

BOARD OF PORT COMMISSIONERS

OF THE

PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607

TELEPHONE (510) 272-1100

COMMISSIONERS

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President

ROBERT HARRIS
First Vice President

KATHY NEAL
Second Vice President

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DAVID KRAMER
BECKY L. TAYLOR
PETER URIBE

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DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Regular Meeting of the Board of Port Commissioners

Tuesday, January 4, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh

READING OF THE MINUTES:

Deferred - Regular meeting of August 3, 1999;
special meeting of August 10, 1999; adjourned
regular meeting of August 31, 1999; adjourned
regular meeting of September 20, 1999; regular
meeting of October 5, 1999; adjourned regular
meeting of October 22, 1999; regular meeting of
November 2, 1999; regular meeting of November 16,
1999; regular meeting of December 7, 1999.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Aviation

Commercial Real Estate

Maritime

READING OF SUMMARY ITEMS: (Marked "S")

14 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 First Reading of Ordinance Approving New Lease with Federal Express Corporation for Metroplex with Accompanying Rental Credit of \$363,099 (1 Sally Ride Way, South Airport). (Ordinance)
- 2 Approval of Consultant Agreement with Muller & Caulfield Architects for Design Services for the Airport Sound Insulation Program (SIP). (Resolution)
- 3 Authorization to Dispense with Formal Bids for Upgrading of Access Control Systems at North and South Airports, OIA. (Resolution)
- 4 This number not used.
- 5 Recommendation to Approve Modification of Airport Development Program, Burrowing Owl Mitigation Measure. (Resolution)
- 6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Regal Aviation, LLC (8991 Earhart Road, North Airport). (Resolution)
- 7S Approval of License and Concession Agreement with Evergreen Aviation Ground Logistics Enterprises, Inc. (7683 Earhart Road, North Airport). (Resolution)
- 8S Approval of a License and Concession Agreement with Existing Tenant Federal Express Corporation (Taxiway B-2, South Airport). (Resolution)

Regular Meeting
January 4, 2000

- 9S Approval of Building Permit Application to Remodel Storage Area Outside the Hangar and Upgrade Mechanical Systems for United Airlines Maintenance, 1100 Airport Drive (Building M-110). (Resolution)
- 10S Approval of Specification for Removal of Rubber Deposits from Runways for the Period Commencing March 1, 2000, and Ending February 28, 2001, 2002, 2003, OIA. (Resolution)
- 11S Approval of Specifications for Runway Painting for the Period Commencing March 1, 2000, and Ending February 28, 2001, 2002 or 2003, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 12 First Reading of an Ordinance Authorizing a Lease with Score Learning Corporation, Inc. and Authorization to Execute a Termination Agreement with Alameda Newspaper Group, Inc. for the Property Located at 66 Jack London Square. (Ordinance and Resolution)
- 13 Approval to Execute Right of Entry Agreement with Caltrans for the Seismic Upgrade of the Posey Tube in Jack London Square. (Resolution)
- 14 Authority to Advance Claim Payments to the City of Alameda Bureau of Power and Telecom. (Resolution)
- 15 Approval to Give First Reading to an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with TCC Swan Land, LLC, for the Property Located at 80 Swan Way. (Ordinance)
- 16S Recommended Approval of New License and Concession Agreement - Oakland Telecard LLC. (Resolution)
- 17S Approval of a Tentative Map No. 7195 for Condominiums at Waterpark Lofts TJ Enterprises (Owner) 2875 Glascock Street. (Resolution)

MARITIME

- 21 Approval of Consultant Agreement for Programming and Space Utilization Planning Services for a Replacement Facility for the Harbor Facilities Maintenance and Construction Departments. (Resolution)
- 22 Security Guard Services for the Harbor Transportation Center. (Resolution)

Regular Meeting
January 4, 2000

- 23 Approval of Second Supplemental Agreement with Jordan Woodman Dobson for Engineering Design Services for the Construction of Container Yard and Gate for Berths 55/56, Inner Harbor Channel. (Resolution)
- 24S Approval of License & Concession Agreement with Work/Able Development Systems, Inc. for Premises Located in Building D-502 at the Harbor Transportation Center. (Resolution)
- 25S Renewal of Korean Agency Contract. (Resolution)
- 26S Award of Contract for 2000 Structural Inspection Rigging and Repair of Crane X438 and X439, Berth 23, Outer Harbor Terminal. (Resolution)
- 27S Award of Contract for Removal and Disposal of Hazardous Materials and Miscellaneous Utility Work at Building D-732, Harbor Transportation Center. (Resolution)
- 28S Ratify Addendum and Award of Contract for Annual Dredging of Port of Oakland Berths for the Period Commencing March 1, 2000, and Ending December 31, 2000, 2001, or 2002. (Resolution)
- 29S Approval of an Amendment to the Union Pacific Company Lease to Add Additional Land Area. (Resolution)

OPERATIONS

- 31 Personnel Items: Creation of Salary Schedule; Creation of Classification/Positions; and Terminations. (Resolution and Ordinance)
- 32 Compensation and Incentive Recommended Changes. (Ordinance)
- 33 Funding Support of the Greater Oakland International Trade Center. (Resolution)

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

BUILDING PERMIT APPLICATIONS: ("S")

Sierra Academy of Aeronautics, installation of two new monument signs to direct students to the location of various departments at Sierra Academy.

Regular Meeting
January 4, 2000

Juice It Up, installation of a new display sign approximately 2 feet high and 9 feet wide, Terminal 2.

Vote on the following resolutions:

Ayes: Commissioners Harris, Kiang, Kramer, Taylor,
Uribe and President Loh - 6
Noes: None
Absent: Commissioner Neal - 1

RESOLUTIONS:

- 20001 1 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MULLER & CAULFIELD FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport - 2)
- 20002 2 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR UPGRADING OF ACCESS CONTROL SYSTEMS AT NORTH AND SOUTH FIELDS, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport - 3)
- 20003 3 CERTIFYING REVIEW AND CONSIDERATION OF ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR AIRPORT DEVELOPMENT PROGRAM, MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING CHANGES TO THE BURROWING OWL MITIGATION PROVISIONS FOR THE AIRPORT DEVELOPMENT PROGRAM, ADOPTING REVISED BURROWING OWL MITIGATION MEASURES AND ADOPTING MODIFICATIONS TO MITIGATION MONITORING AND REPORTING REQUIREMENTS, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MITIGATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FISH AND GAME. (Airport - 5)
- 20004 4 APPROVING AND AUTHORIZING EXTENSION OF A RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH REGARD AVIATION LLC (8991 EARHART ROAD, NORTH AIRPORT). (Airport - 6S)
- 20005 5 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENT WITH EVERGREEN AVIATION GROUND LOGISTICS ENTERPRISES, INC. (Airport - 7S)
- 20006 6 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENT WITH FED EX CORPORATION. (Airport - 8S)
- 20007 7 GRANTING UNITED AIRLINES, INC., PERMISSION TO PERFORM CERTAIN WORK. (Airport - 9S)

Regular Meeting
January 4, 2000

- 20008 8 APPROVING PLANS AND SPECIFICATIONS FOR REMOVAL OF RUBBER DEPOSITS FROM RUNWAYS FOR THE PERIOD COMMENCING MARCH 1, 2000, AND ENDING FEBRUARY 28, 2001, 2002 OR 2003, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport - 10S)
- 20009 9 APPROVING PLANS AND SPECIFICATIONS FOR RUNWAY PAINTING FOR THE PERIOD COMMENCING MARCH 1, 2000, AND ENDING FEBRUARY 28, 2001, 2002 OR 2003, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport - 11S)
- 20010 10 APPROVING AND AUTHORIZING 1) A LEASE TERMINATION AGREEMENT WITH ALAMEDA NEWSPAPER GROUP AND 2) PAYMENT OF A BROKERAGE COMMISSION TO BT COMMERCIAL. (Commercial Real Estate - 12)
- 20011 11 APPROVING AND AUTHORIZING EXTENSION OF A RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ("CALTRANS") FOR SEISMIC UPGRADE OF THE POSEY TUBE IN JACK LONDON SQUARE. (Commercial Real Estate - 13)
- 20012 12 AUTHORIZING ADVANCE CLAIM PAYMENTS TO CITY OF ALAMEDA BUREAU OF POWER & TELECOM. (Commercial Real Estate - 14)
- 20013 13 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENT WITH OAKLAND TELECARD, LLC. (Commercial Real Estate - 16S)
- 20014 14 APPROVING TENTATIVE MAP NO. 7192 FOR CONDOMINIUMS AT WATERPARK LOFTS (2875 GLASCOCK STREET). (Commercial Real Estate - 17S)
- 20015 15 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MULLER & CAULFIELD FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime - 21)
- 20016 16 FINDING DETERMINING THAT A PROPOSED AGREEMENT WITH F&J SECURITY PATROL FOR SECURITY GUARD SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID AGREEMENT. (Maritime - 22)

Regular Meeting
January 4, 2000

- 20017 17 FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH JORDAN WOODMAN DOBSON FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Maritime - 23)
- 20018 18 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENT WITH WORK/ABLE DEVELOPMENT SYSTEMS, INC. (Maritime - 24S)
- 20019 19 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GLOBAL ENTERPRISES, LTD., FOR MARITIME CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime - 25S)
- 20020 20 AWARDED CONTRACT TO MARINE MAINTENANCE, INC. FOR 2000 STRUCTURAL INSPECTION, RIGGING AND REPAIR OF CRANES X438 AND X439, BERTH 23, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 26S)
- 20021 21 AWARDED CONTRACT TO PERFORMANCE ABATEMENT SERVICES OF CALIFORNIA, INC., FOR REMOVAL AND DISPOSAL OF HAZARDOUS MATERIALS AND MISCELLANEOUS UTILITY WORK AT BUILDING D-732, HARBOR TRANSPORTATION CENTER, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 27S)
- 20022 22 RATIFYING AND APPROVING ADDENDUM TO PLANS AND SPECIFICATIONS FOR ANNUAL DREDGING OF PORT OF OAKLAND BERTHS FOR THE PERIOD COMMENCING MARCH 1, 2000, AND ENDING DECEMBER 31, 2000, 2001 OR 2002, OAKLAND, CALIFORNIA; AND AWARDED CONTRACT TO MANSON CONSTRUCTION CO., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 28S)
- 20023 23 APPROVING AMENDMENT TO THE UNION PACIFIC COMPANY LEASE. (Maritime - 29S)
- 20024 24 APPROVING AND AUTHORIZING CONTRIBUTION OF PORT FUNDS FOR FUNDING SUPPORT OF THE GREATER OAKLAND INTERNATIONAL TRADE CENTER. (Operations - 33)
- 20025 25 GRANTING SIERRA ACADEMY OF AERONAUTICS PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)

Regular Meeting
January 4, 2000

- 20026 26 GRANTING AIR TERMINAL SERVICES, INCORPORATED,
 PERMISSION TO PERFORM CERTAIN WORK.
 (Blanket Authority)
- 20027 27 1) APPROVING APPOINTMENT OF WENDEL ROSEN BLACK &
 DEAN, LLP AS SPECIAL COUNSEL IN CONNECTION WITH
 THE PCR PATTERSON, INC. AND GIBSON ENVIRONMENTAL,
 INC. FACILITIES; AND 2) APPROVING AND AUTHORIZING
 THE EXECUTIVE DIRECTOR TO EXECUTE A CASH-OUT
 SETTLEMENT AGREEMENT WITH THE PATTERSON
 ENVIRONMENTAL RESPONSE TRUST AND ITS INDIVIDUAL
 AND COLLECTIVE MEMBERS CONCERNING THE PRC
 PATTERSON, INC. FACILITY. (Closed Session - 40)
- 20028 28 TERMINATING CERTAIN APPOINTMENTS.
 (Operations - 31)

Vote on the following Ordinances:

Ayes: Commissioners Harris, Kiang, Kramer, Taylor,
 Uribe and President Loh - 6

Noes: None

Absent: Commissioner Neal - 1

ORDINANCES:

- 1 Port Ordinance No. 3556 being, "AN ORDINANCE
 APPROVING AND AUTHORIZING THE EXECUTION OF LEASE
 WITH INTERNATIONAL MARITIME CENTER/BAY AREA
 SEAFARERS SERVICE."

 Final.
- 2 Port Ordinance No. 3557 being, "AN ORDINANCE
 APPROVING AND AUTHORIZING EXECUTION AND DELIVERY
 OF GRANT OF EASEMENT TO EAST BAY MUNICIPAL UTILITY
 DISTRICT FOR NEW WASTEWATER DISCHARGE PIPELINE IN
 OAKLAND INNER HARBOR CHANNEL."

 Final.
- 3 Port Ordinance No. 3558 being, "AN ORDINANCE
 AMENDING SECTIONS 2.02, 7.1395, 7.1398, 10.0294,
 10.0195, 100.024, 11.0033, 11.0066 AND 9.09 OF
 PORT ORDINANCE NO. 867 AND CREATING NEW
 POSITIONS."

 Final.
- 4 Port Ordinance No. _____ being, "AN ORDINANCE
 AUTHORIZING AND APPROVING A LEASE WITH FEDERAL
 EXPRESS CORPORATION AND RENTAL CREDIT, WITHOUT
 COMPETITIVE BIDDING."

 Airport - 1 to print.

5 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A LEASE WITH SCORE LEARNING CORPORATION, INC. FOR THE REAL PROPERTY LOCATED AT 66 JACK LONDON SQUARE, OAKLAND, CALIFORNIA."

Commercial Real Estate - 12 to print.

6 Port Ordinance No. _____ being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH TCC SWAN LAND, LLC, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.23 ACRE PARCEL OF LAND LOCATED IN THE OAKLAND AIRPORT BUSINESS PARK."

Commercial Real Estate - 15 to print.

7 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULE NO. 596.02, CREATING A NEW POSITION OF PROGRAM DIRECTOR, AIRPORT TERMINAL EXPANSION AND CREATING AN ADDITIONAL POSITION OF COMMERCIAL REPRESENTATIVE V."

Operations - 31 to print.

8 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING SECTION 1.03 OF PORT ORDINANCE NO. 867 RELATING TO THE COMPENSATION AND INCENTIVE PROGRAM."

Operations - 32 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be a regular meeting held on Tuesday, January 18, 2000 at 3:00 p.m.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

**SUBJECT: First Reading of Ordinance Approving New Lease with
 Federal Express Corporation for Metroplex with
 Accompanying Rental Credit of \$363,099
 (1 Sally Ride Way, South Airport)**

Date: January 4, 2000

Item No. 1

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *S.J. Grossman*
 EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

This action would authorize the Executive Director to enter into a new consolidated lease with Federal Express Corporation ("FedEx") for its sorting and distribution facilities and accompanying aircraft apron areas ("Metroplex") located on the South Airport. This action also would approve a one time rental credit of \$363,099 for repairs made to the aircraft apron that were the responsibility of the Port of Oakland under FedEx' existing agreements. Finally, this action would approve the termination of FedEx' existing five Metroplex facility agreements and transfer all obligations therefrom concurrent with the commencement of the term of this agreement.

FedEx presently leases its contiguous Metroplex facilities under five separate agreements, each with different terms and conditions. This action would approve the execution of a single consolidated lease covering all five existing agreements, as well as an option to lease additional land under a right of first refusal.

Currently, FedEx pays a total of \$2,189,496 in annual rental (\$182,458 / month). Most of this rental is derived from the principal Metroplex lease with FedEx, which term presently extends through August 31, 2011. The other four license agreements are now under holdover status. Under the proposed consolidated agreement, FedEx would pay annual rental of at least \$3,509,916 (\$292,493 / month). The demised premises of this proposed agreement includes some unimproved land (to be later improved by FedEx), some improved land, and a building.

