Recused) – 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03184

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO AWARD THE CONTRACT FOR PURCHASE AND INSTALLATION OF TWO PASSENGER BOARDING BRIDGES AT TERMINAL 1, BUILDING M-103, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT LOWEST-SEALED BID PROCEDURES AND AUTHORIZING EXECUTION OF CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Chief Engineer is authorized to approve the plans and specifications for said project in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. A-10, dated July 1, 2003, (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to accomplish **Purchase and Installation of Two Passenger Boarding Bridges at Terminal 1, Building M-103, South Field, Oakland International Airport, Oakland, California,** without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to negotiate and execute a contract for the purchase and installation of the boarding bridges, based upon the receipt of an informal proposal from **FMC-Jetway Systems, Inc.("FMC")**; and be it

FURTHER RESOLVED that if the Executive Director is unable to negotiate a contract with FMC, he is hereby authorized to negotiate and execute a contract for such work in the open market based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be statutorily exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15302(c) covering Class 2 Replacement and

Reconstruction, and the project is additionally exempt pursuant to CEQA Guidelines, Section 15311, Class II Accessory Structures, because it entails replacing minor structures appurtenant to existing commercial and or industrial facilities; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation of liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At meeting held

a regular July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes:

None

Absent:

None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03185

RESOLUTION RATIFYING THE APPROVAL AND EXECUTION OF AN EXTENSION OF THE REIMBURSABLE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE AIRPORT ROADWAY PROJECT.

WHEREAS the Board of Port Commissioners ("Board") approved and authorized a Reimburseable Agreement with the United States of America, Department of Transportation, Federal Aviation Administration ("FAA") providing for the relocation of the MALSRAIL towers, by Resolution No. 98113, dated March 25, 1998; and

WHEREAS the Board approved and authorized an extension to the FAA Reimburseable Agreement for one year (Amendment No. 1), by Resolution No. 01364, dated September 20, 2001; and

WHEREAS the Board approved and authorized another extension to the FAA Reimburseable Agreement for one year (Amendment No. 2) to allow completion of work due to the delay in Airport Roadway Project, Contract A, by Resolution No. 02252, dated August 6, 2002; now, therefore, be it

RESOLVED that the Board hereby finds and determines it is in the best interest of the Port to ratify and approve the Executive Director's execution of an extension of the Reimbursable Agreement ("Amendment No. 3") with the **FEDERAL AVIATION ADMINISTRATION** for the Airport Roadway Project for one year, containing the terms and conditions as more fully forth in Agenda Sheet Item No. A-11, dated July 1, 2003, and that said Amendment No. 3 shall not be binding or enforceable against the Port unless and until it has been approved as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03186

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT PROVIDING FOR TERMINATION OF LEASE WITH BAYAIR, INC. AND MR. JOHN ROTH.

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board an agreement terminating that certain Lease dated October 5, 1999, as amended, between the Port of Oakland and **BAYAIR, INC.**, a California corporation and **MR. JOHN ROTH**, an individual, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. A-12, dated July 1, 2003; and be

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03187

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH ALAMEDA-CONTRA COSTA TRANSIT ("AC TRANSIT") TO PROVIDE WEEKEND BUS SERVICE TO MIDDLE HARBOR SHORELINE PARK ("MHSP") AND APPROVING A ONE-TIME PORT SUBSIDY FOR SUCH SERVICE.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board of an agreement or agreements with **AC TRANSIT** for provision of weekend bus service to MHSP, and authorizing a one-time Port-subsidy in the amount of $30,000.00 in accordance with Agenda Sheet Item No. M-1 dated July 1, 2003, or an agreement containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03188

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH WORLDWIDE QUALITY ASSURANCE LTD. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02098, adopted by the Board of Port Commissioners (the "Board") on April 2, 2002, the Board authorized an Agreement with **WORLDWIDE QUALITY ASSURANCE LTD.**, for consulting services with respect to services related to achieving Certification by the International Organization for Standardization (ISO); and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement with respect to training of Engineering Division, Commercial Real Estate Division and Corporate Administration Personnel and for further refined written Quality Standard Policies/procedures to accomplish ISO Certification, as more fully set forth in Agenda Sheet Item No. O-1, dated July 1, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **WORLDWIDE QUALITY ASSURANCE LTD.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **WORLDWIDE QUALITY ASSURANCE LTD.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent

with the Agenda Sheet and providing that **WORLDWIDE QUALITY ASSURANCE LTD.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$266,600** unless additional work up to an additional amount of **$20,000 (for travel expenses at cost)** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

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BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03189

RESOLUTION RATIFYING AND APPROVING ADDENDUM TO SPECIFICATIONS FOR FURNISHING PILE DRIVER CREW FOR REPAIRS TO PORT OF OAKLAND DOCKS AND WATERFRONT FACILITIES FOR THE PERIOD COMMENCING JUNE 1, 2003 AND ENDING MAY 31, 2004, 2005, OR 2006, OAKLAND, CALIFORNIA; AWARDING CONTRACTS TO DUTRA CONSTRUCTION CO., INC. AND TO VORTEX DIVING, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on April 1, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on May 8, 2003; and

WHEREAS on May 15, 2003, Vortex Diving, Inc., submitted a timely bid protest questioning Dutra Construction Co., Inc.'s LIABE status; and

WHEREAS on May 23, 2003, Port staff received a letter from Dutra Construction Co., Inc responding to the protest; and

WHEREAS no other bidder submitted a timely bid protest and pursuant to the Instructions to Bidders, the other bidders have waived any right to further pursue a bid protest, including filing a Government Code claim or legal proceedings; and

WHEREAS Port staff has undertaken an investigation and evaluation of Dutra's LIABE status; and

WHEREAS if the Board approves staff's recommendation, as outlined in the Agenda Sheet, neither the bid protest nor the results of the pending investigation will affect the award of the contract; now, therefore, be it

RESOLVED that the Board hereby ratifies and confirms and approves Addendum No. 1 to the plans and specifications and other provisions relative thereto filed with the Board and

described in Agenda Sheet Item No. O-2, dated July 1, 2003 (herein "Agenda Sheet"), for **Furnishing Pile Drive Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing June 1, 2003 and Ending May 31, 2004, 2005 or 2006, Oakland, California**; and be it

FURTHER RESOLVED that, pursuant to Port Ordinance 1606, Section 5.1(1)(4), the Board of Port Commissioners waives the requirement to submit the list of subcontractors with the bid, and authorizes that such list be submitted prior to the start of each instance of work; and be it

FURTHER RESOLVED that, pursuant to the information contained in the Agenda Sheet, the Board finds it to be in the best interest of the Port to award two contracts for **Furnishing Pile Drive Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing June 1, 2003 and Ending May 31, 2004, 2005 or 2006, Oakland, California**; and be it

FURTHER RESOLVED the Board of Port Commissioners, awards a contract for **Furnishing Pile Drive Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing June 1, 2003 and Ending May 31, 2004, 2005 or 2006, Oakland, California**, to **Dutra Construction Co., Inc., a California** and awards a contract to **Vortex Diving, Inc., a California corporation.** (herein "Contractor"), as the lowest responsible bidders, in accordance with the terms of the bids received May 8, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $600,000.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $600,000.00 shall be provided by the Contractor(s) as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (a,d and f) maintenance, involving no expansion of use beyond previously existing; and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

a regular July 1, 2003

At meeting held

Passed by the following vote:

Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

^ yes:

None

Noes:

None

Absent:

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03190

RESOLUTION RATIFYING AND APPROVING ADDENDUM TO SPECIFICATIONS FOR REMOVAL AND DISPOSAL OF HAZARDOUS WASTE, DESIGNATED WASTE, UNIVERSAL WASTE, AND OTHER CONTAMINATED MATERIALS FOR THE PERIOD BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA; AWARDING CONTRACT TO DILLARD ENVIRONMENTAL SERVICES, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on March 18, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on April 23, 2003; and

RESOLVED that the Board hereby ratifies and confirms and approves Addendum No. 1 to the plans and specifications and other provisions relative thereto filed with the Board and described in Agenda Sheet Item No. O-3, dated July 1, 2003 (herein "Agenda Sheet"), for **Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2003 and Ending June 30, 2004, 2005 or 2006, Oakland, California**; and be it

FURTHER RESOLVED that, pursuant to Port Ordinance 1606, Section 5.1(1)(4), the Board of Port Commissioners waives the requirement to submit the list of subcontractors with the bid, and authorizes that such list be submitted prior to the start of each instance of work; and be it

FURTHER RESOLVED the Board of Port Commissioners, awards the contract for **Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2003 and Ending June 30, 2004, 2005 or 2006, Oakland, California**, to **Dillard Trucking, Inc., a California corporation doing business as Dillard Environmental Services, Inc.** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received April 23, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $500,000.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $500,000.00 shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project supports the Port's on-going operations and will not be used on any capital project site covered by the Maritime and Aviation Project Labor Agreement ("MAPLA") and, therefore, the provisions of the MAPLA will not apply to this work, and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15061(b)(3), as it can be seen with certainty that that the activities required by this contract will not have a significant effect on the environment; and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03191

RESOLUTION RATIFYING AND APPROVING ADDENDUM TO SPECIFICATIONS FOR PERFORMING EMERGENCY SPILL RESPONSE OR EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA; AWARDING CONTRACT TO FOSS ENVIRONMENTAL SERVICES COMPANY, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on March 18, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on April 23, 2003; and

RESOLVED that the Board hereby ratifies and confirms and approves Addendum No. 1 to the plans and specifications and other provisions relative thereto filed with the Board and described in Agenda Sheet Item No. O-4, dated July 1, 2003 (herein "Agenda Sheet"), for **Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2003 and Ending June 30, 2004, 2005 or 2006, Oakland, California**; and be it

FURTHER RESOLVED that, pursuant to Port Ordinance 1606, Section 5.1(1)(4), the Board of Port Commissioners waives the requirement to submit the list of subcontractors with the bid, and authorizes that such list be submitted prior to the start of each instance of work; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the apparent low bidder Dillard Environmental Services ("Dillard") did not submit the contractor qualification document required to be submitted at the time of bid, and therefore Dillard's bid is rejected as non-responsive for the purposes of this contract; and be it

FURTHER RESOLVED the Board of Port Commissioners, awards the contract for **Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2003 and Ending June 30, 2004, 2005 or 2006, Oakland, California, to Foss Environmental Services Company, a California corporation** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received April 23, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $100,000.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $100,000.00 shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project supports the Port's on-going operations and will not be used on any capital project site covered by the Maritime and Aviation Project Labor Agreement ("MAPLA") and, therefore, the provisions of the MAPLA will not apply to this work, and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15061(b)(3), as it can be seen with certainty that approval of this Public Works contract does not have the potential to cause a significant effect on the environment, the activity is, therefore, not a project as defined by CEQA and is covered the by general rule that CEQA only applies to projects; and be it

FURTHER RESOLVED that at such time that emergency spill response activities might take place, the Port will conduct environmental review of these activities, in compliance with CEQA; and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03192

RESOLUTION APPROVING BUILDING PERMIT WITH INTERNATIONAL MARITIME CENTER.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **INTERNATIONAL MARITIME CENTER**, for permission to perform certain work located at Port View Park, 7th Street, Oakland, California, provided that a lease is executed covering the premises on which the work will be performed, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $20,000 said work and the conditions of Port approval being the following:

1) Installation of a public art project (Stupa);

2) Construction of a concrete base and attachment of the art work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class C of Guidelines Section 15311; and be it

FURTHER RESOLVED that 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03193

RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL.

RESOLVED that the Board of Port Commissioners hereby approves the appointment of outside counsel, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with anticipated litigation on the first of two matters as discussed in closed session dated July 1, 2003, and other consultants; the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel and consultants to be made from time to time as approved by the Port Attorney.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03194

RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL.

RESOLVED that the Board of Port Commissioners hereby approves the appointment of outside counsel, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with anticipated litigation on the second of two matters as discussed in closed session dated July 1, 2003, and other consultants; the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel and consultants to be made from time to time as approved by the Port Attorney.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer, Protopappas, Scates and President Kiang - 7

Noes: None

Absent: None

7/1/03
CLOSED SESSION
CHA/VRD

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03195

RESOLUTION AUTHORIZING THE DISMISSAL OF ACTION; AND AUTHORIZING AND APPROVING INCREASED EXPENDITURE AUTHORITY OF SPECIAL COUNSEL AND NECESSARY EXPERTS.

RESOLVED that the Board of Port Commissioners ("Board") hereby authorizes the Port Attorney to dismiss the action (City of Oakland v. Pacific Insurance, et al., Alameda No. 2002-064450) on terms satisfactory to the Port Attorney.

RESOLVED that the Board hereby authorizes and approves increased expenditure authority of Wendel Rosen Black & Dean for final payment, as Special Counsel and necessary experts, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with Jack London Square Marina Redevelopment Project as discussed in the confidential memorandum dated June 27, 2003, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel and Consultants to be made from time to time as approved by the Port Attorney.

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held July 1, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03196

RESOLUTION DECLARING ELECTION OF OFFICERS OF THE BOARD OF PORT COMMISSIONERS.

RESOLVED that after an election of officers of this Board held pursuant to its By-Laws, the following officers, to wit:

John Protopappas	President
Patricia A. Scates	First Vice President
Kenneth S. Katzoff	Second Vice President
John Betterton	Secretary

hereby are declared to have been and are duly elected to serve in the capacities indicated, effective July 15, 2003, and until their successors are elected by the Board.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas

Noes: None

Absent: None

45077

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03197

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH ARTHUR M. RICHARD DOING BUSINESS AS INDUSTRIAL FLEET SERVICE.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **ARTHUR M. RICHARD** doing business as **INDUSTRIAL FLEET SERVICE (IFS)** for continued access to the South Airport, Oakland, California, to provide ground service equipment maintenance and repair services, at the rate proposed and as more fully described in Agenda Sheet Item No. A-1, dated July 15, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Article 19 of Guidelines Section 15300.4 and pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03198

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH AVIS RENT A CAR SYSTEM, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board a License and Concession Agreement ("Agreement") between the Port and **AVIS RENT A CAR SYSTEM, INC, ("AVIS")** for approximately 1.314 acres of premises for construction and operation of a Rental Car Service Facility, at the rate proposed and as otherwise more fully described in Agenda Sheet Item No. A-2, dated July 15, 2003 (herein the "Agenda Sheet"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15269(c); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer
Vice-President Scates and President Protopappas

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03199

RESOLUTION RE-AUTHORIZING CONSENT TO ASSIGNMENT OF LEASE FROM SIERRA ACADEMY OF AERONAUTICS, INC. TO BUSINESS JET CENTER OAKLAND, LIMITED PARTNERSHIP AND APPROVING A SUBLEASE FROM BUSINESS JET CENTER OAKLAND, LIMITED PARTNERSHIP TO SIERRA ACADEMY OF AERONAUTICS, INC. OR AN AFFILIATE.

WHEREAS SIERRA ACADEMY OF AERONAUTICS, INC., has requested the consent of the Board of Port Commissioners ("Board") to the assignment of the Lease between the Port of Oakland and **SIERRA ACADEMY OF AERONAUTICS, INC. (Sierra)**, dated June 19, 2001, (the "Lease")to **BUSINESS JET CENTER OAKLAND, LIMITED PARTNERSHIP (BJCO)**; and

WHEREAS SIERRA has provided the following documents for the Port's review and consideration in connection with the assignment from Sierra to BJCO and sublease from BJCO to Sierra: (i) Assignment of Lease from Sierra Academy of Aeronautics, Inc. to Business Jet Center Oakland, L.P. ("Assignment"); (ii) Operating Agreement of Sierra Jet Service, LLC, a California Limited Liability Company ("Operating Agreement"); (iii) Agreement of Limited Partnership of Business Jet Center Oakland, L.P., a California limited partnership ("Partnership Agreement"); (iv) Sublease Agreement with Business Jet Center Oakland L.P., as sublessor and Sierra Academy of Aeronautics-Airline Training Center, a California corporation ("Sublease"); and (v) Consent to Assignment and Sublease ("Consent") (collectively, the "Legal Documents"); and

WHEREAS the Legal Documents will be finalized and executed following Board action on the requested consent to assignment and sublease; now, therefore be it

RESOLVED that the Director of Aviation is hereby re-authorized to execute the Consent and any related documents provided that the Director of Aviation determines that the requirements for assignment set forth in the Lease have been complied with, and provided further that the final Legal Documents are substantially in the form previously presented to Port staff, with such modifications as the Director of Aviation shall determine to be consistent with the assignment provisions set forth in the Lease, and are approved by the Port Attorney as to form and legality, as more fully set forth in Agenda Sheet No. A-3, dated July 15, 2003; and be it

FURTHER RESOLVED that the Board approves waiving the reappraisal requirement set forth in the Lease as a condition to assignment; and be it

FURTHER RESOLVED that the Board hereby authorizes the Director of Aviation to consent to the sublease from BJCO to Sierra or an affiliate, subject to the conditions set forth in the first RESOLVED clause of this resolution; and

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or Lease, 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 an agreement or Lease in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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 or Lease.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03200

RESOLUTION APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH ROSENDIN ELECTRIC, INC., FOR IMPROVEMENT OF RUNWAY AND TAXIWAY LIGHTING, MARKING, AND CONTROL SYSTEM, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, A.I.P. 3-06-0170-21, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves and ratifies an additive change order to the contract with **Rosendin Electric, Inc.** for **Improvement of Runway and Taxiway Lighting, Marking and Control System, South Field, Oakland International Airport, Oakland, California, A.I.P. 3-06-0170-21** to perform permanent repairs on the concrete trenches, in the amount of $350,000.00, consistent with Board Agenda Sheet Item No. A-4, dated July 15, 2003 (the "Agenda Sheet"), provided, however, that said change orders shall not be effective unless and until approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301(a) and (d) covering the repair and operation of existing facilities; and be it

FURTHER RESOLVED that the Port reserves any and all rights with respect to both the design and construction for the project and nothing in the Agenda Sheet shall be interpreted to waive or diminish the liability of any designer or contractor.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas

Noes: None

Absent: None

44937

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03201

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PROCURE MODULAR BUILDING AND OBTAIN RELATED RENOVATION AND INSTALLATION SERVICES FOR THE MARITIME DIVISION WITHOUT COMPETITIVE BIDDING AND AUTHORIZING SAID PROCUREMENT ON THE OPEN MARKET.

RESOLVED that the Board of Port Commissioners ("Board") does hereby find and determine that it is in the best interest of the Port to procure the rental of modular building, and obtain renovation, relocation and installation services for same, to support the Maritime Division needs as set forth in that certain Board of Port Commissioners Agenda Sheet Item No. M-1, dated July 15, 2003, without competitive bidding, and said competitive bidding is hereby waived; and be it

FURTHER RESOLVED that this Board does hereby authorize the Executive Director for and on behalf of this Board to procure the rental of said building for a period not to exceed five years and obtain said related services on the open market, for a total cost not to exceed $205,000; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03202

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF FIRST SUPPLEMENTAL AGREEMENT TERMINATING YANG MING TRANSPORT CORPORATION TERMINAL USE AGREEMENT (BEN E. NUTTER TERMINAL) AND CERTAIN RELATED ACTIONS.

RESOLVED that based upon the information contained in Agenda Sheet Item No. M-3, dated July 15, 2003, the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board of that certain First Supplemental Agreement terminating the Terminal Use Agreement ("TUA") for Ben E. Nutter Terminal between the Port and **YANG MING TRANSPORT CORPORATION** ("Yang Ming"), dated May 8, 2001 (Federal Maritime Commission No. 201124) on the terms contained in the First Supplemental Agreement that Yang Ming has previously signed and delivered to the Port or upon substantially the same terms; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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 the other contracting party, there shall be no valid or effective agreement.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03203

RESOLUTION DETERMINING THAT NEED TO TAKE IMMEDIATE ACTION IS NECESSARY TO PREVENT SERIOUS INJURY TO THE PUBLIC INTEREST IF ACTION WERE DEFERRED AND THAT THE NEED FOR SUCH ACTION CAME TO THE ATTENTION OF THE BOARD SUBSEQUENT TO THE AGENDA BEING POSTED (ACTION ON RECOMMENDED PORT ORDINANCE APPROVING ALTERATIONS TO THE PORT AREA AND RELINQUISHING AND TRANSFERRING CONTROL OF CERTAIN PROPERTY TO THE CITY COUNCIL).

RESOLVED, that the Board of Port Commissioners hereby determines that the need to take immediate action on Agenda Sheet Item No. M-4, recommending that the Board take action on a recommended Port ordinance approving alterations to the Port Area and relinquishing and transferring control of certain Port property to the City Council in accordance with the City-Port Oakland Army Base Memorandum of Agreement signed July 8, 2003, is necessary to prevent serious injury to the public interest if action were deferred and that the need for such action came to the attention of the Board subsequent to the Agenda being posted for the Board meeting of July 15, 2003.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03204

RESOLUTION APPROVING ANNUAL OPERATING BUDGET AND AUTHORIZING THE EXPENDITURE OF CERTAIN MONEYS OF THE PORT OF OAKLAND FOR THE FISCAL YEAR 2003-2004.

RESOLVED by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

Section 1. This resolution shall be known as "The Annual Operating Budget Resolution of the Port of Oakland for the Fiscal Year 2003-2004."

Section 2. There are hereby authorized for the purposes of operations and other expenses, interest expense, conditional payments under certain Memoranda of Understanding with the City of Oakland and debt retirement for the fiscal year commencing July 1, 2003, the following sums of money, to the respective purposes designated, it being resolved that such authorizations are made as follows:

(1) Authorizations for payment are hereby made for the purposes of meeting the cost of salaries and wages paid officers and employees of the Port of Oakland; the cost of supplies, materials, light, power, water, transportation, insurance, inspection, communication, Port promotion, maintenance of outlay and other necessary expenses of operation and maintenance of the Port of Oakland in such amounts as are designated in the column entitled "Operating Expenses", subject, as may be appropriate, to subsequent Board authorization of particular contracts for certain of such expenditures, as required by Port Ordinance 1606, the Charter of the City of Oakland and other requirements of the Board;

(2) Authorizations for payment are hereby made for the purpose of meeting the cost of interest expense of the Port of Oakland in such amount as is designated in the column entitled "Non-Operating" and set forth opposite the designation "Interest Expense".

(3) Authorizations for payment are hereby made for the purpose of meeting the cost of debt retirement of the Port of Oakland in such amount as is designated in the column entitled "Debt Service".

(4) All of the authorizations for payment hereinabove provided for in subsections (1), (2) and (3) are made out of the Port Revenue Fund.

(5) The Executive Director shall submit to the Board for its approval a specific delineation of the items comprising the Line Item Adjustment.

Said authorizations are in the following amounts, to wit:

	Authorization
Operating Expense	$126,671,000.00
Interest Expense	50,489,000.00
*Payments to the City under MOU: Lake Merritt and General Services	1,751,391.00
Debt Service (principal only)	12,144,475.00
Total Expenditures:	$191,055,866.00

*Subject to the Board's declaration of a sufficient surplus, pursuant to applicable provisions of the City of Oakland City Charter and/or approval and execution of any necessary amendments to an MOU or other agreements with the City of Oakland.

The funds available to the Port to service the budgeted expenditures are estimated to consist of the following:

	Funds Available
Total estimated operating revenue, fiscal year 2003-04	$236,908,000.00

and be it

FURTHER RESOLVED, that the Board hereby endorses, though does not approve, the FY 2004-05 operating budget in concept based upon information provided in Agenda Sheet Item No. O-1 dated July 15, 2003.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Vice-President Scates and President Protopappas

Noes: Commissioner Kramer

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03205

RESOLUTION APPROVING AND AUTHORIZING CONTRIBUTION OF PORT FUNDS FOR FUNDING SUPPORT OF THE BAY AREA WORLD TRADE CENTER.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Executive Director for and on behalf of the Board to contribute $100,000.00 to provide for funding support of the **BAY AREA WORLD TRADE CENTER,** in accordance with the recommendation in Agenda Sheet Item No. O-3 dated July 15, 2003, ("Subject: Funding Authorization for Contribution of Port Funds for Support of the Bay Area World Trade Center").

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas

Noes: None

Absent: None

44955

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03206

RESOLUTION APPROVING BUILDING PERMIT WITH UNITED AIRLINES, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **UNITED AIRLINES, INC.**, for permission to perform certain work located at 1 Airport Drive (M-101), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $40,000 said work and the conditions of Port approval being the following:

1) Modifications of the United ticket counters in Terminal 1;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301; and be it

FURTHER RESOLVED that 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.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03207

RESOLUTION APPROVING BUILDING PERMIT WITH SOUTHWEST AIRLINES, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **SOUTHWEST AIRLINES, INC.**, for permission to perform certain work located at 3 Alan Shepard Way (M-106), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $235,000 said work and the conditions of Port approval being the following:

1) Remodeling of the Air Cargo Building based upon the addition of 4,400 square feet to the Southwest lease approved by the Board on June 3, 2003;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301; and be it

FURTHER RESOLVED that 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.

At a regular meeting held July 15, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer
Vice-President Scates and President Protopappas

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03208

RESOLUTION CONCERNING CERTAIN LAYOFFS.

WHEREAS, adoption of the budget for the fiscal year 2003-2004 requires reduction in expenses in order to conform to anticipated revenues; and

WHEREAS, the Board has considered all options offered by the Executive Director to achieve budgetary reductions and meet budgetary requirements; and

WHEREAS, the Board does find that it is in the best interest of the Port and in the interest of economy and proper management of the Port to reduce the number of employees employed in various offices and positions of employment at the Port; and

WHEREAS, the Board has considered the recommendations of the Executive Director as to those offices and positions of employment to be reduced; now, therefore, be it

RESOLVED that the Executive Director be and he hereby is authorized to lay off or terminate as appropriate the employment of up to forty-one (41) employees of certain offices and positions in order to meet financial and budgetary requirements, and be it

FURTHER RESOLVED that the Executive Director is authorized to provide severance payments to said employees in a total amount not to exceed $500,000 in the aggregate; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to eliminate positions and take all necessary and appropriate action to carry out this reduction in employment.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Vice-President Scates and President Protopappas - 6
Noes: Commissioner Kramer - 1

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03209

RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL.

RESOLVED that the Board of Port Commissioners hereby approves the appointment of **Bell Rosenberg & Hughes**, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with contract to construct the Doolittle Drive and Airport Drive Interchange, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel to be made from time to time as approved by the Port Attorney.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03210

RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL.

RESOLVED that the Board of Port Commissioners hereby approves the appointment of **Wulfsberg, Reese, Colvig & Firstman**, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with Oakland International Airport Terminal Expansion Program, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel to be made from time to time as approved by the Port Attorney.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03211

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH WASTE MANAGEMENT OF ALAMEDA COUNTY, INC., ITS PREDECESSORS, OAKLAND SCAVENGER COMPANY AND PACIFIC DISPOSAL COMPANY ("WMAC") CONCERNING ENVIRONMENTAL CONTAMINATION AT THE PROPOSED UNION POINT PARK SITE (CITY OF OAKLAND V. WASTE MANAGEMENT OF ALAMEDA COUNTY, INC., ET AL., U.S.D.C. N.D. CAL. CASE NO. C-02-3484 CRB.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board a Settlement Agreement with WMAC concerning environmental contamination at the proposed Union Point Park site, (2301 Embarcadero, Oakland, California), and containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03212

RESOLUTION ACCEPTING FEDERAL AVIATION ADMINISTRATION GRANT OFFERS UNDER THE AIRPORT IMPROVEMENT PROGRAM AND AUTHORIZING EXECUTION OF GRANT AGREEMENTS BASED ON THE GRANT OFFERS.

WHEREAS the Port has submitted to the Federal Aviation Administration ("FAA") applications for Airport Improvement Program ("AIP") grants for certain projects which are identified in the Board of Port Commissioner's ("Board") Agenda Sheet Item No. A-1 ("Agenda Sheet"); and

WHEREAS the FAA has submitted to the Port draft Grant Offers for some of the projects (AIP Grant Offer AIP-30 for project number 6, sound insulation program, and AIP Grant Offer AIP-32 for project numbers 1 and 2, terminal security screening checkpoint improvements and reconstruction of aircraft apron adjacent to Buildings L-410 and L-510) and is expected subsequently to submit to the Port an additional draft or final Grant Offer for all or some combinations of the other projects and to submit to the Port final Grant Offers for project numbers 1, 2 and 6; now, therefore, be it

RESOLVED that the Board hereby accepts and approves FAA final Grant Offers for up to approximately $31,271,939 in AIP project funds, for the nine projects or any combination of the nine projects, described in the Agenda Sheet, and the Executive Director is hereby authorized and directed to accept said Grant Offers, and to execute Grant Agreement(s) for and on behalf of said Board for said projects, and the Secretary is hereby authorized and directed to attest said Grant Agreements, if deemed necessary; provided, however, that said Grant Agreement(s) shall not be binding or enforceable against the Port unless and until approved in writing as to form and legality by the Port Attorney and delivered by the Port to the FAA.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03213

RESOLUTION AWARDING CONTRACT REPLACEMENT OF TERMINAL 1 AUTOMATIC AND MANUAL DOORS, BUILDING M-101, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA TO SIMCO CONSTRUCTION, INC., AND FIXING THE AMOUNT OF BONDS.

WHEREAS on June 3, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on July 2, 2003; and

RESOLVED the Board of Port Commissioners, awards the contract for **Replacement of Terminal 1 Automatic and Manual Doors, Building M-101, South Field, Oakland International Airport, Oakland, California,** to **Simco Construction, Inc., a California corporation** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received July 2, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $250,000.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $250,000.00 shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), including any exemption provisions, and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15302(c), Class 2 replacement or reconstruction.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03214

RESOLUTION REJECTING BID PROTEST AND AWARDING CONTRACT FOR CONSTRUCTION OF ASPHALT OVERLAY OF TAXIWAY UNIFORM BETWEEN TAXIWAYS T AND W, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA TO O.C. JONES & SONS, INC.; FIXING THE AMOUNT OF BONDS; REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on May 6, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on June 4, 2003; and

WHEREAS on June 11, 2003, Gallagher & Burk, Inc. (G&B), submitted a timely bid protest; and

WHEREAS no other bidder submitted a timely bid protest and pursuant to the Instructions to Bidders, the other bidders have waived any right to further pursue a bid protest, including filing a Government Code claim or legal proceedings; and

WHEREAS, the Board finds that G&B's objections are without merit; now, therefore, be it

RESOLVED the Board of Port Commissioners, awards the contract for **Construction of Asphalt Concrete Overlay of Taxiway Uniform Between Taxiways T and W, South Field, Oakland International Airport, Oakland, California**, to **O.C. Jones & Sons, Inc., a California**, (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bid received June 4, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $334,950.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for

amounts due under the Unemployment Insurance Code, in the amount of $334,950.00 shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301(c) and (d) covering Class 1 Existing Facilities; and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer
Vice-President Scates and President Protopappas - 5
Noes: Commissioner Katzoff, Commissioner Batarse - 2

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03215

RESOLUTION APPROVING CERTAIN ACTIONS REGARDING AGREEMENT WITH THE CITY OF ALAMEDA FOR FERRY SERVICE.

WHEREAS the Board of Port Commissioners (the "Board") at its regularly scheduled meeting of April 3, 1990, authorized the Executive Director to execute for and on behalf of the Board an Agreement between the Port and the City of Alameda which provides for the continuation of ferry service between Jack London Square, the City of Alameda and San Francisco as evidenced by Port Resolution No.31910; and

WHEREAS the board authorized the amendment of said Agreement on May 1, 1990, pursuant to Resolution No. 31926; now, therefore, be it

RESOLVED that the Board hereby approves execution by the Executive Director for and on behalf of the Board the further amendment of said Agreement, as amended, between the Port and the City of Alameda to provide for the following:

1) Extension of the term of said Agreement for an additional 6 month period beyond the current term expiring on January 31, 2004, including ratification of the Blue and Gold Fleet as ferry operator; and

2) Approval of the $0.25 one-way fare increase on all fares except for seniors, the disabled and school groups.

all actions as further described in Agenda Sheet Item No. C-1 dated August 5, 2003, and entitled "Approval of Rate Increase for the Alameda Oakland Ferry and Amendment to Contract with Blue and Gold Fleet for a Six Month Term Extension"; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03216

RESOLUTION INSTRUCTING PORT STAFF REGARDING RENTAL RATES AND TERMS TO BE NEGOTIATED WITH EXISTING OR PROSPECTIVE LICENSEES OR CERTAIN COMMERCIAL REAL ESTATE PROPERTIES.

RESOLVED that in accordance with Article III, Section 6 of the By-laws and Administrative Rules of the Board of Port Commissioners, this Board does hereby direct the Executive Director and other involved Port staff members to proceed with negotiations with existing or prospective licensees of License and Concession agreements for terms of one (1) year or less on the properties listed on Exhibit "A", attached hereto and by reference made a part hereof, in accordance with the instructions of the Board in its closed session on August 5, 2003, convened pursuant to Section 54956.8 of the Government Code.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

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2003 EXISTING LICENSE AND CONCESSION AGREEEMENTS

1) C.R. Gibb, an individual	Vacant land in the West Basin Marina
2) Heinhold's First and Last Chance	Port Building F-203, 56 Jack London Square
3) AFI Marketing	Fire Exit Lane, 2nd & Webster Streets
4) Van Matre Lumber Company	Port Building G-315, 251 Fifth Avenue
5) Golden State Diesel	Port Building G-309, 351 Embarcadero
6) Jal-Vue East Bay Glass Company	Port Building H-101 & vacant industrial land, 295 Sixth Avenue
7) Philbrick Boatworks	Port Building H-103 & unpaved land, 603 Embarcadero
8) KTVU Inc.	Port Building H-108, 295 Fifth Avenue
9) B & R Roofing	2100 Embarcadero, Port Building No. J-313
10) J.W. & Barbara Silveira	Water area at the foot of Fifth Avenue
11) Thunderbird Properties, Inc.	Port Building H-110, 400 Sixth Avenue
12) Ship Shape Marine	Port Building H-112, Sixth Avenue (near 280 Sixth Avenue)
13) Seabreeze Café	Port Building H-113, 280 Sixth Avenue
14) John Baker	Land & water area at 69 Sixth Avenue
15) Il Pescatore (storage)	Port Bldg. No. F101
16) Park-Tilden	2400 Embarcadero, Port Building No. J-321
17) Dockside Boat & Bed	57 Clay Street
18) Athens Bakery	Vacant land adjacent to Port Building J-321 on Embarcadero
19) Telemedia Systems	351 Embarcadero, Port Building No. J-309
20) OFDHS (dead storage)	2400 Embarcadero, Port Building No. J-321
21) Amtrak	Platform @ Amtrak Station
22) CEP-JLS1 LLP	481 Water Street, Port Building No. F-114
23) Concept Marine	1853 Embarcadero, Port Building No. J-120
24) Oakland Int Trade Cener	544 Water Street, Port Building No. F-113
25)Boatel, Inc.	473 & 493 Water Street, Port Building No. F-114
26) Potomac Assoc	540 Water Street, Port Building No. F-114

EXHIBIT "A"

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03217

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED AMENDMENT OF PORT ORDINANCE NO. 2832, AS AMENDED, TO CHANGE THE AIRPORT BUSINESS PARK'S BOUNDARY AND DEVELOPMENT STANDARDS.

RESOLVED that the Board of Port Commissioners ("Board") hereby sets an August 5, 2003, 3:00 p.m., public hearing at the Port of Oakland Building, 530 Water Street, 2nd floor, in the Board Room, City of Oakland, to consider the approval of an amendment to Port Ordinance No. 2832, as amended, to expand the boundary of the Airport Business Park and to revise certain related development standards.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03218

RESOLUTION REJECTING BID FOR RIGGING AND REPAIR FOR 2003 STRUCTURAL INSPECTION OF ZPMC CRANES X437, X438, AND X439 AT BERTH 35 AND BERTH 23, OUTER HARBOR, OAKLAND, CALIFORNIA, DIRECTING RETURN OF BID BOND TO BIDDER; AND AUTHORIZING A CONTRACT IN THE OPEN MARKET WITHOUT LOWEST-SEALED BID PROCEDURES.

RESOLVED that the bid received on July 2, 2003, for **Rigging and Repair for 2003 Structural Inspection of ZPMC Cranes X437, X438, and X439 at Berth 35 and Berth 23, Outer Harbor, Oakland, California,** is hereby rejected pursuant to Port Ordinance 1606, Section 5, and the bid security accompanying said bid shall be returned to the bidder; and be it

FURTHER RESOLVED based upon the information contained in Board Agenda Sheet No. M-2, dated August 5, 2003 (herein "Agenda Sheet"), that the Board of Port Commissioners hereby finds and determines that it is in the best interests of the Port to contract for the above-described work without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to negotiate a contract for such work based upon the receipt of sealed informal proposals which shall be requested from the original plan holders and any other interested qualified contractors; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to

the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that this project is subject to the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (d,f), which exempts the repair and maintenance of existing structures or equipment involving negligible or no expansion of an existing use; and be it

FURTHER RESOLVED that 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.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer
Vice-President Scates and President Protopappas - 7
Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03219

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR FURNISHING LABOR, MATERIALS, AND EQUIPMENT FOR SPOT PAINTING OF PORT OF OAKLAND CRANES FOR THE PERIOD COMMENCING DECEMBER 1, 2003 AND ENDING NOVEMBER 30, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. M-3, dated August 5, 2003 (herein "Agenda Sheet"), for **Furnishing Labor, Materials, and Equipment for Spot Painting of Port of Oakland Cranes for the Period Commencing December 1, 2003 and Ending November 30, 2004, 2005 or 2006, Oakland, California** ("the project"), are hereby approved; and be it

authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to September 10, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (d, f), which exempts the repair and maintenance of existing structures or equipment involving negligible or no expansion of an existing use.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03220

RESOLUTION REQUESTING THE CITY COUNCIL TO VACATE MARTIN LUTHER KING, JR. WAY, SOUTHERLY OF EMBARCADERO STREET, OAKLAND, CALIFORNIA.

WHEREAS Section 713 of the Charter of the City of Oakland ("Charter") sets forth the procedure pursuant to which public streets within the Port Area may be vacated; now therefore be it

RESOLVED that the Board of Port Commissioners ("Board") hereby finds and determines that it is necessary to vacate the publicly dedicated portion of Martin Luther King, Jr. Way, southerly of Embarcadero Street within the Port Area as more fully shown on attached Exhibit "A" (the dimensions of such portion being approximately 109.91 feet by 68.78 feet by 64.26 feet by 86.33 feet); and be it

FURTHER RESOLVED that the Board hereby requests that the City Manager of the City of Oakland and the City Council of the City of Oakland initiate and carry to completion the proceedings necessary to vacate such publicly dedicated portion of Martin Luther King, Jr. Way southerly of Embarcadero Street within the Port Area as shown on attached Exhibit "A"; and be it

FURTHER RESOLVED that the Board respectfully requests the City Manager and City Council to undertake such street vacation proceedings as expeditiously as possible; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

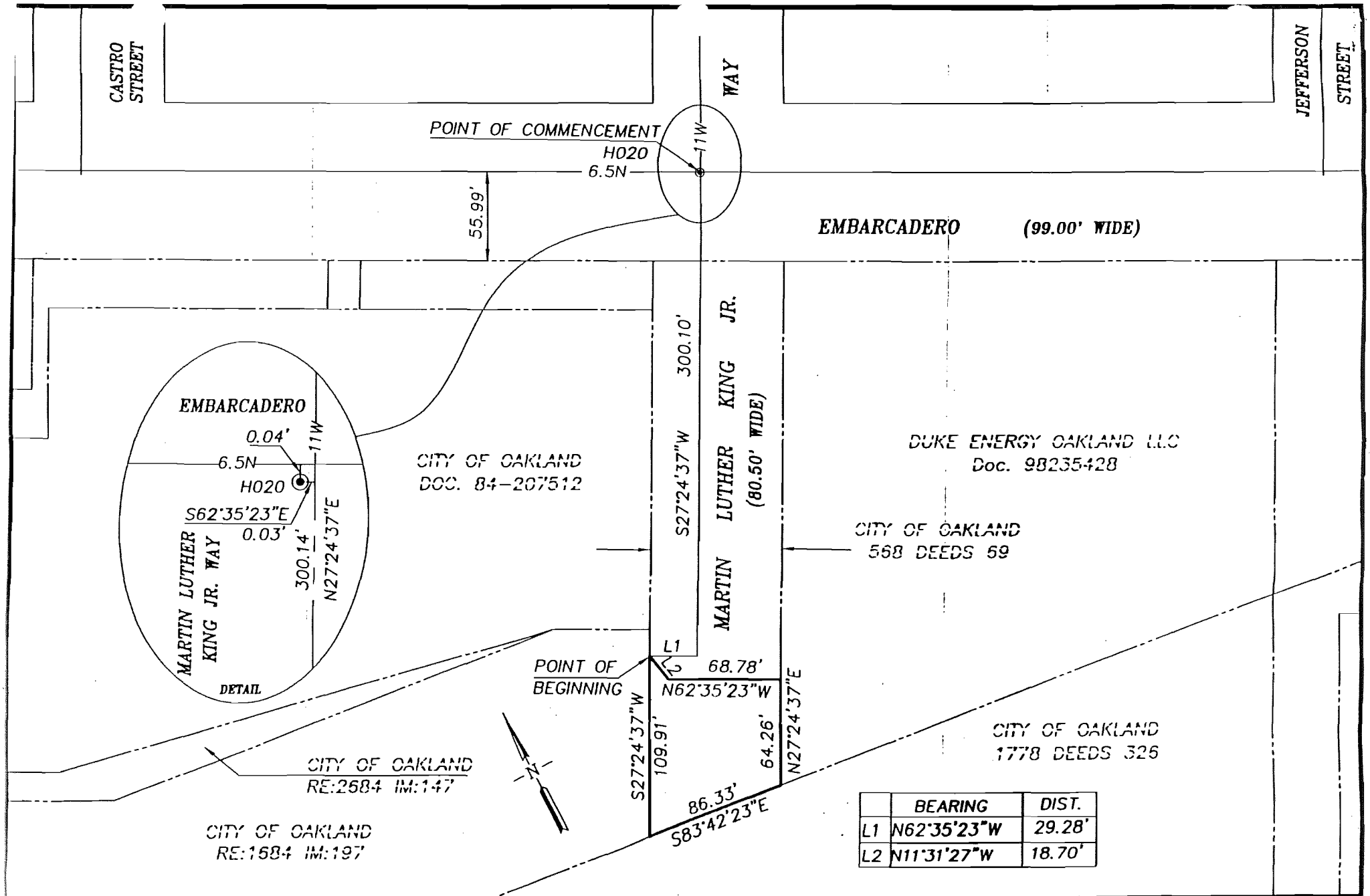
At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer
Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None



	BEARING	DIST.
L1	N62°35'23"W	29.28'
L2	N11°31'27"W	18.70'

PORT OF OAKLAND
LAND SURVEYS AND MAPPING
530 Water Street
Oakland, California

EXHIBIT "A"
PARCEL 1 – PORTION OF
MARTIN LUTHER KING JR. WAY

DRAWN BY: MJL	Field Bk:
CHECKED BY: JRM	Wrk. Ord: 104527
SCALE: 1"= 80'	Data File:
DATE: 6/23/03	Revision: 1
SHEET 1 OF 1	Rev. date: 7/22/03
ATTACHMENTS:	
FILE LOC.> 104527\dwg\Brush_Pcl1-1.dwg	

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03221

RESOLUTION AUTHORIZING REMOVAL OF CONTAINER CRANES X-401 FROM BERTH 20 AND CRANE X-423 FROM BERTH 37 WITHOUT LOWEST-SEALED BID PROCEDURES; AND RESCINDING BOARD APPROVAL OF CHANGE ORDER TO SHANGHAI ZHENHUA PORT MACHINERY CO., LTD FOR REMOVAL OF SAID CRANES.

RESOLVED, that Resolution No. 03152, adopted by this Board on June 3, 2003, is hereby amended to rescind the approval of a change order to Shanghai Zhenhua Port Machinery Co., Ltd, to remove Container Cranes X-401 from Berth 20 and Crane X-423 from Berth 37, Oakland, California; and be it

FURTHER RESOLVED based upon the information contained in Board Agenda Sheet No. M-5, dated August 5, 2003 (herein "Agenda Sheet"), that the Board of Port Commissioners hereby finds and determines that it is in the best interests of the Port to contract for the removal of Container Cranes X-401 from Berth 20 and Crane X-423 from Berth 37, Oakland, California, without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to negotiate a contract for such work with **Rigging International**, a California corporation, based upon the receipt of an informal proposal, upon terms and conditions consistent with said Agenda Sheet; and be it

FURTHER RESOLVED that this project is subject to the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), since removal of the cranes is a minor alteration of the existing facilities at the Terminals which involves no expansion of an existing use; and be it

FURTHER RESOLVED that 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; and be it

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer
Vice-President Scates and President Protopappas - 7
Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03222

RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE AND ACCEPT PERMITS, CONDITIONS, LEASES AND OTHER AGREEMENTS AS MAY BE REQUIRED BY GOVERNMENTAL PERMITTING AND REGULATORY AGENCIES FOR THE PORT'S PROPOSED 5-YEAR MAINTENANCE DREDGING PROGRAM.

RESOLVED that the Board of Port Commissioners hereby authorizes the Executive Director on behalf of the Board to execute and/or otherwise accept in writing such permits, conditions and/or leases or other agreements as may be required by governmental permitting and regulatory agencies, including the San Francisco Bay Conservation and Development Commission, the U.S. Army Corps of Engineers, the San Francisco Regional Water Quality Control Board and the State Lands Commission, which are necessary to effectuate the Port's proposed 5-year maintenance dredging program, in accordance with Agenda Sheet Item No. M-6 dated August 4, 2003; and be it

FURTHER RESOLVED that 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 permits, conditions and leases and other agreements for the Port's proposed 5-year maintenance dredging program in accordance with the terms of this resolution. Unless and until a separate written permit, condition, lease or other agreement is duly executed or otherwise accepted in writing 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 party(ies) to the permit, condition, lease or other agreement, there shall be no valid or effective permit, condition, lease or other agreement and the Board gives no authorization for any Port representative to implement the maintenance dredging program if such implementation requires such execution or acceptance and such execution or acceptance is not given in accordance with this resolution.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer
Vice-President Scates and President Protopappas - 7
Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03223

RESOLUTION DETERMINING THAT IMMEDIATE ACTION IS NECESSARY TO PREVENT SERIOUS INJURY TO THE PUBLIC INTEREST IF ACTION WERE DEFERRED AND THAT THE NEED FOR SUCH ACTION CAME TO THE ATTENTION OF THE BOARD SUBSEQUENT TO THE AGENDA BEING POSTED (CONSIDERATION IN CLOSED SESSION AND ACTION IN OPEN SESSION INVOLVING PROPOSED SETTLEMENT AGREEMENT WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION ["CALTRANS"] REGARDING PENDING LITIGATION, PORT-OWNED PROPERTY NEEDED FOR SAN FRANCISCO OAKLAND BAY BRIDGE EAST SPAN SEISMIC SAFETY PROJECT ["ESSSP"] AND OAKLAND ARMY BASE).

RESOLVED, that the Board of Port Commissioners ("Board") hereby determines that there is a need to take immediate action (including consideration in closed session and action in open session) on a proposed Settlement Agreement with CalTrans regarding pending litigation (City of Oakland, et. al. v California Department of Transportation, et. al., Sacramento County Superior Court Case No. 02CS00391; City of Oakland, et. al v. Federal Highway Administration, et. al., United States District Court, Northern District of California, No. C 02-01307 SI MED), Port-owned property needed for the ESSSP, and the Oakland Army Base in order to prevent serious injury to the public interest if action were deferred to a subsequent special or regular meeting of the Board, and that the need for such action came to the attention of the Board subsequent to the Agenda being posted for the Board meeting of August 5, 2003.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

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BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03224

RESOLUTION APPROVING AND AUTHORIZING A NEW RIGHT OF ENTRY AGREEMENT AND AN AGREEMENT OR AGREEMENTS TO EXTEND EXISTING RIGHTS OF WAY AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ("CALTRANS") REQUIRED FOR THE SAN FRANCISCO OAKLAND BAY BRIDGE EAST SPAN SEISMIC SAFETY PROJECT ("ESSSP").

RESOLVED that in accordance with the Settlement Agreement signed on behalf of CalTrans on July 30, 2003, by Bijan Sartipi, District Director of CalTrans, and Antonio R. Anziano, Assistant Chief Counsel of CalTrans, and conditioned upon CalTrans withdrawing the pending Notice of Intent to Adopt a Resolution of Necessity for Port parcels 9, 10, 11, 12, 13, 14, 15 and 16 (as said Port parcels are shown on Exhibit A attached to the Settlement Agreement) in accordance with paragraph 4 of the Settlement Agreement, the Board of Port Commissioners ("Board") hereby approves and authorizes the execution of a new Port right of entry to CalTrans for parcel 9, in accordance with the provisions of paragraph 2 of the Settlement Agreement, and the execution of an agreement or agreements to extend the existing Port rights of entry to CalTrans for parcels 10, 11 and 16 in accordance with the provisions of paragraph 1 of the Settlement Agreement; and be it

FURTHER RESOLVED that 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 agreements in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution and on behalf of CalTrans, is signed as approved as to form and legality by the Port Attorney, and is delivered by each of CalTrans and the Port to the other, there shall be no valid or effective agreement.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03225

RESOLUTION CONCERNING CERTAIN APPOINTMENT.

RESOLVED that **GERALD SERVENTI**, be and he hereby is appointed to the position of Director of Engineering, Salary Rate, $12,590/month, effective August 6, 2003.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

45362

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03226

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH 2PLUS2 PARTNERS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 01354, adopted by the Board of Port Commissioners (the "Board") on September 4, 2001, and as amended by the First Supplemental Agreement dated July 16, 2002, the Board authorized an Agreement with **2PLUS2 PARTNERS, INC.**, for continuation of website management and consulting services; and

WHEREAS, it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work and compensation under said Agreement as set forth in Agenda Sheet Item No. O-2, dated August 5, 2003 (herein the "Agenda Sheet"), now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Second Supplemental Agreement with **2PLUS2 PARTNERS, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **2PLUS2 PARTNERS, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Second Supplemental Agreement, upon terms and conditions set forth in the Agenda Sheet and providing that **2PLUS2 PARTNERS, INC.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$92,600**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Vice President Scates and President Protopappas – 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03227

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GEOFF DORN FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **O-3**, dated **August 5, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **GEOFF DORN** for **public art consultation and administrative services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **GEOFF DORN** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **GEOFF DORN** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$60,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

RESOLUTION NO. 03228
NOT USED

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03229

RESOLUTION AUTHORIZING RENEWAL OF POTOMAC HULL AND MACHINERY, PROTECTION AND INDEMNITY, AND POLLUTION LIABILITY INSURANCE.

RESOLVED that the Board of Port Commissioners hereby ratifies and authorizes the Executive Director's placement, on behalf of the Board, the renewal of the Potomac's Hull and Machinery, Protection and Indemnity, and Pollution Liability Insurance, which expires on September 1, 2003, with Commercial Union/WQIS, as described in Agenda Sheet Item No. 0-5, dated August 5, 2003; provided, however, that said insurance shall be approved as to form and legality by the Port Attorney and the annual premium for said insurance shall not exceed $48,596.00.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

45413

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03230

RESOLUTION APPROVING BUILDING PERMIT WITH OAKLAND GOLF LLC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **OAKLAND GOLF LLC**, for permission to perform certain work located at 10505 Doolittle Drive, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $163,000 said work and the conditions of Port approval being the following:

1) Construction of a golf course driving range with 20 high mast fence poles with netting;

2) Installation of four (4) high mast light poles;

3) Construction of a range hut for dispensing golf balls;

4) Related electrical work; and

5) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the location and height of each fence and light pole is subject to obtaining a **"No Hazard To Air Navigation"** determination by the FAA acceptable to the Port, prior to the start of work and at project completion; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03231

RESOLUTION APPROVING BUILDING PERMIT WITH BUSINESS JET CENTER-OAKLAND.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **BUSINESS JET CENTER-OAKLAND**, for permission to perform certain work located at 9351 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $40,000 said work and the conditions of Port approval being the following:

1) Installation of an office trailer;

2) Relocation of Airport security fence;

3) Construction of a 21 parking spaces in the former aircraft ramp area;

4) Installation of site landscaping;

5) Related electrical and mechanical work;

6) ADA upgrades; and

7) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the location and height of the work is subject to a **"No Hazard To Air Navigation"** determination by the FAA acceptable to the Port, prior to the start of work and at project completion; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer
Vice-President Scates and President Protopappas - 7
Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03232

RESOLUTION APPROVING BUILDING PERMIT WITH SOUTHWEST AIRLINES.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **SOUTHWEST AIRLINES**, for permission to perform certain work located at 1 Airport Drive, Terminals 1 & 2 (M103 & M130), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $56,000 said work and the conditions of Port approval being the following:

1) Installation of one (1) new Boarding Podium at each of the 12 Southwest Airlines Passenger Gates;

2) Installation of United States Postal Service required bar code tracking scanner at the ramp area of Terminals 1 and 2;

3) Related electrical and data communications work; and

4) Compliance with all of the terms and conditions of tenant's lease with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At a regular meeting held August 5, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer Vice-President Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03233

RESOLUTION COMPROMISING AND SETTLING CLAIMS AND AUTHORIZING EXECUTION OF STIPULATED SETTLEMENT.

WHEREAS, CAROLYN FRAZIER has pending as Case No. OAK 277036 as application for adjudication of claim filed before the Workers' Compensation Appeals Board alleging injuries she sustained arising out of and in the course of employment and seeking compensation therefor; and

WHEREAS, a dispute has arisen between the Port and CAROLYN FRAZIER, regarding the extent of injuries arising out of and in the course of employment and the extent and amount of permanent and temporary disability indemnity, future medical treatment and other workers' compensation benefits which may be payable; and

WHEREAS, CAROLYN FRAZIER has offered to accept the sum of $39,500, less legally chargeable credits, in compromise and full satisfaction of said workers' compensation claim for permanent and temporary disability, future medical treatment and all other workers' compensation benefits to which she may be entitled arising out of and in the course of her employment by the Port; and

WHEREAS, this Board does find that it is in the best interest of the Port to compromise and settle said claims and Workers' Compensation Appeals Board proceedings upon said basis for the total sum of $39,500, less legally chargeable credits, respecting workers' compensation benefits from which sum CAROLYN FRAZIER agrees to pay her attorney's fees; now, therefore, be it

RESOLVED that the Port Attorney be and he hereby is authorized to compromise and settle said claim for workers' compensation benefits as Case No. OAK 277036 now pending before the Workers' Compensation Appeals Board by paying to CAROLYN FRAZIER the sum of $39,500, less legally chargeable credits, and further to enter into a stipulated agreement on said basis, and the Port Attorney is hereby authorized to execute any and all necessary agreements to effect this compromise and settlement.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Vice-President Scates and President Protopappas - 7

Noes:

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03234

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (BART)** for authorization for continued access to the South Airport, Oakland, California, to conduct additional geotechnical and environmental investigations, if necessary, due to any modifications to the alignment of the BART-Airport Connector, at the rate proposed and as more fully described in Agenda Sheet Item No. A-1, dated September 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Article 19 of Guidelines Section 15300.4 and pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03235

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH ONESOURCE BUILDING SERVICES, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain License and Concession Agreement between the Port and **ONESOURCE BUILDING SERVICES, INC.**, for continued access to the South Airport, Oakland, California, to provide aircraft cabin cleaning and facilities janitorial services, at the rate proposed and as more fully described in Agenda Sheet Item No. A-2, dated September 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from CEQA Guidelines pursuant to Guidelines, Article 19, Section 15300.4 and to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03236

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH SAN FRANCISCO PARKING, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain License and Concession Agreement between the Port and **SAN FRANCISCO PARKING, INC.**, for approximately 33,306 square feet of unimproved land in the vicinity of Wright Street and Earhart Road, North Airport, Oakland, California, to provide for installation of four trailers and storage of shuttle buses, at the rate proposed and as more fully described in Agenda Sheet Item No. A-3, dated September 2, 2003; and

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Guidelines, Article 19, Section 15300.4 and to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03237

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH SOUTHWEST AIRLINES CO.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain License and Concession Agreement between the Port and **SOUTHWEST AIRLINES CO.** for approximately 446 square feet of storage space, Oakland, California, at the rate proposed and as more fully described in Agenda Sheet Item No. A-4, dated September 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(n); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03238

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH TRANS-BOX SYSTEMS, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain License and Concession Agreement between the Port and **TRANS-BOX SYSTEMS, INC.** for approximately 11,597 square feet of storage space, parking and partially paved dock area in and adjacent to Building L-814, North Airport, Oakland, California, at the rate proposed and as more fully described in Agenda Sheet Item No. A-5, dated September 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03239

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH SCIS AIR SECURITY CORPORATION.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **SCIS AIR SECURITY CORPORATION, (SCIS)** for continued access to the South Airport, Oakland, California, to monitor in-flight catering operations, at the rate proposed and as more fully described in Agenda Sheet Item No. A-6, dated September 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or agreement, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03240

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO AWARD THE CONTRACT FOR TESTING AND MAINTENANCE OF THE FIRE LIFE SAFETY SYSTEM, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT LOWEST-SEALED BID PROCEDURES AND AUTHORIZING EXECUTION OF CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Chief Engineer is authorized to approve the plans and specifications for said project in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. A-10, dated September 2, 2003, (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to accomplish **Testing and Maintenance of the Fire Life Safety System, Oakland International Airport, Oakland, California,** without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to negotiate and execute a contract for the testing and maintenance of the fire life safety system in an amount not to exceed $75,000.00,

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

based upon the receipt of an informal proposal from **Intrepid Electronics** ("Intrepid"); and be it

FURTHER RESOLVED that if the Executive Director is unable to negotiate a contract with Intrepid, he is hereby authorized to negotiate and execute a contract for such work in the open market based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project is determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that the work required by this change order will not be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s); or the grant of any right, entitlement or property interest, or (b) any obligation of liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as t form and legality by the Port Attorney, and its delivered to the other contracting party, there shall be no valid or effective agreement(s).

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6
Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03241

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF ASPHALT CONCRETE OVERLAY OF TAXIWAY A, EAST OF TAXIWAY B, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, A.I.P. 3-06-0170-29, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. A-11, dated September 2, 2003 (herein "Agenda Sheet"), for **Construction of Asphalt Concrete Overlay of Taxiway A, East of Taxiway B, North Field, Oakland International Airport, Oakland, California, A.I.P. 3-06-0170-29** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to October 8, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically except from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Existing Facilities, Class 1, (a)(c)(d)(f) and Section 15302, Replacement or Reconstruction, Class 2, (b) and (c).

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03242

RESOLUTION DELEGATING AUTHORITY TO EXECUTIVE DIRECTOR TO WAIVE THE REQUIREMENT THAT TURNER CONSTRUCTION AWARD SUBCONTRACTS FOR THE TERMINAL 2 PROJECTS IN ACCORD WITH PORT ORDINANCE NO. 1606, TO AUTHORIZE TURNER TO AWARD SUBCONTRACTS THROUGH INFORMAL BIDS AND DIRECT NEGOTIATION IN ACCORD WITH PORT'S NONDISCRIMINATION AND SMALL AND LOCAL BUSINESS UTILIZATION POLICY, AND INCLUDE THE APPROPRIATE SUBCONTRACT PACKAGES IN THE PORT'S SMALL BUSINESS PROGRAM.

WHEREAS Turner Construction Company's subcontracts for the Terminal Expansion Program are private contracts to which Port Ordinance No. 1606 is inapplicable; now, therefore, be it

RESOLVED that based upon the information contained in Agenda Sheet Item No. A-12, dated September 2, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to waive the requirement that the Prime Builder award its subcontracts for the Terminal 2 Projects in accord with Port Ordinance No. 1606 procedures and authorize Turner Construction Company to award subcontracts for Tex through informal bids and direct negotiation in accord with its Port-approved Outreach and Implementation Plan and NDSLBU Policy; and

FURTHER RESOLVED that the Board of Port Commissioners hereby finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to authorize inclusion of appropriate Turner Construction Company subcontract packages in the Port's Small Business Program as established in the Port of Oakland Nondiscrimination and Small Local Business Utilization Policy dated October 6, 1997; and

FURTHER RESOLVED that nothing herein shall be interpreted to delegate to the Executive Director the authority to bind the Port to the Guarantee Maximum Price ("GMP") proposed by Turner Construction Company as provided under the contract.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6
Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03243

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH WAGNER CONSTRUCTION JV.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Commercial Real Estate to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **WAGNER CONSTRUCTION JV**, for approximately 9,250 square feet of premises located at the former Jack London Village site, Oakland, California, for construction storage, project staging and for their cement/grout mixing operation, and as more fully described in Agenda Sheet Item No. C-1, dated September 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03244

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH BEN C. GERWICK, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **M-1**, dated **September 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **BEN C. GERWICK, INC.** for **engineering services for embankment strengthening program** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **BEN C. GERWICK, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **BEN C. GERWICK, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$700,000**, unless additional work up to an additional amount of **$100,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03245

RESOLUTION APPROVING AND ACCEPTING REGULATORY PERMITS INCLUDING WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION FOR SHORELINE MAINTENANCE AND MINOR CONSTRUCTION PROJECTS IN CONNECTION WITH THE MARITIME AND COMMERCIAL REAL ESTATE AREAS.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director or his designee to approve and accept regulatory permits ("Corps Permits") issued by the U.S. Army Corps of Engineers ("Corps"), and the terms of the waste discharge requirements and water quality certification issued by the San Francisco Regional Water Quality Control Board ("Water Board Authorization"), associated with the proposed 10-year shoreline maintenance and minor construction projects for the Maritime and the Commercial Real Estate areas west of 66th Avenue, Oakland, California, all in accordance with Agenda Sheet Item M-2, dated September 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the actions authorized by the Corps Permits and Water Board Authorizations are categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, Sections 15301, 15302, 15304 and 15306; and be it

FURTHER RESOLVED that 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 the Port Attorney approves the Corps Permits and Water Board Authorization as to form and legality and then only to the extent provided for in the provisions of the Corps Permits and the Water Board Authorization which are consistent with applicable legal authorization for the issuance of the Corps Permits and the Water Board Authorization.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03246

RESOLUTION APPROVING AND ACCEPTING SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION PERMIT AND WATER QUALITY CERTIFICATION FOR THE RECONSTRUCTION OF THE BERTH 22 WHARF AND RECONFIGURATION OF ADJACENT YARDS.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director or his designee to approve and accept the permit issued by the San Francisco Bay Conservation and Development Commission for the reconstruction of the Berth 22 wharf and wharf reconfiguration of adjacent yards ("BCDC Permit") and agree to the terms of the water quality certification issued by the San Francisco Regional Water Quality Control Board ("Water Board Certification"), all in accordance with Agenda Sheet Item M-3, dated September 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the actions authorized by the BCDC Permit and the Water Board Certification are included in the Initial Study/Mitigated Negative Declaration for reconstruction of the Berth 22 Wharf and Reconfiguration of Adjacent yards which was approved by Board Resolution No. 03103; and be it

FURTHER RESOLVED that 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 the Port Attorney approves the BCDC Permit and the Water Board Certification as to form and legality and then only to the extent provided for in the provisions of the BCDC Permit and the Water Board Certification which are consistent with applicable legal authorization for the issuance of the BCDC Permit and the Water Board Certification.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03247

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF FOURTH SUPPLEMENTAL AGREEMENT TO BERTHS 55-56 NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH TOTAL TERMINALS INTERNATIONAL, LLC.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of that certain Fourth Supplemental Agreement between the Port and **TOTAL TERMINALS INTERNATIONAL, LLC** ("Total Terminals") dated as of September 2, 2003, which has been executed for and on behalf of Total Terminals ("Fourth Supplemental"), which Fourth Supplemental amends the Berths 55-56 Non-Exclusive Preferential Assignment Agreement dated October 9, 2000, between the Port and **HANJIN SHIPPING COMPANY, LTD.** ("Hanjin"), as previously amended (the "Original Agreement"), and assigned by Hanjin with the consent of the Board to Total Terminals, to revise primary and secondary use provisions, to set forth the agreements between the Port and Total Terminals regarding the improvements to and Total Terminals' occupancy of different portions of the Phase 3 Premises and to allow assigned cranes to be used at adjacent Berths 57-59, all as more fully described in Board Agenda Sheet Item No. M-4 dated September 2, 2003 ("Agenda Sheet"), and

RESOLVED that the Executive Director is hereby authorized to execute the Fourth Supplemental and any related documents provided that such documents are consistent with the terms and conditions described above and in the Agenda Sheet, as may reasonably be determined by the Executive Director and the Port Attorney; and be

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

Resolution Number 03248
was not used

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03249

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH F. W. ASSOCIATES, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02267, adopted by the Board of Port Commissioners (the "Board") on August 6, 2002, the Board authorized an Agreement with **F. W. ASSOCIATES, INC.**, for consulting services with respect to on-call electrical engineering services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve extension of the term under said Agreement, as set forth in Agenda Sheet Item No. O-1, dated September 2, 2003 (herein the "Agenda Sheet"), without additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Second Supplemental Agreement with **F. W. ASSOCIATES, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **F. W. ASSOCIATES, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Second Supplemental Agreement with **F. W. ASSOCIATES, INC.**, upon terms and conditions consistent with the Agenda Sheet; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03250

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH DAMATT ENGINEERING, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02267, adopted by the Board of Port Commissioners (the "Board") on August 6, 2002, the Board authorized an Agreement with **DAMATT ENGINEERING, INC.**, for consulting services with respect to on-call electrical engineering services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve extension of the term under said Agreement, as set forth in Agenda Sheet Item No. O-1, dated September 2, 2003 (herein the "Agenda Sheet"), without additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **DAMATT ENGINEERING, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **DAMATT ENGINEERING, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement with **DAMATT ENGINEERING, INC.**, upon terms and conditions consistent with the Agenda Sheet; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03251

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH TEECOM DESIGN GROUP FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 01274, adopted by the Board of Port Commissioners (the "Board") on October 15, 2001 and as amended by the First Supplemental Agreement dated October 11, 2002, the Board authorized an Agreement with **TEECOM DESIGN GROUP** for consulting services with respect to on-call telecommunications engineering services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve extension of the term under said Agreement, as set forth in Agenda Sheet Item No. O-1, dated September 2, 2003 (herein the "Agenda Sheet"), without additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **TEECOM DESIGN GROUP** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **TEECOM DESIGN GROUP** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$500,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03252

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH NBA ENGINEERING INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 01273, adopted by the Board of Port Commissioners (the "Board") on October 15, 2001 and as amended by the First Supplemental Agreement dated October 15, 2002, and by Resolution No. 03106 adopted by the Board on April 15, 2003, the Board authorized an Agreement with **NBA ENGINEERING INC.** for consulting services with respect to on-call mechanical engineering services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve extension of the term and additional work under said Agreement, as set forth in Agenda Sheet Item No. O-1, dated September 2, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Second Supplemental Agreement with **NBA ENGINEERING INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **NBA ENGINEERING INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Second Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **NBA ENGINEERING, INC.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$150,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03253

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH IHI ENVIRONMENTAL, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **O-2**, dated **September 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **IHI ENVIRONMENTAL, INC.** for **as-needed asbestos and lead-based paint consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **IHI ENVIRONMENTAL, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **IHI ENVIRONMENTAL, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$200,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03254

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH WINZLER & KELLY CONSULTING ENGINEERS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **O-2**, dated **September 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **WINZLER & KELLY CONSULTING ENGINEERS, INC.** for **as-needed asbestos and lead-based paint consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **WINZLER & KELLY CONSULTING ENGINEERS, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **WINZLER & KELLY CONSULTING ENGINEERS, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$200,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03255

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH KATZ, KUTTER, ALDERMAN AND BRYANT, P.A. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **O-3**, dated **September 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **KATZ, KUTTER, ALDERMAN AND BRYANT, P.A.** for **legislative consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **KATZ, KUTTER, ALDERMAN AND BRYANT, P.A.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **KATZ, KUTTER, ALDERMAN AND BRYANT, P.A.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$31,000 (including all payments made under a Port Purchase Order)**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03256

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH C. H. ELLIOT & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **O-5**, dated **September 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **C. H. ELLIOT & ASSOCIATES** to **update the Port's feasibility projections** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **C. H. ELLIOT & ASSOCIATES** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **C. H. ELLIOT & ASSOCIATES** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$100,000 (including out of pocket expenses)**, unless additional work up to an additional amount of **$25,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03257

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH RICONDO & ASSOCIATES, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **O-5**, dated **September 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **RICONDO & ASSOCIATES, INC.** to **update the Port's feasibility projections** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **RICONDO & ASSOCIATES, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **RICONDO & ASSOCIATES, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$200,000 (including out of pocket expenses)**, unless additional work up to an additional amount of **$25,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03258

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NORBRIDGE, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. O-5, dated **September 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **NORBRIDGE, INC.** to **update the Port's feasibility projections** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **NORBRIDGE, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **NORBRIDGE, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$200,000 (including out of pocket expenses)**, unless additional work up to an additional amount of **$25,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03259

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH ONSITE ENGINEERING & ENVIRONMENTAL, A DIVISION OF ONSITE COMPANIES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **O-6**, dated **September 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **ONSITE ENGINEERING & ENVIRONMENTAL, A DIVISION OF ONSITE COMPANIES** for **safety personnel consulting services** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **ONSITE ENGINEERING & ENVIRONMENTAL, A DIVISION OF ONSITE COMPANIES** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **ONSITE ENGINEERING & ENVIRONMENTAL, A DIVISION OF ONSITE COMPANIES** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$175,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

45746

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03260

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT TO MEMORANDUM OF UNDERSTANDING WITH THE CITY OF OAKLAND FOR PROVISION OF AND PAYMENT FOR FISCAL YEARS 2001-2002, 2002-2003 and 2003-2004 SPECIAL SERVICES.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of a Supplemental Agreement amending the Memorandum of Understanding effective July 1, 1983, between the Board of Port Commissioners and the **CITY OF OAKLAND**, a municipal corporation, acting by and through its City Council, pursuant to which Supplemental Agreement the City agrees during fiscal years 2001-2002, 2002-2003 and 2003-2004 to provide to the Port certain special services and the Port agrees in exchange therefor to make specified payments to the City (estimated to be, and which shall not exceed, $559,500, 603,900 and $718,020, respectively), and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03261

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NORCAL FDC, TO ADMINISTER PORT SURETY BOND GUARANTEE PROGRAM AND FOR VARIOUS FUNDS CONTROL AND ACCOUNTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION AN AGREEMENT THEREFORE AND RATIFYING AND APPROVING EXECUTION OF AGREEMENTS TO EFFECTUATE CONTINUATION OF SAID PROGRAM AND EXTENSION OF PORT OBLIGATIONS THEREUNDER.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. O-8, dated September 2, 2003 (herein the "Agenda Sheet") the Board of Port Commissioners hereby finds and determines that the proposed one-year agreement with NorCal FDC to administer Port Surety Bond Guarantee Program and to provide various funds control and accounting services will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from and to negotiate with NorCal FDC without competitive bidding; and be it

FURTHER RESOLVED that NorCal FDC shall be compensated for such services not to exceed $100,000; and be it

FURTHER RESOLVED that the Board does hereby ratify and approve execution by the Executive Director and the Chief Financial Officer of such additional agreements as may be necessary to effectuate continuation of said program and extension of Port obligations thereunder, and to implement the program with respect to funds control and accounting services, all in such forms as may be approved by the Port Attorney, and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a

separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5
Noes: Vice-President Scates - 1

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03262

RESOLUTION APPROVING EXTENSION AND ENHANCEMENT OF PORT SURETY BOND PROGRAM.

RESOLVED that the Board does hereby approve extension and enhancement of the Port Surety Bond Program as described on the Agenda Sheet Item No. O-8, dated September 2, 2003, with maximum Port liability for guarantee of letters of credit for surety bonds up to $2 million and maximum liability for guarantee of contractor mobilization loans up to $2 million for total program liability not to exceed $4 million plus reasonable fees and expenses; and be it

FURTHER RESOLVED that the Board does hereby ratify and approve execution by the Executive Director and the Chief Financial Officer of such additional agreements as may be necessary to effectuate extension and enhancement of said program and Port obligations thereunder, and to implement the program with respect to funds control and accounting services, all in such forms as may be approved by the Port Attorney, and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03263

RESOLUTION APPROVING BUILDING PERMIT WITH ALOHA AIRLINES, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **ALOHA AIRLINES, INC.**, for permission to perform certain work located at Building M101, 1 Airport Drive, Terminal 1, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $14,000 said work and the conditions of Port approval being the following:

1) Installation of four (4) self service ticket check-in kiosks in the ticket counter area and two (2) self service ticket check-in kiosks at the curb area;

2) Related electrical and data cabling work; and

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(a); and be it

FURTHER RESOLVED that 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03264

RESOLUTION APPROVING BUILDING PERMIT WITH SOUTHWEST AIRLINES, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **SOUTHWEST AIRLINES, INC.**, for permission to perform certain work located at 501 Alan Shepard Way, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $1,500,000 said work and the conditions of Port approval being the following:

1) Construction of a one story building (approximately 15,000 square feet), including parking spaces and landscaping;

2) Related electrical and mechanical work;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15269(c); and be it

FURTHER RESOLVED that 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.

At a regular meeting held September 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 6

Noes: None

Absent: Commissioner Kiang - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03265

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE WITH NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA ("NATIONAL UNION") CONCERNING ENVIRONMENTAL CONTAMINATION AT NINTH AVENUE TERMINAL.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board a Settlement Agreement and Release with National Union concerning environmental contamination at Ninth Avenue Terminal, and containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held September 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Kramer - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03266

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE WITH NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA ("NATIONAL UNION") CONCERNING ENVIRONMENTAL CONTAMINATION AT THE FORMER CRYER BOATYARD SITE.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board a Settlement Agreement and Release with National Union concerning environmental contamination at the former Cryer Boatyard Site, and containing such other reasonably related and consistent terms and conditions as may be negotiated by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held September 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Kramer - 2

9/16/03
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03267

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF EXCLUSIVE NEGOTIATING AGREEMENT WITH ARROWHEAD MARSH PARTNERS LLC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board that certain **Exclusive Negotiating Agreement** with **ARROWHEAD MARSH PARTNERS LLC**, or a related entity for an approximately 34 acre parcel located on Pardee Lane in the Oakland Airport Business Park (the "ENA") in order to begin formal purchase and sale agreement negotiations; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create (a) any right, benefit, 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 agreements in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party or parties, there shall be no valid or effective agreement.

At a regular meeting held September 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Kramer - 2

9/16/03
Item No.: A-1
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03268

RESOLUTION APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH NETVERSANT, INC., TO FURNISH AND INSTALL PBX TELEPHONE SWITCH, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves and ratifies an additive change order to **Netversant, Inc.**, under the contract to **Furnish and Install PBX Telephone Switch, South Field, Oakland International Airport, Oakland, California** for the procurement and installation of a new digital recording system in the amount of $61,000.00, consistent with Board Agenda Sheet Item No. A-1, dated September 16, 2003, (the "Agenda Sheet"), provided, however, that said change order shall be in a form prepared by the Port Attorney and shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the work required by these change orders will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At a regular meeting held September 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Kramer - 2

September 16, 2003
Item No.: A-2
PBH:jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03269

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH HNTB CORPORATION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02048, adopted by the Board of Port Commissioners (the "Board") on February 19, 2002, the Board authorized an Agreement with **HNTB CORPORATION**, for consulting services with respect to environmental consulting services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-2, dated September 16, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **HNTB CORPORATION** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **HNTB CORPORATION** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **HNTB CORPORATION** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$216,000** unless additional work up to an additional amount of **$50,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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

At a regular meeting held September 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Kramer - 2

9/16/03
Item No.: M-1
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03270

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR ANNUAL DREDGING OF PORT OF OAKLAND BERTHS FOR THE PERIOD COMMENCING JANUARY 1, 2004, AND ENDING DECEMBER 31, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA, WITHOUT LOWEST-SEALED BID PROCEDURES AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the Director of Engineering or his designee is authorized to approve the plans and specifications for said projects in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. M-1, dated September 16, 2003 (herein the "Agenda Sheet"), the Board hereby finds and determines that it is in the best interest of the Port to accomplish to accomplish the **Annual Dredging of Port of Oakland Berths for the Period Commencing January 1, 2004 and Ending December 31, 2004, 2205, or 2006, Oakland, California**, without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of two contracts for **Annual Dredging of Port of Oakland Berths for the Period Commencing January 1, 2004 and Ending December 31, 2004, 2205, or 2006, Oakland, California**, based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that, pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15304(g), which exempts minor alterations to land, including specifically "maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies." Disposal of maintenance dredging material from the Port's berths and marinas will take place at authorized disposal sites; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of one hundred percent (100%), and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code in the amount of one hundred percent (100%) of the final contract price(s), as negotiated, shall be provided by the Contractor(s) as prescribed by the applicable laws and regulations and the contract specifications; and be it;

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitled 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 an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At a regular meeting held September 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 5
Noes: None

Absent: Commissioners Kiang and Kramer - 2

September 16, 2003
Item No.: M-2
RCM

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03271

RESOLUTION APPROVING AND RATIFYING AMOUNT EXCEEDING THE PURCHASE ORDER CONTRACT LIMITS FOR WHARF REPAIR WORK TO BERTH 58, OAKLAND, CALIFORNIA.