A professional appraisal of the subject premises was undertaken as the basis for negotiation of the new rental valuation. The appraiser was instructed by Airport Properties staff to value the properties based on the level of improvements made by the Port (or a prior tenant). FedEx accepted the appraisal as a fair valuation of the premises. Subsequent to the appraisal, each of the parcels was revalued upwards during negotiations, as follows:

Parcel no.	Level of improvement	Area (sf)	Rate / sf / mo.	Monthly rental
1A	Paved, heavy	561,799	\$0.1230	\$69,101
1B	None	359,733	0.0763	27,448
1B1	None	80,817	0.0763	6,166
2A	Paved, heavy	46,897	0.1230	5,768
2B	None	36,143	0.0763	2,758
2B1	None	3,688	0.0763	281
2C	None	80,894	0.0763	6,172
2D1	Paved, light	347,221	0.0923	32,048
3D2	None	111,573	0.0763	8,513

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
 passed to print JAN 4 2000

BOARD ACTION TAKEN DATE

[Signature]
 Assistant SECRETARY OF THE BOARD

2E	None	77,855	0.0763	5,940
2F	None	41,937	0.0763	3,200
3A	Paved, heavy	117,433	0.1230	14,444
3B	Paved, medium	141,313	0.1025	14,485
3C	Paved, medium	40,823	0.1025	4,184
4	None	360,766	0.0763	27,526
5	Paved, light	295,152	0.1128	33,278
Sally Ride Way	Paved, heavy	49,223	0.1230	TBD
Bldg. M-132	Building	17,280	1.6400	28,339
6	None	781,466	0.0763	TBD
Totals:				\$292,493

The rental credit of \$363,099 is for aircraft apron repairs made by FedEx to Parcel 1A, which repairs were the Port's responsibility under the existing agreement. The new agreement assigns all maintenance and repair responsibility, as well as assumption of all such costs related thereto, to FedEx.

A summary of pertinent terms and conditions contained within the proposed lease follows:

Term: The term shall commence on the effective date of the ordinance approving this lease and shall terminate December 30, 2011.

Rental rates /sf / mo. (proposed effective June 1, 2000 *)

Level of improvements	Existing rental rates	Proposed rental rates
<input type="radio"/> None (unimproved land)	\$0.0675	\$0.0763
<input type="radio"/> Light apron	0.0737	0.0923
<input type="checkbox"/> Heavy / light	0.08	0.1025 - 0.1128
<input type="checkbox"/> Heavy	0.0868 - 0.1333	0.1230
<input type="checkbox"/> Building (CLOTIX M-132)	1.55	1.55

* Although the lease commences earlier, the above rates are to be effective June 1, 2000.

Adjustment of rental rates during the term: The rates will be adjusted in accordance with increases in the San Francisco/Oakland Consumer Price Index - All Urban Consumers every 30 months, with the first adjustment effective July 1, 2002. Subsequent CPI adjustments would be effective, as follows: January 1, 2005; July 1, 2007; and January 1, 2010.

Right of First Refusal

FedEx shall possess a right of first refusal to lease all or part of Parcel 6 (adjacent unimproved land approximately northeast of the Metroplex) and Sally Ride Way. Such right shall be exercised by acceptance within sixty (60) days following notification to FedEx of the terms and conditions to which the Port would have agreed with a third party.

Preferential, Non-Exclusive Rights: FedEx shall rent the following parcels on a preferential, non-exclusive basis: Parcels 1-A, 2-A, and 5 (three certain paved aircraft apron areas), with the Airport reserving the right to assign a portion of these parcels to other users (not to exceed 20% of total usage).

Rent Credit: The amount of the rent credit is \$363,099 for resurfacing work made by FedEx on the aircraft apron for safety and structural purposes. This work was the Port's responsibility under the terms of its existing agreements. This work has already been completed by FedEx and was performed under a Port authorized permit. The Board's approval of this action would waive formal competitive bidding in authorizing the rental credit.

Maintenance of Premises: FedEx is responsible for maintenance and repair of the premises at its sole cost and expense.

Other standard terms and conditions: Such other standard Port leasehold terms and conditions as are required by the Port Attorney.

ANALYSIS:

Taking no action would result in no increase in the monthly rental and allow a number of expired agreements to remain under holdover status. Renegotiating the existing five agreements most likely would not result in an operational or financial conclusion better than that being proposed. Approving the new consolidated lease with FedEx would allow for increased rents to commence on June 1, 2000 and would immediately relieve the Airport of its current maintenance and repair responsibilities on some of the Metroplex parcels.

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) which exempts: a) renewals, extensions, or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing; and b) interior alterations.

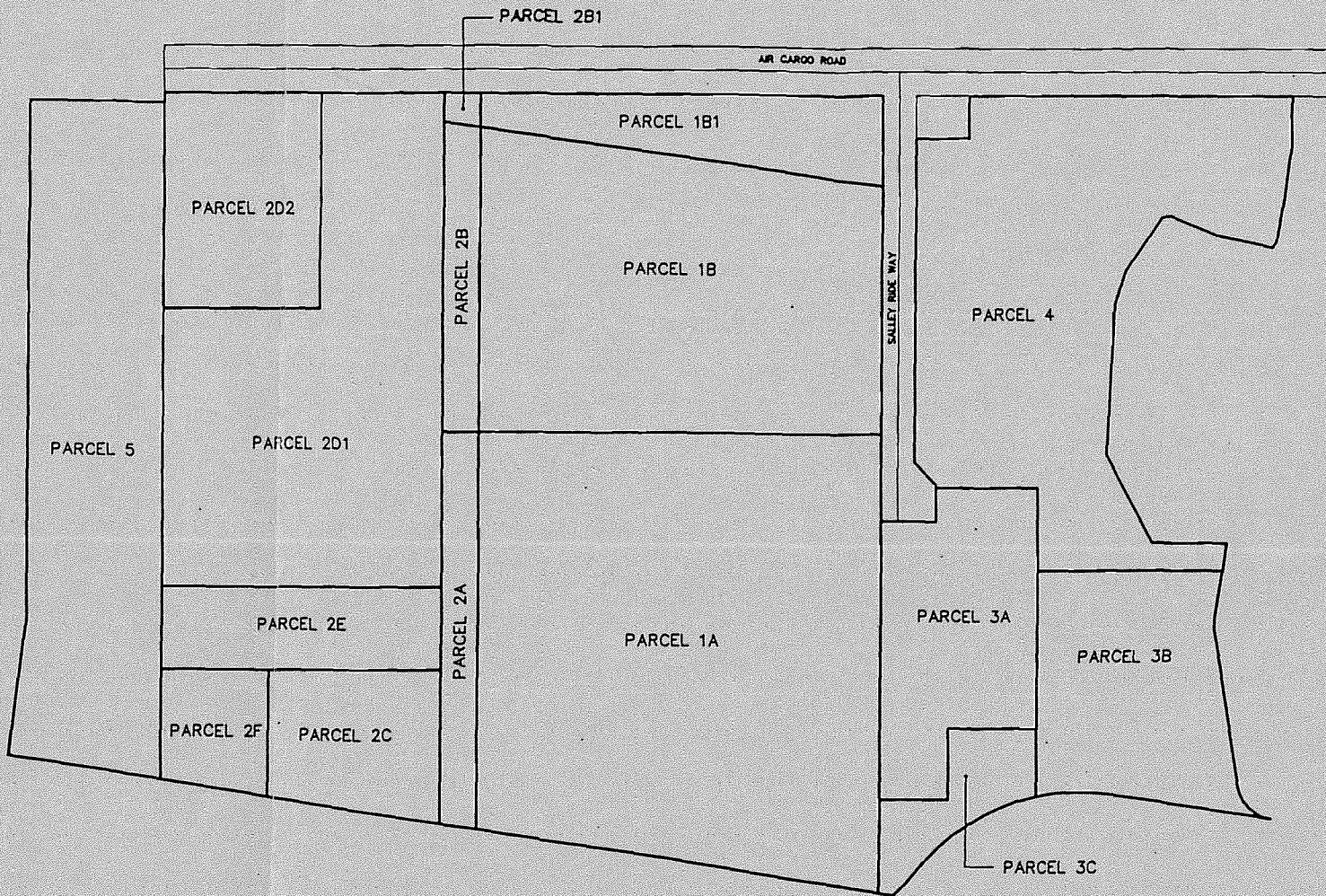
This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

OPTIONS:

1. Take no action.
2. Renegotiate the individual leases with FedEx.
3. Approve the new consolidated lease with FedEx for its sorting and distribution facilities and accompanying aircraft apron areas.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance approving and authorizing the Executive Director to execute a lease with Federal Express Corporation substantially in accordance with the terms and conditions of this Board letter with such changes as may be approved by the Executive Director and Port Attorney, approving the termination of FedEx' existing five Metroplex facility agreements and transferring all obligations therefrom concurrent with the commencement of the term of this agreement, and further approving a one-time rental credit of \$363,099 to Federal Express Corporation for aircraft apron repairs while waiving formal competitive bidding.



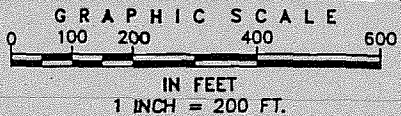
PARCEL AREA

PARCEL 1A	561,799 SQ. FT.
PARCEL 1B	359,733 SQ. FT.
PARCEL 1B1	80,817 SQ. FT.
PARCEL 2A	46,897 SQ. FT.
PARCEL 2B	36,143 SQ. FT.
PARCEL 2B1	3,688 SQ. FT.
PARCEL 2C	80,894 SQ. FT.
PARCEL 2D1	347,221 SQ. FT.
PARCEL 2D2	111,573 SQ. FT.
PARCEL 2E	77,855 SQ. FT.
PARCEL 2F	41,937 SQ. FT.
PARCEL 3A	134,713 SQ. FT.
PARCEL 3B	141,313 SQ. FT.
PARCEL 3C	40,823 SQ. FT.
PARCEL 4	360,766 SQ. FT.
PARCEL 5	295,152 SQ. FT.

PORT OF OAKLAND



530 Water Street
Oakland, California



LEASE AREA PLAT

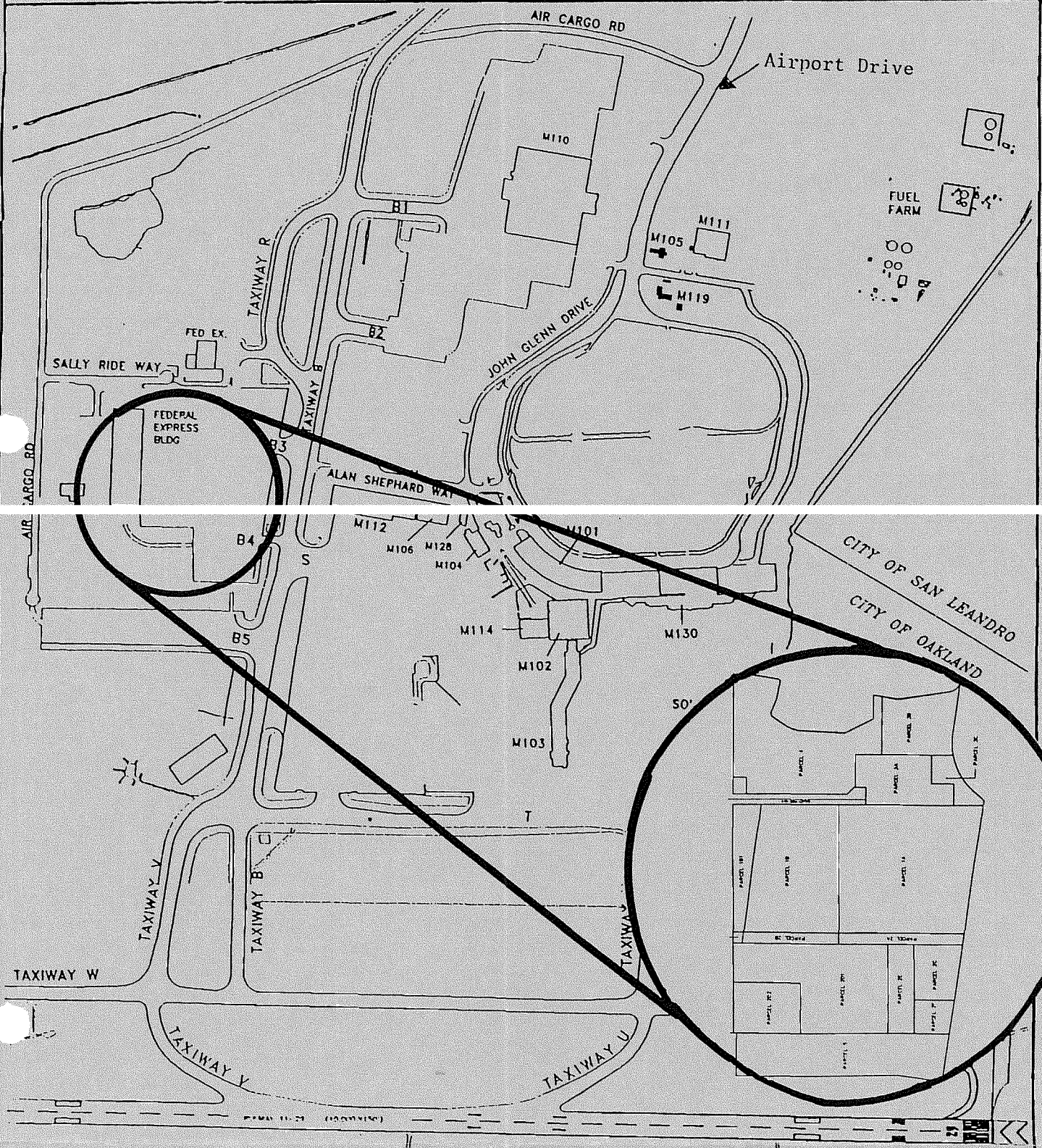
FEDERAL EXPRESS-METROPLEX FACILITY
INTERIM LEASE AREAS
METROPOLITAN OAKLAND INTERNATIONAL AIRPORT

DRAWN BY: JRM	FIELD BOOK:
CHECKED BY:	DATA FILE:
SCALE: 1" = 200'	WORK ORDER NO: 206120
DATE: 2/26/98	REVISION: 1
SHEET 1 OF 1	REVISION DATE: 03/19/98
ATLAS MAPS:	
FILE LOC: > ..\TRANSBAY\206120.JRM\FEDXAREA.DWG	

First Reading of Ordinance Approving New Lease with Federal Express Corporation
for Metroplex with Accompanying Rental Credit of \$363,099
(1 Sally Ride Way, South Airport)

Board of Port Commissioners Calendar Item

First Reading of Ordinance Approving New Lease with Federal Express Corporation
for Metroplex with Accompanying Rental Credit of \$363,099
(1 Sally Ride Way, South Airport)



Port of Oakland

Oakland International Airport South Airport

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Approval of Consultant Agreement with Muller & Caulfield Architects for Design Services for the Airport Sound Insulation Program (SIP)

Date: January 4, 2000

Item No. 2

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

For **SUBMITTED BY:** Steven J. Grossman *H. E. Wade*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

In 1999 the Airport completed the Pilot Sound Insulation Program, which included soundproofing four homes in the Bay Farm Island area of Alameda. This was a sample program to evaluate the effectiveness of the insulation and to determine the best program management and design criteria for the large scale Sound Insulation Program (SIP). The purpose of both the pilot and large scale sound insulation programs was to bring all homes within the Airport's noise impact area into compliance with state law. The pilot program was effective in reducing the interior noise levels of the four homes by approximately 5.5 decibels, which created a noticeable difference for the homeowners and met federal guidelines for noise level reduction.

In July 6, 1999, the Board authorized the hiring of a Program Management Team to provide program management, construction management and acoustical services for the SIP. The purpose of this board letter is to seek authorization to negotiate a contract for architectural and related services for the program. The scope of work for the architectural services, as was the case with the program management and acoustical services, will be identical to that of the pilot program. Construction will consist of replacing all windows and sliding glass doors with acoustical units; sealing exterior doors and replacing hollow core doors; modifying fireplace openings, dampers and skylights; and providing fresh air makeup of the existing heating system. Approximately 586 townhomes and 32 single family homes are eligible for the SIP. The Airport worked closely with the FAA to define the SIP eligibility area, and the program will be funded with PFC and, possibly, AIP funds. The SIP is expected to be completed in six years, insulating approximately 100 homes per year. The work is budgeted under CIP No. AA.03291.02.

The SIP is a voluntary program. Homeowners who wish to participate are required to sign a limited noise easement and a construction agreement, as did pilot program participants. Homeowners who do not wish to participate will not jeopardize the Airport's obligation to bring all homes within the Airport's noise impact area into compliance with state law.

OPTIONS:

Airport staff defined the following alternatives for providing architectural and related services for the SIP:

1. Port staff could perform these services.
2. The Program Management team could include this scope of work in its responsibilities.
3. The Port could seek consulting firms to perform these services.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 2000/1

JAN 4 2000

BOARD ACTION TAKEN

DATE

[Signature]

Assistant

SECRETARY OF THE BOARD

**Approval of Consultant Agreement with Muller & Caulfield Architects
for Design Services for the Airport Sound Insulation Program (SIP)**

Page 2

ANALYSIS:

Currently, the Port does not have the staff nor the expertise to design residential sound insulation plans to perform this function. Nor does the Port have the staff to perform the other functions provided by the architectural team, which include sub-consultants for hazardous material, electrical, mechanical, and cost estimating services. In considering the second option, Airport staff decided to separate these services from those of the Program Management team because of the significant amount of work required by both teams.

The latter option was chosen in an effort to increase the accountability of all SIP consultants. Fifty-eight Requests for Proposals (RFP's) were mailed out on November 2, 1999, to architectural firms in the Airport's Local Impact Area (LIA/Oakland, Alameda and San Leandro). Proposals were sent to all local architects on the Port's Office of Equal Opportunity list, and the project was advertised for four days in three local newspapers. The RFP required the architect to be an LIA firm and encouraged the proposer to include sub-consultants from the Local Business Area (Alameda and Contra Costa Counties). The Port received four proposals, and all four teams were interviewed on December 9, 1999. The teams included Muller & Caulfield Architects, Powell & Partners Architects, Gutierrez Associates, and IDG Architects/Jones Payne Architects & Planners, Inc.

After careful evaluation of the written proposals submitted by each team and oral interviews of each team, the selection panel recommended Muller & Caulfield Architects as the team to perform the architectural and related services for the SIP. Scores for the written proposals and oral interviews were weighted equally and then added to the points received for meeting the Port's Non-Discrimination and Local Business Utilization Policy to reach a total score.

The following table itemizes Muller & Caulfield Architects' team members, their roles and the percentage of each firm's share of the total work for the SIP:

Team Member	Location	% of project	OEO Status	Role
Muller & Caulfield	Oakland	69%	LIA/WBE	Prime/Architects
Ted Jacobs Engineering Group	Oakland	11%	LIA	Mechanical Electrical Engineers
Don Todd Associates	Oakland	6%	LIA/MBE	Cost/Value Engineering
Ninyo & Moore	Oakland	14%	LIA/MBE	Environmental Engineering

LIA = Local Impact Area (Oakland, Alameda, San Leandro)

MBE = Minority Business Enterprise

WBE = Woman Business Enterprise

The Office of Equal Opportunity (OEO) participated in all phases of evaluating the consultants and their proposals. OEO determined that the recommended team is responsive to the Port's Non-Discrimination and Local Business Policy. As noted in the above table, Local Impact Area businesses will perform 100% of the architectural team's work, and the total share of work for M/WBE firms is 89%.

Because of the uncertainty of how many homes will actually participate in the Sound Insulation Program, it is difficult to determine the exact costs of the work. If all eligible 618 homeowners participate over an approximate six year period, the amount of the architectural and related services is anticipated to cost up to \$1,600,000.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the architectural and related services as described above are professional services; and
2. Authorize the negotiation, preparation and execution of an agreement with Muller & Caulfield Architects in accordance with the above provisions.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to Dispense with Formal Bids for Upgrading of Access Control Systems at North and South Fields, OIA

Date: January 4, 2000

Item No. 3

PROGRAM AREA

- Airport Operations C. I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Plans and specifications are being prepared for **Upgrading of Access Control Systems at North and South Fields, OIA**, to maintain compliance with the requirements of FAA Regulation Part 107.14 for airport security. New security equipment is specified to be Software House equipment only, in order to maintain operational compatibility and warranty with the existing Software House access control system. The work of this project requires a contractor that is a certified installer of Software House security systems. Eight Northern California contractors are certified Software House installers. Four contractors are located within the Local Business Area. It is recommended that proposals be solicited from these eight certified installers.

The work of this project consists, in general, of (1) replacing existing magnetic stripe card readers with proximity card readers at South Field; (2) upgrading North Field gates with proximity card readers, and integrating with the South Field access control system; and (3) furnishing maintenance and service of the entire security system at North and South Fields for three years with an option to extend the agreement for two (2) years.

The costs for repair or replacement of magnetic stripe card readers of South Field access control system continue to increase and North Field's outdated access control system is below airport security standards. Therefore, upgrading card readers at North and South Fields to proximity readers that are fully compatible with the existing Software House access control system is economically efficient and necessary to maintain airport security. The estimated proposal amount for construction is approximately \$700,000. The estimated cost for maintenance is \$100,000 per year.

The Capital Budget for fiscal year 2000 provides for this work under CIP No. AA.00672.01. The funding sources are Passenger Facility Charges (PFCs) and Port cash.

ANALYSIS:

This project has been reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Port's CEQA Guidelines. The project is categorically exempt from CEQA under Section 15301, Class 1 (a, d, f).

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20002 JAN 4 2000
BOARD ACTION TAKEN DATE

[Signature]
Assistant SECRETARY OF THE BOARD

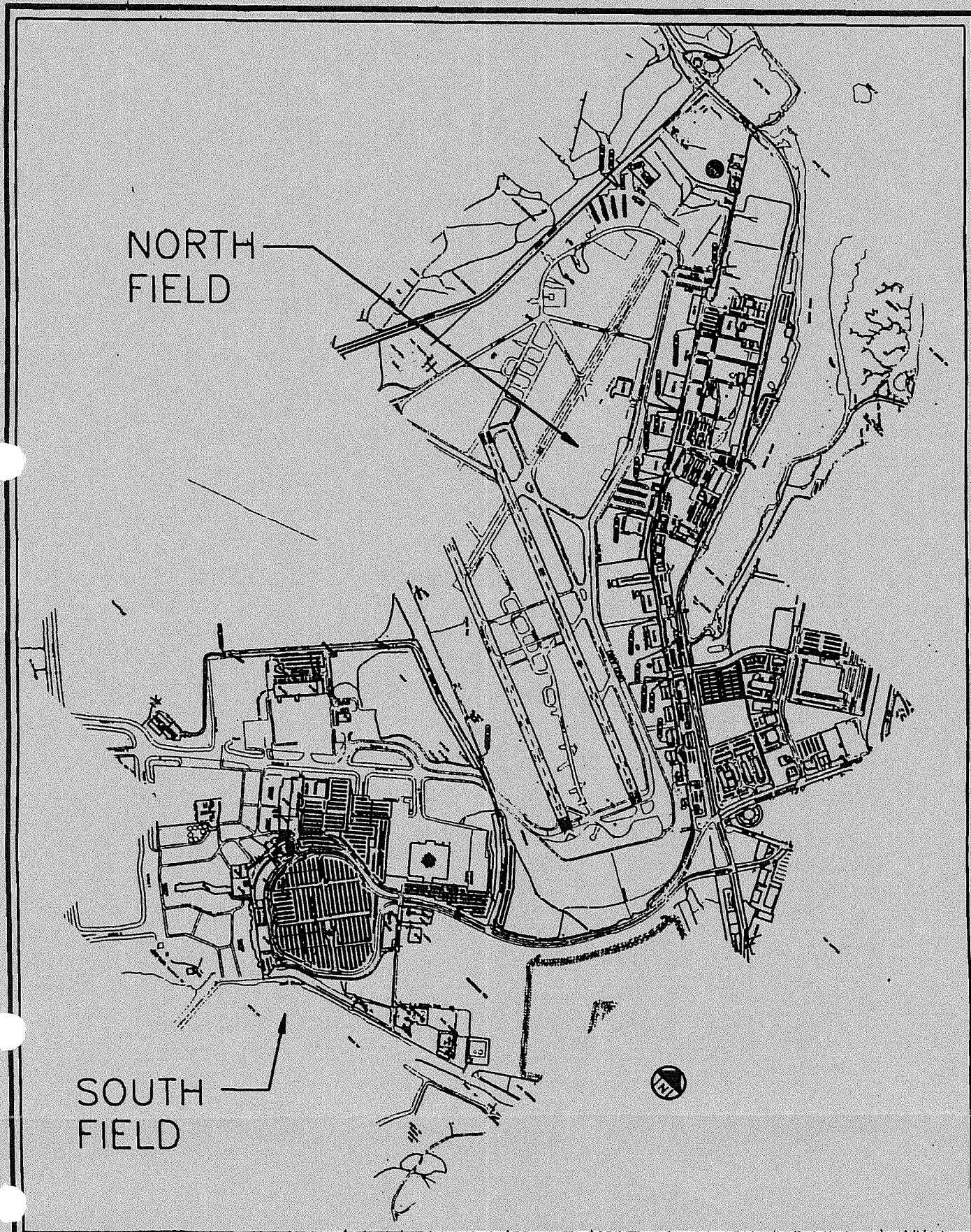
Authorization to Dispense with Formal Bids
for Upgrading of Access Control Systems at
North and South Fields, OIA

January 4, 2000
Page 2

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

RECOMMENDATION:

It is recommended that it be found to be in the best interest of the Port to dispense with formal bidding procedures and only solicit proposals from contractors certified to install and maintain Software House access control systems. Furthermore, it is recommended that the Executive Director be authorized to execute a contract for this work based on informal proposals.



PORT OF OAKLAND

OIA
NORTH AND SOUTH FIELD

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

**SUBJECT: Recommendation to Approve Modification of
 Airport Development Program,
 Burrowing Owl Mitigation Measure**

Date: January 4, 2000

Item No. 5

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: *for* Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *For*

Factual Background:

In 1997 and 1999, the Board certified the environmental impact report and supplement to environmental impact report (collectively "the EIR") for the Airport Development Program (ADP). At the same time, the Board approved a Mitigation Monitoring and Reporting Program (MMRP). Both the EIR and the MMRP identified five mitigation measures for the ADP's expected significant impacts on the burrowing owl, which is designated as a Species of Special Concern by the California Department of Fish & Game (CDFG) and the U.S. Fish & Wildlife Service. Two ADP projects have the potential to impact burrowing owls: (1) the Airport Roadway Project, which is scheduled to begin construction in January 2000; and (2) the Replacement T-Hangar Facilities. One of the mitigation measures required the Port to submit its burrowing owl mitigation plan to CDFG for approval.

The Port has now conducted spring and summer 1999 burrowing owl surveys at the Airport. The Port has also devoted significant attention to the issue of bird strike hazards at the Airport. The Port has used this information in the preparation of a draft Burrowing Owl Management Plan, which the Port has submitted to CDFG. As a result of discussions with CDFG regarding the burrowing owl mitigation, the Port now proposes three revisions to the mitigation measures described in the EIR and the MMRP.

Description of Proposed Revisions to the Burrowing Owl Mitigation Measures

The most notable change that CDFG has recommended in the Port's burrowing owl mitigation plan is that rather than set aside land on the Airport for burrowing owl habitat, the Port conserve existing burrowing owl habitat in a non-urban location by purchasing burrowing owl conservation bank credits. Such off-site conservation measures are part of an established CDFG program for mitigating burrowing owl impacts. Specifically, CDFG recommends that the Port purchase credits at the Byron Burrowing Owl Conservation Bank adjoining Armstrong Road in eastern Contra Costa County. If the Port adopts this recommendation, the second and third of the previously adopted burrowing owl mitigation measures would be revised.

In addition, discussions between the Port and CDFG have led to a proposed revision in the Port's first burrowing owl mitigation measure, which currently calls for closure of any burrowing owl burrows that are discovered in Runway Safety Areas at the Airport. The Port's 1999 burrowing owl surveys have revealed circumstances that indicate this mitigation measure should be revised to allow flexibility, under the guidance of CDFG, to decide whether particular burrows located in Runway Safety Areas should be closed.

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BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20003

JAN 4 2000

BOARD ACTION TAKEN

DATE

[Signature]

SECRETARY OF THE BOARD

DATE

Assistant

Thus it is proposed that the burrowing owl mitigation measures be revised as follows:

- 1) Revise Burrowing Owl Mitigation Measure No. 1 to provide that burrowing owl burrows in Runway Safety Areas will be closed "unless the California Department of Fish & Game concludes in a particular case that such closure should not occur."
- 2) Revise Burrowing Owl Mitigation Measure No. 2 to delete the provision for creation of artificial burrowing owl burrows on Airport property.
- 3) Revise Burrowing Owl Mitigation Measure No. 3 to substitute the use of conservation bank credits on land at a location by Armstrong Road in eastern Contra Costa County for setting aside new burrowing owl habitat on Airport land.

The precise language of the existing mitigation measures and of the proposed revised language for the mitigation measures is provided in the Addendum to the Environmental Impact Report/Burrowing Owl Mitigation for Airport Development Program (Addendum), submitted under separate cover.

Analysis

As is stated above, and discussed in greater detail in the Addendum, the most notable proposed change in the Port's burrowing owl mitigation plan is the purchase of conservation bank credits at Armstrong Road rather than the creation of new burrowing owl habitat areas on Airport property. This change, set forth in revised Mitigation Measure No. 3, is an improvement over the previous mitigation measure. Use of the Armstrong Road site would enhance habitat values at a site away from rapidly urbanizing and developing areas. The site's distance from intensive human disturbance (including bird strike hazards) makes it preferable to the highly developed Airport site. In addition, the Armstrong Road site provides burrowing owl habitat in a single, large tract near burrowing owl populations rather than protecting small sites for isolated owls, thus providing higher-quality habitat.

If the Board approves purchase of conservation bank credits at Armstrong Road, existing Mitigation Measure No. 2 should also be revised. Among its other provisions, Measure No. 2 currently calls for the Port to provide new artificial burrows on new Airport burrowing owl habitat sites for any owls whose existing burrows would be displaced by ADP construction. Because the use of the Armstrong Road site means that the Port and CDFG would no longer attempt to direct particular owls to particular burrows on the Airport, the provision for artificial burrows should be deleted. Any owls whose burrows were displaced by ADP construction would be able to locate alternate burrows either on or off the Airport.