WHEREAS, on July 28, 2003, the Port entered into a Purchase Order Agreement with **Dutra Construction Company, Inc.** in the amount of $49,041.40, for wharf repair work to Berth 58, Oakland, California; and

WHEREAS, following award of the contract, further inspection revealed the need for more extensive repairs due to continued usage of the wharf by the terminal operator resulting in an unforeseen increase in the scope of the repairs to be performed by **Dutra Construction Company, Inc.**; now, therefore, be it

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. M-2 dated September 16, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners ("Board") hereby finds and determines that it is in the best interest of the Port to accomplish the additional work, without competitive bidding and that said competitive bidding is hereby waived; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and ratifies issuance to **Dutra Construction Company, Inc.,** of change order(s) under the purchase order contract for wharf repair to Berth 58, Oakland, California, in an amount determined by the Executive Director, but not to exceed $80,000, consistent with the Agenda Sheet; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes the Executive Director to expend for contingencies $20,000 for additional or change order work; and be it

FURTHER RESOLVED that 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 an agreement in

accordance with the terms of this resolution. 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; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15304(g), which exempts minor alterations to land, including specifically "maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies." Disposal of maintenance dredging material from the Port's berths and marinas will take place at authorized disposal sites; and be it

FURTHER RESOLVED that the work required by this change order will not be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At a regular meeting held September 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Kramer - 2

9/16/03
Item No.: M-3
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03272

RESOLUTION AUTHORIZING ACCEPTANCE OF MARAD/TSA FEDERAL SECURITY GRANTS; AUTHORIZING EXECUTION OF GRANT AGREEMENTS; AUTHORIZING PROCUREMENT AND INSTALLATION OF TRAFFIC CONTROL/CRASH BARRIERS WITHOUT LOWEST-SEALED BID PROCEDURES; AUTHORIZING ISSUANCE OF CHANGE ORDER TO C. OVERAA & CO; AND DELEGATING AUTHORITY TO RESOLVE BID PROTESTS.

WHEREAS, on October 1, 2002, pursuant to Resolution No. 02331, the Board ratified staff's actions in submitting applications for funding security enhancements under the Maritime Administration ("MARAD") and Transportation Security Administration ("TSA") Seaport Security Grant Program, and further authorized the submission of additional applications for security grants; now therefore be it

RESOLVED that the Board of Port Commissioners hereby authorizes the acceptance of the Grant Award dated July 14, 2003, in the amount of $1,600,000.00, and authorizes the Executive Director or his designee to conduct all negotiations, and to execute and submit all documents which may be necessary or convenient to complete said application for and on behalf of said Board, in accordance with Agenda Sheet Item No. M-3, dated September 16, 2003 ("Agenda Sheet"), and the Secretary is hereby authorized and directed to attest the execution of such grant agreements; provided, however, that such grant agreements shall not be binding or enforceable against the Port unless and until approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that the Board of Port Commissioners ("Board") does hereby find and determine that it is in the best interest of the Port to procure the specialized hydraulic mobile vehicular traffic control/crash barriers and related accessories to be used at the Port's four major access roads to allow for security checkpoint and selected road closures in the event of a high security alert or security emergency, and the installation services for same, to support the

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO.

Maritime Division needs as set forth in the Agenda Sheet, without competitive bidding, and said competitive bidding is hereby waived; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves and ratifies an additive change order to the contract with **C. Overaa & Co.** for **Construction of Port Field Support Services Complex, Building D-510, Maritime Area, Oakland, California,** to construct a staging area/recharging station, consistent with the Agenda Sheet, provided, however, that said change orders shall not be effective unless and until approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the Chief Engineer is authorized to approve the plans and specifications for said project in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that to the extent applicable, this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that the project for the temporary deployment of the barriers and associated structures has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15269(c), which exempts specific actions necessary to prevent or mitigate an emergency. The temporary deployment of portable mobile crash barriers, portable guard booths and portable barriers in response to an immediate and specific terror alert, fits within this class of exemptions. The procurement action does not qualify as a "project" under CEQA Guidelines, Section 21065; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitled 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 an

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO.

agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At a regular meeting held September 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Vice-President Scates and President Protopappas - 5
Noes: None

Absent: Commissioners Kiang and Kramer - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO.

10/7/03
MCP:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03273

RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL.

RESOLVED that the Board of Port Commissioners hereby approves the appointment of **O'MELVENY & MYERS LLP,** part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with recent layoffs, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel to be made from time to time as approved by the Port Attorney.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/7/03
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03274

RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL.

RESOLVED that the Board of Port Commissioners hereby approves the appointment of **FOLEY & LARDNER**, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with BayAir, Inc. matters, the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel to be made from time to time as approved by the Port Attorney.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/7/03
MH/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03275

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF TOLLING AGREEMENTS WITH BERKELEY READY MIX CO., INC. DBA OAKLAND READY MIX AND BERKELEY OAKLAND READY MIX ("BORM"), HANSON AGGREGATES MID-PACIFIC, INC. ("HANSON") AND OAKLAND HARBOR PARTNERS, LLC ("OHP"), CONCERNING CONTAMINATED SOIL AT 401 EMBARCADERO ROAD, OAKLAND, CALIFORNIA.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute Tolling Agreements with BORM and OHP, and Hanson and OHP, tolling any applicable statute of limitations period or laches defense from August 12, 2003 until July 30, 2007, concerning environmental contamination at 401 Embarcadero Road, Oakland, California; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation of liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

October 7, 2003
Item No.: A-1
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03276

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH KENNEDY/JENKS CONSULTANTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **A-1**, dated **October 7, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **KENNEDY/JENKS CONSULTANTS** for **engineering services in connection with the reconstruction of apron at Hangars 7 and 8, North Field, Oakland International Airport**, will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **KENNEDY/JENKS CONSULTANTS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **KENNEDY/JENKS CONSULTANTS** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$240,000**, unless additional work up to an additional amount of **$30,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

46102

10/7/03
Item No.: A-4
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03277

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH HUNTLEIGH USA CORPORATION.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **HUNTLEIGH USA CORPORATION**, for continued access to the South Airport, Oakland, California, to provide skycap, wheelchair, baggage handling and security checkpoint ticket reading services, at the rate proposed and as more fully described in Agenda Sheet Item No. A-4, dated October 7, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Article 19, Section 15300.4 and Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/7/03
Item No.: A-5
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03278

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH PACIFIC WESTERN AVIATION OAKLAND, L.L.C.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board that certain Agreement to Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement") between the Port and **PACIFIC WESTERN AVIATION OAKLAND, L.L.C.**, for continued access to the South Airport, Oakland, California, to provide passenger, baggage, ground and cargo handling services and cabin cleaning services, at the rate proposed and as more fully described in Agenda Sheet Item No. A-5, dated October 7, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Article 19, Section 15300.4 and Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/7/03
Item No.: A-7
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03279

RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT FOR EXPANSION OF FLIGHT INFORMATION DISPLAY SYSTEM, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA TO NAME ULTRA ELECTRONICS AIRPORT SYSTEMS, INC. AND ULTRA ELECTRONICS LIMITED DOING BUSINESS AS ULTRA ELECTRONICS AIRPORT DIVISION.

WHEREAS by Resolution No. 02062, adopted by the Board of Port Commissioners (the "Board") on March 5, 2002, the Board authorized contract with **F.A.S.L., Inc.,** for expansion of the Flight Information Display System, Oakland International Airport, Oakland, California; and

WHEREAS during the course of the negotiations F.A.S.L., Inc., the United States Company underwent a name change to Ultra Electronics Airport Systems, Inc.; and the Ferranti Air Systems Limited, the United Kingdom Company, became a division of Ultra Electronics Limited trading as Ultra Electronics Airport Division; now, therefore, be it

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. A-7, dated October 7, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby authorizes the Executive Director to negotiate and execute a contract with Ultra Electronics Airport Systems, Inc. and Ultra Electronics Limited doing business as Ultra Electronics Airport Division; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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 form and legality by the Port Attorney, and delivered to the other contracting party, there shall be no valid or effective agreement.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

October 7, 2003
A-8
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03280

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO AWARD THE CONTRACT FOR THE PRINTING OF THE OAKLAND AIRPORT TRAVEL PLANNER TO ALONZO PRINTING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **A-8**, dated October 7, 2003, (herein the "Agenda Sheet"), the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board a contract with **ALONZO PRINTING** for the printing of the Oakland Airport Travel Planner, for FY 03/04, at a cost not to exceed **$57,000.00** to include the cost of printing and a ten percent (10%) contingency, and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation of liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/07/03
Item No.: M-1
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03281

RESOLUTION RATIFYING AND APPROVING ADDENDUM TO *SPECIFICATIONS FOR FURNISHING* LABOR, MATERIALS AND EQUIPMENT FOR SPOT PAINTING PORT OF OAKLAND CRANES FOR THE PERIOD COMMENCING DECEMBER 1, 2003 AND ENDING NOVEMBER 30, 2004, 2005, OR 2006, OAKLAND, CALIFORNIA; AWARDING CONTRACT TO RIGGING INTERNATIONAL, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

WHEREAS on August 5, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on September 10, 2003; and

RESOLVED that the Board hereby ratifies and confirms and approves Addendum No. 1 to the plans and specifications and other provisions relative thereto filed with the Board and described in Agenda Sheet Item No. M-1, dated October 7, 2003 (herein "Agenda Sheet"), for **Furnishing Labor, Materials and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing December 1, 2003 and Ending November 30, 2004, 2005 or 2006, Oakland, California**; and be it

FURTHER RESOLVED the Board of Port Commissioners, awards the contract for **Furnishing Labor, Materials and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing December 1, 2003 and Ending November 30, 2004, 2005 or 2006, Oakland, California**, to **Rigging International, a California** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bids received September 10, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $60,000.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $60,000.00 shall be provided by the Contractor(s) as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (d, f) which exempts repair and maintaining of existing structures or equipment involving negligible or no expansion of an existing use; and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/7/03
Item No.: M-4
RCM/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03282

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PROCURE AND INSTALL REEFER ELECTRICAL SUPPLY BREAKERS AT BERTH 25 WITHOUT COMPETITIVE BIDDING AND AUTHORIZING SAID PROCUREMENT ON THE OPEN MARKET.

RESOLVED that the Board of Port Commissioners ("Board") does hereby find and determine that it is in the best interest of the Port to procure and install reefer electrical supply breakers at Berth 25, as set forth in Agenda Sheet Item No. M-4, dated October 7, 2003, without competitive bidding, and said competitive bidding is hereby waived; and be it

FURTHER RESOLVED that this Board does hereby authorize the Executive Director or his/her designee for and on behalf of this Board to procure said supplies on the open market provided procurement of same shall not exceed an aggregate cost of $80,000; and be it

FURTHER RESOLVED that the Board hereby authorizes the Executive Director to expend for contingencies and change order work an additional 10%; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

October 7, 2003
M-5
TDC/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03283

RESOLUTION APPROVING AND AUTHORIZING EXTENSION OF TERM OF CERTAIN RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH DUTRA DREDGING COMPANY, INC.

(ELECTRICAL SERVICE AT BERTH 38 FOR DREDGING)

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Maritime for and on behalf of the Board to give written notice of extension of the term of that certain Right-of-Entry and Indemnity Agreement between the Port and **DUTRA DREDGING COMPANY, LTD. ("Dutra") ("Agreement")**, which commenced October 1, 2003, for Dutra to install an electrical service at Berth 38 to provide electricity necessary to carry out Dutra's contract with the Federal Government for the Oakland Harbor Navigation Improvement (-50 Foot) Deepening Project Inner and Outer Harbor Dredging, Phase 3A, Alameda and San Francisco Counties, California (IFB No. DACA 07-03-B-0005) ("Corps Contract") for the lesser of the time required for Dutra to complete Dutra's work under the Corps Contract and one year after the Commencement Date of the Agreement; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project is covered in the Oakland Harbor Navigation Improvement (-50 Foot) Project EIR/EIS that the Board certified February 1, 2000 by passage of Resolution No. 20049.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/07/03
Item No.: M-6
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03284

RESOLUTION RATIFYING AND APPROVING ADDENDA TO SPECIFICATIONS FOR CONSTRUCTION OF BERTH 22 WHARF REPLACEMENT, OUTER HARBOR, OAKLAND, CALIFORNIA; AWARDING CONTRACT TO MANSON CONSTRUCTION, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS; AND AUTHORIZING ACCEPTANCE OF REGULATORY PERMITS.

WHEREAS on April 15, 2003, the Board approved the plans and specifications for this project and authorized staff to advertise for bids to be received on May 28, 2003; and

RESOLVED that the Board hereby ratifies and confirms and approves Addenda Nos. 1, 2, 3, 4 and 5 to the plans and specifications and other provisions relative thereto filed with the Board and described in Agenda Sheet Item No. M-6, dated October 7, 2003 (herein "Agenda Sheet"), for **Construction of Berth 22 Wharf Replacement, Outer Harbor, Oakland, California**; and be it

FURTHER RESOLVED the Board of Port Commissioners, awards the contract for **Construction of Berth 22 Wharf Replacement, Outer Harbor, Oakland, California a**, to **Manson Construction Co., Inc., a California** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bids received August 6, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $21,162,655.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $21,162,655.00 shall be provided

by the Contractor(s) as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons; and be it

FURTHER RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director or his designee to accept and execute regulatory permits ("Corps Permits") issued by the U.S. Army Corps of Engineers ("Corps"), and the terms of the waste discharge requirements and water quality certification issued by the San Francisco Regional Water Quality Control Board ("Water Board Authorization"), associated with the reconstruction of the berth 22 wharf and reconfiguration of adjacent yards, Oakland, California, all in accordance with Agenda Sheet Item M-6, dated October 7, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the actions authorized by the Corps Permits and Water Board Authorizations are categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, Sections 15301, 15302, 15304 and 15306; and be it

FURTHER RESOLVED that 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 the Port Attorney approves the Corps Permits and Water Board Authorization as to form and legality and then only to the extent provided for in the provisions of the Corps Permits and the Water Board Authorization which are consistent with applicable legal

authorization for the issuance of the Corps Permits and the Water Board Authorization.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/7/03
Item No.: 0-1
RCM/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03285

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO WAIVE COMPETITIVE BIDDING AND TO PROCURE CERTAIN GOODS AND SERVICES ON THE OPEN MARKET AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACTS FOR SAME.

RESOLVED that the Board of Port Commissioners ("Board") does hereby find and determine that it is in the best interest of the Port to waive competitive bidding and to procure on the open market from vendors selected by the Executive Director or his or her designee on the basis of informal quote or proposal not to exceed the maximum amount(s) described in that certain Board of Port Commissioners Agenda Sheet Item No. 0-1, dated October 7, 2003, (hereinafter "Agenda Sheet"), the following: certain goods and services on open account(s) or other agreements; and be it

FURTHER RESOLVED that this Board authorizes the Executive Director or his or her designee to negotiate and enter into contracts for the procurement of same; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

10/7/03
S-1
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03286

RESOLUTION APPROVING BUILDING PERMIT WITH DUTRA DREDGING COMPANY, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **DUTRA DREDGING COMPANY, INC.**, for permission to perform certain work located at Berth 38, 5190 7th Street, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $20,000 said work and the conditions of Port approval being the following:

1) Modify and reconstruct portions of the existing 4160 Volt Berth 38 crane power circuit;

2) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that 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.

At a regular meeting held October 7, 2003

Passed by the following vote:

Ayes: Commissioners Katzoff, Kiang, Kramer, Vice-President Scates and President Protopappas - 5

Noes: None

Absent: Commissioners Ayers-Johnson and Batarse - 2

46163

October 21, 2003
Item No.: A-1
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03287

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MWM/YHL JOINT VENTURE ARCHITECTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **A-1**, dated **October 21, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **MWM/YHL JOINT VENTURE ARCHITECTS** for **design of in-line explosive detection system in Terminal 2, Oakland International Airport** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **MWM/YHL JOINT VENTURE ARCHITECTS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **MWM/YHL JOINT VENTURE ARCHITECTS** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$1,300,000**, unless additional work up to an additional amount of **$200,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

46363

October 21, 2003
Item No.: A-2
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03288

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH JOHN F. BROWN COMPANY, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 99450, adopted by the Board of Port Commissioners (the "Board") on November 16, 1999, the Board authorized an Agreement with **JOHN F. BROWN COMPANY, INC.**, for consulting services with respect to rental concession consulting services; and

WHEREAS it is desirable at this time to amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-2, dated October 21, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **JOHN F. BROWN COMPANY, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **JOHN F. BROWN COMPANY, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **JOHN F. BROWN COMPANY, INC.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional $979,000; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

October 21, 2003
Item No.: A-3
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03289

RESOLUTION RATIFYING AMENDMENTS FOR THE FEDERAL AVIATION ADMINISTRATION GRANTS.

(FAA Grant Nos. AIP-26 3-06-0170-06, AIP-28 3-06-0170-28 AIP-29 3-06-0170-29)

WHEREAS the Board of Port Commissioners ("Board") approved and authorized the Executive Director to accept (i) AIP-26 Grant Offer No. 3-06-0170-06 in the amount of $2,000,000 to fund the Sound Insulation Program (Phase II); (ii) AIP-28 Grant Offer No. 3-06-0170-28 in the amount of $5,500,000 to fund the Sound Insulation Program (Phases III, IV and V); and (iii) AIP-29 Grant Offer No. 3-06-0170-29 in the amount of $12,368,370 to fund the construction of overlay of Taxiways D and a and Storm Drain Improvements, Terminal 2 Building and Security Improvements, Security System Interactive Information Database and Reconstruction of Apron at Hangars 7 and 8 with the United States of America, Department of Transportation, Federal Aviation Administration ("FAA"); be it

RESOLVED that the Board hereby finds and determines it is in the best interest of the Port to ratify and approve the Executive Director's acceptance of the Federal Aviation Administration's AIP-26 Amendment No. 1; AIP-28 Amendment No. 1; and AIP029 Amendment No.1 to the Grant Agreement containing the terms and conditions as more fully forth in Agenda Sheet Item No. A-3, dated October 21, 2003, and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
Item No.: A-4
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03290

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR FURNISHING MAINTENANCE AND SERVICE FOR PARKING LOT REVENUE CONTROL SYSTEMS FOR THE PERIOD COMMENCING JANUARY 1, 2004, AND ENDING DECEMBER 31, 2004 OR 2005, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT LOWEST-SEALED BID PROCEDURES AND AUTHORIZING EXECUTION OF EXTENSION OF EXISTING CONTRACT WITH ASCOM TRANSPORT SYSTEMS.

RESOLVED that the Director of Engineering or his designee is authorized to approve the plans and specifications for said projects in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. A-4, dated October 21, 2003 (herein the "Agenda Sheet"), the Board hereby finds and determines that it is in the best interest of the Port to accomplish to accomplish the **Furnishing Maintenance and Service for Parking Lot Revenue Control Systems for the Period Commencing January 1, 2004 and Ending December 31, 2004 or 2005, South Field, Oakland International Airport, Oakland, California,** without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Executive Director to negotiate and execute for and on behalf of the Board an extension to the current contract with

Ascom Transport Systems, Inc. for Furnishing Maintenance and Service for Parking Lot Revenue Control Systems for the Period Commencing January 1, 2001 and Ending December 31, 2001, 2002 or 2003, South Field, Oakland International Airport, Oakland, California; and be it

FURTHER RESOLVED that this project will not be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (a and d), which exempts the maintenance of existing facilities involving no expansion of use beyond that previously existing; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of one hundred percent (100%), and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code in the amount of one hundred percent (100%) of the final contract price(s), as negotiated, shall be provided by the Contractor(s) as prescribed by the applicable laws and regulations and the contract specifications; and be it;

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitled 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 an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
C-1
VON:mj

RESOLUTION NO. 03291

RESOLUTION OF THE BOARD OF DIRECTORS OF PORT OF OAKLAND PUBLIC BENEFIT CORPORATION TO WIND UP AND DISSOLVE

WHEREAS, the Board of Directors ("Board") of PORT OF OAKLAND PUBLIC BENEFIT CORPORATION, a California nonprofit public benefit corporation (this "Corporation"), hereby adopts the following resolutions to wind up and dissolve; and

WHEREAS, the Board has determined that it is in the best interests of this Corporation and its members that this Corporation be wound up and dissolved in accordance with the Plan of Complete Liquidation ("Plan") attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, this Corporation currently holds and owns no assets; now, therefore be it

RESOLVED, that this Corporation be voluntarily wound up and dissolved in accordance with the Plan; and be it

FURTHER RESOLVED, that the officers and directors of this Corporation are hereby authorized and directed to take the appropriate measures to wind up and dissolve this Corporation in accordance with the Plan; and be it

FURTHER RESOLVED, that in accordance with the aforementioned resolutions, the officers and directors of this Corporation are hereby authorized and directed to obtain the vote or written consent of the members ("Members") of this Corporation necessary for adoption of the Plan and for the election to wind up and dissolve this Corporation, and take such other measures as are necessary or appropriate to wind up and dissolve this Corporation; and be it

FURTHER RESOLVED, that in conjunction with the aforementioned resolutions, the President and Secretary of this Corporation are further authorized and directed **(i)** to execute and verify a Certificate of Election To Wind Up and Dissolve ("Certificate"); **(ii)** to file the Certificate with the California Secretary of State; and **(iii)** to file a copy of the Certificate with the California State Attorney General; and be it

FURTHER RESOLVED, that on commencement of proceedings to wind up the Corporation, the proper officers of this Corporation are further authorized and directed to file Form FTB 3555, Request for Tax Clearance, with the California Franchise Tax Board; and be it

FURTHER RESOLVED, that on the commencement of proceedings to wind up this Corporation, the officers of this Corporation are authorized and directed to prepare and file such other document and take such other action as may be necessary or advisable in connection with the winding up and dissolution of this Corporation; and be it

FURTHER RESOLVED, that on commencement of proceedings to wind up the Corporation, the officers of this Corporation are further authorized and directed to adequately provide for or pay any and all known debts and liabilities of this Corporation; and be it

FURTHER RESOLVED, that the officers of this Corporation are further authorized and instructed to set aside a reserve fund to cover the payment of estimated expenses, taxes, unascertained or contingent liabilities and expenses and costs of winding up, distribution of assets and dissolution; and be it

FURTHER RESOLVED, that following **(i)** the payment of any outstanding debts and liabilities of this Corporation; and **(ii)** the setting aside the amount of the reserve fund, as referenced above, the officers of this Corporation are further authorized and instructed, in accordance with Section 6716 of the California Corporations Code, to distribute the assets of the Corporation, if any, to the order of the Board of Port Commissioners of the Port of Oakland in conformity with this Corporation's Articles of Incorporation; and be it

FURTHER RESOLVED, that in conjunction with the aforementioned resolution, the proper officers of this Corporation are hereby authorized and directed to notify the California State Attorney General's Office to request a waiver of objections to any proposed distribution of assets; and be it

FURTHER RESOLVED, that the President and Secretary of this Corporation are authorized, empowered, and directed to execute and deliver in the name of and on behalf of the Corporation such deeds, assignments, or other instruments of transfer as may be deemed necessary or proper and the officers and directors of this Corporation are hereby authorized, empowered, and directed to do any and all acts and things necessary to carry out, perform, implement, and consummate the above-described distribution and to wind up the corporate affairs and dissolve this Corporation, including, but not limited to, filing a Certificate of Dissolution in accordance with Section 6615 of the California Corporations Code.

EXHIBIT A

PLAN OF COMPLETE LIQUIDATION

PLAN OF COMPLETE LIQUIDATION
OF
PORT OF OAKLAND PUBLIC BENEFIT CORPORATION

The Board of Directors ("Board") and members ("Members") of THE PORT OF OAKLAND PUBLIC BENEFIT CORPORATION, a California nonprofit public benefit corporation ("Corporation"), hereby adopt this Plan of Complete Liquidation (the "Plan") which is intended to and shall operate to carry out the complete liquidation and dissolution of this Corporation, as follows:

RECITALS

A. The Board has, pursuant to that certain Resolution of the Board of Directors of Port of Oakland Public Benefit Corporation to Wind Up and Dissolve approved on October 21, 2003 ("Directors' Action"), deemed it desirable, in the judgment of the Board, and in the best interest of this Corporation, that this Corporation be completely wound up, liquidated and dissolved. In conjunction therewith and pursuant to the Directors' Action, the Board has adopted resolutions electing to wind-up and dissolve this Corporation and adopting this Plan.

B. The Board has submitted the resolutions adopted under the Directors' Action to the Members for their approval and has requested that the Members adopt resolutions electing to wind-up this Corporation and adopt this Plan.

C. The Members of this Corporation have, pursuant to that certain Action by Written Consent of the Members of Port of Oakland Public Benefit Corporation to Wind Up and Dissolve effective October 21, 2003 ("Members' Action"), adopted resolutions approving the complete wind up, liquidation and dissolution of this Corporation in accordance with the terms and provisions of this Plan and adopting this Plan.

NOW THEREFORE, incorporating the Recitals set forth above, the proper officers of this Corporation shall:

1. Execute and file an Election to Wind Up and Dissolve with the California Secretary of State, with a copy to be sent to the California State Attorney General's Office in the form attached hereto as **Exhibit A** and incorporated herein.

2. Execute and file a Request for Tax Clearance with the California Franchise Tax Board in the form attached hereto as **Exhibit B** and incorporated herein.

3. Provide for the payment of all known debts and liabilities, if any, of the Corporation.

4. Establish a fund from remaining assets, if any, to cover estimated expenses related to the winding up and dissolution of the Corporation.

5. Petition the California State Attorney General's Office to issue a waiver of objections to any proposed distribution of assets.

6. Following approval from the State Attorney General's Office and the payment of any outstanding debts and liabilities, and setting aside a reserve amount of funds as described above, transfer, assign and convey the remaining assets, if any, to the order of the Board of Port Commissioners of the Port of Oakland ("Port"), as set forth in the Articles of Incorporation of this Corporation.

7. Execute, endorse and deliver all assignments, powers, deeds, bills of sale and documents of conveyance or other documents necessary to effect the aforesaid transfer, assignment and conveyance to the Port.

8. Subsequent to the conveyance and assumption referenced above, this Corporation shall be dissolved, and, for that purpose, shall cause a Certificate of Dissolution in the form attached hereto as **Exhibit C**, and incorporated herein to be executed, acknowledged and filed in the Office of the Secretary of State of the State of California, in accordance with Section 6615 of the California Corporations Code, and shall take such other action as may be necessary for its wind-up and dissolution.

9. Perform all acts, execute all documents, file all reports, statements, certificates and returns, take all action and enter into all transactions in the name and on behalf of this Corporation, which they shall deem necessary or desirable to wind up the business and affairs of this Corporation and to complete the distribution of all assets and properties of this Corporation to the Port in complete liquidation of this Corporation, subject, however, to the provisions of this Plan.

This Plan may be signed in as many counterparts as may be necessary, each of which so signed shall be deemed to be an original, and such counterparts shall together constitute one and the same instrument.

This Plan has been duly executed by the undersigned members of the Board and the Members of this Corporation as of October 21, 2003.

"BOARD OF DIRECTORS"	**"MEMBERS"**
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

COUNTERPARTS

RESOLVED, that these resolutions may be signed in as many counterparts as may be necessary, each of which so signed shall be deemed to be an original, and such counterparts shall together constitute one and the same instrument.

The foregoing resolutions have been duly taken and adopted by the unanimous written consent of the Board of Directors of this Corporation effective October 21, 2003.

_____	_____
_____	_____
_____	_____
_____	

DIRECTORS

EXHIBIT B

CERTIFICATE OF ELECTION TO WIND UP AND DISSOLVE
PORT OF OAKLAND PUBLIC BENEFIT CORPORATION

_____ and _____ certify that:

1. They are the President and Secretary, respectively, of PORT OF OAKLAND PUBLIC BENEFIT CORPORATION, a California Nonprofit Public Benefit Corporation ("Corporation").

2. The Corporation has elected to wind up and dissolve.

3. The election was made by the Board of Directors together with the vote of a majority of all members of the Corporation voting on the election to dissolve.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this Certificate are true and correct of our own knowledge.

Dated: _____, 2003

_____
_____, President

_____
_____, Secretary

EXHIBIT C

CERTIFICATE OF ELECTION TO WIND UP AND DISSOLVE
PORT OF OAKLAND PUBLIC BENEFIT CORPORATION

_____ and _____ certify that:

1. They are the President and Secretary, respectively, of PORT OF OAKLAND PUBLIC BENEFIT CORPORATION, a California Nonprofit Public Benefit Corporation ("Corporation").

2. The Corporation has elected to wind up and dissolve.

3. The election was made by the Board of Directors together with the vote of a majority of all members of the Corporation voting on the election to dissolve.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this Certificate are true and correct of our own knowledge.

Dated: _____, 2003

_____
_____, President

_____
_____, Secretary

EXHIBIT D

CERTIFICATE OF DISSOLUTION OF PORT OF OAKLAND PUBLIC BENEFIT CORPORATION

_____ certify that:

1. They constitute a majority of the current directors of PORT OF OAKLAND PUBLIC BENEFIT CORPORATION, a California nonprofit public benefit corporation.

2. The corporation's affairs are completely wound up.

3. The corporation's known debts and liabilities have been actually paid.

4. The corporation's known assets have been distributed to the persons entitled thereto.

5. The corporation is dissolved.

We declare under penalty of perjury under the laws of the State of California that the matters set forth in this Certificate are true and correct of our knowledge.

Dated: _____, 2003

By:_____
Name:

By:_____
Name:

By:_____
Name:

By:_____
Name:

By:_____
Name:

By:_____
Name:

By:_____
Name:

DIRECTORS

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
C-1
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03292

RESOLUTION APPROVING AND AUTHORIZING THE DISSOLUTION OF OAKLAND PORTSIDE ASSOCIATES AND PORT OF OAKLAND PUBLIC BENEFIT CORPORATION.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves adoption of a plan to dissolve **OAKLAND PORTSIDE ASSOCIATES,** a California limited partnership and the **PORT OF OAKLAND PUBLIC BENEFIT CORPORATION,** as more fully set forth in Agenda Sheet Item No. C-1, dated October 21, 2003; and be

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
Item No.: M-1
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03293

RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER TO CONTRACT WITH STACY & WITBECK, INC., FOR CONSTRUCTION OF STORAGE TRACK, COMPRESSED AIR SYSTEM, AND MISCELLANEOUS IMPROVEMENTS TO JOINT INTERMODAL TERMINAL, VISION 2000, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves an additive change order to **Stacy & Witbeck, Inc.**, under the contract for the **Construction of Storage Track, Compressed Air System, and Miscellaneous Improvements to the Joint Intermodal Terminal, Vision 2000, Oakland, California** for completion of the remaining work not yet under the construction contract, and for the railroad grade crossing and warning system needed for the Berths 57/59 lead track, in the amount of $2,156,040, based on negotiated lump sun and unit prices, consistent with Board Agenda Sheet Item No. M-1, dated October 21, 2003, (the "Agenda Sheet"), provided, however, that said change order shall be in a form prepared by the Port Attorney and shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the work required by this change order will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that the work associated with constructing improvements in the Joint Intermodal Terminal was addressed in the Joint Intermodal Terminal Environment Impact Report certified by the Board on June 15, 1999; and development of the area behind Berth 59 for marine terminal uses was addressed in the Berth 55/58 Environmental Impact Report certified by the Board on April 20, 1999.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
Item No.: M-2
TDC:aaa

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03294

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST SUPPLEMENTAL AGREEMENT WITH BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY FOR CONSTRUCTION AND FUNDING OF IMPROVEMENTS TO THE JOINT INTERMODAL TERMINAL ("JIT").

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of a First Supplemental Agreement to the December 18, 2001, Joint Intermodal Terminal Facility Lease Agreement between the City of Oakland, acting by and through its Board of Port Commissioners ("Port"), and **BURLINGTON NORTHERN SANTA FE RAILROAD**, a Delaware corporation ("BNSF"), as Tenant, for the Port to fund and construct additional improvements to the Port-owned Joint Intermodal Terminal in exchange for an increase in the "Breakpoint" number of container movements into or out of the Premises, after which the charge for movement decreases from $25.00 to $10.00, all as more specifically described in Agenda Sheet Item No. M-2 dated October 21, 2003;

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract, agreement 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 said agreement in accordance with the terms of this resolution. 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, there shall be no valid or effective agreement.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
Item No.: O-1
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03295

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR FURNISHING MAINTENANCE AND ON-CALL SERVICE FOR VARIOUS ELEVATORS, ESCALATORS AND MOVING WALKWAYS AT PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JANUARY 1, 2004 AND ENDING DECEMBER 31, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Sheet Item No. O-1, dated October 21, 2003 (herein "Agenda Sheet"), for **Furnishing Maintenance and On-Call Service for Various Elevators, Escalators and Moving Walkways for the Period Commencing January 1, 2004 and Ending December 31, 2004, 2005 or 2006, Oakland, California** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to November 26, 2003, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project is not a "major maintenance" project within the meaning of the Port of Oakland Maritime and Aviation Project Labor Agreement ("MAPLA")and will not be covered by the provisions of ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (a, c, d and f), which exempts the repair and maintenance of existing structures or equipment involving negligible or no expansion of an existing use.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
S-1
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03296

RESOLUTION APPROVING BUILDING PERMIT WITH MURPHY'S INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **MURPHY'S INC.**, for permission to perform certain work located at 7727 Oakport Street, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $70,000 said work and the conditions of Port approval being the following:

1) Installation of one (1) new monument sign at the front of the property;

2) Installation of concrete mixing equipment for rental;

3) Related electrical work;

4) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant Class 11 to Guidelines Section 15311; and be it

FURTHER RESOLVED that 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.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
S-2
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03297

RESOLUTION APPROVING BUILDING PERMIT WITH BAYAIR, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **BAYAIR INC.**, for permission to perform certain work located at 7843 Earhart Road, Hangar 8, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $150,000 said work and the conditions of Port approval being the following:

1) Construction of interim facility for "Million Air" FBO;

2) Installation of a new modular building;

3) Related electrical work;

4) Alteration and addition to the fencing on their leased site to create a tenant-secured area and secure the existing parking lot;

5) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant Class 3(c), (d) and (e) to Guidelines Section 15303; and be it

FURTHER RESOLVED that 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.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

10/21/03
S-3
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03298

RESOLUTION APPROVING BUILDING PERMIT WITH JETBLUE AIRWAYS CORPORATION.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **JETBLUE AIRWAYS CORPORATION**, for permission to perform certain work located at 1 Airport Drive (M103), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $25,000 said work and the conditions of Port approval being the following:

1) Remodel existing office space on the lower level;

2) Installation of a new partition wall with a door, new counters and furnishings;

3) Relocation of an existing door, electrical and phone outlets;

4) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant Class 1(a) to Guidelines Section 15301; and be it

FURTHER RESOLVED that 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.

At a regular meeting held October 21, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
A-2
TDC:mj JNC

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03299

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH EVERGREEN AVIATION GROUND LOGISTICS ENTERPRISES, INC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Aviation to execute for and on behalf of the Board a certain License and Concession Agreement between the Port and **EVERGREEN AVIATION GROUND LOGISTICS ENTERPRISES, INC.** for continued access to the South Airport, Oakland, California, to transport freight for the United States Postal Service's S-Net contract, at the rate proposed and as otherwise described in Agenda sheet Item No. A-2, dated November 4, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant Article 19 of Guidelines Section 15300.4 and to Class 1 of Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/04
Item No.: A-3
PBH/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03300

RESOLUTION AUTHORIZING EXECUTION OF A LICENSE AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION ("TSA") FOR REIMBURSEMENT OF JANITORIAL AND MAINTENANCE SERVICES.

RESOLVED that the Board of Port Commissioners ("Board") hereby consents to a license agreement, or other form of agreement, for reimbursement from **TSA** for the cost of the janitorial and maintenance services at Oakland International Airport in the approximate amounts or such other amounts as may be agreed upon, as more fully set forth in Agenda Sheet Item No. A-3 dated November 4, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically except from requirements of the Public Resources Code Section 21080(b)(4), California Environmental Quality Act Guidelines ("CEQA"), Article 18, Statutory Exemptions, Section 15269(c), and CEQA Section 15301(p), Class 1; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
Item No.: A4
RCM/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03301

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO WAIVE COMPETITIVE BIDDING AND TO PROCURE AN INTERACTIVE EMPLOYEE COMPUTER-BASED TRAINING PROGRAM ON THE OPEN MARKET FROM AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES.

RESOLVED that the Board of Port Commissioners ("Board") does hereby find and determine that it is in the best interest of the Port to waive competitive bidding for the procurement of an interactive employee computer-based training program, as more fully described in that certain Board of Port Commissioners Agenda Sheet Item No. A-4, dated November 4, 2003; and be it

FURTHER RESOLVED that this Board authorizes the Executive Director or his or her designee to negotiate for said procurement on the open market with American Association of Airport Executives and enter into a contract for same provided that the amount of said procurement does not exceed $205,000; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
Item No.: A5
RCM/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03302

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO AMEND OR AWARD CONTRACTS FOR THE MULTI-USER SYSTEM EQUIPMENT ("MUSE") EXPANSION PROJECT WITHOUT COMPETITIVE BIDDING, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF CONTRACTS, INCLUDING SUPPLEMENTAL AGREEMENTS AMENDING CONTRACTS AS APPROPRIATE, UPON RECEIPT OF INFORMAL PROPOSALS.

WHEREAS by Resolution No. 02062, adopted by the Board of Port Commissioners (the "Board") on March 5, 2002, the Board authorized, among other things, accomplishment of **Design, Installation and Maintenance of the Expansion of the Common Use Terminal Equipment System, South Airport, Terminal 1, and Expansion of the Flight Information Display System at Both Terminals, Oakland International Airport, Oakland, California**, without competitive bidding, waiving competitive bidding and authorizing the Executive Director to negotiate and execute contracts, including purchase order agreements with any parties based upon the receipt of informal proposals; and

WHEREAS it is desirable at this time to revise the procurement methods for the MUSE Expansion Project authorized by the Board pursuant to Resolution No. 01062, as more fully described in Board Agenda Sheet Item No. A-5, dated November 4, 2003, ("Agenda Sheet") for reasons set forth therein; now, therefore, be it

RESOLVED that, based upon information in the Agenda Sheet, this Board does hereby find and determine that it is in the best interest of the Port to revise the scope of work for equipment and services to be furnished by ARINC, Inc., rescinds the authority to contract with ARINC, Inc., pursuant to Resolution No. 01062, and does hereby authorize the Executive Director or his or her designee to

negotiate and enter a contract or purchase order agreement with ARINC, Inc., for equipment and services as described in the Agenda Sheet, provided that the total amount of work thereunder does not exceed $415,061; and be it

FURTHER RESOLVED that, based upon information in the Agenda Sheet, the Board finds and determines that it is in the best interest of the Port to revise the scope of work for equipment and services proposed to be performed by Endymion Systems, Inc., and authorizes the Executive Director or his or her designee to negotiate and enter into a supplemental agreement with Endymion Systems, Inc., for additional work as described in the Agenda Sheet for an amount not to exceed $86,400; and be it

FURTHER RESOLVED that, based upon information in the Agenda Sheet, the Board finds and determines it is in the best interest of the Port to procure other equipment and services as described in the Agenda Sheet without competitive bidding and authorizes the Executive Director or his or her designee to negotiate on the open market and enter contracts for equipment and services upon receipt of informal proposals, provided that the total amount of work awarded to all parties thereby shall not exceed $500,000; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

November 4, 2003
A-7
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03303

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH CARTER-BURGESS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02223, adopted by the Board of Port Commissioners (the "Board") on July 16, 2002, the Board authorized an Agreement with **CARTER-BURGESS, INC.**, for consulting services with respect to architectural and engineering professional services agreement in connection with the Terminal 2 Concourse Extension Project (T2X); and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-7, dated November 4, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **CARTER-BURGESS, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CARTER-BURGESS, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CARTER-BURGESS, INC.** shall be compensated

for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$392,600** unless additional work up to an additional amount of **$230,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

November 4, 2003
A-8
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03304

RESOLUTION AUTHORIZING AN INCREASE IN THE EXECUTIVE DIRECTOR'S AUTHORITY TO APPROVE ADDITIONAL COMPENSATION FOR ADDITIONAL SCOPE OF WORK.

WHEREAS by Resolution No. 02224 adopted by the Board of Port Commissioners (the "Board") on August 2, 2002, the Board authorized an Agreement with **MWM/YHLA, a joint venture**, for consulting services with respect to architectural and engineering professional services; and

WHEREAS it is desirable at this time to increase the contingency fee that the Executive Director of the Port may authorize to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-8, dated November 4, 2003 (herein the "Agenda Sheet"); and be it

RESOLVED that the Board of Port Commissioners hereby authorizes the Executive Director to approve upon terms and conditions consistent with the Agenda Sheet additional contingency not to exceed **$300,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
Item No.: A9
MH/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03305

RESOLUTION CERTIFYING AND ADOPTING THE ADEQUACY OF THE INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION FOR THE INTERIM CONTAMINANT SOURCE REDUCTION PROJECT TANK FARM S PROJECT, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM AND AUTHORIZING CERTAIN RELATED PERMIT APPLICATIONS AND AGREEMENTS.

RESOLVED that the Board of Port Commissioners ("Board") hereby certifies that it has considered the Initial Study and proposed Mitigated Negative Declaration, together with the public comments and the Port's responses thereto, for the project entitled **"INTERIM CONTAMINANT SOURCE REDUCTION PROJECT TANK FARM S, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA"** (said matters considered being herein collectively referred to as the "Initial Study/Mitigated Negative Declaration" or the "Project"); and be it

FURTHER RESOLVED that the Board has considered whether the Project will result in a safety hazard or noise problem for persons using the Airport or for persons residing or working in the Project area and the Board hereby finds and determines that the Project will not result in such safety hazard or noise problem; and be it

FURTHER RESOLVED that the Board hereby adopts the reporting or monitoring program for the changes made to the Project or conditions of Project approval, as said program is identified in Agenda Sheet Item No. A-9, dated November 4, 2003 ("Agenda Sheet"), in order to avoid significant effects on the environment; and be it

FURTHER RESOLVED that on the basis of the whole record before it, including the Initial Study/Mitigated Negative Declaration and the comments received thereon and the Port's responses thereto, the Board hereby finds that there is no substantial evidence that said Project will have a significant effect on the environment; and be it

FURTHER RESOLVED that on the basis of the Board's finding that there is no substantial evidence that said Project will have a significant effect on the environment, the Board hereby approves and adopts the Mitigated Negative Declaration; and be it

FURTHER RESOLVED that the Board hereby finds that the Mitigated Negative Declaration reflects the independent judgment of the Board; and be it

FURTHER RESOLVED that the location and custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based respectively are 530 Water Street, Oakland, California, and the Secretary of the Board; and be it

FURTHER RESOLVED that the Board approves the Project as described in the Mitigated Negative Declaration/Initial Study for the Project and as further described in said Agenda Sheet; and be it

FURTHER RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by Oakland Fuel Facilities Corporation for permission to perform certain work located at Tank Farm S, Oakland International Airport, Oakland, California, the Board hereby approves same subject to said representations and certifications at the rate proposed and as otherwise described in the Agenda Sheet; and be it

FURTHER RESOLVED that the Board approves implementation of the Project; and be it

FURTHER RESOLVED that the Board authorizes the Director of Engineering to apply for permits from the Regional Water Quality Control Board, the U.S. Army Corps of Engineers and any other agency having permitting authority over the Project, and to enter into agreements with those agencies to implement the Project. All such agreements, before becoming binding on the Port of Oakland, shall be reviewed and approved as to form and legality by the Port Attorney.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/04/03
Item No.: M-2
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03306

RESOLUTION GRANTING AUTHORIZATION TO INCLUDE DEMOLITION OF TRANSLOAD WAREHOUSE BUILDING D-854 AND RAILROAD SPUR, MIDDLE HARBOR, OAKLAND, CALIFORNIA, IN THE SMALL BUSINESS PROGRAM, FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR SUCH WORK WITHOUT LOWEST-SEALED BID PROCEDURES; AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City, and be it

RESOLVED that the Director of Engineering or his designee is authorized to approve the plans and specifications for said projects in advance of construction, pursuant to Government Code Section 830.6; and be it

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. M-2, dated November 4, 2003 (herein the "Agenda Sheet"), the Board of Port Commissioners ("Board") hereby finds and determines that the Port's Small Business Utilization Program encourages small contractors to develop the capacity to perform public works contracts on a competitive basis, thereby increasing the pool of competitive contractors for future Port contracts; and therefore it is in the best interest of the Port to accomplish to accomplish the **Demolition of Transload Warehouse Building D-854 and Railroad Spur, Middle Harbor, Oakland, California,** without lowest-sealed bid procedures and that said lowest-sealed bid procedures are hereby waived; and be it

FURTHER RESOLVED that the Board authorizes that the **Demolition of Transload Warehouse Building D-854 and Railroad Spur, Middle Harbor,**

Oakland, California, be included in the Small Business Program; and be it;

FURTHER RESOLVED that the Board hereby approves and authorizes the execution for and on behalf of the Board of a contract with a local small contractor, for **Demolition of Transload Warehouse Building D-854 and Railroad Spur, Middle Harbor, Oakland, California,** based upon the receipt of informal proposals, provided, that if the Executive Director determines that no acceptable proposal has been received from a local small contractor then said contract may be made with any qualified contractor based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA") but will be exempt from the provisions of the (MAPLA) if a contract is awarded to a local small contractor that is eligible for exemption under the program established by MAPLA's Appendix "G"-Letter of Understanding re: Small Business Utilization Program; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code shall be provided by the Contractor as prescribed by the applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this proposed demolition of the Unicold building and rail track and the associated CEQA determinations, as outlined in the Agenda Sheet, are consistent with the Board's previous CEQA action when approving the No-Exclusive Preferential Assignment with America President Lines (APL) on February 2, 2002; and be it

FURTHER RESOLVED that pursuant to Port Ordinance 1606, Section 22, the Board finds and determines it to be in the Port's best interest to delegate to the Executive Director, and hereby delegates to the Executive Director, the authority to finally resolve bid protests in connection with this project; and be it

FURTHER RESOLVED that 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 grant agreement in

accordance with the terms of this resolution. Unless and until a separate written grant agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective grant agreement.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

November 4, 2003
M-3
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03307

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO SOLICIT PROPOSALS FOR MANAGEMENT SERVICES OF THE TURNKEY OPERATION OF UTILITY SYSTEMS AT THE FORMER OAKLAND ARMY BASE, BASED ON RECEIPT OF RESPONSIVE PROPOSALS AND AUTHORIZING EXECUTION OF A CONTRACT TO EXTEND SERVICES FROM J. A. JONES MANAGEMENT SERVICES.

FURTHER RESOLVED that based upon the information contained in Board Agenda Sheet Item No. M-3, dated November 4, 2003 (herein "Agenda Sheet"), the Board hereby finds and determines that it is in the best interest of the Port to solicit proposals and dispense with standard bidding procedures for the management services of the turnkey operation of the utility systems at the former Oakland Army Base for the period commencing January 1, 2004 and ending December 31, 2004, 2005 or 2006, subject to options included in such contract; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute for and on behalf of the Board of a contract for such management services, based upon the receipt and evaluation of responsive proposals and resolve any proposal protests as authorized by Port Ordinance No. 1606; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the Executive Director to negotiate an extension of the current contract with J. A. Jones Management Services for the period commencing January 1, 2004 and ending March 31, 2004; and be it

November 4, 2003
M-3
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

FURTHER RESOLVED that 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 grant agreement in accordance with the terms of this resolution. Unless and until a separate written grant agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective grant agreement.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

November 4, 2003
M-4
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03308

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH EVS ENVIRONMENT CONSULTANTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS the Board authorized an Agreement with **EVS ENVIRONMENT CONSULTANTS**, dated February 6, 2001, for consulting services with respect to on-call sediment and water testing consulting services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. M-4, dated November 4, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **EVS ENVIRONMENT CONSULTANTS** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **EVS ENVIRONMENT CONSULTANTS** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **EVS ENVIRONMENT CONSULTANTS** shall be compensated for such services including costs of miscellaneous reimbursable

expenses at a maximum compensation that shall not exceed an additional $75,000; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
Item No.: M-5
RCM/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03309

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH STATE OF CALIFORNIA, RESOURCE AGENCY DEPARTMENT OF CONSERVATION, DIVISION OF MINES AND GEOLOGY, OFFICE OF STRONG MOTION STUDIES ("CSMIP") ESTABLISHING A SEISMIC MONITORING PROGRAM; FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PROCURE SEISMIC MONITORING EQUIPMENT WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT ON THE OPEN MARKET FOR SAID PROCUREMENT.

RESOLVED that, based upon information in Board Agenda Item M-5, dated November 4, 2003 ("Agenda Sheet"), the Board of Port Commissioners ("Board") does hereby authorize the execution of an agreement with CSMIP establishing a seismic monitoring program for Berths 55 through 63 and the roles and responsibilities of CSMIP and the Port with respect to said program; and be it

FURTHER RESOLVED that this Board does hereby find and determine that it is in the best interest of the Port to procure seismic monitoring equipment for Berths 55-56 without competitive bidding; and be it

FURTHER RESOLVED that this Board does hereby authorize the Executive Director or his designee to enter into a contract or execute a purchase order agreement for said procurement, including installation of sensors and ancillary hardware to monitor seismic activity at Berths 55/56, with a qualified vendor from among those that have provided a quote to the Port as described on the Agenda Sheet, based on Port calculation of local preference points, provided that the amount for said procurement shall not exceed the lesser of the quoted price of the vendor as described in said Agenda Sheet or $62,888.65; and be it

FURTHER RESOLVED that if the Executive Director is unable to negotiate a contract with the first selected vendor, he is hereby authorized to negotiate and execute a contract for such procurement with the next selected vendor in order of local preference points from among those who have provided quotes to the Port as described in the Agenda Sheet or if unable to negotiate a contract with any of said vendors then with a vendor selected on the open market based upon the receipt of informal proposals; and be it

FURTHER RESOLVED that this Board authorizes the Executive Director to approve up to an additional amount of $15,000 for change order work, as described in the Agenda Sheet; and be it

FURTHER RESOLVED that 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 agreements in accordance with the terms of this resolution. For each contracting party, 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 the other contracting party, there shall be no valid or effective agreement.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

November 4, 2003
O-1
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03310

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH FATIMA KASSAM FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 03033, adopted by the Board of Port Commissioners (the "Board") on February 4, 2003, the Board authorized an Agreement with **FATIMA KASSAM**, for consulting services with respect to Government affairs consulting services; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. O-1, dated November 4, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **FATIMA KASSAM** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **FATIMA KASSAM** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **FATIMA KASSAM** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$36,000**; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

November 4, 2003
O-2
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03311

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH PATTON BOGGS, L.L.P. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS the Board authorized an Agreement with **PATTON BOGGS, L.L.P.**, on December 1, 2001, for consulting services with respect to federal legislative consultation and advocacy; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. O-2, dated November 4, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **PATTON BOGGS, L.L.P.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **PATTON BOGGS, L.L.P.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **PATTON BOGGS, L.L.P.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$183,000** for the first year, subject to a one-year extension with the aforesaid maximum compensation increased by a cost-of-living adjustment, such extension and increase in compensation to be approved by the Executive Director, all in accordance with the provisions of the Agenda Sheet; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
0-3
MCP:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03312

RESOLUTION APPROVING THE REDESIGNATION OF THE DISADVANTAGED BUSINESS ENTERPRISE LIAISON OFFICER.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 0-3 dated November 4, 2003, the Board of Port Commissioners hereby approves the redesignation of the Disadvantaged Business Enterprise Liaison Officer to the Port's Director of Social Responsibility.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/04
Item No.: O-4
RCM/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03313

RESOLUTION AUTHORIZING AMENDMENT OF THE NON-DISCRIMINATION AND SMALL/LOCAL BUSINESS UTILIZATION POLICY TO SUBSTITUTE DIRECTOR OF SOCIAL RESPONSIBILITY FOR EQUAL OPPORTUNITY OFFICER AND SOCIAL RESPONSIBILITY DIVISION FOR OFFICE OF EQUAL OPPORTUNITY, RESPECTIVELY, WHERE INDICATED THROUGHOUT SAID POLICY.

RESOLVED that the Board of Port Commissioners hereby approves the amendment of the Non-Discrimination and Small/Local Business Utilization Policy, by substituting Director of Social Responsibility, including his/her delegate, for Equal Opportunity Officer, and Social Responsibility Division for Office of Equal Opportunity, respectively, where indicated throughout said Policy and as more fully described in Agenda Sheet Item No. O-4 dated November 4, 2003.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
Item No.: 05
PBH/lhr

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03314

RESOLUTION AUTHORIZING AND APPROVING A LIMITED OPEN ACCOUNT WITH CERTAIN VENDORS AND FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO DISPENSE WITH STANDARD BIDDING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CERTAIN CONTRACTS FOR SAME.

RESOLVED that the Board of Port Commissioners ("Board") does hereby find and determine that it is in the best interest of the Port to waive competitive bidding and to procure on the open market from vendors identified on that certain Agenda Sheet Item No. 0-5, dated November 4, 2003, (hereinafter "Agenda Sheet") for such goods or services and not to exceed the maximum amounts as set forth in said Agenda Sheet; and be it

FURTHER RESOLVED that this Board authorizes the Executive Director or his or her designee to negotiate and enter into contracts for the procurement of same; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/04/03
Item No.: O-6
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03315

RESOLUTION APPROVING AND AUTHORIZING INCREASE IN EXPENDITURE LIMITS FOR FURNISHING LABOR, MATERIALS AND EQUIPMENT OR PAVING, GRADING AND ASSOCIATED GENERAL CONTRACTOR SERVICES FOR THE PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING DECEMBER 1, 2002 AND ENDING DECEMBER 31, 2003, 2004, OR 2005, OAKLAND, CALIFORNIA (NON-SBE CONTRACTS ONLY).

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. O-6, dated November 4, 2003 (herein the "Agenda Sheet"), the Board hereby finds and determines that it is in the best interest of the Port to increase the expenditure limit from $3,000,000.00 to $7,500,000.00 for the Non-SBE contracts for **Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor Services for Port of Oakland Facilities for the Period Commencing December 1, 2002 and Ending December 31, 2003, 2004, or 2005, Oakland, California**; and be it

FURTHER RESOLVED that the projects listed on the Agenda Sheet will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), with the exception of the work done by the SBE contractor; and be it

FURTHER RESOLVED that the Board hereby finds and determines that the projects already identified and listed on the Agenda Sheet have been reviewed, and Notices filed pursuant to the California Environmental Quality Act (CEQA), as summarized therein; projects for which Notices will be filed after this action before the Board are additionally indicated therein.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
S-1
TDC:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03316

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY AIR TERMINAL SERVICES, INCORPORATED.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **AIR TERMINAL SERVICES, INCORPORATED** ("tenant"), for permission to perform certain work at 1 Airport Drive (M103), Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $47,000, said work and the conditions of Port approval being the following:

1) Remodel existing restaurant space;

2) Rearrangement of counters and equipment;

3) Installation of new sign;

4) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant Class 1(a) to Guidelines Section 15301; and be it

FURTHER RESOLVED that (a) neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to tenant under any agreement between the Port and tenant or with respect to any obligation of tenant, or (ii) releases tenant from any obligation with respect to said work or with respect to any agreement between the Port and tenant and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

11/4/03
S-2
TDC:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03317

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY CLEAR CHANNEL OUTDOOR, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **CLEAR CHANNEL OUTDOOR, INC.** (formerly called "Eller Media Company" and herein referred to as "tenant"), for permission to perform certain work at a site near Bay Bridge Toll Plaza, at Burma Road, Oakland, California, which work tenant completed approximately January 1, 2000, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $200,000, said work and the conditions of Port approval being the following:

1) Alteration of the previously existing billboard to install "tri-vision" technology;

2) Replacement of the previously existing static sign board with a tri-vision system board;

3) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant Class 1 of Guidelines Section 15301(p), Class 3 of Guidelines Section 15303 and Class 11 of Guidelines Section 15311(a); and be it

FURTHER RESOLVED that (a) neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to tenant under any agreement between the Port and tenant or with respect to any obligation of tenant, or (ii) releases tenant from any obligation with respect to said work or with respect to any agreement between the Port and tenant and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

At a regular meeting held November 4, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

December 2, 2003
Item No.:Closed Session
CHA/LST

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03318

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT(s) CONCERNING THE CLAIMS OF OLIVER DESILVA, INC., DBA GALLAGHER & BURK, INC. ("G&B"), REGARDING CONSTRUCTION OF (A) THE JOINT INTERMODAL TERMINAL; (B) 7TH STREET REALIGNMENT AND CONSTRUCTION OF THE NEW ROAD; AND (C) DOOLITTLE DRIVE/AIRPORT DRIVE INTERCHANGE.

RESOLVED that the Board of Port Commissioners ("Port") hereby approves and authorizes the execution for and on behalf of the Board a settlement agreement with Oliver DeSilva, Inc. dba Gallagher & Burk, Inc. ("G&B"), concerning claims arising from the construction of the Joint Intermodal Terminal which will result in the payment of the outstanding contract balance, including release of retention and escrow, subject to an agreed credit of $150,000 against the contract balance, in exchange for a waiver and release of claims; and be it

RESOLVED that the Board of Port Commissioners ("Port") hereby approves and authorizes the execution for and on behalf of the Board a settlement agreement with Oliver DeSilva, Inc. dba Gallagher & Burk, Inc. ("G&B"), concerning claims arising from the construction of the 7th Street Realignment and New Road which will result in the payment of outstanding contract balance, including release of retention and escrow, subject to any credits due under the contract, and an additional payment of $250,000, in exchange for a waiver and release of claims; and be it

RESOLVED that the Board of Port Commissioners ("Port") hereby approves and authorizes the execution for and on behalf of the Board a settlement agreement with Oliver DeSilva, Inc. dba Gallagher & Burk, Inc. and R&L Brosamer, Joint Venture, ("G&B"), concerning claims arising from the construction of the Doolittle Drive/Airport Drive Interchange which will result in the payment of the outstanding contract balance, including release of retention and escrow, subject to any credits due under the contract, and an additional payment of $1,435,000, in exchange for a waiver and release of claims; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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 the other contracting parties, there shall be no valid or effective agreement.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
MH/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03319

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN EXTENSION OF TOLLING AGREEMENT WITH CHEVRON USA, INC. ("CHEVRON"), CONCERNING CONTAMINATED SOIL AT THE NORTH FIELD TANK FARM AT THE METROPOLITAN OAKLAND INTERNATIONAL AIRPORT ("AIRPORT").

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute the Extension of Tolling Agreement with Chevron, tolling any applicable statute of limitations period or laches defense from December 31, 2003, until December 31, 2006, concerning environmental contamination at the North Field Tank Farm at the Airport; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation of liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/02/03
JEA/lhr

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03320

RESOLUTION COMPROMISING AND SETTLING CLAIMS AND AUTHORIZING EXECUTION OF STIPULATED SETTLEMENT.

WHEREAS, GENNISE KILGORE has pending as Case No. OAK 0277132 as application for adjudication of claim filed before the Workers' Compensation Appeals Board alleging injuries she sustained arising out of and in the course of employment and seeking compensation therefor; and

WHEREAS, a dispute has arisen between the Port and GENNISE KILGORE regarding the extent of injuries arising out of and in the course of employment and the extent and amount of permanent disability indemnity which may be payable; and

WHEREAS, GENNISE KILGORE has offered to accept the sum of $21,420.00, less legally chargeable credits and reserving future medical treatment, in compromise and full satisfaction of said workers' compensation claims for permanent disability arising out of and in the course of her employment by the Port; and

WHEREAS, this Board does find that it is in the best interest of the Port to compromise and settle said claims and Workers' Compensation Appeals Board proceedings upon said basis for the total sum of $21,420.00, less legally chargeable credits and reserving future medical treatment, respecting workers' compensation benefits from which sum GENNISE KILGORE agrees to pay her attorney's fees; now, therefore, be it

RESOLVED that the Port Attorney be and he hereby is authorized to compromise and settle said claim for workers' compensation benefits as Case No. OAK 0277132 now pending before the Workers'

12/02/03
JEA/lhr

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

Compensation Appeals Board by paying to GENNISE KILGORE the sum of $21,420.00, less legally chargeable credits and reserving future medical treatment, and further to enter into a stipulated agreement on said basis, and the Port Attorney is hereby authorized to execute any and all necessary agreements to effect this compromise and settlement.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
Item No.: A-2
PBH/PS PBH

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03321

RESOLUTION AUTHORIZING EXCLUSIVE NEGOTIATIONS WITH FOSTER INTERSTATE MEDIA, INC. FOR THE RIGHT TO INSTALL AND MAINTAIN CERTAIN OUTDOOR ADVERTISING DISPLAYS AT THE OAKLAND INTERNATIONAL AIRPORT

RESOLVED that the Board of Port Commissioners ("Board") hereby authorizes exclusive negotiations with Foster Interstate Media, Inc. ("Foster") for the right to install and maintain outdoor advertising displays at the Oakland International Airport as set forth in Board Agenda Report Item No. A-2, dated December 2, 2003, provided, however, that any contract or agreement between the Port and Foster shall require subsequent Board approval; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Katzoff, Kiang, Kramer and Vice President Scates - 5

Noes: None

Recused: Commissioner Batarse and President Protopappas - 2

Absent: None

12/02/03
Item No.: A-3
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03322

RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF ASPHALT CONCRETE OVERLAY OF TAXIWAY A, EAST OF TAXIWAY B, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, A.I.P. 3-06-0170-29 TO O.C. JONES & SONS, INC., FOR THE AMOUNT OF $454,310, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

FURTHER RESOLVED the Board of Port Commissioners, awards the contract for **Construction of Asphalt Concrete Overlay of Taxiway A, East of Taxiway B, North Field, Oakland International Airport, Oakland, California, A.I.P. 3-06-0170-29**, to **O.C. Jones & Sons, Inc., a California** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bids received October 8, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $454,310.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $454,310.00 shall be provided by the Contractor(s) as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however, that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"), and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7
Noes: None

Absent: None

12/02/03
Item No.: A-4
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03323

RESOLUTION APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDERS IN THE AMOUNT OF $170,000 FOR CONTRACT WITH GALLAGHER & BURK, INC., FOR THE OVERLAY OF TAXIWAY C, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA FOR DISPOSAL OF UNSUITABLE MATERIAL AND ADDITIONAL GRINDING OF EXISTING PAVEMENT.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves and ratifies two additive change orders to **Gallagher & Burk, Inc.,** under the contract for the **Overlay and Extension of Taxiway C, North Field, Oakland International Airport, Oakland, California** for 1) the additional pavement grinding at various locations within the project limits, in the amount of $135,000.00, and 2) for the disposal of unsuitable material generated during drainage excavation work, in the amount of $35,000.00, for a total amount of $170,000.00, consistent with Board Agenda Report Item No. A-4, dated December 2, 2003, (the "Agenda Report"), provided, however, that said change orders shall be in a form prepared by the Port Attorney and shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the work required by these change orders will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA").

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

December 2, 2003
Item No.: A-5
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03324

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CARTER & BURGESS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. **A-5**, dated **December 2, 2003** (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with **CARTER & BURGESS, INC.** for **engineering services in connection with the reconstruction of East Apron - Phase 1, South Field, Oakland International Airport** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CARTER & BURGESS, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CARTER & BURGESS, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed **$225,000**, unless additional work up to an additional amount of **$50,000** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/02/03
Item No.: A-6
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03325

RESOLUTION AUTHORIZING NEGOTIATION OF EXTENSION OF EXISTING CONTRACT WITH C.E. HARRIS, INCORPORATED DOING BUSINESS AS HARRIS ELECTRIC FOR FURNISHING SERVICE AND MAINTENANCE FOR PASSENGER LOADING BRIDGES FOR THE PERIOD COMMENCING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2003, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, IN THE AMOUNT OF $262,000.

RESOLVED that based upon the information contained in Board Agenda Report Sheet Item No. A-6, dated December 2, 2003 (herein the "Agenda Report") the Board of Port Commissioners hereby approves and authorizes the Executive Director to negotiate and execute for and on behalf of the Board an extension to the current contract with **C.E. Harris, Incorporated, doing business as Harris Electric** for **Furnishing Maintenance and Service for Passenger Loading Bridges for the Period Commencing January 1, 2003 and Ending December 31, 2003, South Field, Oakland International Airport, Oakland, California,** through June 30, 2004, in the amount of $262,000; and be it

FURTHER RESOLVED that this project will not be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, which exempts the maintenance of existing facilities involving no expansion of use beyond that previously existing; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of one hundred percent (100%), and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code in the

amount of one hundred percent (100%) of the final contract price(s), as negotiated, shall be provided by the Contractor(s) as prescribed by the applicable laws and regulations and the contract specifications; and be it;

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitled 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 an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement(s).

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
Item No. C-1
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03326

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR ACQUISITION OF GROUND LEASE INTERESTS WITH JACK LONDON SQUARE PARTNERS, LLC.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board that certain **First Amendment to the Amended and Restated Agreement for Acquisition of Ground Lease Interests** with **JACK LONDON SQUARE PARTNERS, LLC**, a Delaware limited liability company, for the Jack London Square Phase II project, in order for the Port to contribute to the Developer's predevelopment expenses, as more fully described in Agenda Report Item C-1, dated December 2, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15061(b)(3); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party or parties, there shall be no valid or effective agreement.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

December 2, 2003
Item No.: M-2
RCM

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03327

RESOLUTION FINDING AND DETERMINING THAT CONTRACTS FOR PEER REVIEW CONSULTING SERVICES CONSTITUTE PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF CONTRACTS, INCLUDING SUPPLEMENTAL AGREEMENTS AMENDING CONTRACTS AS APPROPRIATE WITH MOFFATT & NICHOL, HAN PADRON ASSOCIATES, DOWLING/KORVE, CH2MHILL AND HDR ENGINEERING.

RESOLVED that based upon the information contained in Board Agenda Report Item M-2, dated December 2, 2003 ("Agenda Report"), the Board of Port Commissioners ("Board") hereby finds and determines that contracts with MOFFATT & NICHOL, HAN PADRON ASSOCIATES, DOWLING/KORVE, CH2MHILL and HDR ENGINEERING for peer review consulting services for the Maritime Development Program constitute agreements for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to retain said consultants to perform said services without competitive bidding; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the execution for and on behalf of the Board of contracts, including supplemental agreements, to retain said consultants for such services for a total combined cost not to exceed $150,000, including costs for miscellaneous reimbursable expenses, (including payments made under Port Purchase Orders); and be it

FURTHER RESOLVED that 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 separate agreements with each party referenced above in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as

authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, respectively, there shall be no valid or effective agreement with said party.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

December 2, 2003
Item No.: M-3
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03328

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH CH2MHILL FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution Nos. 99370 and 99376, adopted by the Board of Port Commissioners (the "Board") on August 31, 1999, the Board authorized an Agreement with **CH2MHILL**, for consulting services with respect to engineering services in connection with the Wharf and Embankment Strengthening Program (WESP), Berths 23-26 and 30; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. M-3, dated December 2, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed First Supplemental Agreement with **CH2MHILL** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CH2MHILL** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CH2MHILL** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional $1,100,000; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
Item No.: M-4
TDC:aaa

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03329

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED MISCELLANEOUS WORK AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT ("EBMUD") FOR WATER SYSTEM PLANNING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Report Item No. M-4 dated December 2, 2003 (herein the "Agenda Report"), the Board of Port Commissioners hereby finds and determines that the proposed Miscellaneous Work Agreement ("Agreement") with EBMUD for water system planning services in the maritime development area will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from EBMUD without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Agreement, upon terms and conditions consistent with the Agenda Report and providing that EBMUD shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed $50,000.00 unless additional work, up to an additional cost not to exceed $10,000.00, is authorized by the Executive Director; and be it

FURTHER RESOLVED that 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 an Agreement in

accordance with the terms of this resolution. 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.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

12/2/03
Item No.: O-3
TDC:aaa

RESOLUTION NO. 03330

RESOLUTION AUTHORIZING THE PAYMENT TO THE CITY FOR GENERAL SERVICES PROVIDED TO THE PORT IN FISCAL YEAR 2002-2003 AND FOR THE REIMBURSEMENT OF CERTAIN CITY EXPENDITURES FOR LAKE MERRITT TIDELAND TRUST PURPOSES IN FISCAL YEAR 2002-2003, AND MAKING CERTAIN DETERMINATIONS IN CONNECTION THEREWITH.

RESOLVED that the Board of Port Commissioners, subject to the terms and conditions hereinafter described, hereby authorizes the transfer from surplus in the Port Revenue Fund to the General Fund of the City a total amount not greater than $1,709,118, said transfer to be made from any funds available in the Port Revenue Fund, subject and subordinate to all payments required by clauses First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth of Section 717(3) (formerly Section 617(3)) of the Charter of the City of Oakland (being substantially identical to clauses First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth of Section 222(3) of the Charter of the City of Oakland in effect prior to the effective date of the Charter in effect upon the date of adoption of this resolution)); and subject and subordinate to all payments required for the principal of or interest on or otherwise to secure any existing and future loans obtained by the Port from the State of California Department of Boating and Waterways; and subject and subordinate to all payments required for the principal of or interest on or otherwise to secure the Port of Oakland Revenue Bonds, 1990 Series D, 1993 Series F, 1997 Series G, 1997 Series H, 1997 Series I, 1997 Series J, 2000 Series K, 2002 Series L, 2002 Series M, 2002 Series N and any and all other obligations of the Board issued or to be issued pursuant to the Trust Indenture, dated as of April 1, 1989, between the Board and U.S. Bank, N.A., as successor Trustee thereunder; and subject and subordinate to all payments required for the principal of or interest on or otherwise to secure the Port of Oakland Commercial Paper Program (including but not limited to payments and reimbursements to banks providing liquidity for Commercial Paper Notes under said Program); and subject and subordinate to all payments under the Finance Agreement between the Port and The Mitsubishi Bank of California, dated as of August 21, 1984, as supplemented; and subject and subordinate to any equipment lease financing agreements entered into now or in the future by the Port of Oakland; and subject and subordinate to any and all other debt obligations of the Board issued pursuant to the Charter of the City of Oakland; all such payments to be made in accordance with clause Ninth of said Section 717(3) of said Charter; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby determine that surplus moneys, sufficient to make the $1,709,118 maximum transfer hereinabove specified, exist in said Port Revenue Fund

which are not needed for the purposes stated in clauses First through Eighth of said Section 717(3) of said Charter; and be it

FURTHER RESOLVED that said amount of $1,709,118 to be transferred to the General Fund of the City shall be allocated, subject to the provisions hereof, as follows:

(1) To payment for General Services for fiscal year 2002-2003 (herein "FY 02-03 General Services Payment") ---------- $946,095;

(2) To reimburse the City for net City expenditures of local funds for Lake Merritt tideland trust purposes in fiscal year 2002-2003 (herein "FY 02-03 Lake Merritt Reimbursement") ---------- $763,023;

and be it

FURTHER RESOLVED that the transfer of the FY 02-03 General Services Payment and the transfer of the FY 02-03 Lake Merritt Reimbursement are conditioned upon and subject to the following:

(1) The amount of the FY 02-03 General Services Payment shall in no event be greater than the amount determined and approved by the Executive Director in accordance with the July 1, 1983, Memorandum of Understanding between the Board and the City Council ("MOU"), as amended by the Eleventh Supplemental Agreement effective July 1, 1993 ("Eleventh Supplement"), and except as provided in clause (3) below of this Further Resolved shall not be greater than the amount allocated in the second Further Resolved above; and

(2) The amount of FY 02-03 Lake Merritt Reimbursement shall in no event be greater than the amount determined and approved by the Executive Director in accordance with the MOU, as amended by the Twelfth Supplemental Agreement effective July 1, 1993 ("Twelfth Supplement"), and except as provided in clause (3) below of this Further Resolved shall not be greater than the amount allocated in the second Further Resolved above; and

(3) The amount of the FY 02-03 General Services Payment or the amount of the FY 02-03 Lake Merritt Reimbursement may exceed the amount allocated in the second Further Resolved of this resolution so long as such amount is determined and approved by the Executive Director in accordance with the MOU as amended by the Eleventh Supplement and the Twelfth Supplement, respectively, and so long as the combined total of the FY 02-03 General Services Payment and the FY 02-03 Lake Merritt Reimbursement does not exceed $1,709,118; and be it

FURTHER RESOLVED that the action taken by this resolution does not constitute a commitment by the Board with respect to any other determination of surplus.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

December 2, 2003
Item No.: O-4
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03331

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED THIRD SUPPLEMENTAL AGREEMENT WITH D SQUARED BUSINESS CONSULTING IN THE AMOUNT OF $120,000 FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02296, adopted by the Board of Port Commissioners (the "Board") on September 3, 2002 and as amended by the First and Second Supplemental Agreements, the Board authorized an Agreement with **D SQUARED BUSINESS CONSULTING**, for consulting services with respect to implementation of ISO 9001-2000 and process improvements; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. O-4, dated December 2, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Third Supplemental Agreement with **D SQUARED BUSINESS CONSULTING** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **D SQUARED BUSINESS CONSULTING** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Third Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **D SQUARED BUSINESS CONSULTING** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional $120,000 unless additional work up to an additional amount of $10,000 is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
Item No.: 0-5
PBH/PS

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03332

RESOLUTION APPROVING THE CAPITAL IMPROVEMENT AWARD PROGRAM FOR FISCAL YEAR 2003-2004.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves the Capital Improvement Award Program for Fiscal Year 2003-2004 in the total amount not to exceed $334,727,000 as set forth in Board Agenda Report Item No. 0-5, dated December 2, 2003, provided, however, that each separate contract under said Capital Improvement Program shall be subject to specific approval by the Board as may be required by the Charter of the City of Oakland.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
Item No.: 0-6
rcm/PS

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03333

RESOLUTION FINDING AND DETERMINING THAT CERTAIN MOTOR VEHICLES AND EQUIPMENT OWNED BY THE PORT ARE NO LONGER REQUIRED FOR PORT USE AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SELL, DONATE OR SCRAP SURPLUS VEHICLES AND EQUIPMENT.

RESOLVED that certain vehicles and equipment, as more fully described in Agenda Report Item No. 0-6 dated December 2, 2003, ("Agenda Report"), are inadequate, obsolete or worn out within the meaning of Section 12 of Port Ordinance No. 1606 and Section 5.13(a) of the Master Trust Indenture by and between the Port and First Trust of California, as Trustee; and be it

FURTHER RESOLVED that the Board finds and determines based upon information in the Agenda Report that some or all of the vehicles and equipment may be of no commercial value and/or the estimated cost of continued care, handling, maintenance or storage may exceed the estimated proceeds of sale, within the meaning of Section 12.c of Port Ordinance No. 1606; and be it

FURTHER RESOLVED that the Executive Director hereby is authorized, accordingly, to abandon, destroy, dispose of as scrap or donate to public bodies, charitable, civic or non-profit organizations, or sell at private sale for the highest bidder and best bid therefor after the receipt of informal bids, such surplus vehicles and equipment as the Executive Director determines to be appropriate; and be it

FURTHER RESOLVED that the Executive Director be and he is hereby authorized to execute any necessary Bill of Sale in connection therewith.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7
Noes: None

Absent: None

12/2/03
Item No.: O-7
RCM/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03334

RESOLUTION AUTHORIZING PARTICIPATION BY THE PORT OF OAKLAND IN THE CALIFORNIA PURCHASING CARD PROGRAM ("CAL-CARD PROGRAM") AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT ADDENDUM TO THE CALIFORNIA PURCHASING CARD PROGRAM MASTER SERVICE AGREEMENT BETWEEN THE DEPARTMENT OF GENERAL SERVICES ("DGS") AND U.S. BANK NATIONAL ASSOCIATION, ND.

RESOLVED that, based upon the information set forth in Board Agenda Report Item No. O-7, the Board of Port Commissioners ("Board") hereby authorizes the participation by the Port of Oakland in the State of California Cal Card Program; and be it

FURTHER RESOLVED that the Board hereby authorizes the Executive Director to execute a contract addendum to the State of California Purchasing Card Program Master Services Agreement ("DGS MSA 5-00-CC-02") between the Department of General Services for the State of California and U.S. Bank National Association, ND ("US Bank"); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
Item No.: 0-8
RCM/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03335

RESOLUTION FINDING CERTAIN ACCOUNTS RECEIVABLE TO BE UNCOLLECTIBLE AND APPROVING THE CHIEF FINANCIAL OFFICER TO WRITE OFF SAME FROM THE BOOKS OF THE PORT.

WHEREAS, there are certain accounts receivable on the books of the Port of Oakland which are at present uncollectible for the following reasons: (i) dispute as to amount due, together with the absence of sufficient proof to recover; (ii) financial inability to pay by certain tenants; and (iii) other reasons as set forth in that certain letter to the Board from the Port Attorney, dated December 2, 2003; and

WHEREAS, for the foregoing reasons it is the opinion of the Port Attorney that said accounts receivable do not represent accounts receivable which the Port has a present expectation of receiving the revenue represented thereby, and therefore, may be written off the books of the Port of Oakland; now, therefore, be it

RESOLVED that upon the recommendation of the Port Attorney and the Chief Financial Officer, the Board of Port Commissioners hereby finds that these accounts receivable are determined to be uncollectible, and approves the Chief Financial Officer to write these accounts off the books of the Port of Oakland as of December 2, 2003.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

December 2, 2003
Item No.: O-9
RCM

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03336

RESOLUTION AFFIRMING AND DIRECTING THAT PORT OF OAKLAND FEES, DUES AND OTHER RESOURCES HAVE NOT AND SHALL NOT BE USED TO FURTHER LITIGATION EFFORTS BY NORTHERN CALIFORNIA POWER AGENCY ("NCPA") AND DIRECTING THE PORT'S REPRESENTATIVE TO THE NCPA TO REPRESENT THE PORT ACCORDINGLY IN ALL DEALINGS WITH NCPA.