Finally, the revision to Mitigation Measure No. 1, governing Runway Safety Areas, provides the flexibility for CDFG to conclude that it would be more harmful than helpful to close and replace a particular burrow located within a Runway Safety Area. CDFG should be given the discretion to conclude that a particular burrow (for example, one of a cluster of burrows straddling the border of a Runway Safety Area) should not be moved.

Options

The following options are feasible:

1. Revise the burrowing owl mitigation plan as described above and purchase credits from the Byron Burrowing Owl Conservation Bank.
2. Use the existing mitigation proposal analyzed in the EIR.

CEQA

The California Environmental Quality Act (CEQA) provides for the preparation of an addendum to a previously certified EIR if changes or additions to the project are necessary, but none of the conditions requiring a subsequent or supplemental EIR have occurred. As the Addendum and the analysis explain, if the Board approves the proposed revisions in the Port's burrowing owl mitigation measures,

those measures will be equal to or better than the measures currently in effect. Therefore, the changes will not cause any new significant environmental effect or substantial increase in the severity of previously identified significant effects. Thus the Addendum, rather than a subsequent or supplemental EIR, is the proper CEQA documentation for the proposed mitigation changes.

Recommendation:

- A. It is recommended that the Board adopt a resolution to:
- 1) Approve the following revisions to the Burrowing Owl Mitigation Measures described in the ADP EIR:
 - a) Revise Burrowing Owl Mitigation Measure No. 1 to provide that burrowing owl burrows in Runway Safety Areas will be closed "unless the California Department of Fish & Game concludes in a particular case that such closure should not occur."
 - b) Revise Burrowing Owl Mitigation Measure No. 2 to delete the provision for creation of artificial burrowing owl burrows on Airport property.
 - c) Revise Burrowing Owl Mitigation Measure No. 3 to substitute the use of conservation bank credits on land at a location by Armstrong Road in eastern Contra Costa County for setting aside new burrowing owl habitat on Airport land.
 - 2) Authorize the Executive Director to enter into a Mitigation Agreement with the California Department of Fish and Game.
- B. It is recommended that the Board approve an ordinance to authorize the Aviation Director to negotiate and to acquire approximately 40 to 50 burrowing owl conservation bank credits for use as mitigation for burrowing owls impacts.

Agenda Sheet

SUBJECT: First Reading of an Ordinance Authorizing a Lease with Score Learning Corporation, Inc. and Authorization to execute a Termination Agreement with Alameda Newspaper Group, Inc. for the Property located at 66 Jack London Square

Date: January 4, 2000

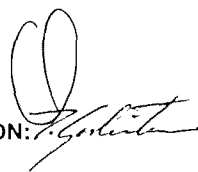
Item No. 12

PROGRAM AREA

- Airport Operations
- Commercial Real Estate C. I.
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

Alameda Newspaper Group (ANG) is currently a tenant on the third floor of the Port building located at 66 Jack London Square. The leased premises contains 30,500 square feet of office space. The ten-year lease term is to expire in 2002. ANG currently pays the Port \$1.46 per square foot, per month. Last year ANG informed the Port of plans to renovate the Tribune Tower in downtown Oakland and relocate the ANG operations in Oakland and Hayward to the newly renovated space. ANG and the Port of Oakland worked with BT Commercial and LCB Associates to find a new office tenant for the space to be vacated by ANG at 66 Jack London Square. It is proposed to enter into a ten-year lease with Score Learning Corporation, Inc. (Score), to occupy the entire 3rd floor under the terms and conditions outlined below. It is also proposed to terminate the lease with ANG, effective January 9, 2000. In exchange for the termination of the ANG lease by the Port, and subject to ANG vacating the premises by January 8, 2000, ANG would pay the Port \$135,000.

Score Learning Corporation, Inc. is a subsidiary of Kaplan Education Centers, Inc. Score currently leases space in San Francisco and is interested in moving to Oakland as a location for their national headquarters, including a new internet division called eScore.com. Score will have approximately 150 employees on site. The site will be used for administrative purposes. Score currently has 100 after school learning centers throughout the United States. The centers focus on academic curriculum, goal setting and confidence building for young children.

Upon ANG vacating the premises the 3rd floor will need major updating and renovation. The existing tenant improvements (carpet, paint, and lights) are approximately 10 years old and will need to be replaced. It is also proposed to upgrade the plumbing fixtures to alleviate excessive maintenance costs incurred in the past. The improvements are cost effective and considered necessary to attract a desirable tenant who is willing to pay market rental rates.

PROPOSAL:

The proposed lease will contain the following terms and conditions:

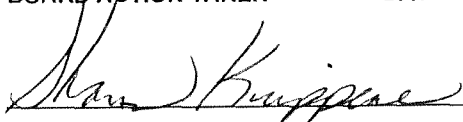
- Tenant: Score Learning Corporation, Inc.
- Guarantor: Kaplan Education Centers, Inc.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20010 JAN 4 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

First Reading of an Ordinance Authorizing a Lease with Score Learning Corporation, Inc. and Authorization to execute a Termination Agreement with Alameda Newspaper Group, Inc. for the Property located at 66 Jack London Square
January 4, 2000
Page 2

- Term: Ten (10) years.
- Commencement Date: April 1, 2000 or upon substantial completion of tenant improvements
- Security Deposit: Equal to one month's rent.
- Rent: \$2.15 psf, fully serviced, with annual 3% increases.
- Base Year: 2000, tenant shall pay its pro-rata share of increases in operating expenses, above the base year.
- Option to Extend: Tenant shall have two five-year options to extend the lease term. The first option will have a rental rate of \$2.85 psf with 3% annual increases.
- Right to Terminate: Tenant shall have the right to terminate the lease after the 84th month by providing six (6) months prior written notice.
- Tenant Improvements: Landlord agrees to contribute \$30.00 psf.
- Parking: Tenant shall have 75 parking stalls at the rate of \$75 per stall, per month, for the initial five (5) years of the term. Thereafter, parking stalls will be available at market rate. Port shall have the right to relocate the 75 stalls as required for the operation of an efficient parking program in Jack London Square.

It is also proposed to pay a brokerage commission to BT Commercial in the amount of \$352,466.

This activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301(a); leasing or minor alteration of existing facilities, involving negligible or no expansion of use beyond that previously existing.

This matter was discussed with the Commercial Real Estate Committee on December 1, 1999.

RECOMMENDATION:

It is recommended that the first reading on an ordinance Authorizing a Lease with Score Learning Corporation, Inc. and a resolution Authorization to execute a Termination Agreement with Alameda Newspaper Group, Inc. for the property located at 66 Jack London Square and the payment of a brokerage commission in the amount of \$352,466 to B. T. Commercial, as outlined above.

Agenda Sheet

SUBJECT: Approval to Execute Right of Entry Agreement with Caltrans for the Seismic Upgrade of the Posey Tube in Jack London Square

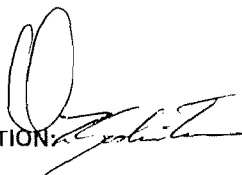
Date: January 4, 2000

Item No. 13

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The California Department of Transportation (Caltrans) is planning to seismically upgrade the Webster and Posey Tubes in Alameda and Oakland. The overall project will impact two areas within Jack London Square, adjacent to the Old Spaghetti Factory (Webster Tube) and Jack London Village (Posey Tube). The first stage of the Jack London Square project involves a "demonstration phase" intended to test the viability of the "jet grout" retrofit method. Specifically, Caltrans would "jet grout" small sections of the Posey Tube and analyzes the results to determine the overall effectiveness of the jet grouting method. This demonstration project area will be located in a parking lot adjacent to Jack London Village. Work will commence in May 2000, and take approximately four months to complete. If the grouting method is determined to be effective, Caltrans will set a timeline for completion of the retrofit project on the remainder of the Posey and Webster Tubes.

The Posey Tube was constructed in 1928, and connects Oakland with Alameda. The tube is constructed of reinforced concrete and is nearly 4,500 feet long, including approach sections; cast-in-place and pre-cast immersed sections, and portal buildings housing the ventilation fans. At its lowest crossing under the estuary, the tunnel roadway is 68 feet below sea level. The tube was designated an historic landmark by the City of Oakland in 1992. Caltrans has determined that the soil within the tube limits has poor to fair seismic characteristics. Liquefaction has been found to be a significant hazard for the Posey Tube. Liquefaction of the soil below the tube could allow the tube to float, or be displaced laterally, resulting in loss of integrity, severe distortion, structural damage or total failure.

The jet routing retrofit method would densify the ground around the tube with a mixture of cement and natural soil. With the jet grouting method, a high-pressure jet lance is jetted into the ground to the desired depth. The lance is a double or triple tube pipe. Once at depth, a horizontal water jet is turned on which carves out a cylindrical cavern around the pipe, while excavating soil is removed up along the pipe. The next step is to replace the water jet with a jet of cement grout. The end result is an irregular column consisting of a mixture of soil and cement. The columns will be overlapped and will form a continuous wall or mass that will have considerable strength.

ANALYSIS:


To facilitate the demonstration project, Caltrans has requested the Port approve a long term (8-month) Right of Entry Agreement for their use of a 4,000 square foot land area directly over the Posey Tube right of way. The subject area is currently used as a construction staging area for the JL Square Marina project and for visitor parking. Compensation for the Right of Entry would be \$6,800.00. The agreement would commence January 1, 2000 and expire on August 31, 2000, however the actual on-site use of the area for the retrofit project would be restricted to a May - August 2000 (4-month) timeframe. The only reason the agreement would be dated January 1, 2000, is to satisfy Caltrans internal project certification requirements, which require certification of acquired land rights several months prior to construction. Any subsequent retrofit work on the Posey or Webster Tubes would require additional Board approval.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution **JAN 4 2000**
No. 20011

BOARD ACTION TAKEN DATE

Assistant 
SECRETARY OF THE BOARD

In addition, the Right of Entry agreement would require Caltrans, or their contractor, to vacate and fully restore the site on the August 31, 2000 termination date, even if their retrofit project is not fully completed. This is to accommodate the Jack London Square fall boat-show, which also uses the subject area for pedestrian access. Caltrans would be liable for the payment of damages to the Port in the event that their contractor does not vacate the site by the August 31, 2000 date. Staff has also developed a contingency plan to accommodate the full boat-show operation, in the event that the site has not been vacated. This plan would redirect the boat-shows traditional pedestrian access path from the waterside of their tent structure to the Embarcadero side, creating a bypass around the Caltrans construction area. Staff believes this minor change would not adversely impact the boat-show operation.

Staff does not anticipate any significant environmental or operational impacts from the demonstration project. Caltrans selected the jet grouting method because it does not cause significant ground surface disruption. The proposed Right of Entry specifies that Caltrans would assume all responsibility for repairing any damage to the parking lot caused by the construction project. The agreement also specifies that Caltrans would ensure continued vehicular access between the Port parking lots for the duration of the project. Caltrans will install a temporary six (6) foot chain link fence around the project area for safety purposes. Subsequent retrofit-work to the entire Posey and Webster tubes is planned over the next 3-5 years. The Port and Caltrans have agreed to form a joint task force to address potential issues/impacts to Jack London Square and the surrounding neighborhood. One of the task force goals will be information sharing with our Port tenants and our Jack London Square neighbors. Staff will continually update the Commercial Real Estate Committee on any operational or political issues as needed.

CEQA DETERMINATION:

The Posey Retrofit Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA guidelines 15301 (d) – Restoration or rehabilitation of deteriorated structures to meet current standards of public health and safety.

The Posey Tube is a significant historic resource. The State Historic Preservation Officer (SHPO) concurred on January 19, 1998 with the December 1997 Historic Property Survey Report and Finding of No Adverse Effect for the Posey Tube Retrofit which Caltrans submitted to HHPO to comply with Section 106 of the National Historic Preservation Act. The report concluded that the Posey Tube is eligible for the National Register of Historic Places and that the project would not have an adverse and adverse effect on the tube or its features.

RECOMMENDATION:

It is recommended that the Board approve the Right of Entry Agreement with Caltrans for the Posey tube retrofit "demonstration project" as outlined above. It is also recommended that the Director of Commercial Real Estate be authorized to execute the Right of Entry Agreement on behalf of the Port, on the condition that it is in a form acceptable to the Port Attorney.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authority to Advance Claim Payments to the City of Alameda Bureau of Power and Telecom.

Date: January 4, 2000

Item No. 14

SUBMITTED BY: Fred Rickert, Chief Financial Officer

EXECUTIVE OFFICE RECOMMENDATION: 

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

On or about March 30, 1999 the contractor that was driving piles on the Jack London Square Marina Redevelopment project severed a 115 KV electrical submarine cable that feeds 25 percent of the electrical power to the island community of Alameda California. The City of Alameda has filed a claim against the Port of Oakland. This claim has been tendered to the Port's General Liability insurers and the Contractor, his subcontractors and the design firms.

Port staff has been working with the City of Alameda, Bureau of Power and Telecom and has agreed upon the scope or repair work and award of contract. The work is being scheduled during the month of February to minimize its effect on Jack London Square. Repairs cost will be approximately \$1,500,000 that includes the cost of the City of Alameda's personnel of \$100,000.

The Bureau of Power & Telecom has expressed concerns about their ability to advance the contractor's progress payments due to their cash flow problems. We believe that due to the importance of this line being repaired with all due haste to minimize the exposure of a "loss of income" claim and reduce the possibility of damage to the remaining line along with maintaining a good relationship with the City of Alameda, the Port should advance the cost of repairs up to \$300,000.

Alameda has already expended \$62,000 on this project. We currently believe that all or most of this \$300,000 will be recovered either from our insurer less our \$100,000 deductible or directly from the contractors/design professionals involved on this project. We are currently encouraging the contractors/design professionals to reach an apportionment agreement on their liability for the loss. We anticipate this agreement to be reach within 90-120 days.

Recommendation:


It is recommended that the Port advance claim payments to the City of Alameda Bureau of Power & Telecom to pay for the repair of the electrical cable that was severed by a Port of Oakland contract on March 30, 1999 in an amount no to exceed \$300,000. Most or all of which will ultimately be recovered from the contractors/design professionals that caused this loss.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20012 JAN 4 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval to give First Reading to an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with TCC Swan Land, LLC, for the Property Located at 80 Swan Way

Date: January 4, 2000

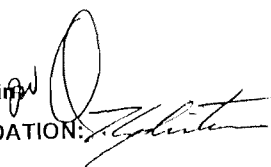
Item No. 15

PROGRAM AREA

- Airport Operations
- Commercial Real Estate C.I
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

TCC Swan Way, LLC, a California Limited Liability Company, currently has a lease with the Port for 2.23 acres of land in the Oakland Airport Business Park. The land is improved with a three-story office building containing approximately 52,464 square feet of net rentable area with surface parking for 196 cars. The 50-year ground lease expires on June 15, 2032.

The Port has received an offer from an affiliate of the lessee to purchase the fee interest in the land for \$700,000 or \$7.21 per square foot. This matter was discussed at the Commercial Real Estate Committee meeting on October 20, 1999.

The Port's Master Trust Indenture, in Section 5.13, requires that the Board make certain findings with respect to the sale of Port property. In this particular case, the Board must determine that the aggregate reduction in Net Pledged Revenues of the Port (as defined in the Master Trust Indenture) resulting from the sale of approximately 2.3 acres at 80 Swan Way and the disposal of all other Port facilities in the preceding 12 months is not more than 4% of such revenues. The Commercial Real Estate and Finance Divisions have reviewed these transactions for the prior 12 months and the resulting revenue impact and have determined that the indenture requirement has been met. The Indenture further requires that any proceeds from such sale be deposited into the Port Revenue Fund to be used to redeem bonds or be used within three years to provide additional revenue-producing Port facilities.

This proposal has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under State CEQA Guidelines Section 15061(b)(3) (General Rule Exclusion). It has been determined, with certainty, that no possibility exists that the purchase of fee interest in the land may produce a significant environmental effect. The property is fully improved and functional for offices and no changes in use or intensity of use are contemplated. The property is not only functional for office use but is currently occupied by an office building and is in office use. No expansion of the building is contemplated as part of this project. Therefore, this activity is not subject to CEQA and no further environmental review is required.

RECOMMENDATION:

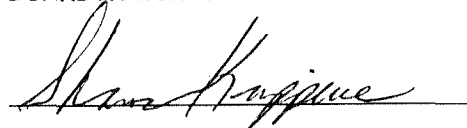
It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and TCC Swan Land, LLC, a California Limited Liability Company, for the sale of the aforementioned land for the price of \$700,000. The Board also finds and determines that the requirements of Section 5.13 of the Port's Master Trust Indenture have been met with respect to the sale of such property and that the proceeds of the sale be deposited into the Port Revenue Fund to be used as required by the Indenture.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print JAN 4 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Approval of Consultant Agreement for
 Programming and Space Utilization Planning Services
 for a Replacement Facility for the Harbor Facilities
 Maintenance and Construction Departments

Date: January 4, 2000

Item No. 21

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: *for* Joseph K. Wong *AKA*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port of Oakland's Harbor Facilities Maintenance Department has, until recently, been located at 209 Brush Street in Building E-412. Similarly, the Port's Construction Management Department has operated from Building E-414 at 773 Third Street, located immediately adjacent to Building E-412. These two buildings have been evaluated and found to require strengthening of the structural systems to comply with the City of Oakland ordinance for seismic mitigation of unreinforced masonry (URM) buildings. They also require retrofit for compliance with the Americans with Disabilities Act (ADA). The results of the evaluations indicate that these buildings are considered to be potentially hazardous URM buildings according to the City of Oakland ordinance. In addition, extensive modifications are required in order to comply with ADA requirements. Preliminary cost estimates for accomplishing the URM strengthening and ADA modifications are prohibitively high and would be extremely disruptive to existing operations. Accordingly, it has been decided that the Facilities Maintenance and Construction Departments vacate the buildings rather than proceed with the improvements. The Harbor Facilities Maintenance Department is in the process of relocating their operations to Building D-833, which is located in the Harbor Transportation Center. The Port's Construction Management Department has already relocated their operations to Building D-833. However, Building D-833 may only be a temporary solution due to the fact that it is located in a portion of what is planned to be the Berth 57/58 container yard. The exact configuration of the Berth 57/58 yard is still under lease negotiations, but it is likely that Building D-833 will have to be demolished. As such, it is necessary to begin planning a replacement facility for the Harbor Facilities Maintenance and the Construction Management Departments.

BASIS OF SELECTION:

Two proposals were solicited for performing the programming and space utilization planning necessary to determine the building requirements for the Harbor Facilities Maintenance and Construction Departments' replacement facility. The two firms solicited were Jones Lang LaSalle and Muller Caulfield. Jones Lang LaSalle was solicited due to their familiarity with the Harbor Facilities Maintenance Department's operations, stemming from their recent work to reorganize the Maritime and Commercial Real Estate Facilities Departments into the Harbor Facilities Maintenance Department. Muller Caulfield was solicited due to their demonstrated expertise and directly applicable experience with respect to the design of facilities complexes, stemming from their current contract with the Port to design the Aviation Maintenance Facilities Complex at the Oakland International Airport.

n:\Harbor Facilities.doc

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution **JAN 4 2000**
 No. 20015

BOARD ACTION TAKEN DATE

[Signature]

Assistant SECRETARY OF THE BOARD DATE

Port staff has reviewed the proposals received, both of which were for approximately \$30,000, and recommends that Muller Caulfield be selected to perform the work. The selection was based on the strength of Muller Caulfield's approach and methodology to perform the work. Muller Caulfield is an Oakland-based firm.

The Muller Caulfield team includes only one subconsultant, the Maintenance Design Group, an out-of-state firm which specializes in the design of facilities operations and will be performing approximately 43% of the work. The Port's Office of Equal Opportunity concurs with the selection.

Staff has developed a scope of work with Muller Caulfield and has begun negotiating a fee. It is anticipated that the maximum compensation for these services will not exceed \$32,000. It is recommended that the Executive Director be authorized to approve up to an additional \$10,000 for potential changes in scope. It is also recommended that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations.

The work is budgeted under CIP Element No. MM.00732.01. The funding source is Port cash. The EEO-1 Work Force Report/Professional Services Questionnaire form is on file.

RECOMMENDATION:

It is recommended that the Board:

- 1) Determine that the services described above are professional services; and
- 2) Authorize the preparation and execution of an agreement with Muller Caulfield in accordance with the above provisions.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Security Guard Services for the Harbor Transportation Center

Date: January 4, 2000

Item No. 22

PROGRAM AREA

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

When the Navy turned the FISC Oakland property over to the Port on September 30, 1998, the Port issued a Purchase Order to F & J Security Patrol (an Oakland minority small business) to provide temporary guard service upon the premises. The purpose was to protect the assets turned over to the Port. The service was terminated at the end of January 1999 and the purchase order was closed because valuable assets had been removed or were secure in the buildings. Demolition was well under way and the old Navy perimeter could no longer be maintained by the Port.

During February 1999, theft and vandalism proved to be a far bigger problem than anyone imagined. The guard service was restored on March 1 under a new purchase order. We anticipated that the reinstalled security service would be temporary and as buildings continued to come down, the need would go away. This purchase order was expected to be sufficient. Unfortunately, as the buildings came down, theft shifted to basic infrastructure. Copper wire became the primary target. Thieves began stripping wire out of vacant buildings. This expanded to cutting live, high-voltage wires that powered facilities that were still in use. Instead of reducing security, it became necessary to expand the service to continue to provide utility services for our needs and those of our tenants.

Steps were initiated to determine the level of service that would be needed for the long term. We anticipated expanding the service from nights and weekends to full-time basis. The focus was changing from protecting our existing infrastructure to protecting the construction job sites as well. Service proposals were solicited from local area businesses. A bid package was prepared. Bids were received and evaluated. This process took longer than was anticipated. A third purchase order was issued to cover services until a security contract could be processed and approved by the Board.

During final review before presentation to the Board, it became apparent that critical new electrical utility construction was on schedule. New above ground infrastructure should be connected by mid-December that is less susceptible to theft. Since contracts require contractors for this work to provide their own security, security service will no longer be cost effective.

We had retained F & J Security Patrol until January 3, 2000. This assured the new infrastructure was in place. By extending it into January, it provided on site support to deal with security or alarm problems that could arise out of Y2K issues. To date, F & J has been paid \$100,545.51 under existing purchase orders. Invoices of \$20,532.00 through November 16 have been processed. Additional expenditures through the January 3 date were expected to total approximately \$21,000. This would bring the total expenditure to approximately \$142,077.51 for the 14 months of security service.

RECOMMENDATION:

Approval of the ratification of expenditures to F & J Security Patrol for services through January 3, 2000.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20016 JAN 4 2000

BOARD ACTION TAKEN DATE

[Signature]

Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Second Supplemental Agreement with Jordan Woodman Dobson for Engineering Design Services for the Construction of Container Yard and Gate for Berths 55/56, Inner Harbor Channel

Date: January 4, 2000

Item No. 23

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *(Signature)*

EXECUTIVE OFFICE RECOMMENDATION: *(Signature)*

FACTUAL BACKGROUND:

The Port of Oakland (Port) has a current professional services agreement with Jordan Woodman Dobson (JWD) which was approved by the Board on November 18, 1997, per Resolution No. 97349. JWD was hired to provide master planning for the overall Vision 2000 Maritime Development Program and final design, including preparation of construction plans and specifications, for the Berths 55/56 Marine Terminal Container Yard and associated buildings. The Board authorized a maximum compensation of \$4,000,000 with the provision for an additional amount of up to \$750,000 to be spent with the approval of the Executive Director for additional scope changes. The agreement is dated November 25, 1997, and provides for a maximum payment of \$3,947,000.

During the master planning and design work for this project, various elements of the overall program and specific elements of the container yard design were changed to accommodate the needs and desires of both the Port and the future tenant at Berths 55/56. As a result, the scope of work under the agreement with JWD was expanded. The Executive Director has approved these scope changes and the associated increase in maximum compensation under the agreement for the full \$4,750,000 authorized by the Board on November 18, 1997. A First Supplemental Agreement has been prepared to incorporate the scope changes and increase in maximum compensation into the Agreement to the limits originally authorized by the Board.

Under the original scope of work for this consultant agreement, JWD prepared construction plans and specifications for the construction of the six terminal buildings for this facility. Those buildings were bid as two contracts with one contract including the Administration Building, the Maintenance and Repair Facility, the Trouble Kiosk and the Guardhouse. When bids were received for this contract all bids exceeded both the Engineer's estimate and the current budget. As a result, the Board rejected all bids and authorized the Executive Director to dispense with formal bidding and negotiate a contract with the low bidder to construct the Administration Building and Maintenance and Repair Facility. Additionally, staff was directed to solicit bids from the local small contractors' community for the construction of the Guard House and Trouble Kiosk in accordance with the Port's Non-Discrimination and Small Local Business Utilization Program (NDSLBU).

On November 2, 1999 the Board took action to reject the Bids for the construction of the Berths 55/56 Marine Operations Building and Marine Restroom. In doing so, the Board also directed removing the Marine Restroom from that bid package and including it in the NDSLBU

BOARD ACTION REQUIRED

Approved by Resolution No. 20017 JAN 4 2000
 BOARD ACTION TAKEN DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

(Signature)
 Assistant SECRETARY OF THE BOARD

program; taking advantage of exemptions in the Project Labor Agreement for local small business programs.

This will require the preparation of separate contract documents for each of these buildings, and modification of the contract plans and specifications for the Administration Building/M&R Facility and the Marine Operations Building to reflect the removal of the three smaller structures from those contracts. As a result of breaking the two original building contracts into five (5) separate contracts, there will be substantially more effort necessary to provide for the review of submittals and Requests for Information (RFI) from the contractors. Also with the split into multiple contracts, JWD has been directed to "value-engineer" all the buildings to reduce their costs. Due to a mandated schedule for the construction of the Middle Harbor Shoreline Park set by the BCDC in our permit for the project, it has been suggested that elements of the park construction be included in adjacent construction contracts for the Berths 57/58 development and for the Berths 55/56 Phase 2 and 3 development. Therefore, JWD has also been asked to incorporate designs prepared by the Park design team into the contract for the Berth 55/56 Phase 2 and 3 development.

Aside from the changes in scope described above, JWD has also requested additional funds to cover major cost overruns in their mentoring program. The level of effort needed to mentor some of the subconsultants while still delivering an acceptable product went beyond that which JWD and the Port had anticipated in the original scope of work. The estimated cost to do all of the above is \$530,500. However, since all of the funds for additional work which may be approved by the Executive Director have been so obligated, there is no room for any further unforeseen changes in the design effort that may be encountered during the preparation of plans and specifications for Phases 2 and 3. Therefore, additional change-in-scope funds, to be used with the approval of the Executive Director, may be necessary for the completion of this project. It is estimated that \$250,000 of change-in-scope funds would be sufficient to cover unforeseen issues that could arise.

Budget Status:

This work is budgeted under CIP No. M6.00583.02, 03, 04 and M6.00545.03. The funding source is revenue bonds.

A summary of the proposed compensation changes is provided below:

	DESCRIPTION	DATE	AUTHORIZED	PROPOSED
1	Original Agreement			
	Maximum Allowable Compensation	11/25/97	\$3,947,000	
	Allowable Increase with Executive Director's Approval <u>\$750,000</u>			
	Remaining Compensation Approved by the Board, but not included in the Original Agreement <u>\$ 53,000</u>			
2	Additional Compensation Requiring Approval by the Executive Director	10/25/99	\$ 750,000	
		proposed		\$ 250,000
3	Additional Amount included in the First Supplemental Agreement	10/25/99	\$ 53,000	
4	Additional Amount for Second Supplemental Agreement	Proposed		\$ 530,500
5	Total Maximum Compensation Authorized		\$4,750,000	\$5,280,500

RECOMMENDATION:

It is recommended that the Board authorize the preparation and execution of a Second Supplemental Agreement with Jordan Woodman Dobson for design services as described above, setting the total maximum compensation under the agreement at \$5,280,500. It is further recommended that the Board authorize an additional \$250,000 for change-in-scope funds, subject to the approval of the Executive Director.

The following table summarizes the Original Agreement, the First Supplemental Agreement and the proposed Second Supplemental Agreement:

CONSULTANT	PROJECT ROLE	OEO STATUS	ORIGINAL AGREEMENT	ORIGINAL PLUS FIRST SUPPLEMENTAL AGREEMENT	ORIGINAL PLUS 2 nd SUPPLEMENTAL AGREEMENT
JORDAN WOODMAN DOBSON	Prime/Civil Engineer	LIA/MBE	\$1,267,430 (32.1%)	\$1,486,297 (31.3%)	\$1,805,002 (34.2%)
MOFFATT & NICHOL	Sub/Civil Engineer	LIA	\$ 668,043 (16.9%)	\$ 892,990 (18.9%)	\$ 892,990 (16.9%)
ACKLAND	Civil Engineer	LIA/MBE	\$ 678,579 (17.2%)	\$ 776,889 (16.3%)	\$ 776,889 (14.7%)
YEI	Electrical	LIA/MBE	\$ 354,505 (8.9%)	\$ 430,620 (9.0%)	\$ 430,620 (8.2%)
HARZA	Geotech.	LIA	\$ 117,525 (3.0%)	\$ 178,325 (3.8%)	\$ 178,325 (3.4%)
URIBE	Geotech.	LIA/MBE	\$ 28,000 (0.7%)	\$ 42,160 (0.9%)	\$ 42,160 (0.8%)
McCRACKEN & WOODMAN	Mechanical	LIA	\$ 187,386 (4.7%)	\$ 202,386 (4.3%)	\$ 249,465 (4.7%)
SILVERMAN & LIGHT	Electrical	LIA/MBE	\$ 97,840 (2.5%)	\$ 120,890 (2.5%)	\$ 202,708 (3.8%)
LIFTECH	Structural	LIA	\$ 367,744 (9.3%)	\$ 420,165 (8.8%)	\$ 503,063 (9.5%)
BELLO VENNARI	Civil	LIA/MBE/ WBE	\$ 69,417 (1.8%)	\$ 69,417 (1.5%)	\$ 69,417 (1.3%)
PATILLO & GARRETT	Landscape.	LIA/MBE	\$ 41,711 (1.1%)	\$ 46,711 (1.0%)	\$ 46,711 (0.9%)
JAMES VANN	Architect	LIA/MBE	\$ 58,820 (1.5%)	\$ 73,150 (1.5%)	\$ 73,150 (1.4%)
RALPH GIN	Planning		\$ 10,000 (0.3%)	\$ 10,000 (0.2%)	\$ 10,000 (0.2%)
TOTAL:			\$3,947,000	\$4,750,000	\$5,280,000

NOTE: Less than 0.5%

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Approval of Consultant Agreement for Engineering Design Services for Construction of a Container Yard and Gate for Berths 55/56, Inner Harbor Channel

Date: November 18, 1997

Item No. 22

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *ppp*

FACTUAL BACKGROUND

The Port's Vision 2000 Program consists of a Joint Intermodal Terminal and up to five container terminals along the north side of Oakland's Inner Harbor Channel at the former FISCO facilities. Construction of a container yard and gate at Berths 55/56 is one of the first phases of this program. The proposed consultant is to provide professional engineering design services for this project.