WHEREAS the Board of Port Commissioners ("Board") supports an environmentally sound solution to Trinity River restoration, as more fully described in the Board's Agenda Sheet Item No. O-9 dated December 2, 2003 ("Agenda Item"); and

WHEREAS the Port of Oakland is a member of NCPA, and as the governing body of the Port, the Board has ascertained that NCPA has not expended Port NCPA membership dues, or any other fees or payments by the Port to NCPA, in support of NCPA's litigation efforts as described in said Agenda Item nor does the Board support funding NCPA litigation efforts with Port NCPA membership dues or other Port resources; and

WHEREAS the Port acknowledges that NCPA and its members support restoration of the Trinity River; now therefore be it

RESOLVED that the Board hereby affirms its support for the restoration of the Trinity River; and be it

FURTHER RESOLVED that the Board hereby affirms and directs that Port NCPA membership dues and any other resources paid by the Port to NCPA have not and shall not be used in support of any pending Trinity River Restoration Plan litigation; and be it

FURTHER RESOLVED that the Board hereby encourages NCPA to pursue environmentally sound solutions to the issues pertaining to the Trinity River restoration; and be it

FURTHER RESOLVED that the Board hereby directs the Port's representative to NCPA to provide a copy of this resolution to NCPA and to refrain from taking or concurring in any action in support of NCPA's litigation efforts for reconsideration of the Trinity River Restoration Plan or the December 2002 ROD by the Department of the Interior, and to report back immediately regarding any use or attempt to use any Port resource in support of such litigation efforts.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
S-1
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03337

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY HERTZ RENT A CAR SYSTEMS, INC.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **HERTZ RENT A CAR SYSTEMS, INC.** ("tenant") for permission to perform certain work located at the 7600 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $15,000, said work and the conditions of Port approval being the following:

1) Installation of a prefabricated free-standing canopy on concrete piers;

2) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15311 and 15269(c); and be it

FURTHER RESOLVED that (a) neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to tenant under any agreement between the Port and tenant or with respect to any obligation of tenant, or (ii) releases tenant from any obligation with respect to said work or with respect to any agreement between the Port and tenant and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

12/2/03
S-2
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03338

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY SPRINT SPECTRUM L.P.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **SPRINT SPECTRUM L.P.** ("tenant") for permission to perform certain work at a site near Bay Bridge Toll Plaza, at Burma Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $85,000, said work and the conditions of Port approval being the following:

1) Relocation of the cellular equipment shelter;

2) Installation of a new fencing and new concrete pad;

3) Removal of the old shelter;

4) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 11 of Guidelines Section 15311; and be it

FURTHER RESOLVED that (a) neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to tenant under any agreement between the Port and tenant or with respect to any obligation of tenant, or (ii) releases tenant from any obligation with respect to said work or with respect to any agreement between the Port and tenant and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

At a regular meeting held December 2, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kiang, Kramer, Scates and President Protopappas - 7

Noes: None

Absent: None

December 16, 2003
CLOSED SESSION
CHA/LST

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03339

RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF A PARTIAL SETTLEMENT AGREEMENT CONCERNING PACIFIC COAST BUILDING PRODUCTS, INC. V. LUMBERMAN'S MUTUAL CASUALTY COMPANY, ET AL., ALAMEDA NO. 2001-024620.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute a partial settlement agreement to resolve the claims of O. C. Jones & Sons, Inc. regarding the claims of electrical subcontractor Pier Electric Company in the amount of $1,250,000.

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Scates - 2

12/16/03
MH/ps

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03340

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A STANDSTILL AND TOLLING AGREEMENT WITH J.C. PENNEY LIFE INSURANCE COMPANY, NOW KNOWN AS STONEBRIDGE LIFE INSURANCE COMPANY, SUCCESSOR IN INTEREST TO BENEFICIAL FIRE AND CASUALTY INSURANCE COMPANY ("JC PENNEY") CONCERNING THE FORMER CRYER BOATYARD SITE.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the execution for and on behalf of the Board a *Standstill and Tolling Agreement with JC Penney concerning the former* Cryer Boatyard site in Oakland, California, tolling the statute of limitations concerning certain environmental claims from November 20, 2003, until June 30, 2004; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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.

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Scates - 2

12/16/03
Item No.: A-1
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03341

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INSTALLATION OF FIBER OPTIC CABLES BETWEEN SUBSTATIONS SS-1, SS-1A, SS-8, SS-13 AND SS-15, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby finds and determines that the development and use provided for in the plans and specifications and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City; and be it

FURTHER RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board, based on the information contained in Board Agenda Report Item No. A-1, dated December 16, 2003 (herein "Agenda Report"), for **Installation of Fiber Optic Cables Between Substations SS-1, SS-1A, SS-8, SS-13 and SS-15, Oakland International Airport, Oakland, California,** ("the project"), are hereby approved; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project not less than ten calendar days prior to January 21, 2004, the date set for receiving said bids; and be it

FURTHER RESOLVED that this project will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it,

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically except from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15301(a).

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5
Noes: None

Absent: Commissioners Kiang and Scates - 2

12/16/03
Item No.: A-2
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03342

RESOLUTION AWARDING CONTRACT FOR FURNISHING MAINTENANCE AND ON-CALL SERVICE FOR VARIOUS ELEVATORS, ESCALATORS AND MOVING WALKWAYS AT PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JANUARY 1, 2004 AND ENDING DECEMBER 31, 2004, 2005 OR 2006, OAKLAND, CALIFORNIA, TO THYSSENKRUPP ELEVATOR CORPORATION, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the Board of Port Commissioners, awards the contract for **Furnishing Maintenance and On-Call Service for Various Elevators, Escalators and Moving Walkways at Port of Oakland Facilities for the Period Commencing January 1, 2004, 2005 or 2006, Oakland, California**, to **ThyssenKrupp Elevator Corporation, a Delaware corporation** (herein "Contractor"), as the lowest responsible bidder, in accordance with the terms of the bids received November 26, 2003; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of $55,200.00, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, in the amount of $55,200.00 shall be provided by the Contractor(s) as prescribed by applicable laws and regulations and the contract specifications; and be it

FURTHER RESOLVED that the procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract; provided, however,

that said contract shall not be binding or enforceable against the Port unless and until it is approved in writing as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED that this project is not "major maintenance" within the meaning of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and will not be part of the Port's Capital Improvement Program (CIP), therefore, the provisions of the MAPLA will not apply to this work, and be it

FURTHER RESOLVED that the other bids received for said contract are hereby rejected and the bid security accompanying said bids shall be returned to the proper persons.

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5
Noes: None

Absent: Commissioners Kiang and Scates - 2

12/16/03
Item No.: A-3
CHA/arg

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03343

RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER TO CONTRACT WITH JETBRIDGE TECHNOLOGY, INC., FOR INSTALLATION OF TWO PASSENGER BOARDING BRIDGES AT TERMINAL 1, BUILDING M-103, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.

RESOLVED that pursuant to Port Ordinance 1606, Section 5(i)(3)(iv), the Board directly approves an additive change order to **JetBridge Technology, Inc.**, under the contract for the **Installation of Two Passenger Boarding Bridges at Terminal 1, Building M-103, South Field, Oakland International Airport, Oakland, California** for 1) installation of a fall protection system on the 22 existing boarding bridges in the amount of $153,000, and 2) to perform a floor modification to Gates 5 and 7 boarding bridges in the amount of $145,500, for a total amount of $298,500, consistent with Board Agenda Report Item A-3, dated December 16, 2003, (the "Agenda Report"), provided, however, that said change order shall be in a form prepared by the Port Attorney and shall not be effective unless and until it is approved in writing by the Port Attorney; and be it

FURTHER RESOLVED that the work required by this change order will be covered by the provisions of the Maritime and Aviation Project Labor Agreement ("MAPLA"); and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically except from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Existing Facilities, Class 1(a) and (d).

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Scates - 2

December 16, 2003
Item No.: A-4
PBH/jev

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03344

RESOLUTION RATIFYING, FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH CCS PLANNING AND ENGINEERING, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 02191, adopted by the Board of Port Commissioners (the "Board") on June 18, 2002 and as amended by Resolution No. 03101, adopted on April 15, 2003, the Board authorized an Agreement with **CCS PLANNING AND ENGINEERING, INC.**, for consulting services with respect to design of directional signs; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-4, dated December 16, 2003 (herein the "Agenda Sheet"), and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Second Supplemental Agreement with **CCS PLANNING AND ENGINEERING, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **CCS PLANNING AND ENGINEERING, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said First Supplemental Agreement, upon terms and conditions consistent with the Agenda Sheet and providing that **CCS PLANNING AND ENGINEERING, INC.** shall be compensated for such services including costs of miscellaneous reimbursable expenses at a maximum compensation that shall not exceed an additional **$31,800** unless additional work up to an additional amount of **$3,200** is approved in writing by the Executive Director; and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. 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

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Scates - 2

12/16/03
Item No.: A-5
TDC:aaa

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03345

CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE AIRPORT DEVELOPMENT PROGRAM; ADOPTION OF SUPPLEMENTAL FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTION OF MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING PROGRAM; ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS FOR UNAVOIDABLE SIGNIFICANT IMPACTS ON THE ENVIRONMENT; APPROVAL OF THE REMAINING COMPONENTS OF THE AIRPORT DEVELOPMENT PROGRAM; AUTHORIZATION TO FILE A RETURN TO REVISED PEREMPTORY WRIT OF MANDATE.

WHEREAS on December 16, 1997, through the adoption of Board Resolution No. 97376, the Board of Port Commissioners ("Board") approved the Airport Development Program ("ADP") and certified a Final Environmental Impact Report ("1997 EIR") for the ADP. The Board also made findings under the California Environmental Quality Act ("CEQA"), adopted mitigation measures and a Mitigation Monitoring and Reporting Program to reduce the impacts of the ADP, and adopted a Statement of Overriding Considerations for impacts that could not be reduced to a less than significant level; and

WHEREAS on February 2, 1999, the Alameda County Superior Court entered Judgment and issued a Peremptory Writ of Mandate ordering the Port to prepare a supplement to the 1997 EIR that analyzes two additional project alternatives (an "Air Passenger Dominant Alternative" and an "Air Cargo Dominant Alternative") and to further analyze the cumulative impacts of the ADP combined with the potential future extension of Runway 11/29, possible construction of a new air carrier runway, and possible construction of a high-speed exit taxiway; and

WHEREAS in response to the Judgment and Peremptory Writ of Mandate, the Port in 1999 prepared a supplemental Environmental Impact Report ("1999 SEIR") that analyzed the project alternatives and additional cumulative projects as required by the Alameda County Superior Court; and

WHEREAS on June 29, 1999, through adoption of Board Resolution No. 99263, the Board re-approved the ADP, made findings under CEQA, and re-certified the 1997 EIR, as supplemented by 1999 SEIR; and

WHEREAS the Port subsequently approved five addenda to the 1997 EIR, as supplemented by the 1999 SEIR, as follows: an August 1999 addendum addressing ADP wetlands mitigation; December 1999 and February 2000 addenda addressing ADP burrowing owl mitigation; a June 2001 addendum addressing ADP traffic mitigation at the Doolittle Drive/Langley Street intersection; and a July 2001 addendum addressing construction and operation of an off-Airport parking lot at the western terminus of Pardee Drive; and

WHEREAS on August 31, 1999, the California Court of Appeal ruled that the Port must prepare a second Supplemental Environmental Impact Report ("SEIR") for the ADP to further address the following issues: (1) potential noise impacts of increased nighttime flights due to the ADP in 2010; (2) quantification of mobile-source emissions of toxic air contaminants ("TACs") that would be emitted from normal operation conducted as part of the ADP, and analysis of whether such emissions could result in significant health impacts; and (3) mitigation for impacts to western the burrowing owl; and

WHEREAS pursuant to a comprehensive settlement agreement reached by the parties in the litigation concerning the ADP, including the November 2001 Phase 1 Agreement and the October 2002 Phase 2 Agreement, the Alameda County Superior Court entered a Revised Judgment Granting Peremptory Writ of Mandate ("Revised Judgment") on December 23, 2002, and issued a Revised Peremptory Writ of Mandate ("Revised Writ") on December 26, 2002; and

WHEREAS the Revised Writ directed the Board to set aside its Resolution No. 99263, but specifically provided that Resolution No. 99263 is not voided and shall remain valid as to the following:

- The following undertakings, as specified in the Phase 1 Agreement, and the certification of the 1997 EIR, as supplemented, for such undertakings: the parking garage; the remain overnight apron; the Pardee parking lot; certain utility projects; rental car projects; Terminal 1 and Terminal 2 gate projects (seven passenger terminal gates); temporary ticket counters; security checkpoint improvements; third curbside; restroom improvements; and various mitigation measures;

- The following undertakings, as specified in the Alameda County Superior court's February 2, 1999, Judgment, and the certification of the 1997 EIR, as supplemented, for such undertakings: the Airport Roadway Project ("ARP"), including installation of associated utilities or cables underneath the roadway; construction of the Swan Way interim parking area; and demolition of

specified Airport buildings (Buildings L-647, L-721, L-723, and L-731);

- Approval of the relocation of the provisioning building component of the ADP, and the certification of the 1997 EIR, as supplemented, for such relocation;

- The Port's approval of any other components of the ADP that the Alameda County Superior Court finds severable under California Public Resources Code section 21168.9(b), and the certification of the 1997 EIR, as supplemented, for such project components; and

- The Port's approval of findings adopted pursuant to CEQA with regard to all matters included in those findings other than the matters specified in the Revised Writ, which are described below; and

WHEREAS these categories of actions and undertakings, which have already been approved by the Board and which do not require re-approval, are referred to as the "Severed ADP Components"; those components of the ADP that are not included in the list above require re-approval by the Board and are referred to as the "Remaining ADP Components"; and

WHEREAS except for the Severed ADP Components, for which the Board's prior approval in Resolution No. 99263 remains valid and in effect, the Revised Writ directed the Port not to re-approve the ADP unless it has first prepared, circulated for public comment, and certified a second SEIR for the ADP that provides the following information:

- A revised estimate of TAC emissions from jet aircraft at the Airport;

- Quantification of the incremental amount of mobile-source TAC emissions that would result from normal operation of the Airport conducted as part of the ADP in the year 2010, as compared with the No Project Alternative in that year;

- An assessment of whether the incremental amount of such TAC emissions resulting from the ADP would result in significant health impacts;

- A supplemental single event noise analysis of the potential noise impacts of increased nighttime flights due to the ADP in the year 2010;

- A description of the measures for reducing impacts to the western burrowing owl caused by construction of the ADP;

- A comparison of project alternatives with regard to TAC emissions, if the analysis of such emissions demonstrates that a new significant impact would occur; and

- A comparison of project alternatives with regard to single event nighttime noise; and

WHEREAS the Revised Writ specifically provided that no additional analysis of the cumulative effects from TAC emissions or of cumulative nighttime noise effects shall be required; and

WHEREAS the Port has prepared a second SEIR (2003 SEIR) to comply with the Alameda County Superior court's Revised Judgment and Revised Writ; and

WHEREAS the final EIR for the ADP, which is referred to as the "Final ADP EIR," consists of the following documents:

- Two volumes titled "Draft Environmental Impact Statement/Environmental Impact Report, Proposed Airport Development Program, Metropolitan Oakland International Airport, Oakland, Alameda County, California," dated September 1996, and three volumes titled "Final Environmental Impact Report, Proposed Airport Development Program, Metropolitan Oakland International Airport, Oakland, Alameda County, California," dated December 1997 ("1997 EIR");

- Two volumes of a supplement to the EIR, entitled "Draft Supplement to Environmental Impact Report, Proposed Airport Development Program, Oakland International Airport, Oakland, Alameda County, California," dated March 1999, and "Response to Comments on Draft Supplement to Environmental Impact Report, Proposed Airport Development Program, Oakland International Airport, Oakland, Alameda County, California," dated June 1999 ("1999 SEIR");

- Five addenda dated August 1999, December 1999, February 2000, June 2001, and July 2001; and

- Two volumes of a supplement to the EIR entitled "Draft Supplemental Environmental Impact Report, Oakland

International Airport Development Program," dated September 2003, and "Response to Comments on Draft Supplemental Environmental Impact Report, Oakland International Airport Development Program," dated November 2003 ("2003 SEIR"); and

- All appendices and materials incorporated by reference in the 1997 EIR, the 1999 SEIR, any of the five addenda or the 2003 SEIR.

WHEREAS, Port Staff in Agenda Report Item A-5, dated December 16, 2003, recommends that the Board: consider the Final ADP EIR; certify that the Final ADP EIR was presented to the Board, the Board reviewed and considered the information contained in the Final ADP EIR, and the Final ADP EIR represents the independent judgment of the Board; adopt supplemental findings required by CEQA; adopt mitigation measures to reduce the environmental impacts of the ADP, and a Mitigation Monitoring and Reporting Program; adopt a Statement of Overriding Considerations; re-approve the Remaining ADP Components in light of all of the information in the Final ADP EIR; and authorize the Port Attorney to file a return to the Revised Writ with the Alameda County Superior Court, indicating compliance with the Revised Judgment and Revised Writ.

I. GENERAL FINDINGS AND OVERVIEW

A. Purpose

RESOLVED that the Board's certifications, adoption of mitigation measures and a Mitigation Monitoring and Reporting Program ("MMRP"), the supplemental findings and statement of overriding considerations set forth in this resolution (cumulatively, the "CEQA Findings") are made and adopted by this Board as its certifications, adoption of mitigation measures and a MMRP, findings and Statement of Overriding Considerations under CEQA relating to the ADP. These CEQA Findings supplement the certifications, adoption of mitigation measures and a MMRP, findings and Statement of Overriding Considerations made by the Board in its June 1999 Resolution No. 99263, thereby providing the written analysis and conclusions of the Board regarding the environmental impacts of the ADP, mitigation measures, and alternatives to the proposed ADP, and the overriding considerations, that in the Board's view, justify approval of the Remaining ADP Components despite the environmental effects; and be it

FURTHER RESOLVED that the Revised Writ issued by the Alameda County Superior Court provides that Board's Resolution No. 99263 - which the Board adopted on June 29, 1999, to approve the ADP and to certify the 1997 EIR, as supplemented by the 1999 SEIR - is not voided and shall remain valid as to the findings adopted and other actions taken by the Board pursuant to CEQA with regard to all matters included in Resolution

No. 99263, other than the matters specifically relating to emissions of toxic air contaminants, the potential noise impacts due to increased nighttime flights, and mitigation for potential impacts to the western burrowing owl. As a result, all of the findings in Resolution No. 99263 remain valid and in full force and effect, except those findings that relate to the specific issues listed above, as identified by the Alameda County Superior Court; and be it

FURTHER RESOLVED that the Revised Writ issued by the Alameda County Superior Court provides that the Board's Resolution No. 99263 is not voided and shall remain valid as to the Port's approval of the Severed ADP Components, which are described above, and to the Port's certification of the 1997 Final EIR, as supplemented, for those components. As a result, the Board is not required to make new findings with respect to the Severed ADP Components, which the Board has already approved and which do not require re-approval; and be it

FURTHER RESOLVED that the Board makes the CEQA Findings set forth below in order to certify the Final ADP EIR and re-approve the Remaining ADP Components; and be it

B. Description of the Final Environmental Impact Report

FURTHER RESOLVED that for purposes of these CEQA Findings, the Final Environmental Impact Report for the ADP (referred to as the "Final ADP EIR") consists of the entirety of: the 1997 EIR, the 1999 SEIR, the August 1999, September 1999, February 2000, June 2001, and July 2001 addenda, the 2003 SEIR, and all appendices and materials incorporated by reference in any of these documents. The Final ADP EIR is hereby incorporated in these CEQA Findings by reference; and be it

C. Record of Proceedings and Custodian of Record

FURTHER RESOLVED that the record upon which the Board's CEQA Findings are based includes, but is not limited to the following:

1. The Final ADP EIR;

2. All documentary and oral evidence submitted to the Port prior to the close of the Port's hearing on whether to approve the Remaining ADP Components, or prior to the close of either of the Port's hearings on whether to approve the ADP by the Board's adoption of Resolution No. 97376 on December 16, 1997, or Resolution No. 99263 on June 29, 1999;

3. All documents constituting the administrative record under California Public Resources Code section 21167.6; and

4. All matters of common knowledge to the Board, including but not limited to the Port's policies, guidelines, and regulations; and be it

FURTHER RESOLVED that the custodian of documents described above constituting the record of proceedings is Richard Sinkoff, Port of Oakland, Environmental Planning Department, 530 Water Street, Oakland, California 94607; and be it

D. Consideration and Certification of the Final ADP EIR

FURTHER RESOLVED that the Board hereby certifies that the Final ADP EIR was presented to this Board, and the Board reviewed and considered the information contained in the Final ADP EIR, pursuant to State CEQA Guidelines section 15090(a); and be it

FURTHER RESOLVED that the Board certifies that the Final ADP EIR has been completed in compliance with the requirements of CEQA and the State CEQA Guidelines; and be it

FURTHER RESOLVED that the Board hereby ratifies, adopts, and incorporates in this Board's CEQA Findings all of the analyses, explanation, findings, responses to comments and conclusions of the Final ADP EIR, except where they are specifically modified by the Board's CEQA Findings in this resolution; and be it

FURTHER RESOLVED that the Board hereby finds that the Final ADP EIR represents the independent judgment of the Board and that this Board has taken a fresh look at all of the information in the Final ADP EIR, and has considered this information in good faith in determining whether to approve the Remaining ADP Components; and be it

E. Changes to the ADP

FURTHER RESOLVED that the Board hereby finds that the ADP is defined by the project components described in Chapter 2 of the 2003 SEIR, and that the 2003 SEIR describes the refinements to the ADP project description that have occurred since the 1997 EIR and evaluates any changes in the project, and substantial changed circumstances or new information since publication of the 1997 EIR and 1999 SEIR; and be it

FURTHER RESOLVED that the Board finds there are no substantial changes to the ADP or to the circumstances surrounding the project that would result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect. With the exception of acute, non-cancer health hazards due to jet aircraft emissions of a substance called acrolein (see Part II.A.1(b) below), there is no new information of substantial importance showing either that: the project will have one or more significant effects not

discussed in the 1997 EIR or the 1999 SEIR; significant effects previously examined will be substantially more severe than shown in the 1997 EIR or 1999 SEIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the ADP; or mitigation measures or alternatives that are considerably different from those analyzed in the 1997 EIR or 1999 SEIR would substantially reduce one or more significant effects on the environment; and be it

F. Severability

FURTHER RESOLVED that the Board hereby finds that if any term, provision, or portion of these CEQA Findings or the application of the CEQA Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these CEQA Findings, or the application of such findings to other situations, shall continue in full force and effect unless amended or modified by the Board; and be it

II. SUPPLEMENTAL FINDINGS RELATING TO ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND ALTERNATIVES

A. Environmental Impacts And Mitigation Measures

FURTHER RESOLVED that the Board hereby adopts and incorporates as conditions of its approval for the Remaining ADP Components the mitigation measures set forth in Appendix 1 to this resolution; the Board adopts Appendix 1 as the mitigation monitoring and reporting program for its approval of the Remaining ADP Components; and the Board finds that none of the mitigation measures set forth in Appendix 1 is infeasible; and be it

FURTHER RESOLVED that the Board hereby finds that - with the exception of the impacts that remain significant and unavoidable after mitigation, which are specifically described below in Part II.A.2. - the adoption of the mitigation measures in Appendix 1 will avoid or substantially lessen the significant environmental effects of the ADP identified in the Final ADP EIR and will reduce those significant effects to a less than significant level; and be it

FURTHER RESOLVED that in adopting these mitigation measures, the Board hereby states its intention to adopt each of the mitigation measures recommended in the Final ADP EIR. Accordingly, in the event a mitigation measure recommended in the Final ADP EIR has been inadvertently omitted from Appendix 1, the Board hereby finds that such mitigation measure is adopted and incorporated in Appendix 1 by reference; and be it

FURTHER RESOLVED that the Board hereby finds that the significant impacts of the ADP that remain after the imposition of the mitigation measures adopted by the Board are the impacts described in the Final ADP EIR as significant and unavoidable. These impacts are summarized in Part II.A.2. below; and be it

1. Additional Analyses in the 2003 SEIR

FURTHER RESOLVED that the Board hereby makes the following findings regarding the additional analyses in the 2003 SEIR:

(a) Nighttime Single Event Aircraft Noise

The 2003 SEIR quantifies the projected increase in nighttime flights from operation of the Airport with the ADP compared to existing conditions in 2000 and the No Project Alternative. The 2003 SEIR also correlates nighttime single event noise with the potential for sleep disturbance. The 2003 SEIR concludes the changes in aircraft single event noise under the ADP will not result in a substantial increase in sleep disturbance as compared to existing conditions in 2000 or the No Project Alternative; therefore, this impact is considered to be less than significant. While there will be an increase in the number of nighttime noise events at lower noise levels in some locations, the data demonstrate that, overall, there will be a reduction in the number of the loudest aircraft noise events. This reduction in aircraft noise exposures is due primarily to the decrease in operations of older (B-727) aircraft. The effect of the ADP on the nighttime noise environment, and sleep disturbance, is a less than significant impact.

(b) Toxic Air Contaminants

The 2003 SEIR includes a detailed Health Risk Assessment ("HRA") evaluating the potential impacts associated with TAC emissions from aircraft, ground access vehicles, ground service equipment, and auxiliary power units at the Airport. In preparing the HRA, the Port and its consultants had numerous consultations with State and regional air quality regulatory agencies. The Bay Area Air Quality Management District ("BAAQMD") approved the Port's methodology for analyzing TACs and human health risks. Port staff has also worked closely with the California Air Resources Board ("CARB"), whose staff commended the Port for its consultation process and indicated its support.

The HRA shows that ADP-related emissions would not cause a significant cancer or chronic (long-term) non-cancer health risk to the public or to Airport workers. The HRA does identify, however, an acute (short-term) non-cancer health hazard to the public related to exposure to maximum one-hour concentrations of acrolein, which is a substance associated with emissions from jet aircraft. The HRA determines exposure to acrolein is not expected to result in any chronic (long-

term) health hazards. However, under worst-case weather conditions, at maximum concentrations, short-term concentrations of acrolein could exceed the reference dose used by the BAAQMD to determine whether a significant health hazard could occur. Exposure to acrolein at the concentration predicted in the HRA has the potential to result in mild eye-watering in sensitive individuals; this health effect is neither debilitating nor long-term. Further, the frequency with which the acute hazard index is predicted to exceed the significance standard of one at any given receptor, is no more than three times (i.e., 3 hours) per year. Because the modeled acrolein levels exceed the BAAQMD's significance standard, this potential health effect is considered a significant impact for CEQA purposes.

Mitigation measures the Board previously adopted for the ADP will reduce the less than significant increase in cancer risk from Airport-related TACs. The ADP includes substantial air quality mitigation, including a measure requiring conversion of ground service equipment ("GSE") to zero or low-emission equipment. The HRA shows that with 50 percent conversion of GSE, the cancer risk associated with Airport-related operations will be less than they would be without the ADP, and about the same as existing conditions. With 75 percent conversion of GSE, the cancer risk associated with Airport-related operations is predicted to be less than both conditions without the ADP and existing conditions.

The ADP mitigation measures also will reduce non-cancer health hazards from Airport-related TAC emissions. However, the ADP mitigation measures are not expected to reduce to a less than significant level the significant acute (short-term) health hazard associated with worst-case one hour exposure to acrolein. The principal source of acrolein is jet aircraft engines, over whose design, manufacture, and operation the Port has no control. Because the Port does not have the authority to control emissions from aircraft engines, and for all of the reasons stated in the Final ADP EIR, the acute acrolein impact is considered significant and unavoidable.

(c) Burrowing Owl

The Revised Writ issued by the Alameda County Superior Court does not direct the Port to re-evaluate ADP impacts to the western burrowing owl. The Revised Writ is limited to directing the Port to describe the measures for reducing impacts to the burrowing owl caused by construction of components of the ADP. The Board's prior findings in Resolution No. 99263 with respect to potential impacts on the burrowing owl remain valid and in full force and effect. Further, there are no project changes, new information or changed circumstances that would result in any new significant impact on the burrowing owl or any substantial increase in the severity of any previously identified impact.

The Port has developed a comprehensive mitigation program for burrowing owls. The Port has demonstrated compliance with all of the mitigation measures identified for avoiding significant project-related impacts on the burrowing owl, as set forth in the 1997 EIR and two subsequent addenda, and with all California Department of Fish & Game ("CDFG") requirements. The mitigation measures adopted by the Port are effective in reducing environmental impacts on the burrowing owl to a less than significant level by passively relocating burrowing owls away from construction areas and replacing lost burrowing owl habitat with new habitat of greater value. Mitigation efforts will continue as implementation of the ADP proceeds.

MITIGATION INCLUDED IN THE 1997 EIR. The 1997 EIR recognized that during construction and operation of the ADP, individual burrowing owls could be harmed or burrows could be destroyed unless impacts are mitigated. The 1997 EIR therefore identified the impacts of the ADP as significant and proposed mitigation to reduce those impacts to a less than significant level. Mitigation measures described in the 1997 EIR included the following: (1) maintaining Runway Safety Areas ("RSAs") free of burrowing owl burrows; (2) providing artificial burrows and facilitating passive relocation of burrowing owls away from construction zones outside the nesting season; (3) designating infield areas for the purpose of burrowing owl management; (4) monitoring the on-Airport burrowing owl population; and (5) obtaining approval of a Burrowing Owl Management Plan from the CDFG and the U.S. Fish & Wildlife Service.

MITIGATION DEVELOPED AFTER THE 1997 EIR. In December 1999 and February 2000, the Port prepared and adopted addenda that specifically addressed burrowing owl mitigation.

Mitigation Measure No. 1: The December 1999 addendum revised burrowing owl Mitigation Measure No. 1 to provide the Port the ability to close burrowing owl burrows within or near RSAs on an ongoing basis, unless CDFG concluded in a particular instance that such closure should not occur because of unacceptable adverse impacts to burrowing owls. To implement Mitigation Measure No. 1, the Port, after receiving CDFG authorization, closed five active burrows located within the RSAs, and created five artificial burrows in an on-Airport Burrowing Owl Mitigation Area that had been established in 1995 for a separate project. Surveys conducted in April 2003 did not identify any burrowing owls requiring relocation. Surveys will continue in the future and passive relocation will occur in coordination with CDFG when needed.

Mitigation Measure No. 2: The December 1999 addendum revised burrowing owl Mitigation Measure No. 2 to delete the provision for creating artificial burrows at the Airport to replace burrows displaced by construction of the ADP. To implement Mitigation Measure No. 2, the Port in January and February 2002 passively relocated burrowing owls

prior to construction of several ADP components. CDFG approved the Port's method and strategy for passive relocation. Prior to and during construction of additional ADP components, the Port will continue to comply with this measure to reduce potential impacts to burrowing owls.

Mitigation Measure No. 3: The December 1999 addendum revised burrowing owl Mitigation Measure No. 3 to provide for the provision of an off-Airport mitigation site, through direct habitat purchase, purchase of habitat bank credits, or purchase of conservation easements. The December 1999 addendum identified a specific off-Airport property near Byron, California. In February 2000, the Port prepared and adopted another addendum that evaluated an alternative off-Airport mitigation site (the Christensen Road site) that provided higher quality burrowing owl habitat. To implement Mitigation Measure No. 3, the Port has transferred by grant deed the 70-acre Christensen Road site to CDFG in perpetuity for use as burrowing owl habitat. The Port also paid CDFG $20,000 to undertake initial protection and enhancement measures on the property, including fencing, artificial burrow creation, and habitat restoration. In addition, the Port paid CDFG $40,000 for establishment and maintenance of endowment for long-term management of the property.

Mitigation Agreement With CDFG: In February 2000, the Port executed a Mitigation Agreement with CDFG. The agreement provides for seasonal restrictions on burrowing owl evictions to avoid the nesting season (February 1 through August 31), creation of a 250-foot buffer zone between the ADP project activities and any nesting burrowing owls, and acquisition of mitigation credits from a conservation bank. All components of the Mitigation Agreement executed between the Port and CDFG have been successfully implemented. On July 11, 2003, the Port received a letter from CDFG indicating that the Port is in full compliance with its burrowing owl mitigation obligations.

2. Significant and Unavoidable Impacts

FURTHER RESOLVED that the Board hereby makes the following findings regarding the environmental impacts that remain significant and unavoidable after mitigation:

(a) Impacts Identified As Significant And Unavoidable In The 1997 EIR

The 1997 EIR concluded that the following impacts would remain significant and unavoidable after mitigation: (1) direct and cumulative aircraft noise impacts to residential areas of the Cities of Alameda and San Leandro in 2010; (2) surface traffic noise impacts to residences in the project area (98th Avenue); (3) temporary construction noise impacts (ARP segment near residences on Bay Farm Island); (4) increases in emissions of criteria air pollutants; (5) cumulative increases in emissions of criteria air pollutants; (6) increases in

localized concentrations of nitrogen dioxide (NO_2); (7) cumulative hazardous waste disposal impacts; (8) direct and cumulative transportation impacts to intersection levels of service in the vicinity of the Airport in 2010; (9) cumulative transportation impacts to segments of I-880 in 2010; and (10) Airport parking impacts.

(b) Impacts Identified As Significant And Unavoidable In The 2003 SEIR

Acute (Short-Term) Non-Cancer Health Hazard From TAC Emissions: The 2003 SEIR identified an acute (short-term) non-cancer health hazard to the public related to exposure to maximum one-hour concentrations of acrolein, a substance associated with emissions from jet aircraft. The mitigation measures adopted for the ADP to reduce emissions of criteria pollutants would reduce this hazard, but not to a less than significant level.

Other than the acute acrolein impact, there are no new significant impacts and no substantial increase in the severity of any previously identified significant effect. The 2003 SEIR re-evaluated the impact analyses in the 1997 EIR and 1999 SEIR and concluded that, based on new information and analysis, some of the impacts previously identified as significant were in fact less than significant. The analysis of the 2003 SEIR is briefly summarized as follows:

Noise - Aircraft Noise Impacts. Based on new information, aircraft noise impacts are no longer considered significant, due to the reduction in the number of expected aircraft operations at the Airport and the elimination of the assumption that B-737 passenger aircraft would arrive on Runway 27R in 2010 to avoid congestion on Runway 11/29. Cumulative aircraft noise impacts would remain significant and unavoidable.

Noise - Surface Traffic Noise Impacts. Surface traffic noise impacts to residences in the project area would remain significant and unavoidable.

Noise - Temporary Construction Noise Impacts. Temporary construction noise impacts would remain significant and unavoidable.

Air Quality - Increases in Criteria Pollutant Emissions. As compared to the analysis in the 1997 EIR, the projected incremental differences in emissions due to the ADP relative to the No Project Alternative in 2010 have decreased for all pollutants; nevertheless, impacts due to increases in emissions of criteria air pollutants would remain significant and unavoidable.

Air Quality - Cumulative Increases in Criteria Pollutant Emissions. Although the ADP's incremental contribution to cumulative

regional impacts due to the emissions of criteria pollutants would be reduced, cumulative impacts due to emissions of criteria pollutants would remain significant and unavoidable.

Air Quality - Increases in Localized NO_2 Concentrations. Increases in localized concentrations of NO_2 would remain significant and unavoidable.

Cumulative Hazardous Waste Disposal Impacts. Based on new information, the conclusion in the 1997 EIR that cumulative hazardous waste disposal impacts are significant and unavoidable is no longer warranted. The availability of disposal sites has increased and there are now options available to accommodate hazardous waste generated by the Airport together with the waste generated by other projects. This impact is therefore less than significant.

Transportation - Direct and Cumulative Impacts to Intersection Levels of Service. Direct and cumulative impacts to intersection levels of service in the vicinity of the Airport in 2010 would remain significant and unavoidable.

Transportation - Cumulative Impacts to I-880. The projected increase in the use of the BART Connector would relieve congestion on I-880, but not sufficiently to reduce the impact identified in the 1997 EIR to a less than significant level. This impact would therefore remain significant and unavoidable.

Transportation - Airport Parking Impacts. The parking plans for the Airport would relieve the projected public parking shortages identified in the 1997 EIR as a significant and unavoidable impact of the ADP, thereby eliminating the impact without resulting in any additional significant impact or an increase in the severity of significant impacts previously disclosed. Based on new information, this impact is therefore considered less than significant; and be it

FURTHER RESOLVED that the Board hereby ratifies, adopts, and incorporates the analyses in the 2003 SEIR regarding which impacts remain significant and unavoidable after mitigation and the basis for concluding that the remaining impacts would be less than significant or would be reduced to a less than significant level by the adopted mitigation measures; and be it

FURTHER RESOLVED that with respect to the foregoing impacts that will remain significant and unavoidable after mitigation, the Board hereby finds that the impacts are acceptable for the reasons set forth in the Statement of Overriding Considerations in Part III below; and be it

B. Alternatives

FURTHER RESOLVED that the Board hereby finds that the Final ADP EIR sets forth a reasonable range of alternatives to the ADP sufficient to foster informed public participation and informed decision making and to permit a reasoned choice, and that the Final ADP EIR adequately discusses and evaluates the comparative merits of the alternatives; and be it

FURTHER RESOLVED that the Board finds that the alternatives to the ADP set forth in the Final ADP EIR would not allow full attainment of the project objectives or the benefits of the ADP, or the benefits of the Remaining ADP Components, as set forth below in the Statement of Overriding Considerations, and that any limited environmental advantages in comparison with the ADP, and with the Remaining ADP Components, do not justify adoption of any project alternative in light of these factors; and be it

FURTHER RESOLVED that the Board makes the following specific findings with respect to the alternatives identified and discussed in the Final ADP EIR as separate and independent grounds for adopting the Remaining ADP Components, rather than the project alternatives:

1. Moderate Build Alternative

The Moderate Build Alternative is a reduced scale development. The Board hereby finds this alternative infeasible, as that term is defined by CEQA, and the Board rejects this alternative for the following reasons:

The Moderate Build Alternative would not meet Port planning standards for forecast activity levels. Although it would be capable of accommodating air passenger and air cargo activity levels of 13.8 Million Annual Passengers (MAP) and 1 Million Annual Tons (MAT) of cargo, respectively, Airport service would be impaired if the Moderate Build Alternative were adopted rather than the ADP, resulting in congestion, inconvenience and delays at passenger terminals and air cargo facilities when these activity levels are reached or exceeded. This Alternative would be insufficient to accommodate peak period needs for cargo aircraft parking positions. Parking problems and access conflicts at the passenger terminal would create congestion on Airport roadways with the Moderate Build Alternative.