FOR INFORMATION ONLY

BASIS OF SELECTION:

Approximately 100 Requests for Proposal (RFP) were sent out on September 12, 1997. The RFPs were sent to Civil, Structural, Transportation and Traffic Engineering firms with offices in the Local Impact Area (LIA), which have shown interest in doing work for the Port. Of the requests sent out, six proposals were received.

The Port Review Panel reviewed the six proposals and the three top-ranked teams were invited for interviews. They were Holmes & Narver, Inc. (H&N); Jordan Woodman Dobson (JWD); and Vickerman-Zachary-Miller/ Ackland International, Inc. (VZM/Ackland), a Joint Venture.

JWD was unanimously recommended for selection to perform the required professional design services for this project. The selection of JWD was based on their project team's presentation, team members, and extensive design experience on container terminals.

The following table lists the Design Team Members, along with their Roles, and Planned Share of the work.

Team Member		Role	Planned Share
Jordan Woodman Dobson	LIA/MBE	Prime Firm /Lead Planning/Lead Architecture	29%
James A. Vann	LIA/MBE	Architect	1%
Moffatt & Nichol Engineers	LIA/MBE	Lead Civil/Lead Yard Electrical	9%
Ackland International, Inc.	LIA/MBE	Civil	19%
YEI Engineers, Inc.	LIA/MBE	Yard Electrical	9%
Silverman & Light	LIA/WBE	Building Electrical	5%
Liftech Consultants, Inc.	LIA	Lead Structural	7%
Bello Vennari	LIA/MBE/WBE	Structural	1%
Harza Engineering	LIA	Lead Geotechnical	3%
Uribe & Associates	LIA/MBE	Geotechnical	1%
McCracken & Woodman	LIA	Mechanical	5%
Pattillo & Garrett	LIA/MBE	Landscape Architect	1%

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN _____ DATE _____

SECRETARY OF THE BOARD _____

The Port's Office of Equal Opportunity (OEO) was involved in the review of the RFPs and participated in the consultant interview process. All three firms did an outstanding job in meeting the Port's outreach goals. Although the RFP was issued prior to the Board's adoption of our new Non-Discrimination and Small/Local Business Utilization Policy, 100% of the team's firms are located within the LIA, and 66% are MBEs/WBEs. OEO concurs in the selection.

The EEO-1 Work Force Reports/Professional Services Questionnaires are on file.

Port staff is currently negotiating with JWD on scope and terms of the contract. It is anticipated that the amount of the agreement will not exceed \$4,000,000, and it is requested that the Executive Director be authorized to approve up to an additional \$750,000 for potential changes in scope. It is necessary to begin design work immediately after the final scope and cost are agreed upon in order to meet the project's first phase with a required completion date of October 1999. Therefore, it is proposed that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations.

The work is budgeted in CIP Element No. M6.00583.02. The funding source will be Port bonds.

RECOMMENDATION:

It is recommended that the Board:

- 1) Determine that the engineering services as described above are professional services, and
- 2) Authorize the preparation and execution of an agreement with JWD in accordance with the provisions above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: January 4, 2000

- Creation of Salary Schedule
- Creation of Classification/Positions
- Terminations

Item No. 31

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CWF*

FACTUAL BACKGROUND:

I. CREATION OF SALARY SCHEDULE—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following salary schedule (Rep. Unit E) in order to implement the creation of the classification being created in item II. A) below.

Salary Schedule 596.02 (a--\$8,072; b--\$8,476; c--\$8,900; d--\$9,434; e--\$10,000)

II. CREATION OF CLASSIFICATION/POSITIONS –Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the classification of **Program Director, Airport Terminal Expansion (Rep. Unit E) at Salary Schedule 596.02 (Item I. A) above**, in the Engineering Division to meet current staffing needs. It is also requested that the Board create one position of this classification.

B) It is requested that the Board approve the creation one additional position of **Commercial Representative V (Rep. Unit E)** in the Commercial Real Estate Division to meet current staffing needs.

III. TERMINATIONS –Resolution (1 Reading)

A) It is requested that the Board approve the termination of **Ms. Roberta Bradley, Director of Port Communications**, effective the close of the workday of January 4, 2000.

B) It is requested that the Board approve the termination of **Ms. Rose C. Frazier, Intermediate Typist Clerk**, in the Engineering Division, for job abandonment, effective the close of the workday of January 4, 2000.

C) It is requested that the Board approve the termination during probationary period of **Ms. Paulette Smith, Legal Office Services Clerk**, in the Port Attorney's Office, due to reassessment of qualifications for the position and determination not to promote to regular status, effective the close of the workday of January 21, 2000.

Approved by Resolution
BOARD ACTION REQUIRED No. 20028

Approved by Ordinance
passed to print JAN 4 2000

BOARD ACTION TAKEN DATE

Sharon Krupp

SECRETARY OF THE BOARD

Assistant

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 1/5/99	AS OF 12/7/99	AS OF 1/4/00
Full-Time Employees	612.00 FTE	542.00 FTE	564.00 FTE	559.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	555.40 FTE	577.40 FTE	572.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count decrease due to three new appointments (two of which are CIP) and six separations.

TEMPORARY AGENCY WORKER COUNT AS OF 12/22/99

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	14	9	1	9	0	0	33
* CIP	0	0	9	7	0	0	16
LEAVE BACKFILL (NON MEDICAL)	1	0	0	0	0	0	1
MEDICAL BACKFILL	5	2	0	0	0	0	7
* SPECIAL PROJECT	3	4	0	9	1	0	17
WORKER'S COMP BACKFILL	0	3	0	1	0	0	4
TOTALS	23	18	10	26	1	0	78

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	9/22/99	10/26/99	11/2/99	12/22/99
BACKFILL	27	40	35	34	33
* CIP	18	15	16	16	16
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	4	7	6	1
MEDICAL BACKFILL	4	4	4	5	7
* SPECIAL PROJECTS	11	11	16	14	17
WORKER'S COMP BACKFILL	3	4	4	5	4
TOTALS	63	78	82	80	78

COUNT SUMMARY

CURRENT FTE COUNT	572.40
CURRENT TEMPORARY AGENCY BACKFILLS	33.00
VACANT POSITIONS	<u>10.00</u>
TOTAL	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of salary schedule, creation of classification/positions, and terminations.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

Date: January 4, 2000

Item No. 32

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBJECT: Compensation and Incentive Recommended Changes

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *C. Foster*

FACTUAL BACKGROUND:

In July 1999, a Compensation and Incentive Task Force was formed to review and analyze the current compensation and incentive program for unrepresented employees in Units D, E and H, and for represented employees in Units C and F (Western Council of Engineers-WCE and International Brotherhood of Electrical Workers-IBEW). The Task Force was charged with the following: 1) to research programs at similar public sector organizations; 2) to explore Success Indicators other than the Operating Ratio in determining the Port Premium; and 3) to address internal equity and consistency issues in the current program.

The Task Force convened several times over a four month period to review what parts of the current program could be kept intact, and what parts could be changed, all within the framework of simplicity, consistency, fairness, budgetary limits, contractual constraints, the Port Culture and best practices. The Task Force agreed that its recommendations needed to be based on the following rationale:

- To maintain consistency, retain the current Program as much as possible until the expiration of the WCE and IBEW contracts in 2001.
- Recommend changes that uphold consistency and fairness, but with minimal or no adverse impact on budget limits or employee morale and productivity.
- Continue more research and analysis of similar organizations before proposing changes in the future.

RECOMMENDATIONS:

In order to continue motivating employees to achieve individual performance objectives and to control the costs of the individual incentive program, the Task Force recommendations were presented to Senior Management and refined as follows:

I. INDIVIDUAL PERFORMANCE INCENTIVES

A. FOR ELIGIBLE EMPLOYEES IN UNITS D AND E, WCE AND IBEW AT STEP "C" OR "D" FOR AT LEAST 6 MONTHS PRIOR TO THEIR ANNUAL APPRAISAL:

The current incentive program for individual performance will be retained:

- Meets Expectations Rating: COLA only
- Exceeds Expectations: COLA, plus step increase
- Outstanding Rating: COLA, plus step increase, plus 1-1/2% Premium
(not added to base and in addition to step increase)

B. FOR ELIGIBLE EMPLOYEES IN UNITS D AND E WHO ARE AT LEAST ONE FULL YEAR IN STEP "E":

The incentives for Exceeds or Outstanding will remain as a percentage of base salary that is not added to base salary.

However, the following changes are recommended:

- **Rather than establish a cap on the *number* of Units D and E employees at Step "e" who can receive an Exceeds or Outstanding Rating, the Port will establish a cap on the total dollars that may be paid out each fiscal year for Exceeds and Outstanding ratings for those at Step "e", as set forth in the letter on file with the Secretary of the Board.**
- **With the above cap on total dollars, the actual percentages for Exceeds and Outstanding will be retained at a 2:1 ratio, not to exceed 4% of the base salary for an Exceeds Expectations rating, or 8% for Outstanding. (For example, if a substantial number of Units D and E employees at Step "e" receive an Exceeds Rating, the incentive percentage for each employee with Exceeds may be 3%, with 6% for those with Outstanding; or 3.5% for Exceeds and 7% for Outstanding.)**
- **It is further recommended that the budgeted incentive dollars for Units D and E employees at Step "e" be prorated to each Division based on the base salaries of eligible employees in the respective divisions.**
- **This new prorated method will be effective only for Units D and E employees at Step "e" beginning with the June 1, 2000 cycle of annual appraisals.**

C. FOR EMPLOYEES IN UNITS C (WCE) AND F (IBEW) at Step "e": No change.

II. **PORT PERFORMANCE PREMIUM** (in addition to Individual Incentives)

The current Port Performance Premium for eligible employees in Units D and E, WCE AND IBEW is 1-1/2% of base and not added to base, when the Operating Ratio Target is achieved for the fiscal year. (Unit H has a "sliding scale" as outlined in AP425.)

We are recommending the following changes in the Port Premium component of the program to set forth a more accurate Success Indicator of Port performance, while creating incentives to generate revenues and control costs, and establishing consistency among all units.

A. FOR EMPLOYEES IN UNITS D, E and H, AND UPON MEET AND CONFER ADOPTION BY WCE AND IBEW:

- **Replace original Annual Operating Ratio Target with Annual Operating Income Target(s) as the principal Success Indicator for the Port Performance Premium, as set forth in the letter on file with the Secretary of the Board. (Because the Operating Income Target excludes departmental CIP credits, it is therefore a more accurate Success Indicator of Port performance.)**
- **The new Operating Income Target will be effective for Fiscal 1999-2000.**
- **Operating Ratio Target for WCE and IBEW:** For WCE and IBEW only, pending Meet and Confer adoption of an Operating Income Target, the Operating Ratio Target will be the Success Indicator for the Port Performance Premium, as set forth in the letter filed with the Secretary of the Board.

B. FOR EMPLOYEES IN UNITS D AND E ONLY:

- Eliminate the Port Premium eligibility requirement for promotional employees in order to maintain consistency among unrepresented and represented employees.** *(Therefore, a stellar employee who is promoted into a new classification, usually at Step "a" or "b", is still eligible for the Port Premium, and is not penalized because of the eligibility requirement to be at Step "c" or higher for at least 6 months prior to the annual appraisal.)*

It is recommended that the Board approve the above proposed changes (marked by and in bold print) to the current program, which will provide a better criterion for overall Port performance, as well as address the equity and consistency issues in our current program.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

JAN 4 2000

BOARD ACTION TAKEN

DATE



Assistant SECRETARY OF THE BOARD

PORT OF OAKLAND
PROPOSED PERFORMANCE PROGRAM FOR ELIGIBLE EMPLOYEES IN UNITS C, D, E, F, AND H
 FY 1999-2000

A. INDIVIDUAL PREMIUM

	<u>Existing Cap</u>	<u>Proposed Cap (effective June 1, 2000 appraisals)</u>
Unit C	60% of Eligible Employees	No Change
Units D and E		
- Steps C, D and E <1 yr	60% of Eligible Employees	No Change
- Step E >1 yr	60% of Eligible Employees	\$166,100 2:1 ratio for "Outstanding" and "Exceeds Expectations" Ratings Prorated to each division based on base salaries of respective eligible employees
Unit F	60% of Eligible Employees	No Change
Unit H	60% of Eligible Employees	No Change

B. PORT PREMIUM

<u>Operating Income</u> (in \$000's)	<u>Operating Ratio</u>		<u>One-Time Port Premium (Not Added to Base)</u>			
	<u>Original</u> Oper Exp before Depr & Amort)	<u>Revised</u> (Oper Exp before Depr & Amort & Depr Credits)	<u>Unit C</u>	<u>Units D and E</u>	<u>Unit F</u>	<u>Unit H</u>
54,100	58%	68%	0%	0%	0%	1%
56,200 ^a	57%	67% ^b	1.5%	1.5%	1.5%	2%
57,500	56%	66%	1.5%	1.5%	1.5%	3%
59,200	55%	65%	1.5%	1.5%	1.5%	4%
60,900	54%	64%	1.5%	1.5%	1.5%	5%

^a Proposed target as principal success indicator for Units D, E and H

^b Proposed target as principal success indicator for Units C and F pending Meet and Confer adoption of an Operating Income Target

Agenda Sheet

SUBJECT: **Funding Support of the
Greater Oakland International Trade Center**

Date: **January 4, 1999**

Item No. 33

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: **Charles Foster**

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

In 1994, the Port of Oakland participated in the creation of BAYTRADE, an export promotion program which builds upon the Bay Area's strengths as a world class trade center. As part of the BAYTRADE program, six trade service centers were created in the region to provide export-related services to the companies in the Bay Area. In 1995, the Greater Oakland International Trade Center (GOITC) was created to service the companies in the East Bay. GOITC is a comprehensive international resource facility and conference center, located on the 7th floor of the Port of Oakland building. GOITC, during its five years of existence, has gained state and international prominence by strategically positioning the Center and the Port to become the "Hub for International Trade Related Service Activity".

BAYTRADE and GOITC have increased the utilization of the Airport and Port facilities by increasing the shipments of existing customers and developing new customers that engage in international shipping. BAYTRADE has generated over 1,645 international sales valued at nearly \$244 million. GOITC and its North Bay operations have generated 580 international sales valued at over \$105 million. With an average of 9 shipments per year per customer, the 1,645 sales have led to an estimated 7,200 ocean shipments and 5,000 air cargo shipments. The clients served sent roughly 143,000 priority air shipments per year.

In addition, GOITC has developed strong business alliances with overseas counterparts and close working relations with foreign governments and U.S. agencies around the world. GOITC organized nine major trade missions, eleven international trade shows, and entered into twenty-three international partnership agreements and hosted 123 delegations, totaling 1100 delegates. In all of these activities, GOITC has stressed the strategic importance of using the Port as an export and import transportation hub for the distribution of maritime and air cargo. Domestically, GOITC has promoted the Port's position as a major global player. GOITC has added value and exposure to the Port by holding over 123 internationally related events such as workshops, seminars, receptions and conferences. These events attracted over 7,000 participants to the Jack London Square area.

GOITC this past year has also been instrumental in creating an awareness and support for trade related programs among the State Legislators and the State Trade and Commerce Agency. They were instrumental in spearheading the signing of a bill by the Governor that requires the California Trade and Commerce Agency to institutionalize public-private trade assistance programs. GOITC's legislative efforts also emphasized the key role Ports and Airports play in business retention and development in the emerging global economy, and the importance of maintaining a strong intermodal transportation infrastructure.