The Moderate Build Alternative would somewhat reduce non-operational (or "footprint") impacts of the ADP. However, with adoption of mitigation measures, the relevant non-operational project impacts of the ADP will be mitigated to a less than significant level. The Moderate Build Alternative could also reduce some of the operational impacts of the ADP (e.g., noise, traffic, air quality). However, this

would occur at the expense of achieving the benefits of the ADP. Furthermore, while the Moderate Build Alternative would reduce human health impacts as compared with the ADP in terms of acute non-cancer risks due to aircraft emissions of acrolein, the impact would remain significant and unavoidable. For all of these reasons, the Board finds that the benefits of approving the Remaining ADP Components outweigh the potential reduction in significant impacts that could occur under the Moderate Build Alternative.

In addition to the Moderate Build Alternative, a number of variants of the ADP are possible that would eliminate or reduce the size of particular component projects. The Board finds that variants that would not reasonably accommodate projected passenger and cargo activity levels would result in the congestion, inconvenience and delay described above for the Moderate Build Alternative when those activity levels are reached or exceeded, and are therefore not feasible alternatives that could attain most of the basic project objectives for the same reasons as the Moderate Build Alternative. The Board further finds that variants that would reasonably accommodate projected future passenger and activity levels would not substantially reduce the significant impacts of the ADP and therefore are rejected as infeasible.

2. Passenger Dominant Alternative

The Passenger Dominant Alternative would construct all of the passenger components of the ADP but none of the cargo components. The Board hereby finds this alternative infeasible, as that term is defined by CEQA, and the Board rejects this alternative for the following reasons:

The Passenger Dominant Alternative would not meet the needs of the Port's tenants for efficiently accommodating projected air cargo activity levels. Although it would be capable of reasonably accommodating projected air passenger levels, Airport cargo service would be impaired if the Passenger Dominant Alternative were adopted rather than the ADP, resulting in congestion, inconvenience and delays at air cargo facilities when projected cargo activity levels are reached or exceeded. This Alternative also could be insufficient to accommodate peak period needs for cargo aircraft parking positions.

A key project objective for the ADP is to support a balanced mix of air cargo and passenger facilities to accommodate forecast demand, and at the same time maintain and enhance the Airport's role as a major economic generator within the region. The Passenger Dominant Alternative would not fulfill this project objective. Because this alternative includes no cargo facilities, it does not support a balanced mix of facilities. Furthermore, the Port's air cargo tenants are a valuable source of employment. Under the Passenger Dominant

Alternative, much of the increase in employment projected for the ADP may not occur.

The Passenger Dominant Alternative would reduce some of the environmental impacts of the ADP, including air quality impacts resulting from emissions of criteria pollutants, but not to a less than significant level. Further, this reduction would occur at the expense of achieving many of the benefits of the ADP. Moreover, while the Passenger Dominant Alternative would reduce human health impacts as compared with the ADP in terms of acute non-cancer risks due to aircraft emissions of acrolein, the impact would remain significant and unavoidable. For all of these reasons, the Board finds that the benefits of approving the Remaining ADP Components outweigh the potential reduction in significant impacts that could occur under the Passenger Dominant Alternative.

3. Cargo Dominant Alternative

The Cargo Dominant Alternative would construct all of the cargo components of the ADP but none of the passenger components. The Board finds this alternative infeasible, as that term is defined by CEQA, and the Board rejects this alternative for the following reasons:

The Cargo Dominant Alternative would not meet Port planning standards for forecast passenger activity levels. Although it would be capable of accommodating projected air cargo activity levels, Airport passenger service would be impaired if the Cargo Dominant Alternative were adopted rather than the ADP, resulting in congestion, inconvenience and delays at passenger terminals when forecast passenger activity levels are reached or exceeded. Parking problems and access conflicts at the passenger terminal would create congestion on Airport roadways with the Cargo Dominant Alternative.

Like the Passenger Dominant Alternative, the Cargo Dominant Alternative would not fulfill the key project objective for the ADP of supporting a balanced mix of air cargo and passenger facilities to accommodate forecast demand, and at the same time maintain and enhance the Airport's role as a major economic generator within the region. Because this alternative includes no passenger facilities, it does not support a balanced mix of facilities. Furthermore, under the Cargo Dominant Alternative, part of the increase in employment projected for the ADP may not occur.

The Cargo Dominant Alternative would reduce some of the environmental impacts of the ADP, including air quality impacts resulting from emissions of criteria pollutants. However, this would occur at the expense of achieving many of the benefits of the proposed ADP. Furthermore, while the Cargo Dominant Alternative would reduce human health impacts as compared with the ADP in terms of acute non-

cancer risks due to aircraft emissions of acrolein, the impact would remain significant and unavoidable. For all of these reasons, the Board finds that the benefits of approving the Remaining ADP Components outweigh the potential reduction in significant impacts that would occur under the Cargo Dominant Alternative.

4. No Project Alternative

The Board hereby finds the No Project Alternative infeasible, as that term is defined by CEQA, and the Board rejects this alternative for the following reasons:

The No Project Alternative would not satisfy the purpose and need for the ADP and could not feasibly attain the project objectives. This alternative would result in progressive degeneration of service levels, which would eventually constrain growth at the Airport. The ADP would accommodate projected passenger and air cargo activity levels, improve airport access and regional transportation, and provide substantial economic benefits. None of these benefits would be achieved with the No Project Alternative. This alternative would reduce or avoid most of the significant impacts resulting from the ADP; however, projected increased utilization of existing Airport facilities not related to development of the ADP would result in adverse environmental effects to ground vehicle traffic, air quality and noise. Accordingly, the Board finds this alternative infeasible.

5. Other Alternatives Evaluated in the EIR

The Final ADP EIR evaluated the following off-Airport alternatives: a new Bay Area carrier airport site; civilian re-use or shared use of military airfields including Alameda Naval Air Station, Hamilton Army Air Field, and Moffett Field; implementation of the Regional Airport System Plan (RASP); the City of Alameda's proposed "Settlement Agreement"; and alternative technologies including high speed rail service in the "California Corridor," other modes of transport, civilian tilt-rotor and verti-ports, and telecommunications and telecommuting. The Final ADP EIR identifies the reasons that each of these offsite alternatives could not satisfy the purpose and need for the project and concludes that these alternatives cannot feasibly achieve the Port's project objectives in a reasonable time frame. The Board hereby adopts and incorporates these reasons by reference into these CEQA Findings and the Board rejects these alternatives.

6. Additional Suggested Alternatives

Commentors have suggested a number of additional purported alternatives for evaluation. The Board hereby finds each of these suggested alternatives is not a viable alternative to the ADP because it

will not achieve most of the primary objectives of the ADP, and is not a feasible alternative to the ADP, as is explained in the responses to comments contained in the Final ADP EIR. The Board adopts and incorporates by reference the reasons stated in the response to comments contained in the Final ADP EIR into these CEQA Findings, as the Board's grounds for rejecting these suggested alternatives as infeasible; and be it

III. STATEMENT OF OVERRIDING CONSIDERATIONS

FURTHER RESOLVED that Section 15093 of the CEQA Guidelines provides that where the decision of a public agency allows the occurrence of significant effects which are identified in the final EIR, the agency shall state in writing specific reasons to support its action based on the final EIR and/or other information in the record. This statement is referred to as a "Statement of Overriding Considerations." The Board hereby finds and determines that the potentially significant impacts of the ADP will be reduced to less than significant levels by the mitigation measures adopted by this Board, except for the unavoidable significant impacts described above in Part II.A.2. In light of the overriding considerations set forth below, the Board further finds and determines that the benefits of the ADP, and of approving the Remaining ADP Components, outweigh the unavoidable significant adverse impacts. These considerations warrant approval of the Remaining ADP Components, notwithstanding the unavoidable significant impacts. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the ADP, and of approving the Remaining ADP Components, outweigh the significant adverse environmental impacts and is an overriding consideration warranting approval.

A. The ADP would accommodate forecast passenger and air cargo growth and relieve existing and forecast congestion, inconvenience and delay at the Airport, by:

1. Relieving congestion and passenger delays at the Airport terminal facilities during peak and non-peak periods.

2. Providing additional aircraft support facilities.

3. Providing additional air freight facilities to accommodate forecast increases in air cargo operations.

4. Satisfying aircraft parking requirements under forecast conditions.

5. Widening two taxiways to permit aircraft to pass one another, reducing congestion and delay in the vicinity of Runway 11/29.

6. Providing 12 new aircraft gates designed to accommodate the passenger activity level of 13.8 MAP.

7. Constructing a new rental car service facility that would provide much needed space to rental car companies, reducing associated delays and operational costs and increasing customer service.

8. Improving existing on-Airport transportation and parking systems to decrease congestion.

B. The ADP would allow the Port to remain a competitive west coast airport that would be designed to best serve its share of regional aviation activity by:

1. Meeting the Port's planning criteria for passenger terminal facilities.

2. Accommodating forecast freight volumes consistent with Port standards and tenants' requirements.

3. Supporting a balanced mix of air cargo and air passenger facilities to accommodate forecast demand.

C. The ADP would maintain and enhance the Airport's role as a major economic generator within the region and provide a substantial increase in regional employment; and be it

IV. APPROVAL BY BOARD OF PORT COMMISSIONERS

FURTHER RESOLVED that subject to the foregoing, the Board hereby approves the Remaining ADP Components; and be it

FURTHER RESOLVED that the Board hereby authorizes the Port Attorney to file a return to the Revised Writ of Peremptory Mandate with the Alameda County Superior Court, indicating compliance with the court's December 23, 2002, Revised Judgment Granting Peremptory Writ of Mandate and December 26, 2002 Revised Peremptory Writ of Mandate.

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5
Noes: None

Absent: Commissioners Kiang and Scates - 2

APPENDIX I

PORT OF OAKLAND
MITIGATION MONITORING AND REPORTING PROGRAM
for the Oakland International Airport
Airport Development Program (ADP)

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared by the Port of Oakland pursuant to California Public Resources Code Section 21081.6 to ensure compliance with mitigation measures adopted for the remaining components of the Airport Development Program (ADP) at Oakland International Airport. Implementation of the mitigation measures will be monitored during construction and operation of the remaining ADP components. While not required, in addition to adopting measures to mitigate significant adverse impacts, the Port also adopted measures to mitigate less than significant impacts of the remaining ADP components.

The Port of Oakland's Environmental Planning Department coordinates the MMRP, oversees mitigation monitoring, and maintains the administrative record of all mitigation and implementation tasks performed. The Environmental Planning Department also prepares an annual report to the Board of Port Commissioners detailing the status of the MMRP. The following table presents information regarding impacts subject to the mitigation and adopted measures. The table distinguishes between mitigation measures and implementation strategies for impacts determined to be potentially significant for measures and strategies for impacts that are "less than significant."

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
4.1 Noise				
Surface Traffic Noise				
Growth in passenger and air cargo volumes at OAK under the proposed Airport Development Program (ADP) and the no project alternative would contribute to an increase in surface traffic-related noise along the roads serving OAK.	(1) In consultation and coordination with the City of Oakland, other Airport Roadway Project (ARP) participants, and the affected residents, the Port of Oakland (along with other ARP participants) would construct two noise barriers (one on the north side and another parallel to it on the south side) along 98th Avenue to reduce noise impacts on residences if, once consulted, the City of Oakland and residents most affected by traffic on 98th Avenue favor such construction. Alternatively, if barriers would not be constructed, then the ARP participants would offer acoustical insulation to residents who would be significantly affected. If the ARP participants select not to implement this measure, the Port of Oakland would ensure implementation on its own.	1a.) Develop preliminary barrier design concepts. Consult with City, residents, and ARP participants. If approved, construct the two noise barriers. Verify consultation has occurred (such as incorporate meeting notices and minutes). Add noise barrier design plans to administrative record. Verify the construction of the noise barriers.	1a.) City of Oakland in consultation with Port ECM.	1a.) Before construction contract goes out to bid.
		1b.) Alternatively, if noise barriers are not included as part of the ARP, provide offer notices for acoustical insulation to residences that would experience significant noise increases due to the ARP component of the ADP. With approval of the owners and occupants, determine the extent of noise level reduction provided by the existing facades of the affected residences and determine the extent that such reduction would need to be augmented to ensure that interior noise levels would be less than 45 DNL through 2010 with the ARP. Hire contractors to provide the necessary aeoustical insulation. Verify notice distribution. Include copy of notice in the administrative record. Record accepted offers. Verify insulation.	1b.) Port - City of Oakland / Aviation Division	1b.) During construction.
	(2) The Port of Oakland would coordinate with the City of Alameda to discourage OAK-related truck traffic from using Maitland Drive.	2a.) Identify and advocate the use of alternative routes for OAK-related trucks.	2.) Port - Aviation Division, City of Oakland, City of Alameda	2.) During construction and operation of applicable projects.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Construction Noise				
Construction of additional facilities at OAK or in the vicinity would temporarily increase noise levels near construction sites. Noise generated off-site during construction of the ARP would be significant due to the proximity of residential uses.	(1) Mitigation measures would include the following specifications in construction contracts for ARP Segments 1 and 6: (1) Noise-generating construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday; (2) Construction equipment shall be equipped and maintained with effective muffling devices; and (3) Construction staging areas shall not be located closer than 500 feet from residences unless there are no reasonable alternatives.	1a.) Require in plans and specifications. 1b.) Oversee contractor compliance during construction.	1a.) Port - ECM 1b.) Port - ECM	1a.) Before construction contract goes out to bid. 1b.) During construction of ARP Segments 1 and 6.
4.3 Social Impacts				
Home and Business Relocation				
Development of ARP Segments 5 and 6 would require relocation of two to three residential units and one business. The Port would also allow current commercial leases to expire at North Airport to permit construction of new facilities included in the ADP.	(1) Fair and reasonable relocation compensation and assistance will be provided pursuant to Title II of the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 and the State of California Relocation Assistance Act.	1a.) Required by federal and state law.	1.) Port and City of Oakland Legal Departments	1.) Prior to and during relocation. 2a.) Prior to completion of final designs. 2b.) At least 90 days prior to businesses and residents being relocated.
	(2) The City of Oakland will develop a Relocation Plan when the right-of-way is determined. The City's Relocation Plan will provide that families and individuals to be displaced are offered comparable or better housing that is adequate for their needs.	2a.) Right-of-way identified in engineering designs.	2a.) Port Engineering in consultation with City of Oakland	2a.) Prior to completion of final designs.
		2b.) Develop Relocation Plan, including a needs-determination survey, and a study to determine the availability of comparable or better housing within a 25-mile radius of the affected properties.	2b.) City of Oakland in consultation with Port Real Estate Department	2b.) At least 90 days prior to businesses and residents being relocated.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Home and Business Relocation (cont.)	(3) Provide displaced businesses and residents with at least 90 days notice for vacating property.	3a.) Specify in Relocation Plan.	3.) Port and City of Oakland Legal and Real Estate Departments	3.) Implementation schedule for relocation will be identified in plan which must be approved at least 90 days prior to any relocation activities.
	(4) Businesses on 98th Avenue affected by land acquisition would be compensated for their land. The loss of spaces in any parking facility would be compensated to the lessor and lessee.	4a.) Engineering Design to identify affected businesses; specify in Relocation Plan.	4a.) Port Engineering Design; City of Oakland in consultation with Port Real Estate Department and affected businesses	4a.) Upon completion of final designs to incorporate into Relocation Plan.
		4b.) Determine final rights-of-way to identify the number of parking spaces affected and specify in relocation Plan.	4b.) Port Engineering Design, City of Oakland	4b.) Upon certification of rights-of-way map.
	(5) The Port will assist in the relocation of affected tenants at North Airport if requested and to the extent feasible.	5a.) Provide assistance, such as contacts.	5.) Port Properties; Port Legal	5.) Upon completion of final engineering designs that identify affected tenants.
4.5 Air Quality				
Criteria Pollutant Emission				
Increases in air passenger and air cargo volumes would affect the total amount of criteria air pollutant emissions (nitrogen oxides [NO_X], reactive organic gases [ROG], and particulate matter [PM_{10}]) generated by activities at OAK.	(1) The Port of Oakland would ensure the conversion of (or replacement of) ground support equipment (GSE) used at OAK to/with alternatively fueled vehicles to reduce ROG and NO_X emissions associated with Airport operations. This measure is intended to cover the Port's own GSE vehicles at OAK as well as those used by OAK tenants.	1a.) Promote the use of alternatively fueled vehicles to tenants; notify tenants that alternative-fuel vehicles will need to be phased in as a schedule is developed.	1a.) Aviation, Airport Operations	1a.) During construction and project operation.
		1b.) Develop schedule to phase in the use of alternative-fuel vehicles by Port and tenants.	1b.) Aviation, Airport Operations	1b.) During construction and project operation.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Criteria Pollutant Emission (cont.)		1c.) Renegotiate tenants lease agreements.	1c.) Legal in consultation with Aviation	1c.) During construction and project operation.
	(2) The Port of Oakland would install ground power and pre-conditioned air at newly constructed and renovated terminal gates and would retrofit existing gates to provide pre-conditioned air (they are already equipped to provide power), thereby reducing the emissions associated with use of auxiliary power units and certain GSE.	2a.) Require in plans and specs.	2a.) Port - ECM	2a.) Prior to construction
		2b.) Oversee contractor compliance during installation.	2b.) Port - ECM	2b.) Prior to project operation
	(3) The Port of Oakland would encourage the van/shuttle fleet regularly serving OAK to be converted to alternative fuels (i.e., compressed natural gas (CNG) or electricity) to reduce pollutant emissions.	3a.) Consult with van/shuttle service providers to encourage conversion. Evaluate Port ability to include incentives for fleet conversion in future contracts with serviee providers. Verify Port efforts to contact van/shuttle service providers and encourage fleet conversion.	3.) Airport Operations	3.) Annually. As new lease agreements arise.
	(4) The Port of Oakland would develop and implement a trip reduction program in coordination with its tenants at OAK.	4a.) The Port would hire a transportation coordinator who would conduct appropriate surveys, act as a clearinghouse to share information among Airport tenants (e.g., rideshare lists and phone contacts of transportation coordinators, work shift schedules), and coordinate shuttle schedules with respect to timing, frequency, and stopping points (e.g., to Bay Area Rapid Transit [BART]) to serve the transportation needs of the various tenants. Changes in policies regarding OAK and tenant employee parking, such as increased parking fees, trade-in programs, and preferential parking for carpools and vanpools, would also be included in the program. A reasonable goal for this program would be to achieve an average vehicle ridership for OAK-related employees of 1.35.	4.) Port Legal, Aviation Division.	4.) Prior to operation of applicable projects.
	(5) The Port of Oakland would increase the frequency of AirBART shuttle operations and enhance passenger and worker awareness of this service to reduce single-occupant automobile use and thus pollutant emissions.	5a.) Require in lease agreement with shuttle service.	5a.) Port Legal, Operations, BART	5a.) When current lease agreement expires.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Criteria Pollutant Emission (cont.)		5b.) Develop a public awareness program.	5b.) Aviation Division	5b.) Prior to operation of applicable projects.
	(6) The Port of Oakland would support and promote the development of the BART-Oakland International Airport Intermodal Connector Project to shift on-road motor vehicle trips from private automobiles to mass transit, thus reducing vehicle-miles traveled and associated on-road dust entrainment as well as motor vehicle-related ROG and NO_X emissions.	6a.) Develop a public awareness program, and, in conjunction with BART, secure funding.	6a.) Aviation Division, Port Public Affairs	6a.) Before construction is completed.
		6b.) Coordinate with Metropolitan Transportation Commission (MTC) to include in Regional Transportation Improvement Program (RTIP progress).	6b.) Aviation Division, Port Public Affairs	6b.) Before construction is completed.
	(7) The Port of Oakland would design the ARP, which is a component of the proposed ADP, to inelude bike lanes and would provide bicycle racks and lockers/showers in designated ADP facilities to encourage OAK employees to bike to work.	7a.) Coordinate proposed bike routes with local communities to ensure consistency with their bike lane systems and plans.	7a.) Cities of Oakland, San Leandro, and Alameda in coordination with Port Aviation, ECM	7a.) Before construction contract goes out to bid.
		7b.) Require in plans and specifications.	7b.) Cities of Oakland, San Leandro, and Alameda in coordination with Port Aviation, ECM	7b.) Before construction contract goes out to bid.
	(8) Pursuant to the General Conformity Rule, the Port of Oakland would purchase (and retire) emissions credits from the Bay Area Air Quality Management District's (BAAQMD's) emissions bank to the extent necessary (taking into aceount the other mitigation measures) to achieve "no net increase" in ROG and NO_X emissions relative to the no project alternative.	8a.) Coordination with BAAQMD required as Condition of Project Approval.	8.) Environmental Planning, Aviation Administration	8.) Adhere to schedule described in "General Conformity Determination"

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Criteria Pollutant Emission (cont.)	(9) New or expanded ADP maintenance facilities that would substantially increase throughput or stationary-source pollutant emissions shall apply to BAAQMD for a permit or permit modification. The Port shall ensure that tenants who seek to expand aircraft maintenance operations at OAK have received the necessary permits from BAAQMD.	9a.) Coordination with BAAQMD required as Condition of Project Approval.	9a.) Port Tenants	9a.) Before operation begins in expanded facility.
		9b.) Oversee permit application compliance.	9b.) Environmental Health and Safety Compliance (EH&SC), Aviation Administration	9b.) Before operation begins in expanded facility.
Cumulative Criteria Pollutant Concentrations				
Changes in activity levels at OAK would result in changes in ambient concentrations of criteria air pollutants in the Airport vicinity under both the proposed ADP and the no project alternative. By 2010 under the cumulative scenario which includes both the ADP and ht extension of Runway 11/29, one-hour average nitrogen dioxide (NO_2) concentrations would exceed the applicable state ambient air quality standard in the immediate vicinity of the northwestern end of Runway 11/29 on the rare occasions when high aviation activity levels coincided with stagnant wintertime meteorological conditions.	(1) The Port of Oakland would adopt the state one-hour average NO2 standard as a performance standard for property-line NO2 concentrations from OAK-related activity. Emission and Dispersion Modeling System (EDMS) dispersion modeling indicates that significant one-hour-average NO2 concentrations would not occur until well after 2000 and is not predicted to occur without the extension of Runway 11/29. Accordingly, this measure would include post-2000 monitoring of NO2 concentrations. Monitoring would be carried out at the property-line east of the northwestern end of Runway 11/29 over reasonable periods (e.g., the month of December) and at reasonable intervals (e.g., every third year). Monitoring results would then provide the basis for remedial action (e.g., property acquisition) if the performance standard were exceeded.	1a.) Adopt the state one-hour average NO_2 standard as a performance standard for property-line NO_2 concentrations from OAK-related activity. Monitor post-2000 NO_2 concentrations. If the performance standard is exceeded, acquire property or otherwise control access to affected area to avoid exposure of people to concentrations in excess of the applicable standard. Add post-2000 NO_2 concentration monitoring reports to the administrative record.	1a.) Airport Administration / Environmental Planning Department	1a.) Monitor during 2005 and then every third year to ensure compliance with performance standards.
		1b.) Oversee monitoring compliance during operation	1b.) Airport Administration / Environmental Planning Department	1b.) Monitor during 2005 and then every third year to ensure compliance with performance standards.
		1c.) Prepare report with recommended action to Aviation Director.	1c.) Airport Administration / Environmental Planning Department	1c.) When monitoring results indicate exceedance of performanee standards.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Cumulative Criteria Pollutant Emission				
The proposed ADP would contribute incrementally to cumulative regional growth in employment, housing, surface traffic, and aviation activity; the ADP would also contribute incrementally to cumulative regional industrial development. Criteria pollutant emissions (nitrogen oxides [NO_X], reactive organic gases [ROG], and particulate matter [PM_{10}]) generated by continuing growth and development in the region would impede attainment of ambient air quality standards for pollutants currently designated as "nonattainment."	(1) The Port of Oakland would initiate the study of potential new ferry service for passenger and cargo between OAK and SFIA. The Port would initiate a study of ferry service in consultation with BAAQMD, MTC, and SFIA to determine the feasibility and cost-effectiveness of the measure in reducing emissions. Mitigation measures identified in the Final EIR and discussed above for criteria pollutant emissions would reduce cumulative criteria pollutant emissions. Criteria Pollutant Emission Mitigations 1 through 9, above, encompass all of the Transportation Control Measures (TCMs) contained in the '94 CAP (Clean Air Plan) that are relevant to the Port's administration of OAK, with one exception, TCM #7 (Improve Ferry Service).	1a.) Specify in contractor's scope of work.	1a) Port Strategic Planning / Aviation Administration in consultation with BAAQMD, MTC, SFIA	1a) Ongoing study.
Toxic Air Contaminant Emission				
Additional ROG combustion products generated by aircraft, on-road motor vehicles, and ground support equipment would increase toxic air contaminant (TAC) emissions associated with OAK operations in 2000 and 2010. Maximum one-hour concentrations of acrolein, which is associated primarily with aircraft engine exhaust, could exceed the significance criterion of a hazard index for an incremental acute non-cancer health hazard no more than three times a year at some locations in the Airport vicinity.	(1) TAC emissions associated with the proposed ADP would be reduced roughly in proportion to the decrease in ROG emissions that would result from implementation of Criteria Pollutant Emission Mitigations 1 through 9, which are identified in the Final EIR.	1a.) Implementation of Criteria Pollutant Emission Mitigations 1 through 9 (described above) will reduce TAC emissions in an amount roughly proportional to ROG emission reduction.	(1) See the Criteria Pollutant Emission Mitigations 1 through 9, above.	(1) See the Criteria Pollutant Emission Mitigations 1 through 9, above.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Construction Criteria Pollutant Emission				
Construction activities would temporarily but significantly increase PM_{10} emissions.	(1) The Port would include the following measures in construction contracts related to the development of the ADP to reduce emissions from construction:	1a.) Construction plans and specifications.	1a.) Port ECM	1a.) Before construction contract goes out to bid.
	(a) Water all active construction areas at least twice daily (using non-potable water where feasible). (b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). (c) Pave (e.g., gravel, asphalt), apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at eonstruction sites. (d) Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. (e) Sweep street daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets. (f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). (g) Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). (h) Limit traffic speeds on unpaved roads to 15 miles per hour. (i) Install sandbags or other erosion control measures to prevent silt runoff to public roadways. (j) Replant vegetation in disturbed areas as quickly as possible. (k) Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary	1b.) Oversee compliance during construction.	1b.) Port ECM; EH&SC	1b.) During Construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Construction Criteria Pollutant Emission (cont.)	(1) Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good condition and well-tuned, to minimize exbaust emissions.			
	(2) The Port shall require that construction contractors document compliance with BAAQMD Regulation 11, Rule 2, where construction activities might involve the demolition of a building containing asbestos building materials.	2a.) Construction plans and specifications; engineering will provide EH&SC a list of facilities that this will apply to and approximate schedule for demolition.	2a.) Port ECM	2a.) Before building demolition.
		2b.) Verify documentation as submitted to BAAQMD.	2b.) Port ECM; EH&SC	2b.) Before demolition of any facility with asbestos containing material.
	(3) The following measures shall be implemented to reduce less-than-significant ROG and NO_X emissions during the construction period: • Require construction contractors to document that their equipment has been maintained according to manufacturer's maintenance schedule or that the equipment has been recently tuned. • Require that this equipment be maintained and kept well-tuned during the course of construction. • Require that trucks and equipment not be allowed to idle without purpose for long periods.	3a.) Specify in construction plans and specifications. 3b.) Oversee compliance by contractor during construction.	3a.) Port ECM 3b.) Oversee compliance by contractor during construction.	3a.) Prior to construction contract going out to bid. 3b.) During construction. 3b.) Port ECM

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
4.6 Water Quality				
Operational Water Quality				
Expansion of impervious surfaces at OAK under the ADP, in combination with increased aircraft and ground vehicle operations, would potentially lead to elevated levels of hydrocarbons and other contaminants in stormwater discharges and in groundwater in 2000. Contaminant spills and leaks at existing and proposed project facilities could infiltrate into groundwater.	The following measures shall be implemented to reduce the potential for contamination of on-site wetlands, groundwater, and off-site receiving waters:			
	(1) In conjunction with the Port's Regional Storm Water Pollution Prevention Program (SWPPP), continue to implement and evaluate the effectiveness of specific Best Management Practices (BMPs), including, but not limited to, protection of storm drains, response to spills, regulation of aircraft fueling and de-icing, and prevention of solvent and non-solvent cleaners, aircraft fluids, and aircraft washwater from entering stormwater; maintain records of training, inspection, spills, hazardous waste disposal, and maintenance on-site; audit SWPPP annually, evaluate, and modify BMPs as warranted, and report to the Regional Water Quality Control Board (RWQCB) as required by regional permit.	1.a) Incorporation into Port's SWPPP and ongoing evaluation of BMPs.	1.) Port ECM, EH&SC	1.) During project operation.
	(2) Continue to assist Port tenants in implementing site-specific SWPPPs and associated BMPs, as well as conduct Group Monitoring Program.	2.a) Implementation of site-specific SWPPPs and BMPs.	2.) Port ECM, EH&SC	2.) During project operation.
	(3) Monitoring of specific facilities that have a greater chance to affect stormwater quality or have non-stormwater discharge.	3a.) Incorporate into Port's stormwater monitoring/auditing program.	3.) Port EH&SC	3.) During project operation.
	(4) The following BMPs and facilities improvements will be considered as possible back-up measures for future incorporation in the SWPPP if determined necessary to improve the effectiveness of the SWPPP:	4a.) Require in plans and specifications.	4a.) Port ECM, EH&SC	4a.) Prior to operation of applicable projects.
	▪ Comparison of the existing configuration, vegetation, and sizing of the detention ponds and vegetated channels to BMP design criteria (e.g., for wet pond and constructed wetlands); and, as needed, implementation of internal modifications to maximize effectiveness of the detention ponds in removing sediment, nutrient, heavy metals, toxins, floatable material, oxygen-demanding substances, and oil and grease.	4b-1.) Require in plans and specifications. 4b-2.) Oversee contractor compliance during construction.	4b-1,2.) Port ECM, Environmental Planning	4b-1.) Prior to construction. 4b-2.) During construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Operational Water Quality (cont.)	• On a project-by-project basis, installation of permanent barriers to protect on-site wetlands as necessary (e.g., from long-term exposure to contaminated runoff from developed upslope surfaces within the project area).			
Construction Water Quality				
Construction of the proposed project would include clearing, grading, excavation, and other activities resulting in surface disturbance of soils. These actions would expose soils to erosion and sedimentation in on-site drainages, thereby contributing to sediment and any associated pollutant loading of surface runoff.	(1) For all construction activities associated with the ADP that involve disturbance of land, regardless of the acreage, the Port would require its contractors to develop a SWPPP. For all construction projects of five acres or more, the contractors would be required to submit a Notice of Intent and site map to the RWQCB and prepare a SWPPP to be covered under the General Construction Storm Water Permit.	1a.) Require in engineering plans and specifications. 1b.) Oversee contractor compliance during construction.	1a.) Port Engineering Design 1b.) Port ECM, Operation, Facilities, EH&SC	1a.) Prior to construction; update as necessary. 1b.) Prior to, during, and post construction.
Construction of proposed ADP facilities requiring subsurface excavations greater than about 1 foot below the existing surface could intereept shallow groundwater, affecting water quality.	(2) Final project design for all below-grade features would include provisions to reduce the need for groundwater pumping that could contribute to settlement and/or surface water quality degradation. Since the location of new or expanded facilities is highly constrained by other factors, and shallow groundwater may exist throughout the project area, the provisions would emphasize efforts to reduce the amount of excavation necessary and the amount and duration of dewatering.	2a.) Require in engineering design, plans, and specifications. 2b.) Oversee contractor compliance during construction.	2a.) Port Engineering Design 2b.) Port ECM / EH&SC	2a.) Prior to construction. 2b.) Prior to and during construction.
	(3) Prior to construction, in areas that would require short-term or long-term groundwater pumping, groundwater samples would be collected to determine the quality of groundwater and to determine appropriate methods for discharge of groundwater. Water quality results would be provided to the appropriate agency depending on the method of discharge. If discharge	3a.) Require groundwater sampling in construction plans and specifications. 3b.) Oversee contractor compliance during construction.	3a.) Port ECM 3b.) Port ECM / EH&SC	3a.) Before construction contract goes out to bid. 3b.) During construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Construction Water Quality (cont.)	would be to surface or ground waters, the Port would contact the RWQCB and obtain any permits deemed necessary by the agency. If discharge would be to the sanitary sewer, the Port would contact the East Bay Municipal Utility District (EBMUD) and obtain any required permits. If disposal of groundwater would be to an off-site location, the Port would contact the RWQCB or other regulatory agency, obtain the necessary permits, and arrange for off-site disposal.	3c.) Coordinate water discharge permits/approvals with RWQCB, EBMUD as needed.	3c.) Port Environmental Planning Department / EH&SC	3c.) During construction.
Cumulative Water Quality				
Development of the proposed project, in conjunction with related projects at OAK, could result in significant cumulative increases in contaminant levels in stormwater discharges and groundwater in 2000 and 2010.	The operational water quality mitigation measures discussed above would also address cumulative water quality impacts.	See the operational water quality mitigation measures diseussed above.	(1) See the operational water quality mitigation measures discussed above.	(1) See the operational water quality mitigation measures discussed above.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
4.8 Cultural Resources				
Potential Historic/Archaeological				
Earthmoving activities associated with construction of various proposed ADP facilities could result in the discovery of previously unknown subsurface prehistoric and/or historic archaeological resources. Given the proximity of known prehistoric archaeological resources in the area of potential effect (APE) and the potential for prehistoric archaeological resources to exist near the Bay margin, the potential for buried resources exists, although the area of potential resources would likely be limited to North Airport.	(1) In the event that any prehistoric and/or historic archaeological resources are discovered during construction or earthmoving activities, all work within 100 feet of the resources shall be halted and the significance of the find shall be evaluated immediately by a qualified archaeologist. If any find were determined to be significant by the qualified archaeologist, then representatives of the construction contractor, the Port, and the qualified archaeologist would meet to determine the appropriate course of action. If the discovery included human remains, the provisions of Section VIII of the California Environmental Quality Act (CEQA) *Guidelines* Appendix K would be implemented, requiring coordination with the Native American Heritage Commission if the human remains are of Native American origin. All significant cultural materials recovered as part of the monitoring program would be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.	1a.) The Port would either hire an archaeologist to assign as needed to construction jobs, or the Port would require in construction plans and specifications that construction contractor have an archaeologist on retainer. 1b.) Oversee compliance during construction.	1a.) Port ECM / Environmental Planning Department 1b.) Port ECM / Environmental Planning Department	 b.) During construction.
4.9 Biotic Communities				
Burrowing Owl				
During construction and operational phases of project development, individual burrowing owls may be wounded or killed or burrows could be destroyed. The burrowing owl is a	The Port shall develop an approved plan of action to mitigate construction impacts to burrowing owls and their burrows, and to provide for long-term maintenance of a stable burrowing owl population. The following measures would achieve these goals:			