The \$100,000 in funding provided by the Port represents 12.5% of GOITC's total budget. Other major funders of GOITC are the City of Oakland, the U.S. Department of Commerce and the County of Alameda.

ANALYSIS:

If the Port's funding is eliminated or reduced, GOITC would have to scale back the services provided and certain export promotion functions currently administered by GOITC would have to be performed by Port personnel. Additionally, the Port's commitment to the support of the program in 1994 was instrumental in putting the operation of GOITC into existence. Without the Port's commitment, the initial funding sources would not have been possible and discontinuing Port funding could reduce the commitment from the other funding sources.

RECOMMENDATION:

It is recommended that the Port of Oakland provide funding in the amount of \$100,000 for FY '99/00 to GOITC. The funding support will allow the organization to maintain its export/import promotion activity, and its international business relations and continue to raise public awareness of the critical role the Port plays in the regional economy.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution **JAN 4 2000**
No. 20024

BOARD ACTION TAKEN DATE



Assistant

SECRETARY OF THE BOARD

Agenda Sheet

SUBJECT: CLOSED SESSION

Date: January 4, 2000

Item No. 40

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Name of Case:

Port v. PG&E (Lot 12)

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: 3 cases

3. Personnel Matters "Public Employee Discipline/Dismissal/Release", (California Government Code Section 54957)

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiation:

Property: Hegenberger Road at Pardee Road, Oakland

Negotiating Parties: W. P. Investment and Port of Oakland

Under Negotiation: Price and Terms of Payment

Property: Third & Brush Streets, Oakland

Negotiating Parties: M.A. Mortensen Co. and Port of Oakland

Under Negotiation: Price and Terms of Payment

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
25384
- INFORMATION ONLY

Approved by Resolution

No. 20026

JAN 4 2000

BOARD ACTION TAKEN

DATE

[Signature]

Assistant SECRETARY OF THE BOARD

SUMMARY AGENDA OF BOARD CALENDAR
January 4, 2000

AIRPORT

6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Regal Aviation, LLC (8991 Earhart Road, North Airport). (Resolution)

 Recommends approval to extend the ROE for their use of a portion of Hangar 3, North Airport. Notes that a new master lease for all of the hangar is under consideration.

7S Approval of License and Concession Agreement with Evergreen Aviation Ground Logistics Enterprises, Inc. (7683 Earhart Road, North Airport). (Resolution)

 Recommends approval of a new agreement to cover their air cargo operations on the North Airport.

8S Approval of a License and Concession Agreement with Existing Tenant Federal Express Corporation (Taxiway B-2, South Airport). (Resolution)

 Recommends approval of a new agreement to cover additional apron space to be used for its small parcel air cargo business.

9S Approval of Building Permit Application to Remodel Storage Area Outside the Hangar and Upgrade Mechanical Systems for United Airlines Maintenance, 1100 Airport Drive (Building M-110). (Resolution)

 Recommends approval for the construction of certain exterior improvements to their hangar.

10S Approval of Specification for Removal of Rubber Deposits from Runways for the Period Commencing March 1, 2000, and Ending February 28, 2001, 2002, 2003, OIA. (Resolution)

 Recommends their approval and authority to advertise for bids for the work.

11S Approval of Specifications for Runway Painting for the Period Commencing March 1, 2000, and Ending February 28, 2001, 2002 or 2003, OIA. (Resolution)

 Recommends their approval and authority to advertise for bids for the painting of the runway.

COMMERCIAL REAL ESTATE

16S Recommended Approval of New License and Concession Agreement - Oakland Telecard LLC. (Resolution)

 Recommends approval to renew their agreement for the placement of two machines for the distribution of prepaid phone cards.

- 17S Approval of a Tentative Map No. 7195 for Condominiums at Waterpark Lofts TJ Enterprises (Owner) 2875 Glascock Street. (Resolution)
- Recommends approval of a tentative subdivision map for a private development in the Port area.

MARITIME

- 24S Approval of License & Concession Agreement with Work/Able Development Systems, Inc. for Premises Located in Building D-502 at the Harbor Transportation Center. (Resolution)
- Recommends approval of a new agreement to cover their occupancy in a new location in the Harbor Transportation Center.
- 25S Renewal of Korean Agency Contract. (Resolution)
- Recommends approval to renew the agreement for the Port's Korean Representative.
- 26S Award of Contract for 2000 Structural Inspection Rigging and Repair of Crane X438 and X439, Berth 23, Outer Harbor Terminal. (Resolution)
- Notifies of the bids received and recommends award of the contract to the low bidder.
- 27S Award of Contract for Removal and Disposal of Hazardous Materials and Miscellaneous Utility Work at Building D-732, Harbor Transportation Center. (Resolution)
- Notifies of the bids received and recommends award of the contract to the low bidder.
- 28S Ratify Addendum and Award of Contract for Annual Dredging of Port of Oakland Berths for the Period Commencing March 1, 2000, and Ending December 31, 2000, 2001, or 2002. (Resolution)
- Notifies of the bids received and recommends award of the contract to Dutra Dredging, the low bidder, as modified.

29S Approval of an Amendment to the Union Pacific
Company Lease to Add Additional Land Area.
(Resolution)

Recommends approval for the Union Pacific to use
certain Port land, for parking as they phase their
operations into the former Southern Pacific
railhead.

ORDINANCES:

Port Ordinance No. 3556 being, "AN ORDINANCE
APPROVING AND AUTHORIZING THE EXECUTION OF LEASE
WITH INTERNATIONAL MARITIME CENTER/BAY AREA
SEAFARERS SERVICE."

Provides for the lease with International Maritime
Center/Bay Area Seafarers Service for the
operation of the Seafarers Club at Portview Park,
Berth 40, Seventh Street.

Port Ordinance No. 3557 being, "AN ORDINANCE
APPROVING AND AUTHORIZING EXECUTION AND DELIVERY
OF GRANT OF EASEMENT TO EAST BAY MUNICIPAL UTILITY
DISTRICT FOR NEW WASTEWATER DISCHARGE PIPELINE IN
OAKLAND INNER HARBOR CHANNEL."

Provides for the grant of easement to EBMUD for
new wastewater discharge pipeline in the Oakland
Inner Harbor Channel.

Port Ordinance No. 3558 being, "AN ORDINANCE
AMENDING SECTIONS 2.02, 7.1395, 7.1398, 10.0294,
10.0195, 100.024, 11.0033, 11.0066 AND 9.09 OF
PORT ORDINANCE NO. 867 AND CREATING NEW
POSITIONS."

Provides for creating new positions.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: New Lease Agreement with International Maritime Center/Bay Area Seafarers Service

Date: December 7, 1999

Item No. 21

SUBMITTED BY: Raymond A. Boyle *RAB*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:

**DUPLICATE
OF PRIOR
CALENDAR MEMO**



FACTUAL BACKGROUND:

The International Maritime Center (IMC) has operated a Seafarers Club in the Port's Portview Park at Berth 40, Seventh Street under a five year Lease Agreement since July, 1994. The IMC is managed and operated by the Bay Area Seafarers Service (BASS), the waterfront ministry of the Episcopal Church. As the IMC operator, BASS supports its own chaplains, but also in partnership with ship-visiting clergy of other religious denominations.

The Lease Agreement expired on June 30, 1999. Minimum rent was established at \$1.00 per year. The Agreement contained a one-time option to extend the term of the Lease for a five year period. However, this option automatically expired as notice to extend was not exercised by the IMC. The Lease is currently in a holdover status under a tenancy from year to year.

Analysis:

The Port recently concluded negotiations for a new Lease Agreement with the IMC to replace the recently expired Agreement. The term of the Lease will be for a three year period. Upon expiration of the three year term, any holdover of the premises shall be a tenancy from year to year. Minimum rent will be maintained at \$1.00 per year.

One additional modification to the Agreement has been agreed upon. Portview Park will be incorporated into the new Middle Harbor Shoreline Park as part of our Vision 2000 Program. This will entail some realignment of the property line surrounding the IMC building. As part of the new park we are anticipating enlarging and enhancing some of the landscape features at the IMC. In consideration for the Port making these improvements, the IMC would become responsible for the routine maintenance of the landscaping within the IMC's leasehold boundaries.

Alternatives:

None.

RECOMMENDATION:

It is recommended that the Port enter into a Lease Agreement with the International Maritime Center/Bay Area Seafarers Service for the operations of the Seafarers Club at Portview Park, Berth 40, Seventh Street.

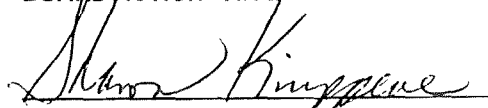
BOARD ACTION REQUIRED:

Approved by Ordinance
passed to print

DEC - 7 1999

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Agenda Sheet

^{TD}
SUBJECT: Approval to Reimburse the East Bay Municipal Utility District for Construction Costs Associated with the Proposed Relocation of the Existing Force main and Gravity Sanitary Sewer that Serves the Former Alameda Naval Air Station and First Reading of an Ordinance Granting an Easement to said District.

Date: December 7, 1999

Item No. 24

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

On June 15, 1999 the Navy conveyed approximately 531 acres of land located at the former Fleet and Industrial Supply Center, Oakland, (FISCO) to the Port of Oakland. The Port is now moving forward with it's Vision 2000 program on the site, which is encumbered with an existing Navy-owned sanitary sewer that primarily serves the former Alameda Naval Air Station (ANAS). The sewer line ranges in condition from poor but serviceable, to very poor.

On May 4, 1999 the Board authorized the execution of a 3-party design agreement among the Port, the East Bay Municipal Utility District (EBMUD), and the City of Alameda (Alameda) to plan and design an alternative alignment that would bypass FISCO by relocating the pipeline along Alameda's northern waterfront. This realignment, ("the easterly alignment") would cross the Oakland estuary and discharge into EBMUD's existing 96-inch diameter sanitary interceptor at the foot of Alice Street in Oakland.

ANALYSIS AND OPTIONS:

The Port has the option of relocating the sewer line on FISCO property, or relocating it offsite. However, after analyzing the alternatives, it has been determined that it would be preferable to relocate it outside of the Vision 2000 area so that future operations and maintenance (O&M) of the sewer by Alameda would not interfere with planned marine terminal operations.

DESIGN, CONSTRUCTION AND SCHEDULE: EBMUD and its consultants have completed the design of the first of three phases of the project (the discharge pipeline) and are currently completing the design for the remaining two phases (the gravity siphon channel crossing and the pump-station rehabilitation). Under the subject Construction Agreement, EBMUD will remain responsible for the construction, administration, inspection, etc. of the entire easterly alignment. The construction of the proposed realignment must be substantially completed and in operation by June 1 of 2000 in order to accommodate commencement of the construction of Berths 57/58 under the Port's Vision 2000 program.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 99469 DEC - 7 1999

BOARD ACTION TAKEN DATE

[Signature]

SECRETARY OF THE BOARD

Assistant

OWNERSHIP, OPERATION AND MAINTENANCE: Under the Construction Agreement, EBMUD will take over all ownership, O&M responsibilities and associated costs of the *easterly* alignment after it is constructed. However, EBMUD has stated that they will *not* agree to be responsible for ownership or O&M of the existing *westerly* alignment due to conflict with maritime operations within the Vision 2000 area. In the event that a *westerly* alignment is constructed (Port's contingency plan), we believe Alameda would have to bear most, if not all, of the O&M costs, future replacement costs and any associated responsibilities.

COSTS AND FUNDING: EBMUD has agreed to pay for any increase in the size of the submerged gravity siphon for the *easterly* alignment where it crosses the channel (over and above the size needed to handle actual design flows). This increase in the proposed size of the crossing would *not* be to increase capacity, but to provide EBMUD with operational redundancy, allowing it to redirect flows between the new line and two other existing adjacent channel crossings for maintenance purposes. The Port will be responsible for funding at least that portion of the project cost that it would have expended if it were to construct a new *westerly* crossing minus the cost of designing the JIT sewer line. In addition, The Port has agreed to share the cost of any contaminated soil or groundwater that needs to be off-hauled or treated in accordance with the cost sharing formula specified in the Construction Agreement. The Port is seeking the Federal Government's agreement in funding its share of that portion of the channel crossing (stipulated by legislation and agreements) associated with the Port's 50-foot project. The City of Alameda will tentatively fund the balance of the project.

In order to meet the Port's schedule, construction of the *easterly* alignment will need to commence immediately. To commence construction, the Port and Alameda must agree to reimburse EBMUD for all aforementioned construction related costs. The Port's portion of the project costs is covered under CIP element No. M6.00545.03.

ENVIRONMENTAL DOCUMENTATION: Alameda is the lead agency for this project because most of the proposed realignment will be located within its city limits. EBMUD and the Port are "responsible agencies" as defined in the California Environmental Quality Act (CEQA). The public comment period for the Initial Study was over on November 24, 1999 and the Alameda City Council has prepared a Mitigated Negative Declaration for action. The Navy has agreed to grant easements to EBMUD over currently-owned Navy lands in Alameda for the project. These easements are covered by a Categorical Exclusion under the National Environmental Policy Act (NEPA) as prepared by the Navy. The proposed pipeline realignment, or portions thereof, is also generally described in the Port's EIR for the Berths 55-59 Vision 2000 project, in the Oakland Navigation Improvement (-50 Foot) Project and is anticipated to be generally described in the Navy's programmatic EIR/EIS for Base Closure and Reuse of the Alameda Naval Air Station.

PROJECT COSTS BY COMPONENT

CONTRACT	DESIGN	CONSTRUCTION	TOTAL
Discharge Pipeline	\$415,000	\$3,785,000	\$4,200,000
Gravity Siphon	344,000	3,139,000	3,483,000
Pump Station	221,000	2,015,000	2,236,000
Totals	980,000	8,939,000	9,919,000




Note: Construction costs include right-of-way acquisition, escalation to midpoint of construction, 10% change orders, 20% contingency, construction, admin, inspection and testing.