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Burrowing Owl (cont.) state species of special concern, and therefore does not enjoy full protection under the federal and state Endangered Species Acts. However, the California Department of Fish and Game (CDFG) recommends that impacts to this species be considered significant in environmental impact analysis because breeding populations are considered by the state to face extinction.	1) Maintain Runway Safety Areas. In order to reduce the potential for burrowing owl strikes, the Runway Safety Areas should be maintained as free as reasonably possible of nesting burrowing owls. Unless the California Department of Fish & Game concludes in a particular case that such closure should not occur, burrows that could be occupied by burrowing owls in a Runway Safety Area or on pavement shoulders should be closed and compensated by installing one artificial burrow in the existing Burrowing Owl Management a Area.	1a.) Require in Burrowing Owl Management Plan.	1.) Airport Facilities / Environmental Planning Department	1.) During construction and operation.
	(2) Airport Construction. The Port of Oakland would facilitate a passive relocation of the owls away from construction zones outside the nesting season (February 1 to August 31). In order to do so, the Port o Oakland would abide by the following specifications: (a) conduct pre-construction burrow monitoring for owl occupancy; (b) conduct pre-construction burrow monitoring for owl occupancy; and (c) excavate and physically close natural burrows prior to ground-disturbing activities.	2a.) Conduct preconstruction survey.	2a.) Environmental Planning coordinates/ oversight	2a.) Prior to ground disturbing activity.
		2b.) Conduct preconstruction monitoring.	2b.) Environmental Planning coordinates/ oversight	2b.) Prior to construction.
		2c.) Manage relocation of owls to artificial burrows.	2c.) Environmental Planning coordinates/ oversight; ECM with oversight by Environmental Planning and consultant	2c.) Prior to construction.
		2d.) Require in construction plans and specifications the closure of natural burrows	2d.) ECM with oversight by Environmental Planning and consultant	2d.) Prior to construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Burrowing Owl (cont.)	(3) Burrowing Owl Management Areas. If the burrowing owl nests would be affected, the Airport would coordinate with CDFG to set aside burrowing owl habitat off-site through purchase of property, conservation easement, or mitigation credits.	3a.) Preparation of Burrowing Owl Management Plan; coordinate management and maintenance of relocated site with CDFG/FAA.	3a.) Environmental Planning in consultation with CDFG and USFWS	3a.) Prior to project construction.
		3b.) Obtain approval of Burrowing Owl Management Plan from CDFG and U.S. Fish and Wildlife Service (USFWS).	3b.) Environmental Planning in consultation with CDFG and USFWS	3b.) Prior to project construction.
		3c.) Maintenance of relocation site with regular mowing regime required by Burrowing Owl Management Plan.	3c.) Airport Facilities/ Environmental Planning	3c.) During project construction and operation.
	(4) Burrowing Owl Population Monitoring. If the owl nest would be affected, the following activities would be undertaken to monitor the burrowing owl population at OAK: (a) continue collecting data on the distribution and abundanee of burrowing owls throughout the Airport; (b) monitor burrowing owl use of designated management areas; (c) conduct a breeding season census and a non-breeding season census of the population of burrowing owls on the Airport; and (d) prepare an annual survey report on the status of the burrowing owl population at the Airport including population estimates for the non-breeding (winter) and breeding (summer) seasons, and an estimate of the annual production of young.	4a.) Incorporate monitoring provisions into Burrowing Owl Management Plans; conduct monitoring as specified.	4a.) Environmental Planning in consultation with CDFG	4a.) During operation.
		4b.) Oversight for compliance with provisions of Plan.	4b.) Environmental Planning	4b.) During fieldwork.
	(5) Obtain Burrowing Owl Management Plan Approval. The measures included above would be submitted to CDFG and USFWS for approval. Approval of the measures for consistency with the CDFG's Staff Report on Burrowing Owl Mitigation (approved October 17, 1995) would also be obtained.	5a.) Ensure consistency with CDFG Staff Report	5.) Environmental Planning	5.) Prior to construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Cumulative Burrowing Owl				
The ADP, together with possible future airfield improvements (extension of Runway 11/29 and construction of a high-speed exit taxiway), could contribute to cumulative impacts on burrowing owl, a state species of special concern. This species has been observed at the northwest end of Runway 11/29; occupied nests and/or individuals could be directly destroyed by the related airfield projects, as well as by component projects of the ADP.	The mitigation measures identified in the Final EIS/EIR for project impacts on burrowing owl would also address cumulative impacts on the species.	See the burrowing owl mitigation measures discussed above. Pursuant to Court direction, and subsequent to adoption of the original ADP MMRP, the Port will provide a 70-acre site for compensatory habitat for stewardship by CDFG. Pursuant to Court direction, and subsequent to adoption of the original ADP MMRP, the Port will provide an endowment to CDFG to maintain a compensatory mitigation site.. Pursuant to Court direction, and subsequent to adoption of the original ADP MMRP, the Port will fund specific protection and enhancement activities at a compensatory mitigation site.	(1) See the burrowing owl mitigation measures discussed above.	(1) See the burrowing owl mitigation measures discussed above.
4.11 Wetlands				
Wetlands				
Development of the proposed ADP would impact habitat values associated with 7.8 acres of wetlands subject to jurisdiction under Section 404 of the Clean Water Act by directly placing fill and/or indirectly altering wetland habitat conditions. The proposed ADP would also impact approximately 63 acres regulated under Section 10 of the	(1) Subject to U.S. Army Corps of Engineers (COE) approval of a Section 404 Permit, mitigation for placing fill in wetlands would be achieved through avoidance of most existing wetlands, minimization of fill where avoidance is not feasible, and compensatory wetlands or habitat creation/ enhancement and preservation at the Oro Loma Marsh as follows: • creation/restoration and preservation of 14.4 acres of	1a.) Prepare 404(b)(1) Alternative Analysis, finalize Wetland Mitigation Plan, and submit with Section 404 permit application to COE. 1b.) Oversee wetlands construction and agency coordination.	1a.) Environmental Planning 1b.) Environmental Planning	1a.) Prior to construction. 1b) Prior to construction (of ADP), and as agreed to with COE.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Wetlands (cont.) Rivers and Harbors Act. Impacts are considered potentially significant only for those Section 10 areas that are also subject to Section 404..	wetlands • enhancement and preservation of 1.2 acres of existing wetlands • enhancement and preservation of 2.6 acres of salt marsh harvest mouse habitat. Compensatory mitigation would achieve the minimum overall goal of no net loss of wetland acreage and value.	1c.) Monitor during construction and periodically as specified in the Wetland Mitigation Plan.	1c.) Environmental Planning	1c.) Prior to construction (of ADP), and as agreed to with COE.
Cumulative Wetlands				
Development of the proposed ADP, in combination with related projects at the Airport and in its vicinity, would have a cumulative, significant impact on habitat values associated with wetlands and other waters by placing fill and/or altering wetland habitat conditions.	(1) If and when related projects are proposed that include wetlands that are susceptible to fill and also subject to COE approval, such areas would be identified, and compensatory mitigation would be designed to achieve a minimum goal of no net loss of wetland acreage and value. Implementation of the wetlands mitigation discussed above would also address this cumulative impact.	1a.) Consult with COE on potential fill and mitigation requirements.	(1) Environmental Planning / Aviation Administration in consultation with COE	1) Prior to developing future project plans.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
4.12 Flooding and Floodplains				
Localized On-Site Flooding				
Development of the proposed project would expand the area of impermeable surfaces at OAK in 2000, thus increasing stormwater runoff volumes and peak flows. Proposed increases in impervious area off the Airport could also result in significant ponding and flooding impacts. Impacts of localized on-site flooding due to increased runoff from proposed impervious areas in sub-basins and/or from proposed project components in areas where flooding/ponding currently occurs could be significant.	(1) The Port would install new drainage infrastructure, prior to occupancy of structures and roadways constructed or expanded as part of the ADP to accommodate stormwater flows. Because OAK is outside of the 100-year floodplain, ADP drainage infrastructure would be designed to protect from lesser flooding events, in general, to accommodate flooding from the 25-year storm event. Inundation of construction areas due to dewatering would be avoided by discharging groundwater directly to detention ponds at the Airport. As indicated by the map for 100-year floodplain and Flood Hazard Zones, most of the operational areas of the Airport are classified under Zone C, "Areas of minimal flooding." Historically, the Port has generally used 25-year storm intensity as the design storm in drainage design of general facilities, and 50-year storm intensity as the design storm in drainage design of critical facilities, based on potential flooding impacts on safety and economic considerations. In the event of a 100-year storm occurrence, there would be anticipated loealized flooding, but no significant impacts to safety.	1a.) Required in engineering design plans, construction plans, and specifications. 1b.) Required in construction plans and specifications.	1a.) City of Oakland in coordination with Port Engineering Design, ECM. b.) City of Oakland / Engineering Design	1a.) Before eonstruction contract goes out to bid. 1b.) Before construction contract goes out to bid.
Cumulative Localized On-Site Flooding				
Development of the proposed project, in conjunction with related projects at OAK, would expand the area of impermeable surfaces at OAK in 2010, thus increasing cumulative stormwater runoff volumes and peak flows that could result in temporary, localized on-site flooding.	(1) Implementation of the localized on-site flooding mitigation discussed above would also address this cumulative impact.	1) Oversee compliance during dewatering process; test groundwater as needed to ensure regulatory compliance.	1) Port EH&SC, ECM	1) During dewatering.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Floodplain Encroachment				
The bridge abutment and/or fill required for expanding the bridge crossing over 98th Avenue as proposed in the ADP (ARP Segment 6) would potentially encroach into the San Leandro Creek 100-year floodplain.	(1) Since publication of the Draft EIS/EIR in September 1996, the Port's engineering consultant has prepared preliminary studies for the 98th Avenue bridge widening. Based on consultation with the Alameda County Flood Control District that includes submission of preliminary plans for the bridge piers and abutment, significant floodplain encroachment is not expected to result from widening of the 98th Avenue bridge proposed as part of the ADP. No substantial alterations to local, upstream, or downstream flood hazards or floodplain values are foreseen as a result of the widening, as presented in preliminary designs and specifications. Preliminary plans that have been revised following discussion with County staff to orient pier units parallel to the creek flow to minimize hydraulic impacts and to orient abutments parallel to the creek banks to minimize placement of fill. The Flood Control District has determined that designs submitted for the bridge would substantially reduce potential impacts to the floodplain	1.) Incorporate the Port's approved engineering designs (these have been approved by the Alameda Flood Control District) into construction plans and specifications.	(1) Engineering Design	1) Before construction contract goes out to bid.
Loss of Flood Storage Capacity				
Construction impacts of the proposed project, including surface disturbance, excavation, stockpiling, and grading, would expose soils to erosion and sedimentation in on-site drainage facilities, wetlands, or ponds, leading to a loss of flood storage capacity.	(1) The Port of Oakland would develop an erosion and sedimentation control plan at such time that design-level grading plans are prepared to reduce the potential for sedimentation due to wind and water erosion of soils and fill during construction. The plan would include feasible methods to stabilize soils and fill by covering of surfaces and/or revegetation. The specific measures to be employed shall include, but are not limited to, the following: • Active grading and excavation would be limited to the dry season to the greatest extent feasible (May to October), especially for grade-separated structures; If grading and/or excavation occurs during the rainy season, measures to control runoff and prevent erosion and sediment from entering on-site	1a.) The development of an erosion and sedimentation plan will be required in the construction plans and specifications. 1b.) Oversee contractor compliance with erosion and sedimentation plan.	1a.) Port Engineering Design 1b.) Port Engineering Design	1a.) Before start of construction. 1b.) Preconstruction, during construction, post-construction activities.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Loss of Flood Storage Capacity (cont.)	wetlands and detention ponds would be provided, such as barriers around catch basins and silt fences around adjacent and downslope wetlands, with periodic monitoring and sediment removal as needed; • Stockpiles and/or barren areas that would be inactive over a rainy season would be temporarily stabilized by mechanical or vegetative controls; and • Upon completion of construction activities for each project, all disturbed areas not permanently covered by pavement or structures would be stabilized by vegetative or other biotechnical and mechanical measures, as needed, to prevent long-term erosion and sedimentation impacts to adjacent wetlands and/or stormwater detention ponds.			
4.20 Hazardous Materials and Waste				
Contaminated Soils				
Development of the proposed ADP could pose a threat to public health or the environment by exposing existing **Contaminated Soils (cont.)** contaminated soils or groundwater during excavation and/or construction of specific proposed project components.	(1) The Port would inspect or test, prior to project construction, each project component involving excavation of soils or intrusion into groundwater that could potentially be contaminated. This mitigation measure would be applied at locations involving excavation or disturbance of soils, or intrusions into groundwater, that are identified in the Phase I Environmental Site Assessment as possessing known or possible environmental conditions warranting additional investigation. Appropriate site investigations would be carried out, such as those sampling and testing provisions mandated during underground storage tank (UST) removal. Samples would be collected and tested, where the presence of environmental impairment is known or suspected, in areas that the project would disturb. The Port would contract to have the inspection or tests conducted based on site conditions, and a report would be prepared identifying the potential hazards and recommending site remediation, if necessary, or construction mitigation. Inspection reports would be on file prior to project excavation or construction	1a.) Conduct Phase II investigation (field sampling and lab analyses) as recommended per Phase I Environmental Site Assessment. 1b.) Oversee Phase II investigation and report, health and safety plan; coordinate with agencies as needed.	1a.) EH&SC 1b.) Port EH&SC in consultation with environmental contractor	1a.) Prior to earth-disturbing activities. 1b.) Prior to earth-disturbing activities and throughout investigation. 2a.) Prior to construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Contaminated Soils (cont.)	(2) In the event that site inspections uncover petroleum contamination, USTs, abandoned drums, asbestos-containing material, or other hazardous wastes or environmental impairment in the project area, the Port would have a plan prepared that would: (1) specify measures to protect workers and the public from exposure to potential site hazards; and (2) certify that the proposed remediation measures would clean up the wastes, dispose of the wastes, and protect public health in accordance with federal, state, and local requirements. The Port would submit the results of the site inspections and the proposed remediation plan to the appropriate regulatory ageney for approval prior to initiating construction in the affected area. Work in the area of potential hazard would not proceed until the plan is approved by the regulatory agency and on file with the Port. The approved remediation plan would be implemented to the satisfaction of the regulatory agency. In accordance with Occupational Safety and Health Agency (OSHA) requirements, the Port's contractor performing work at a known contaminated site shall have in place a site health and safety plan for the protection of its workers and the public. All reports, plans, and other documentation related to this mitigation measure shall be added to the project administrative record. Compliance is self-certified by the contractor who performs the work.	2a.) Prepare remedial action plan as appropriate, addressing public and worker health. 2b.) Oversee coordination of remediation with appropriate agencies, including reporting requirements. 2e.) Ensure contractor has adequate health and safety plan in place per OSHA regulations 2d.) Implement remediation plan and provide oversight.	2a.) Engineering / EH&SC 2b.) EH&SC 2c.) EH&SC 2d.) EH&SC	2b.) Prior to construction. 2c.) Prior to construction, possibly during construction (i.e., if monitoring wells are required). 2d.) Prior to start of work.
Asbestos				
Development of the proposed ADP could expose construction workers to contaminants present in hazardous building materials, such as asbestos in existing buildings to be renovated or demolished, or could inadvertently expose the public or the environment to those contaminants.	(1) Each structure that has not already been inspected in an asbestos survey would be inspected by a qualified environmental specialist retained by the Port. If found, asbestos would be managed as required by law and according to federal or state guidelines. The mitigation would ensure that asbestos in buildings would be properly identified and abated or removed prior to demolition.	1a.) Construction plans and specifications will identify inspeetion and removal of asbestos-containing materials, as required, from facilities to be demolished/upgraded. 1b.) Oversee compliance with regulations during asbestos removal and disposal.	1a) Engineering / EH&SC 1b.) EH&SC	1a.) Prior to demolition contract going out to bid. 1b.) Prior to demolition.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Hazardous Materials Use				
Project development could potentially increase use of hazardous materials at buildout in 2000 and in 2010, potentially threatening the safety of Airport occupants, workers, or the public.	(1) The Port would provide copies of Ordinance No. 3009 requiring regulatory compliance with the use of hazardous materials to tenants occupying the two passenger terminals proposed for expansion under the ADP, the new equipment service center, the jet-fuel dispensing facility, new FedEx Metroplex, the expanded Maintenance Base, and all other proposed maintenance and rehabilitation facilities.	1a.) As part of the Stormwater Monitoring Program, Port tenants are routinely provided with the ordinance during site visits, monitoring, audits, and educational forums for tenants on the use of hazardous materials.	1.) EH&SC	1.) During stormwater monitoring (2 times over 5-year term of the permit), annual audits for EBMUD compliance, site visits as warranted.
	2a.) In conformance with current Port policy, the Port would provide its *Guidelines for Hazardous Materials Management* to Port personnel who are involved in the handling of hazardous materials and waste. Port personnel, including Airport staff involved with utilities, maintenance and equipment systems, would be required to undergo a hazardous materials training program to ensure the proper handling, use, and disposal of hazardous materials.	2a.) Port policy/OSHA requirement to provide training and guidance to Port personnel.	2a.) EH&SC	2a.) As new personnel are added to aviation staff, training provided on as-needed basis throughout construction/operation of project; refresher courses as needed.
	2b.) Tenants would be audited for compliance with hazardous materials regulations, and technical assistance would be provided by the Port Environmental Health and Safety Program.	2b.) As part of Group Stormwater Monitoring Program for Airport Subgroup, Port tenants are monitored for stormwater discharge in compliance with National Pollution Discharge Elimination System (NPDES) requirements; self audits are required with submittal of annual report to RWQCB. As required by the EBMUD Wastewater Permit, tenants are audited annually by the Port and inspected for compliance with hazardous materials; additional site visits and assistance by Port as warranted to ensure compliance.	2b.) EH&SC	2b.) Stormwater monitoring of each tenant by Port performed 2 times over a 5-year term of the permit. Port site audits for hazardous materials compliance a requirement of EBMUD and performed annually; comprehensive annual self audits by tenants as required by General Permit for Stormwater Discharge.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Hazardous Materials Use (cont.)	(3) The Port would review its *Guidelines for Hazardous Materials Management* in the context of new legislation or revised regulations as they are promulgated, and update the guidelines (last updated in 1991) in a timely manner. The Port would provide Port personnel with copies of each guidelines update.	3a.) Port Environmental Health and Safety Compliance Department routinely monitors changes to regulations involving the handling of hazardous materials and waste; changes, as warranted, will be incorporated into Port operations and tenant lease agreements.	3.) EH&SC, Aviation Operations, Airport Facilities	3.) Prior to and during construction, project operation.
	(4) The Port would continue to require new and renewing tenants to list in their leases any hazardous materials they use, store, or plan to use or store on their leasehold.	4a.) Tenant lease agreements, EH&SC auditing and monitoring of tenant facilities.	4.) EH&SC / Legal	4.) At the time new leases are signed or renewed.
	(5) The Port shall continue to perform hazardous materials inspections of selected tenant facilities, as required by the Port's wastewater discharge permit. Inspections would be done in accordance with permit compliance and reporting requirements.	5a.) EBMUD Wastewater Permit requirement.	5.) EH&SC	5.) Annual audits of tenants by Port; additional site visits as warranted.
	(6) The Port shall require that all Port employees who conduct hazardous materials audits or work with hazardous chemicals have health and safety training. This is an OSHA requirement under the Worker Right-to-Know regulations found in the Code of Federal Regulations (CFR), Title 29. The training should include the proper use of safety equipment, hazard identifications, and proper handling and disposal of spilled hazardous materials. Training records shall be kept in the Port's administrative files.	6a.) Cal-OSHA requirement under Code of California Regulations (CCR), Title 29, Worker Right-To-Know Regulations; Port policy; training records of consultants required by Port prior to start of any Port work.	6.) EH&SC / Legal	6.) Copies of training records required by Port prior to start of work.
	(7) The Port shall continue to prepare and update its Hazardous Materials Business Plan (HMBP), and require its tenants to do the same, to provide an inventory of hazardous substances stored on-site and procedures for handling and emergency response.	7a.) Regulatory requirement to prepare HMBP for facilities that handle hazardous materials.	7a.) Legal / EH&SC	7a.) Submittal of HMBP to the City of Oakland Fire Prevention Dept. at the start of facility operation (at time of facility occupancy).
		7b.) Port policy as identified in tenant lease agreement requires adherence to all regulations.	7b.) Legal	7b.) Copy of HMBP required by Port by start of operation.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Hazardous Materials Use (cont.)		7c.) Port EH&SC Department requires a copy of tenant's HMBP upon facility start-up and updates every 4 years thereafter.	7c.) EH&SC	7c.) Copy of updated HMBP required by Port every 4 years.
Hazardous Materials Spill				
The increased levels of aviation activity and other operations would increase the magnitude of hazardous materials use and handling at the Airport, which in turn would increase the risk of hazardous materials spills. An inadvertent or unauthorized hazardous materials spill could result in contaminant loading to either the sanitary sewer (i.e., EBMUD wastewater treatment and discharge system) and/or the storm drain system (i.e., pump stations, holding ponds, and ultimately the Bay).	(1) The Port shall continue its annual audits of tenant facilities that handle or store hazardous materials or waste. This action is required by EBMUD as part of reporting requirements established by the Port's Wastewater Discharge Permit. Noncompliance or other problems found during the audit shall be corrected by the tenant and re-audited by the Port.	1a.) EBMUD Wastewater Permit requirement expanded by Port to incorporate inspection of tenants' hazardous materials handling, storage, and disposal practices.	1a.) EH&SC	1a.) Annually or more often if warranted.
		1b.) Noncompliance reports prepared by Port during audits if tenants fail to comply with regulatory requirements or Port policy/corrective action identified. Tenants' facilities are re-inspected by Port for verification that corrective action has been implemented.	1b.) EH&SC	1b.) During annual EBMUD audits or stormwater monitoring audits.
	(2) Should any corrective action be required by findings of the annual hazardous waste audit, the Port shall notify EBMUD and the County authorities, depending on the severity of the potential hazard. The County and EBMUD are empowered to enforce hazardous materials storage violations. At the Port's discretion, the Port shall request support from the Alameda County Department of Environmental Health, Division of Hazardous Materials, or EBMUD, should corrective action not be completed by the tenant as required.	2a.) Notify EBMUD of tenant's noncompliance; if needed, contact Alameda County Dept. of Environmental Health, Division of Hazardous Materials, and other regulatory authorities as warranted.	2.) EH&SC, Legal	2.) Following verification that corrective action has not been implemented or is a consistent problem.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Hazardous Materials Spill (cont.)	(3) The Port shall continue to implement its Regional SWPPP, and shall also continue to assist its tenants in implementing their site-specific SWPPPs and associated BMPs. The SWPPPs require that each tenant meeting the regulatory threshold prepare an HMBP and a Spill Prevention Control and Countermeasure (SPCC) Plan. The SWPPP is an ongoing and evolving program that is continually subject to modification, updating and improvement, and additional BMPs are developed and implemented as determined necessary by the Port.	3a.) Port Wastewater Discharge Permit audits of tenant facilities.	3a.) EH&SC	3a.) Annually
		3b.) Port's monitoring of tenants' stormwater discharge under NPDES General Permit.	3b.) EH&SC	3b.) Two times over the 5-year term of the permit; schedule of monitoring/ inspections of each tenant identified in the Port's Group Stormwater Monitoring Program, 1997 revision.
		3c.) If hazardous materials are handled or if specific thresholds are met, regulatory requirements specify that HMBP and SPCC Plans be prepared.	3c.) EH&SC, Legal	3c.) If hazardous materials are handled and stored at the tenant's facility for more than 30 days, an HMBP must be submitted to the City of Oakland Fire Prevention Dept., generally at the time of business start-up; any changes to HMBP are to be submitted within 30 days; SPCC must be developed and implemented within one year of reaching threshold limit.
		3d.) NPDES General Permit for Industrial Stormwater Discharge requires Port to submit stormwater discharge monitoring results in an annual report to RWQCB.	3d.) EH&SC	3d.) Annually.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Hazardous Materials Spill (cont.)		3e.) Modify Port facility BMPs and assist tenants in improvement BMPs as warranted.	3e.) EH&SC in coordination with tenants	3e.) As needed through project construction and operation.
	(4) The Port shall continue to implement Safety Directive 408 (Emergency Response to Hazardous Substance Incidents), a Port-wide spill response and emergency plan that sets forth procedures and responsibilities in response to spill emergencies or other hazardous materials incidents.	4a.) Regulatory requirement and Port policy.	4a.) EH&SC, Airport Facilities	4a.) As needed.
		4b.) Port provides adequate training to personnel who are responsible for responding to emergencies.	4b.) Airport Facilities	4b.) As needed.
	(5) The Port and its tenants shall continue to develop and implement various SPCC Plans related to above-ground storage tanks, leak-detection monitoring programs, pipeline testing programs, and cathodic protection programs. In addition, tenants with underground storage installations would be responsible for developing and implementing spill prevention procedures, monitoring plans, and spill prevention and emergency response plans.	5a.) Port's annual audit/monitoring of tenant facilities.	5a) EH&SC	5a.) Annually (possibly more frequently at specific facilities).
		5b.) Regulatory requirement 40 CFR Parts 110-112 specify SPCC Plans be prepared if threshold limit is met	5b.) EH&SC, Legal	5b.) Must develop and implement SPCC Plan within one year of reaching threshold.
		5c.) Regulatory requirements in CCR Title 23, Division 3, Chapter 16 apply to Port facilities and tenants with underground tanks and specify secondary containment-monitoring system.	5c.) EH&SC, Legal	5c.) All USTs within the Port will be required to be in compliance by 1998.
	(6) The Port shall continue to maintain and implement its Oil and Hazardous Substance Spill Contingency Plan.	6a.) Plan identifies responsibilities and procedures in responding to emergencies.	6a.) Port facilities, EH&SC	6a.) As needed.
		6b.) Port providing adequate training to personnel who are responsible for responding to emergencies.	6b.) Port facilities, EH&SC	6b.) As needed.
		6c.) Port reviews and updates/ modifies plan.	6c.) Port facilities, EH&SC	6c.) As needed.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
4.21 Transportation and Circulation				
Intersection Operations				
Under the proposed ADP, impacts would occur to levels of service (LOS) in intersections in the vicinity of OAK.				
Doolittle Drive / Davis Street Intersection. Traffic volumes would increase at this signalized intersection in 2000, altbough operating conditions would be LOS C or better. Traffic volumes would increase further by 2010, and unacceptable LOS F conditions would occur during the a.m. peak hour. The impact at this intersection would be significant in 2010 under both the ADP (LOS F) and the no project alternative (LOS F). Airport contributions to cumulative traffic volumes would be about 5 percent (proposed project) and 3 percent (no project alternative).	(1) *Doolittle Alternative A*: Add a second westbound right-turn lane on Davis Street at the Doolittle Drive / Davis Street intersection. *Doolittle Alternative B*: Provide a minimum 1,000-foot-long northbound right-turn lane on Doolittle Drive, and a free right-turn lane on westbound Davis Street at the Doolittle Drive / Davis Street intersection. Install channelized islands that would separate the westbound and northbound right turns from through movements on those legs and that would separate northbound through traffic from the westbound-to-northbound right turns.	Alternative A or B 1a.) Port would enter into an agreement with Caltrans and the City of San Leandro (if mutual concurrence of mitigation is reached).	Alternative A or B a.) Caltrans in coordination with Port and City of San Leandro (measure is not enforceable by Port)	Alternative A or B a.) Before construction contract goes out to bid.
		Alternative A or B 1b.) Require in construction plans and specifications.	Alternative A or B b.) Caltrans in coordination with Port and City of San Leandro (measure is not enforceable by Port)	Alternative A or B b.) Before construction contract goes out to bid.
		Alternative A only 1c.) Acquisition of additional right-of-way.	Alternative A only c.) Port and City of Oakland acquire right-of-way	Alternative A only c.) Before construction contract goes out to bid.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Intersection Operations (cont.)				
Doolittle Drive / Langley Street and Maitland Drive / Island Drive Intersections. Operating conditions for critical movements at these unsignalized intersections would degrade to LOS E or F in 2000 and would deteriorate further by 2010. Under the proposed ADP, OAK would contribute less traffic to the intersections than would non-Airport sources.	(1) Install traffic signals at the intersections of Doolittle Drive / Langley Street and Maitland Drive / Island Drive. The Joint Exercise of Powers Agreement (JEPA) would provide the mechanism for implementing this mitigation measure, as well as additional transportation mitigations set forth in this analysis.	1a.) Assessment of costs for fair share contribution toward funding.	a.) Caltrans and City of Alameda in coordination with Port	a.) Before construction contract goes out to bid.
		1b.) Port would enter into an agreement with Caltrans and the City of Alameda (if mutual concurrence of mitigation is reached).	b.) Caltrans and City of Alameda in coordination with Port	b.) Before construction contract goes out to bid.
		1c.) Construction plans and specifications	c.) Caltrans and City of Alameda in coordination with Port	c.) Before construction contract goes out to bid.
Otis Drive / Fernside Boulevard, Otis Drive / Bayview / High Street, and Fernside Boulevard / Gibbons Drive / High Street Intersections. Traffic volumes would increase in these signalized intersections in 2000 and would increase further by 2010. Unacceptable LOS E or F conditions would result in 2000 at Otis / Fernside and Fernside / Gibbons / High, under both the proposed ADP and the no project alternative. All three of the intersections would experience unacceptable LOS E or F in 2010 under the proposed ADP, although the Airport's contribution to traffic in these intersections would be small.	(1) *Otis Mitigation 1.* Each of the following mitigation measures for 2000 and 2010 would require acquisition of additional right-of-way at this intersection. 1a.) Year 2000. Add an exclusive right-turn lane and modify the shared through / right-turn lane to an exclusive through lane on the northbound (Otis) approach, at the Otis Drive / Fernside Boulevard intersection.	1.a.1) Assessment of costs for fair share contribution toward funding.	1.a.1.) Port of Oakland in coordination with the City of Alameda and Caltrans	1.a.1.) Before construction contract goes out to bid.
		1.a.2) Port would enter into an agreement with City of Alameda and Caltrans (if mutual concurrence on mitigation is reached).	1.a.2.) Port of Oakland in coordination with the City of Alameda and Caltrans	1.a.2.) Before construction contract goes out to bid.
		1.a.3) Acquisition of additional rights-of-way.	1.a.3.) Port of Oakland, Caltrans, and City of Alameda (measure is not enforceable by Port)	1.a.3.) Before construction contract goes out to bid.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Intersection Operations (cont.)		1.a.4) Construction plans and specifications	1.a.4.) Port of Oakland in coordination with the City of Alameda and Caltrans	1.a.4.) Before construction contract goes out to bid.
	1b.) Year 2010. In 2010, add an additional right-turn lane to the above-identified 2000 mitigation measure on the northbound approach. Add an additional left-turn lane to the eastbound (Fernside) approach.	1.b.1) Assessment of costs for fair share contribution toward funding.	1.b.1.) Port of Oakland in coordination with the City of Alameda and Caltrans	1.b.1.) Before construction contract goes out to bid.
		1.b.2) Port would enter into an agreement with City of Alameda, which has jurisdiction over improvements to City of Alameda intersections, and Caltrans which has jurisdiction over SR 61 (if mutual concurrence on mitigation is reached).	1.b.2.) Port of Oakland in coordination with the City of Alameda and Caltrans	1.b.2.) Before construction contract goes out to bid.
		1.b.3) Acquisition of additional rights-of-way.	1.b.3.) Port of Oakland, Caltrans, and City of Alameda (measure is not enforceable by Port)	1.b.3.) Before construction contract goes out to bid.
		1.b.4) Construction plans and specifications	1.b.4.) Port of Oakland in coordination with the City of Alameda and Caltrans	1.b.4.) Before construction contract goes out to bid.
	(2) *Otis Mitigation 2.* Modify the Otis Drive / Bayview / High Street intersection as follows: change the shared through / left-turn lane on the southbound (Otis) approach into an exclusive through lane and add an exclusive left-turn lane and an exclusive right-turn lane; on the northbound approach, add an exclusive left-turn and right-turn lane; add an exclusive left-turn lane on the westbound (High) approach; and add an exclusive right-turn lane on the	2a.) Assessment of costs for fair share contribution toward funding.	2a.) Port of Oakland in coordination with the City of Alameda and Caltrans	2a.) Before construction contract goes out to bid.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Intersection Operations (cont.)	eastbound (Bayview) approach.			
	This mitigation measure would require acquisition of additional right-of-way at this intersection.	2b.) Port would enter into an agreement with City of Alameda, which has jurisdiction over improvements to City of Alameda intersections, and Caltrans which has jurisdiction over SR 61 (if mutual concurrence on mitigation is reached).	2b.) Port of Oakland in coordination with the City of Alameda and Caltrans	2b.) Before construction contract goes out to bid.
		2c.) Acquisition of additional rights-of-way.	2c.) Port of Oakland, Caltrans, and City of Alameda (measure is not enforceable by Port)	2c.) Before construction contract goes out to bid.
		2d.) Construction plans and specifications.	2d.) Port of Oakland in coordination with the City of Alameda and Caltrans	2d.) Before construction contract goes out to bid.
	(3) *Fernside Mitigation 1.* Possible mitigation measures at the Fernside Boulevard / Gibbons Drive / High Street intersection, described in detail in the *Gibbons Drive / Fernside Boulevard / High Street Neighborhood Study* prepared for the City of Alameda in 1992, include the partial or complete closure of the Gibbons Drive approach.	3a.) Determine feasibility of this measure; assessment of costs for fair share contribution toward funding.	3a.) Port of Oakland in coordination with the City of Alameda	3a.) Before construction contract goes out to bid.
		3b.) Port would enter into an agreement with City of Alameda, which has jurisdiction over improvements to City of Alameda intersections (if mutual concurrence on mitigation is reached).	3b.) Port of Oakland in coordination with the City of Alameda	3b.) Before construction contract goes out to bid.
		3c.) Acquisition of additional rights-of-way.	3c.) Port of Oakland and City of Alameda (measure is not enforceable by Port)	3c.) Before construction contract goes out to bid.
		3d.) Construction plans and specifications.	3d.) Port of Oakland in coordination with the City of Alameda	3d.) Before construction contract goes out to bid.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Intersection Operations (cont.) Airport Drive / Alan Shepard Way Intersection. Operating conditions for critical movements at this unsignalized intersection would degrade to LOS E in 2000 and 2010.	(1) Install traffic signal at the intersection of Airport Drive / Alan Shepard Way.	1a.) Assessment of costs for fair share contribution toward funding.	1a.) Port of Oakland in coordination with the City of Alameda	1a.) Before construction contract goes out to bid.
		1b.) Port would enter into an agreement with City of Alameda, which has jurisdiction over improvements to City of Alameda intersections (if mutual concurrence on mitigation is reached).	1b.) Port of Oakland in coordination with the City of Alameda	1b.) Before construction contract goes out to bid.
		1c.) Acquisition of additional rights-of-way.	1c.) Port of Oakland and City of Alameda (measure is not enforceable by Port)	1c.) Before construction contract goes out to bid.
		1d.) Construction plans and specifications.	1d.) Port of Oakland in coordination with the City of Alameda	1d.) Before construction contract goes out to bid.
Additional Intersection Impacts. At five of the intersections discussed above, where significant impacts would result from cumulative traffic increases including OAK trips generated under the proposed ADP and the no project alternative, the difference between the effects of projected ADP traffic and no project alternative traffic on intersection operations would also be considered significant. At two signalized intersections in 2010, increases in volume-to-	(1) See intersection mitigations for Doolittle Drive / Langley Street, Maitland Drive / Island Drive, Airport Drive / Alan Shepard Way, Doolittle Drive / Davis Street, Fernside Boulevard / Gibbons Drive / High Street, above.	1a.) Determine feasibility of this measure; assessment of costs for fair share contribution toward funding.	1a.) Port of Oakland in coordination with the City of Alameda or City of Oakland, as appropriate	1a.) Before construction contract goes out to bid.
		1b.) Port would enter into an agreement with City of Alameda or City of Oakland, which have jurisdiction over improvements to City of Alameda or City of Oakland intersections (if mutual concurrence on mitigation is reached).	1b.) Port of Oakland in coordination with the City of Alameda or City of Oakland, as appropriate	1b.) Before construction contract goes out to bid.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Intersection Operations (cont.) capacity (v/c) ratios resulting from the ADP would be considered significant as compared to increases in v/c ratios under the no project alternative. At three unsignalized intersections that would experience significant cumulative effects under both the ADP and the no project alternative, the impacts of the ADP		1c.) Acquisition of additional rights-of-way.	1c.) Port of Oakland and City of Alameda or City of Oakland, as appropriate (measure is not enforceable by Port)	1c.) Before construction contract goes out to bid.
also would be measurably greater than those of the no project alternative in 2000 and 2010, and therefore are considered significant. The affected intersections are as follows: Unsignalized Intersections - 2000 and 2010 • Doolittle Drive / Langley Street - a.m. peak • Maitland Drive / Island Drive - a.m. peak • Airport Drive / Alan Shepard Way - p.m. peak Signalized Intersections - 2000 and/or 2010 • Doolittle Drive / Davis Street - a.m. peak (2010) • Fernside Boulevard / Gibbons Drive / High Street - a.m. (2010) and p.m. (2000) peak		1d.) Construction plans and specifications.	1d.) Port of Oakland in coordination with the City of Alameda or City of Oakland, as appropriate	1d.) Before construction contract goes out to bid.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Cumulative Impacts to Freeway Segments				
Under the proposed ADP, OAK traffic would add vehicle trips to freeway segments on I-880 (between Davis Street and 98th Avenue; between 98th Avenue and Hegenberger Road; and between Hegenberger Road and 66th Avenue) contributing incrementally to continuing LOS F conditions during the a.m. and p.m. peak hours.	(1) Air Quality Criteria Pollutant Emissions Mitigation Measures 4, 5, and 6 would also address this cumulative impact. No other feasible mitigation is proposed as part of the project or identified in the Final EIS/EIR.	1) See Air Quality Pollutant Emissions Mitigation Measures 4, 5, and 6	1) See Air Quality Pollutant Emissions Mitigation Measures 4, 5, and 6	1) See Air Quality Pollutant Emissions Mitigation Measures 4, 5, and 6
98th Avenue Off-Street Parking				
Development of ARP Segments 5 and 6 would result in the loss of off-street parking spaces for several businesses located on 98th Avenue.	(1) Development of all or some of the identified replacement parking lots would mitigate the impact associated with the loss of 45 parking spaces in park-and-ride facilities.	1a.) Incorporate into engineering designs.	1a.) Engineering Design	1a.) Prior to completion of final designs.
		1b.) Construction plans and specifications.	1b.) ECM	1b.) Before construction contract goes out to bid.
		1c.) Oversee construction contractor..	1c.) ECM	1c.) During construction.
	(2) Assistance to businesses not related to OAK would be provided to develop replacement parking on the same or adjacent parcels so that the business employees and customers do not experience parking problems.	2a.) Port will work with businesses to identify parking needs and feasible locations.	2a.) Aviation, Real Estate	2a.) Prior to and during construction, project operation.
		2b.) Assist businesses in locating and acquiring properties for use.	2b.) Aviation, Real Estate	2b.) Prior to and during construction, project operation.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
98th Avenue Off-Street Parking (cont.)		2c.) Assist businesses in engineering designs and construction oversight, as needed.	2c.) Aviation, Engineering, ECM	2ca.) Prior to and during construction, project operation.
4.22 Geology and Seismology				
Seismic Ground Shaking/Secondary Ground Failure				
Development of the proposed project would increase the number of people and facilities exposed to structural and nonstructural hazards resulting from possible blind faults, seismic ground shaking, and secondary ground failures at buildout in 2000.	(1) The following would be required: The Port of Oakland is required by law to conform to the seismic design standards of the most current edition of the Uniform Building Code, recently updated (1994).	1a.) Determine whether any further studies to obtain geotechnical data are needed for engineering designs; if needed, proceed with tests/studies.	1a.) Engineering Design in consultation with ECM	1a.) Prior to completion of final engineering designs.
	• The Port would follow the policies of the Safety & Seismic Safety Element of the Oakland *Comprehensive Plan* and consult updated versions of the Caltrans *Highway Design Manual* for structural design criteria for all new buildings, roadways, and bridges. • Site-specific geotechnical data would also be obtained and used to determine the most effective engineering design. • The Port would employ all feasible engineering methods to	1b.) Incorporate design standards from Uniform Building Code and Seismic and Safety Element of Oakland Comprehensive Plan into construction plans and specifications. 1c.) Oversee compliance by construction contractor.	1b.) Engineering Design in consultation with ECM 1c.) Engineering Design in consultation with ECM	1b.) Before construction contract goes out to bid. 1c.) During construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Seismic Ground Shaking/Secondary Ground Failure (cont.)	reduce the potential for damage due to the various types of seismic ground failure. These methods could include anchoring structures with pre-stressed concrete pilings to bedrock beneath bay muds and fill; densifying all loose foundation materials at each construction site; surcharging areas prior to construction with engineered fill; proper placement and compaction of engineered fill; locally lowering the water table through pumping; replacing naturally liquefiable materials with engineered fill; using flexible pavement design; and inspection, maintenance, and necessary shoring of levees	1d.) Incorporate appropriate engineering methods into design.	1d.) Engineering Design in consultation with ECM	1d.) Prior to completion of final designs.
	(2) The Port of Oakland would review and approve final building designs, prior to building occupancy, to ensure incorporation of appropriate seismic safety provisions that address nonstructural hazards. Appropriate seismic safety provisions would include anchoring, bracing, or restraining nonstructural elements such as furniture, shelving, or equipment. Safety provisions, such as those in the Bay Area Regional Earthquake Preparedness Project (BAREPP) publication *Reducing the Risks of Nonstructural Earthquake Damage: A Practical Guide* and ABAG's *Hazardous Material Problems in Earthquakes*, that are not already in place would be implemented for all facilities proposed as component projects of the ADP.	2a.) Incorporate safety provisions for recommended guidelines into final designs, construction plans and specifications, as appropriate.	2a.) Engineering and City of Oakland	2a.) Before construction contract goes out to bid.
		2b.) Inspections of new construction by properly trained personnel to ensure compliance with codes, regulations, construction plans, and specifications.	2b.) Engineering and City of Oakland	2b.) Prior to occupancy/use.
	(3) The Port of Oakland would determine the adequacy of existing structures to withstand anticipated ground accelerations. Retrofitting strategies would be developed and implemented in a phased program that would ensure adequate structural safety for proposed uses to reduce risks associated with increased exposure of people to seismic hazards at OAK in 2000 and 2010.	3a.) Re-evaluate structural safety relative to current codes and safety standards to determine whether any studies are warranted.	3a.) Engineering Design	3a.) A phased approach between start of ADP construction and 2010.
		3b.) Perform studies as warranted.	3b.) Engineering Design	3b.) A phased approach between start of ADP coustruction and 2010.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Seismic Ground Shaking/Secondary Ground Failure (cont.)		3c.) Evaluate recommendations; incorporate into retrofit designs as warranted.	3c.) Engineering Design	3c.) A phased approach between start of ADP construction and 2010.
		3d.) Develop construction plans and specifications.	3d.) ECM	3d.) A phased approach between start of ADP construction and 2010.
Cumulative Seismic Ground Shaking/ Secondary Ground Failure				
Development of the proposed project, in conjunction with related projects at OAK, would contribute to a cumulative increase in the number of people and facilities exposed to hazards from seismic ground shaking and secondary ground failures in 2000 and 2010. These seismic hazards could result in temporary closure of OAK.	(1) The seismic ground shaking/secondary ground failure mitigations discussed above would also address this cumulative impact.	1.) See the seismic ground shaking/secondary ground failure mitigations discussed above.	1) See the seismic ground shaking/secondary ground failure mitigations discussed above.	1) See the seismic ground shaking/secondary ground failure mitigations discussed above.
Seismically Induced Inundation				
Development of the proposed project would increase the number of people and structures potentially exposed to seismically induced inundation from tsunamis and dam failure at buildout in 2000. These seismic hazards could result in temporary closure of OAK.	(1) The Port of Oakland would implement a contingency plan to respond to the hazards of tsunamis and upstream dam failures as part of its emergency preparedness program.	1a.) An Emergency Preparedness Plan, as required by FAA policy, has been prepared and includes emergency response measures to handle emergencies associated with high tides and flood disasters.	1a.) Airport Operations in consultation with FAA, Oakland Fire Department (OFD), and Oakland Police Department (OPD)	1a.) Plan has been prepared and is revised as needed.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Seismically Iuduced Inundation (cont.)		1b.) Plan identifies responsibilities, training requirements, notification requirements for emergency response.	1b.) Airport Operations in consultation with FAA, Oakland Fire Department (OFD), and Oakland Police Department (OPD)	1b.) Plan has been prepared and is revised as needed.
Cumulative Seismically Induced Inundation				
Development of the proposed project, in conjunction with related projects at OAK, would contribute to a cumulative increase in the number of people and structures that could be exposed in 2000 and 2010 to seismically induced inundation from tsunamis and dam failure.	(1) Implementation of the seismically induced inundation mitigation discussed above would also address this cumulative impact.	1a.) An Emergency Preparedness Plan, as required by FAA policy, has been prepared and includes emergency response measures to handle emergencies associated with high tides and flood disasters.	1a.) Airport Operations in consultation with FAA, OFD, and OPD	1a.) Plan has been prepared and is revised as needed.
		1b.) Plan identifies responsibilities, training requirements, notification requirements for emergency response.	1b.) Airport Operations in consultation with FAA, OFD, and OPD	1b.) Plan has been prepared and is revised as needed.
Settlement				
Construction and expansion of proposed ADP buildings, roadways, parking areas, and airfield apron and taxiways would expose structures to potential damage resulting from settlement or collapse of weak geologic units and foundation soils.	(1) To reduce the potential for residual damage due to collapse or settlement of weak foundation soils, fill, and bay muds, the Port will: • Obtain site-specifie geotechnical data and employ all feasible engineering methods	1a.) Determine whetber any further studies are needed to obtain geotechnical data for engineering designs; if needed, proceed with tests/studies.	1a) Engineering Design	1a.) Prior to final project designs.
	• Include design-specific measure that could include:	1b.) Incorporate appropriate engineering techniques into project design to minimize/avoid impacts due to settlement.	1b) Engineering Design	1b.) Prior to final project designs.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Settlement (cont.)	- removal of weak soils and replacement with engineered fill; - surcharging bay muds with engineered fill; - constructing at grade rather than using elevated structures; - support of buildings and grade-separated bridge structures on deep-driven or anchored pilings; - shoring of excavations to prevent collapse; and - support of at-grade road surfaces on shallow mats designed to distribute bearing pressures uniformly downwards. • Adherence to airport structural design criteria specified by the FAA would be required. The Port would design the pavements and bridge at Taxiway B to support aircraft weight loads in excess of 100,000 pounds.	1c.) Construction plans and specifications will incorporate Uniform Building Code requirements, FAA structural design criteria, as appropriate, and information obtained from any geotechnical tests/studies conducted, as appropriate.	1c) Engineering Design	1c.) Prior to final project designs.
Construction Soils Interception of shallow groundwater could result in effects that include long-term hydrostatic stress on structures. Breaching of shallow aquifers through subsurface excavation during construction of roadways **Construction Soils (cont.)** and buildings would disrupt normal groundwater movement and could create sumps that result in settlement of the ground surface. Both settlement and buoyancy effects on structures placed below the groundwater table may cause damage to these structures. Additionally, dewatering to reduce the potential for damage due to seismic ground failure or for construction purposes may weaken soils and lead to settlement.	(1) Adherence to standard engineering practices is proposed as part of the project and would serve as mitigation for potential construction soils impacts. Final project design for all below-grade features shall include provisions to reduce the need for groundwater pumping that could contribute to settlement. Subsurface structures to be placed below the groundwater table would be designed to withstand any estimated buoyancy effects and hydrostatic pressures without experiencing significant damage. The settlement mitigation, above, also applies to construction soil impacts.	1a.) Require in engineering design. 1b.) Construction plans and specifications. 1c.) Oversee contractor compliance during construction.	1a.) Engineering Design 1b.) ECM 1c.) ECM, EH&SC	1a.) Prior to final design. 1b.) Before construction contract goes out to bid. 1c.) During construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
4.23 Public Services and Utilities				
Fire Protection and Emergency Medical Aid				
Increases in air passenger and air cargo activity under the proposed ADP and the no project alternative, as well as expansion of Airport facilities under the ADP, could result in additional demand for fire protection and emergency medical services. In the event of a major catastrophe, the capabilities of the OFD and the Alameda Fire Department (AFD) could be insufficient to support Airport Rescue and Firefighting Facility (ARFF) staff in responding to prevent property damage, personal injury, or loss of life.	(1) The Port of Oakland would develop and implement mutual aid agreement(s) for supplemental fire protection and emergency medical services with the OFD and AFD to coordinate the order of response and access to OAK. Within the mutual aid agreement(s), the Port, OFD, and AFD shall address on-Airport access (including airside areas such as runways), perimeter road improvements (i.e., hydrants and lighting) for mobile emergency equipment, adequate water pressure, development of a radio communication system, and/or water rescue procedures.	1) Mutual aid agreement has been finalized.	1) Aviation Division, OFD, AFD	1) Finalized in 1997.
	(2) Construction of ARP Segments 1 and 2 would provide direct access for the AFD to North Airport and South Airport airfield, air cargo, and air passenger facilities. ARP Segments 1 and 2 also would afford secondary access to the Airport for the OFD and would thus substantially improve overall delivery of emergency services to OAK.	2) Construction plans and specifications will identify the required route to be constructed.	2.) ECM	2.) Prior to construction contract going out to bid.
Police Protection				
Increases in passenger and air cargo activity at buildout in 2000 and in 2010 would generate increased demand for police services (both Airport Security and the Ongoing Policy D) through increased automobile and person traffic in the project area. Consequently, demand for police protection services would increase and could adversely affect the current level of service provided by the Port (Airport Security) and the Ongoing Policy D.	(1) Additional security personnel and equipment, which can be provided by the Port and the Ongoing Policy D, would be required to maintain or improve existing levels of police protection service. The FAA requires minimum service levels for airport security at OAK based on the number of passengers and terminal configuration, which will be maintained by the Port and/or the Ongoing Policy D. Under the proposed project, the Port would have to provide additional security and equipment for new terminal areas to meet FAA security requirements under Part 107.	1a.) Conduct assessment to determine additional personnel and equipment needs.	1a.) Aviation, Airport Operations	1a.) Prior to operation of applicable projects.
		1b.) Comply with FAA security requirements pertaining to minimum service level requirements under Part 107 for new terminal area.	1b.) Port Operations and OPD	1b.) Prior to operation of applicable projects.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
POTENTIALLY SIGNIFICANT IMPACTS AND ADOPTED MITIGATION MEASURES				
Wastewater				
Base sewage flows to Pump Station G would increase over current levels in 2000 and additionally in 2010. During wet-weather conditions, base sewage flows increase by varying amounts due to inflow and infiltration of stormwater. Although wastewater flows from the Port amount to approximately 20 percent of capacity, currently Pump Station G occasionally exceeds capacity during wet weather. Increased Airport activity would increase the Port's contribution to wastewater flows at Pump Station G that at times exceed its capacity, resulting in significant impacts to wastewater service.	(1) To mitigate increased future Airport wastewater volumes that could contribute to exceedance of the capacity of the sanitary sewer system, the Port would participate with EBMUD in an assessment of capacity and use of facilities used by the Airport, and would proportionally fund improvements to existing infrastructure to meet future base sewage flows, if determined to be necessary.	1a.) Reassess water use and potential conservation measures for each ADP project to identify where it is feasible to reduce consumption and wastewater generation.	1a.) Engineering, Aviation Administration	1a.) Ongoing process prior to construction and throughout construction and operation.
		1b.) Incorporate into project operation, as appropriate.	1b.) Port Engineering, Airport Facilities	1b.) Ongoing process prior to construction and throughout construction and operation.
Construction Traffic				
Construction Traffic Impacts in Oakland: Project construction during development of ARP Segments 5 and 6 under the proposed ADP could have a **Construction Traffic (cont.)** significant impact on waste collection and disposal operations in the project area if disruption of traffic flows on Interstate 880 (I-880) were to result. Interchanges at Hegenberger Road and 98th Avenue in the City of Oakland provide access to I-880 from two of the three main thoroughfares connecting the Davis Street Transfer Station, Waste Management of Alameda County's primary operating facility, to the freeway from its site adjacent to South Airport. Construction of ARP Segments 5 and 6 could disrupt traffic flows on I-880 and consequently result in service interruptions to the OAK.	(1) The Port of Oakland, the City of Oakland, and/or the Port's construction contractor(s) would ensure that solid waste collection services were not impaired and that traffic flows remained smooth by hiring additional personnel during the construction period specifically for traffic control.	1a.) Incorporate into construction plans and specifications.	1a.) Airport Facilities in coordination with City of Oakland	1a) Before construction contract goes out to bid.
		1b.) Oversee contractor compliance.	1b.) Airport Facilities in coordination with City of Oakland	1b) During construction.
	(2) In addition, the Port would coordinate with Waste Management of Alameda County to provide alternate routes during project construction to minimize potential impacts to existing services.	2a.) Incorporate into construction plans and specifications.	2a) Airport Facilities and Operations in coordination with Waste Management of Alameda County	2a.) Prior to start of construction.
		2b.) Oversee compliance of contractor during construction.	2b.) Airport Facilities and Operations, Port ECM	2b) During construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
4.1 Noise				
Aircraft Noise and Vibration				
Aircraft-related noise and vibration levels in the vicinity of Oakland International Airport (OAK) in 2000 and 2010 would change as a result of increases in passenger and air cargo aircraft activity and changes in the aircraft fleet mix and runway utilization patterns at the Airport.	(1) The Port of Oakland would offer noise insulation for all residences (excluding those for which the Port holds avigation easements) located within the 65 to 70 Community Noise Equivalent Level (CNEL) contour to reduce interior noise to acceptable levels. Eligible residences would be determined based on review of annual noise monitoring reports. Noise insulation would also be offered for school buildings that lie within the future 65 CNEL contour in cases where the facades of such buildings would not provide sufficient attenuation to ensure an interior noise level of 45 CNEL or less in all classrooms.	1a.) Using the annual CNEL contours prepared for the Port of Oakland for the prior year, prepare a list of residences that would qualify for acoustical insulation (by having been exposed to 65 CNEL or more in OAK aircraft noise in the prior year and by not being subject to an avigation easement). Provide offer notices on an annual basis to eligible residences (property owners and occupants). Make legal arrangements between property owners and Port as appropriate. Verify notice distribution. Include copy of notice in the administrative record. Record accepted offers.	1a.) Legal	1a.) If monitoring indicates that threshold is triggered. Before project operation.
		1b.) Install noise insulation for affected homes. Verify insulation installation.	1b.) Port - Airport Operations/ Engineering Construction Manager (ECM)	1b.) If monitoring indicates that threshold is triggered. Before project operation.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Aircraft Noise and Vibration (cont.)	(2) The Port of Oakland would take actions necessary to accommodate projected commercial jet aircraft arrivals on Runway 27L in 2010 rather than on Runway 27R for the purpose of shifting the projected 65 CNEL contour from the Interstate 880 corridor, where residential uses are located, to the west where land uses are generally industrial.	2a.) Conduct planning and design study to identify the specific actions necessary to accommodate passenger air carrier arrivals on Runway 27L rather than 27R under all types of weather conditions. Such actions would likely include installation of an instrument landing system or equivalent technology for Runway 27L, and coordination with Federal Aviation Administration (FAA) controllers to acknowledge Runway 27L as the preferred runway for certain types of arrivals. Verify that study has been completed. Modify aircraft operations recordkeeping to distinguish between passenger air carrier operations at North Field from cargo air carrier operations. 2b.) Implement specific actions. Verify that specific actions have been implemented.	2.) Aviation Division	2.) During operation of applicable projects.
	(3) The Port of Oakland shall continue to implement noise abatement policies, such as preferential runway use patterns, noise abatement flight tracks, and support for use of the Silent 7 procedure during the hours of 10:00 p.m. to 7:00 a.m. to avoid additional impacts to residential uses in the vicinity of the Airport.	3a.) Port policy.	3.) Aviation Division	3.) During operation of applicable projects.
4.9 Biotic Communities				
Common Vegetation				
Paving of up to 189 acres of currently unpaved land under the proposed ADP would eliminate common vegetation, including non-native grassland and ruderal plant species (in particular, several hundred salt marsh gumplants occur along Doolittle Drive, on San Leandro Creek from east of the 98th Street Bridge to Hegenberger Road). Under the proposed project, approximately 100 individuals of this species (about 0.25	(1) Prior to construction, the potentially affected population of gumplant would be identified, flagged, and avoided, where possible.	1a.) Incorporate into project design and construction plans and specifications.	1a) Environmental Planning, Engineering Design, ECM	1a) Prior to the start of construction.
		1b.) Identify and flag areas of gumplant avoidance.	1b.) Environmental Planning in coordination with Airport Facilities, ECM	1b) Prior to the start of construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Common Vegetation (cont.) acres) would be directly impacted by development of ARP Segment 6.		1c.) Oversee compliance monitoring for avoidance and transplants.	1c.) Environmental Planning in coordination with Airport Facilities, ECM	1c) During construction.
	(2) An organization such as California Native Plant Society or comparable botanical group would be contacted to coordinate possible transplanting efforts.	2a.) Contact botanical preservation organization.	2a.) Facilities; ECM in coordination with Environmental Planning	2a) Prior to and during construction.
		2b.) Oversee compliance monitoring for avoidance and transplants.	2b.) Facilities; ECM in coordination with Environmental Planning	2b) Prior to and during construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
4.12 Flooding and Floodplains				
Cumulative Flood Hazard				
Facilities proposed as part of the ADP and related Airport projects would be exposed to localized, overbank, and coastal flood hazards in storms of greater magnitude than the 100-year event.	(1) To improve warning, evacuation, and emergency response readiness, the Port would implement, as part of its emergency preparedness program, a contingency plan to respond to the hazards of infrequent flood hazards. The contingency plan could include, but would not be limited to, the following elements: • Testing of warning/notification systems to provide maximum response time; • Evacuation plans with specific recommendations and measures to inform all categories of persons present on OAK (workers, passengers, and others), including evacuation routes to areas of least risk; and • Site and facilities evaluation and assessment procedures to determine the nature and magnitude of any damage and to ascertain whether repairs would be required. Elevation of certain roadway segments, such as those portions of Airport Drive contained within ARP Segment 3, would also help reduce potential damage and ensure the availability of emergency escape routes on such roads if an inundation event occurred.	1a.) An Emergency Preparedness Plan, as required by FAA policy, has been prepared and includes emergency response measures to handle emergencies associated with high tides and flood disasters. 1b.) Plan identifies responsibilities, training requirements, notification requirements for emergency response.	1a.) Airport Operations in consultation with FAA, Oakland Fire Department (OFD), and Oakland Police Department (OPD) 1b.) Airport Operations in consultation with FAA, Oakland Fire Department (OFD), and Oakland Police Department (OPD)	1a.) Plan has been prepared and is revised as needed. 1b.) Plan has been prepared and is revised as needed.
4.13 Coastal Zone Management Program and Coastal Barriers				
Potential Shoreline Encroachment				
The Bay Conservation and Development Commission (BCDC) *Bay Plan* permits airport development in the shoreline zone, although the plan constrains additional bay fill. Under the proposed ADP, a portion of the Terminal 2 expansion could be constructed within the 100-foot shoreline zone that is subject to BCDC jurisdiction.	(1) The Port would incorporate into the terminal design measures to ensure public visual and/or physical access to the adjacent shoreline, consistent with Port and FAA security requirements.	1a.) Incorporate measures into engineering designs and plans.	1a.) Engineering Design, Port Aviation Division, Environmental Planning in consultation with BCDC	1a.) Prior to completion of final designs.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Potential Shoreline Encroachment (cont.)		1b.) Obtain BCDC permit.	1b.) Engineering Design, Port Aviation Division, Environmental Planning in consultation with BCDC	1b.) Prior to construction.
		1c.) Oversee compliance of contractor during construction.	1c.) ECM	1c.) During construction.
4.16 Energy Supply and Natural Resources				
Energy Consumption				
Growth in operations at OAK would cause increased consumption of non-renewable energy resources; under the ADP, consumption of non-renewable resources would also be required for construction of project components.	(1) All new buildings shall meet the standards for energy efficiency set forth in Title 24 of the *California Code of Regulations*. These standards would reduce the possibility of wasteful energy use with respect to building heating, cooling and lighting. The effectiveness of Title 24 energy standards is dependent upon the diligence of the Port of Oakland and its tenants in working with the City of Oakland public works/engineering and planning departments in reviewing building applications.	1-4.) Check permit applications for incorporation of applicable energy measures.	1-4.) Port Permitting	1-4.) Prior to permit approval.
		1.) Require compliance with CCR, Title 24, standards for energy efficiency.	1.) City of Oakland Public Works and Port Engineering and Permitting Departments in consultation with Port tenants	1.) Prior to completion of engineering designs.
	(2) To avoid unnecessary consumption of energy during construction phases of individual ADP projects, idling construction equipment would be turned off when not in use (unless doing so would damage the equipment).	2a.) Construction plans and specifications.	2a.) ECM	2a.) Prior to construction contract going out to bid.
		2b.) Oversee contractor's compliance during construction.	2b.) ECM	2b.) During construction.
	(3) The Port will require use of state-of-the-art design elements and compliance with all state and federal requirements (i.e., UBC) to ensure outdoor safety and conservation of energy.	3a.) Required by regulations and Port policy.	3a.) Engineering Design	3a.) Prior to completion of final designs.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Energy Consumption (cont.)		3b.) Incorporate into engineering designs.	3b.) Engineering Design	3b.) Prior to completion of final designs.
	(4) Mechanical systems that utilize central plan equipment for heating or cooling would be computer-controlled to ensure maximum efficiency.	4a.) Incorporate into engineering designs.	4.) Engineering Design	4.) Prior to completion of final designs.
Energy Infrastructure				
Consumption of natural gas and electricity at OAK would increase substantially under the proposed project. To meet the increased demand for electricity, Pacific Gas and Electric (PG&E) would likely need to upgrade its distribution system by adding lines and/or upgrading the local substation. PG&E's existing natural gas distribution system would likely be able to meet the increased demand at OAK under the ADP.	(1) The Port would contact PG&E as soon as practicable to coordinate infrastructure improvements related to the ADP, particularly those related to new buildings at OAK and air quality mitigation measures (e.g., conversion of GSE to alternative fuels and substitution of terminal-based power supply) for some auxiliary power units.	1a.) Incorporate into engineering designs and construction plans and specifications.	1) Port Engineering and ECM in consultation with PG&E	1) Prior to completion of final designs.
4.17 Aesthetics/Design, Art and Architecture				
Visual Character/Design, Art and Architecture				
Construction of new facilities presents an opportunity to enhance the architectural usage of Airport facilities and to increase the Airport's visual importance.	(1) The projeet shall incorporate measures to implement the design, art, and architecture recommendations set forth in the FAA's Order 5050.4A (*Airport Environmental Handbook*) and the City of Oakland's Policy Plan in the design and construction of project buildings.	1a.) Incorporate into engineering designs and construction plans and specifications.	1) Port Engineering and ECM	1) Prior to completion of final designs.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
4.18 Light Emissions				
Light Emissions				
Expanded activity under the proposed project would increase the number of surface vehicles and aircraft operating at OAK in 2000 and 2010 at all times of day. The increase in surface vehicles and aircraft on the project site, both moving and stationary, would generate additional glare during the day and add to existing illumination levels during the evening and nighttime. Structures proposed under the ADP would also introduce new sources of light and glare at buildout in 2000.	(1) The Port of Oakland would design the project so as to reduce the potential for off-site spillage of light and glare. In order to achieve this objective, the Port will incorporate state-of-the-art technology into the design of aircraft ground surfaces, which will be made of a light absorptive material to reduce glare.	1a.) Incorporate into engineering designs and construction plans and specifications.	1) Port Engineering Design and Construction	1) Prior to completion of final designs involving runway, aircraft ground surfaces.
4.19 Solid Waste				
Solid Waste Disposal				
Under the proposed ADP, solid waste volumes would increase in 2000 and in 2010.	(1) Complianee with Assembly Bill 939 can be achieved by coordinating waste and recycling collection through Waste Management of Alameda County, which has the largest recycling facility in Alameda County.	1a.) Required to comply with California regulation AB 939.	1a.) Port of Oakland in coordination with City of Oakland and Waste Management of Alameda County	1a.) As Alameda County directs.
		1b.) Educate Port facilities personnel and tenants in methods of solid waste reduction as recommended by Waste Management of Alameda County during EHS site inspections/ monitoring and provide handouts/ literature.	1b.) Port EH&SC, Operations	1b.) As new waste reduction methods are identified, convey the information to Port facilities personnel and tenants.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
4.20 Hazardous Materials and Waste				
Hazardous Waste Generation				
Increases in aircraft operations could indirectly promote increased generation of hazardous wastes that would have to be handled and disposed in 2000 and in 2010 under the proposed ADP.	(1) The Port shall continue to implement and enforce Port Ordinance No. 3009 that requires all tenants to comply with existing laws and regulations regarding hazardous materials, including hazardous waste minimization requirements.	1a.) This measure will be implemented by Hazardous Materials Use Mitigation 1, above.	1.) See Hazardous Materials Use Mitigation 1, above.	1.) See Hazardous Materials Use Mitigation 1, above.
	(2). The Port shall continue to prepare and update its Hazardous Materials Business Plan, and require its tenants to do the same, to provide an inventory of hazardous substances stored on-site and procedures for handling and emergency response.	2a.) This measure will be implemented by Hazardous Materials Use Mitigation 7, above.	2.) See Hazardous Materials Use Mitigation 7, above.	2.) See Hazardous Materials Use Mitigation 7, above.
	(3) The Port shall require OAK tenants through lease provisions to disclose any hazardous materials used and to comply with applicable laws and regulations regarding hazardous materials and hazardous waste minimization.	3a.) This measure will be implemented by Hazardous Materials Use Mitigation 1, 4, and 7, above.	3.) See Hazardous Materials Use Mitigation 1, 4, and 7, above.	3.) See Hazardous Materials Use Mitigation 1, 4, and 7, above.
	(4) The Port shall assist tenants in identifying BMPs to prevent stormwater pollution and to provide product and vendor information regarding environmentally safe and recyclable products that can be used to reduce tbe quantities of hazardous waste generated.	4a.) This measure will be implemented, in part, by Hazardous Materials Spill Mitigation 4, above (the Port assisting tenants in identifying effective BMPs) and with implementation of 4b, below.	4a.) See Hazardous Materials Spill Mitigation 4, above.	4a.) See Hazardous Materials Spill Mitigation 4, above.
		4b.) As part of the Stormwater Monitoring Program and EBMUD annual inspections and periodic educational forums for tenants, the EH&SC will continue to provide new information on recycling and reuse of materials and vendors' products as it becomes available.	4b.) EH&SC	4b.) As new information becomes available.
Increased generation of hazardous waste resulting from growth in activity at OAK would add to cumulative hazardous waste disposal requirements of the region, placing an additional load on off-site waste management capabilities.	(1) By law, larger hazardous waste operations at OAK are required to update their hazardous waste minimization plans every four years. New operations at the Airport under the ADP would be required to comply with the provisions of the Hazardous Waste Source Reduction and Management Review Act of 1989 (SB 14), if applicable, to minimize commercial waste generation.	1a.) Port updates hazardous waste minimization plans in accordance with law.	1) EH&SC	1) Every 4 years, and as necessary.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Cumulative Hazardous Waste Disposal (cont.)	(2) Hazardous waste generation mitigation measures 1, 4, and 7 would reduce cumulative hazardous waste disposal impacts as well.	2a.) As part of the Stormwater Monitoring Program and EBMUD annual inspections and periodic educational forums for tenants, the EH&SC will continue to provide new information on recycling and reuse of materials and vendors' products as it becomes available.	2) EH&SC	2) Every 4 years, and as necessary.
4.21 Transportation and Circulation				
Intersection Operations				
Doolittle Drive / Hegenberger Road Intersections. Under the proposed project, volume-to-capacity ratios would increase at the following signalized intersections in 2000, and would increase further by 2010: • Doolittle Drive / Airport Access Road • Doolittle Drive / Hegenberger Road • Doolittle Drive / Harbor Bay Parkway • Pardee Drive / Hegenberger Road • Hegenberger Road / Edgewater Drive The above signalized intersections would operate at LOS D or better under project conditions in 2000 and in.	(1) *Doolittle Mitigation 1.* Add a second left-turn lane on southbound Doolittle Drive and a dedicated right-turn lane on northbound Doolittle Drive at the Doolittle Drive / Airport Access Road intersection. This mitigation measure would likely require acquisition of additional right-of-way.	1a.) Assessment of costs for fair share contribution toward funding.	1a.) Caltrans and City of Alameda in coordination with Port	1a.) Before construction contract goes out to bid.
		1b.) Port would enter into an agreement with Caltrans and the City of Alameda (if mutual concurrence of mitigation is reached).	1b.) Caltrans and City of Alameda in coordination with Port	1b.) Before construction contract goes out to bid.
		1c.) Construction plans and specifications.	1c.) Caltrans and City of Alameda in coordination with Port	1c.) Before construction contract goes out to bid.
	(2) *Doolittle Mitigation 2.* Add a second left-turn lane on southbound Doolittle Drive at the Doolittle Drive / Hegenberger Road intersection. This mitigation measure would not require acquisition of additional right-of-way.	2a.) Assessment of costs for fair share contribution toward funding.	2a.) Caltrans and City of Alameda in coordination with Port	2a.) Before construction contract goes out to bid.
		2b.) Port would enter into an agreement with Caltrans and the City of Alameda (if mutual concurrence of mitigation is reached).	2b.) Caltrans and City of Alameda in coordination with Port	2b.) Before construction contract goes out to bid.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Intersection Operations (cont.)		2c.) Construction plans and specifications.	2c.) Caltrans and City of Alameda in coordination with Port	2c.) Before construction contract goes out to bid.
	(3) *Doolittle Mitigation 3.* Add a second right-turn lane and an additional through lane on southbound Doolittle Drive, and an additional right-turn lane on eastbound Harbor Bay Parkway at the Doolittle Drive / Harbor Bay Parkway intersection. This mitigation measure would not require acquisition of additional right-of-way.	3a.) Assessment of costs for fair share contribution toward funding.	3a.) Caltrans and City of Alameda in coordination with Port	3a.) Before construction contract goes out to bid.
		3b.) Port would enter into an agreement with Caltrans and the City of Alameda (if mutual concurrence of mitigation is reached).	3b.) Caltrans and City of Alameda in coordination with Port	3b.) Before construction contract goes out to bid.
		3c.) Construction plans and specifications.	3c.) Caltrans and City of Alameda in coordination with Port	3c.) Before construction contract goes out to bid.
	(4) *Hegenberger Mitigation 1.* Add a second left-turn lane on southbound Pardee Drive at the Pardee Drive / Hegenberger Road intersection. This mitigation measure would not require acquisition of additional right-of-way.	4a.) Assessment of costs for fair share contribution toward funding.	4a.) Port of Oakland in coordination with the City of Alameda	4a.) Before construction contract goes out to bid.
		4b.) Port would enter into an agreement with City of Alameda (if mutual concurrence on mitigation is reached).	4b.) Port of Oakland in coordination with the City of Alameda	4a.) Before construction contract goes out to bid.
		4c.) Acquisition of additional rights-of-way.	4c.) Port of Oakland and City of Alameda (measure is not enforceable by Port)	4a.) Before construction contract goes out to bid.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Intersection Operations (cont.)		4d.) Construction plans and specifications	4d.) Port of Oakland in coordination with the City of Alameda	4d.) Before construction contract goes out to bid.
	(5) *Hegenberger Mitigation 2.* Add an eastbound and westbound (Hegenberger) through lane and reconfigure the eastbound and westbound approaches to allow for a through / right shared lane at the Hegenberger Road / Edgewater Drive intersection. This mitigation measure would require acquisition of additional right-of-way.	5a.) Assessment of costs for fair share contribution toward funding.	5a.) Port of Oakland in coordination with the City of Alameda	5a.) Before construction contract goes out to bid.
		5b.) Port would enter into an agreement with City of Alameda (if mutual concurrence on mitigation is reached).	5b.) Port of Oakland in coordination with the City of Alameda	5a.) Before construction contract goes out to bid.
		5c.) Acquisition of additional rights-of-way.	5c.) Port of Oakland and City of Alameda (measure is not enforceable by Port)	5a.) Before construction contract goes out to bid.
		5d.) Construction plans and specifications	5d.) Port of Oakland in coordination with the City of Alameda	5d.) Before construction contract goes out to bid.
Construction				
Construction would displace existing on-Airport public parking spaces.	(1) The Port would ensure that development of all or some of the identified replacement parking lots proposed as part of the project would occur prior to ADP construction phases that would displace existing parking spaces.	1a.) Specify in construction plans and specifications.	1a.) ECM, Engineering Design	1a.) Before construction contract goes out to bid.
		1b.) Oversee construction contractor.	1b.) ECM	1b.) During construction.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Airport Parking				
Under the proposed ADP, the on-Airport demand for public parking would increase in 2000 and would increase further by 2010. The on-Airport public parking supply in 2000 and 2010 would accommodate estimated weekday rates of parking occupancy.	(1) Projected demand for public parking would be met with the development of additional parking lots on- or possibly off-Airport. The availability of the United Airlines Maintenance Base site, together with an increase in previously planned on-Airport parking supply, provides the Port with further flexibility in accommodating projected public parking demand.	1) Assess physical and financial considerations in using the United Airlines Maintenance Base site as opposed to the Pardee lot.	1) Port Aviation and Engineering in consultation with the City of Oakland, as warranted	1) Ongoing
4.23 Public Services and Utilities				
Water Supply				
Based on projected increases in Airport activity, water consumption in 2000 and 2010 would increase over the current level of 214,400 gallons per day under both the proposed ADP and the no project alternative.	(1) EBMUD recommends that the Port develop a water usage program to reduce consumption. The program would employ water conservation measures (assuming fire flow requirements are met) and develop infrastructure for non-potable water usage (reclaimed water). The Port, in consultation with the ARFF, OFD, and AFD, could monitor the need for additional water to meet fire flow requirements of 3,000 gallons per minute as million annual passenger (MAP) levels rise to projected levels in 2000 and 2010. The Port, in conjunction with EBMUD, could also investigate potential sources of reclaimed or recycled water service to OAK. Appropriate uses of non-potable water include irrigation and construction water. In addition, the Port may choose to adopt the following recommendations of the State Department of Water Resources for reducing water consumption in new developments: • reducing water pressure greater than 50 pounds per square inch (psi) to 50 psi or less by means of a pressure-reducing valve; • equipping drinking fountains with self-closing valves; • installing 1.5-gallon-per-flush toilets in all new and renovated construction; and • submitting all final sanitary sewer design plans to EBMUD for approval before implementation.	1a.) Port will identify feasible water reduction measures in consultation with EBMUD, ARFF, OFD, and AFD. 1b.) Incorporate into engineering designs, construction plans, and specifications. 1c.) Implement measures as feasible.	1a.) Aviation Division, Engineering in consultation with EBMUD, ARFF, OFD, and AFD 1b.) Port Engineering Design and ECM 1c.) ECM, Aviation Division	1a.) Prior to completion of engineering designs. 1b.) Prior to construction contract going out to bid. 1c.) During construction and operation, as appropriate.

IMPACT	MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	IMPLEMENTATION SCHEDULE
MITIGATION MEASURES ADOPTED FOR LESS-THAN-SIGNIFICANT IMPACTS				
Construction Security				
Construction of proposed ADP project components may increase security risks at construction sites.	(1) The Port, Ongoing Policy D, and/or the Port's construction contractor(s) would provide additional security personnel and equipment to patrol construction sites. The Port's Airport Security Services shall consult with the Ongoing Policy D concerning the number of additional seeurity officers required to maintain present security standards. Additional security would be provided by the Port, Ongoing Policy D, and/or the Port's construction contractor.	1a.) Conduct an assessment to determine the number of additional security officers required to maintain present security standards.	1a.) Port Airport Security Services in consultation with construction contractor and OPD.	1a.) Prior to start of construction.
		1b.) Retain additional services as required during construetion.	1b.) Airport Security Services	1b.) Prior to start of construction.
Construction Traffic				
Construction Traffic Impacts in Alameda: Construction-related impacts on Harbor Bay Parkway and Doolittle Drive from development of ARP Segments 1 and 2 could	(1) The Port of Oakland, the City of Alameda, and/or the Port's construction contractor(s) would hire additional personnel during the construction period specifically for traffic control.	1a.) Incorporate into construction plans and specifications.	1a.) Airport Facilities in coordination with the City of Alameda	1a.) Before construction contract goes out to bid.
Construction Traffic (cont.)				
disrupt traffic flows and result in a need for police personnel to control traffic under the proposed ADP.		1b.) Oversee contractor compliance.	1b.) Airport Facilities in coordination with the City of Alameda	1b.) During construction.
Construction Utilities				
Existing water, wastewater, gas, and electrical utility lines could be disrupted and/or relocated during construction of proposed ADP project components requiring subsurface work.	(1) The Port of Oakland would plan construction activities to minimize disruption of existing utility lines. Where disruptions could occur, lines would be routed to maintain service. Construction-related interruptions to utility service would be expected to be brief and could be scheduled to inconvenience the fewest number of customers possible. During construction activities, detours would be provided to ensure local deliveries would not be impaired.	1a.) Incorporate into construction plans and specifications.	1a.) ECM, Port Facilities in consultation with City of Oakland, EBMUD as warranted.	1a.) Prior to construction.
		1b.) Oversee contractor during construction.	1b.) ECM	1b.) During construction.

12/16/03
C-1
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03346

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH KILGORE INDUSTRIES.

RESOLVED that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Commercial Real Estate to execute for and on behalf of the Board a certain License and Concession Agreement between the Port and **KILGORE INDUSTRIES** for approximately 10,000 square feet of land area and 300 lineal feet of adjacent wharf area, Ninth Avenue Terminal, Oakland, California, to be used for staging and storage including storage of three barges and two workboats along the wharf, at the rate proposed and as otherwise described in Agenda sheet Item No. C-1, dated December 16, 2003; and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Guidelines Section 15301(p); and be it

FURTHER RESOLVED that 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Scates - 2

12/16/03
Item No.: O-2
TDC:aaa

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03347

RESOLUTION AUTHORIZING THE BOARD PRESIDENT AND THE EXECUTIVE DIRECTOR TO MAKE EXPENDITURE COMMITMENTS WITHIN THE BOARD-APPROVED BUDGET FOR, RESPECTIVELY, THE BOARD'S OFFICE AND THE EXECUTIVE DIRECTOR'S OFFICE.

RESOLVED that the Board of Port Commissioners ("Board") hereby authorizes the Board's President and the Executive Director to make commitments, and ratifies, confirms and approves commitments previously made by the Board's President and the Executive Director, on behalf of the Port for Port expenditures from the Board-approved budget for, respectively, the Board's Office and the Executive Director's Office, for proper Port purposes without further approval or authorization from the Board, provided that the result of such commitments shall not result in total expenditures for the Board's Office or the Executive Director's Office, as the case may be, exceeding the Board-approved budget for such Office for any fiscal year, and provided that any contract for such a commitment shall be subject to the Port Attorney's prior approval as to form and legality.

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Scates - 2

12/16/03
S-1
VON:mj

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03348

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY ENTERPRISE RENT A CAR COMPANY OF SAN FRANCISCO.

RESOLVED that in reliance upon the representations and certifications set forth upon and submitted with an application by **ENTERPRISE RENT A CAR COMPANY OF SAN FRANCISCO** ("tenant") for permission to perform certain work at 7600 Earhart Road, Oakland, California, the Board of Port Commissioners hereby approves same subject to said representations and certifications at an estimated cost of $17,000, said work and the conditions of Port approval being the following:

1) Installation of two canopies (approximately 800 square feet total) adjacent to the existing customer service booth;

2) Compliance with all of the terms and conditions of tenant's lease or agreement with the Port of Oakland;

and be it

FURTHER RESOLVED that the Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Guidelines Section 15311 and 15269(c); and be it

FURTHER RESOLVED that (a) neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to tenant under any agreement between the Port and tenant or with respect to any obligation of tenant, or (ii) releases tenant from any obligation with respect to said work or with respect to any agreement between the Port and tenant and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Scates - 2

December 16, 2003
CLOSED SESSION
CHA/LST

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 03349

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH COVELLO GROUP, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS by Resolution No. 01176, adopted by the Board of Port Commissioners (the "Board") on April 24, 2001 and as amended by Resolution No. 03109, adopted on April 15, 2003, the Board authorized an Agreement with **COVELLO GROUP, INC.** for as-needed consulting services to provide confidential expert technical interpretation regarding engineering and construction management; and

WHEREAS it is desirable at this time to further amend said Agreement to authorize the Executive Director of the Port to approve additional work under said Agreement, as set forth in the December 15, 2003, confidential: attorney-client letter to the Board; and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that the proposed Second Supplemental Agreement with **COVELLO GROUP, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **COVELLO GROUP, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the execution for and on behalf of the Board of said Second Supplemental Agreement, upon terms and conditions consistent with the Confidential: Attorney-Client letter to the Board and providing that **COVELLO GROUP, INC.** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed an additional $19,650.10; and be it

FURTHER RESOLVED that this resolution is not evidence of and does not create or constitute (a) a contract or Lease, 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 an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and 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.

At a regular meeting held December 16, 2003

Passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Batarse, Katzoff, Kramer and President Protopappas - 5

Noes: None

Absent: Commissioners Kiang and Scates - 2