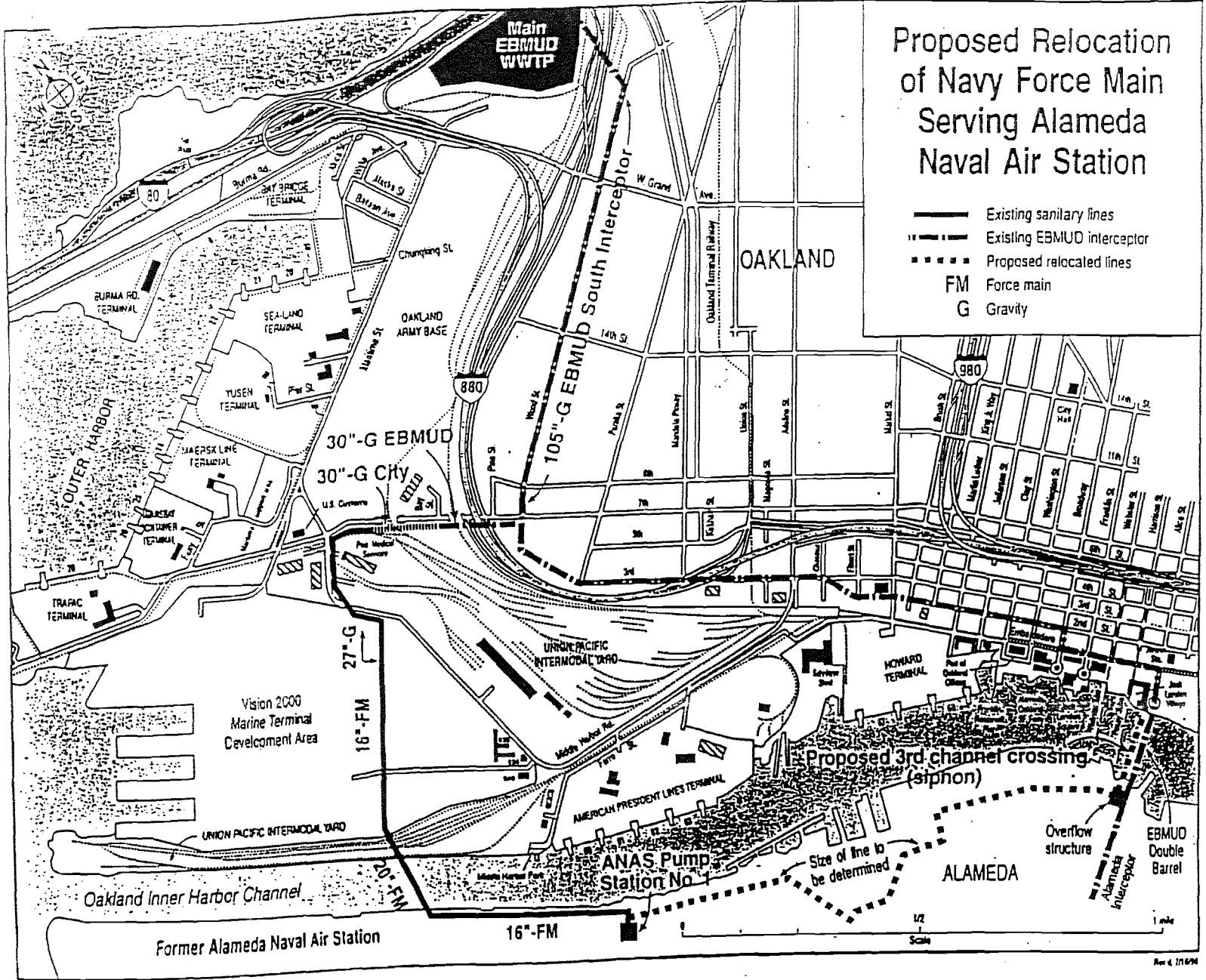
RECOMMENDATION:

It is recommended that:

1. The Board authorize the Executive Director to execute a Construction Agreement with EBMUD, and Alameda, and to reimburse EBMUD for construction costs associated with the construction, administration and right of way acquisition, associated with relocating the existing sewer to the proposed *easterly* alignment subject to approval of the project by the Alameda City Council. Such approval shall be in conformance with, and shall not exceed the environmental impacts envisioned by and analyzed in the aforementioned Initial Study and Negative Declaration prepared for this project by the City of Alameda, and that,
2. The Board give first reading to an Ordinance "conveying" the aforementioned "substitute easement", crossing the Oakland-Alameda Estuary in the vicinity of Alice Street for the subject gravity siphon portion of the work to EBMUD at no cost, in accordance with the provisions of the Navy's Quitclaim Deed to the Port dated June 15, 1999.

Proposed Relocation of Navy Force Main Serving Alameda Naval Air Station

-  Existing sanitary lines
-  Existing EBMUD interceptor
-  Proposed relocated lines
- FM** Force main
- G** Gravity



Approval to Reimburse the East Bay Municipal Utility District for Construction Costs Associated with the Proposed Relocation of the Existing Force main and Gravity Sanitary Sewer that Serves the Former Alameda Naval Air Station and First Reading of an Ordinance Granting an Easement to said District

December 7, 1999

Rev. 4/11/99

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: December 7, 1999

- Creation of Classifications/Positions
- Creation of Salary Schedules
- Amendment of Salary Schedule Assignments

Item No. 31

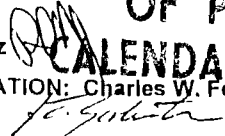
PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

SUBMITTED BY: Robert C. Martinez

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster



FACTUAL BACKGROUND:

I. CREATION OF CLASSIFICATIONS/POSITIONS—Ordinance (2 Readings)

- A) It is requested that the Board approve the creation of the classification of **Port Systems Planning Analyst** (Rep. Unit D, Unrepresented) at **Salary Schedule 253.7** (a--\$5,005; b--5,254; c--\$5,514; d--\$5,845; e--\$6,196) in the MIS Department of the Corporate Administrative Services Division to meet current Staffing Plans. It is also requested that the Board create one position of this classification. The creation of this classification is needed to implement the downgrade of a Port Senior Systems Planning Analyst position approved in the FY 99-00 Staffing Plan.
- B) It is requested that the Board approve the creation of one additional position of **Port Technical Support Analyst IV** in the MIS Department of the Corporate Administrative Services Division in order to implement the upgrade of a Port Technical Support Analyst III position. The downgrade of the position in IA above plus the downgrade of a Port Technical Support Analyst III position to Port Technical Support Analyst II should more than adequately cover the cost of this upgrade.
- C) It is requested that the Board approve the creation of the following classifications in the ID/Security Office of the Airport to implement the reclassification of the **Airport Security/ID Officer** position, an **Intermediate Stenographer Clerk** position, and an **Intermediate Typist Clerk** position and redesignate the incumbents resulting from the recommendations of desk audits. These reclassifications are approved in the FY 99-00 Staffing Plan.

CLASSIFICATION	# OF POSITIONS (OPERATING)	# OF POSITIONS (CIP)	REP. UNIT	SALARY SCHEDULE/SALARY GRADE TO BE ASSIGNED
Airport Security/ID Supervisor	1	0	E	513.9 (a--\$5,284; b--\$5,548; c--\$5,825; d--\$6,175; e--\$6,545)
Senior Airport Security/ID Specialist	1	0	A	85.2 (a--2,955; b--\$3,104; c--\$3,261; d--\$3,449; e--\$3,647)
Airport Security/ID Specialist	1	0	A	82.2 (a--\$2,743; b--\$2,882; c--\$3,028; d--\$3,202; e--\$3,386)

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance

DEC - 7 1999

~~passed to print~~

BOARD ACTION TAKEN

DATE



Assistant SECRETARY OF THE BOARD

II. CREATION OF SALARY SCHEDULES—Ordinance (2 Readings)

It is requested that the Board approve the creation of the following salary schedules (Rep. Unit A) in order to implement the creation of two of the classifications being created in item I.C) above.

Salary Schedule 82.2 (a--\$2,743; b--\$2,882; c--\$3,028; d--\$3,202; e--\$3,386)
 Salary Schedule 85.2 (a--\$2,955; b--\$3,104; c--\$3,261; d--\$3,449; e--\$3,647)

B) It is requested that the Board approve the creation of the following salary schedule (Rep. Unit B) in order to implement the amendment of salary schedule assignment in item III.B) below.

Salary Schedule 102.40X (a--\$4,674; b--\$4,870; c--\$5,093; d--\$5,337; e--\$5,605)

III. AMENDMENT OF SALARY SCHEDULE ASSIGNMENTS—Ordinance (2 Readings)

A) It is requested that the Board approve the amendment of salary schedule assignments for the following classifications as indicated in the Maritime in order to achieve parity with other classifications of the same level of responsibilities and/or to avoid compaction with lower level positions.

CLASSIFICATION	REP. UNIT	FROM SALARY SCHEDULE	TO SALARY SCHEDULE
Maritime Marketing Manager	E	575.2	572.2 (a--\$7,137; b--\$7,494; c--\$7,869; d--\$8,342; e--\$8,842)
Manager, Capital Programs and Budget Services	E	559.7	572.2 (a--\$7,137; b--\$7,494; c--\$7,869; d--\$8,342; e--\$8,842)
Manager, Contracts, Pricing, and Insurance Services	E	559.7	572.2 (a--\$7,137; b--\$7,494; c--\$7,869; d--\$8,342; e--\$8,842)

C) It is requested that the Board approve the amendment of salary schedule assignment for the classification of Painter from Salary Schedule 42 to Salary Schedule 102.40X (II.B) above) in the Engineering and Aviation Divisions in order to implement the five hours per week increase in work hours. There is no change in the hourly rate for this classification; however, to accommodate the increase hours worked, the amendment of salary schedule assignment is required.

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 11/24/98	AS OF 11/16/99	AS OF 12/7/99
Full-Time Employees	612.00 FTE	545.00 FTE	562.00 FTE	564.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	558.40 FTE	575.40 FTE	577.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to two new appointments.

TEMPORARY AGENCY WORKER COUNT AS OF 11/23/99

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	12	12	1	9	0	0	34
* CIP	0	0	8	6	0	0	14
LEAVE BACKFILL (NON MEDICAL)	2	1	0	0	0	0	3
MEDICAL BACKFILL	4	2	0	0	0	0	6
* SPECIAL PROJECT	7	4	0	9	0	0	20
WORKER'S COMP BACKFILL	0	3	0	1	0	0	4
TOTALS	25	22	9	25	0	0	81

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	9/22/99	10/26/99	11/23/99	11/23/99
BACKFILL	27	40	35	34	34
* CIP	18	15	16	16	14
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	4	7	6	3
MEDICAL BACKFILL	4	4	4	5	6
* SPECIAL PROJECTS	11	11	16	14	20
WORKER'S COMP BACKFILL	3	4	4	5	4
TOTALS	63	78	82	80	81

COUNT SUMMARY

CURRENT FTE COUNT	577.40
CURRENT TEMPORARY AGENCY BACKFILLS	34.00
VACANT POSITIONS	4.00
TOTAL	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of classifications/positions, creation of salary schedules, and amendment of salary schedule assignments.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Regal Aviation, LLC (8991 Earhart Road, North Airport)

Date: January 4, 2000

Item No. 6S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *S. J. Grossman*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Regal Aviation, LLC ("Regal") is currently under a Right-of-Entry and Indemnity Agreement ("ROE") which provides for occupancy of an approximately 18,086sf portion of office, hangar and apron space in and adjacent to Hangar 3 (Building L-310/East) on the North Airport for corporate aircraft storage and maintenance. The ROE was effective November 1, 1999; rent is \$6,500.00 per month.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend Regal's occupancy of the same premises (commencing December 16, 1999 and ending April 13, 2000). Monthly rent would remain the same. Regal is requesting this additional time to allow the Port to consummate an agreement with a new Master Tenant for all of L-310/East at which time, Regal will become a sub-tenant in the same premises.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend Right-of-Entry and Indemnity Agreement with Regal Aviation, LLC.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20004 JAN 4 2000

BOARD ACTION TAKEN DATE
[Signature]

Assistant SECRETARY OF THE BOARD

Board of Port Commissioners

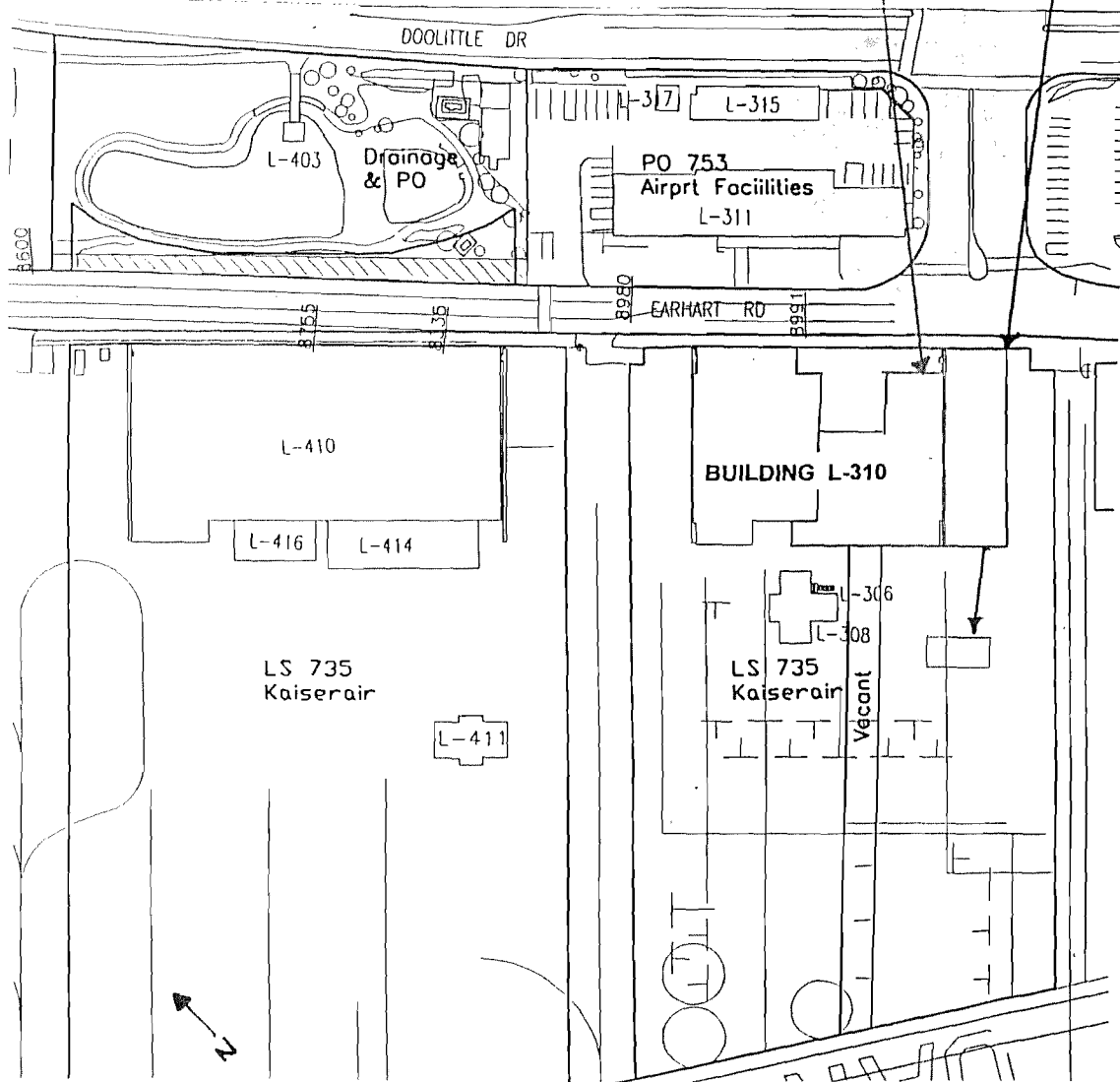
Calendar Item

Approval of Agreement To Extend
Right-of-Entry and Indemnity Agreement
with Regal Aviation, LLC
(8991 Earhart Road, North Airport)

REGAL AVIATION

**BOUNDARY OF
ASSIGNED AREA**

Approx. 18,086sf



Airport Properties



**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with Evergreen Aviation Ground Logistics Enterprises, Inc. (7683 Earhart Road, North Airport)


Date: January 4, 2000

Item No. 75

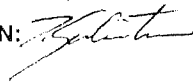
PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

This action would approve a License and Concession Agreement ("Agreement") with Evergreen Aviation Ground Logistics Enterprises, Inc. ("Evergreen"). Evergreen (previously, a transient tenant on the North Airport during the U.S. Postal Service's annual CNET operations) will provide cargo handling and other related services for cargo tenants on the North Airport.

ANALYSIS:

The proposed Agreement would have a one-year term (October 20, 1999 through September 30, 2000) with a mutual 30-day termination provision and provide for approximately 742sf of office space in Hangar 9 (Building L-820) on the North Airport in support of Evergreen's cargo handling operations. The monthly rental would be \$529.79 plus 10% of gross revenues.

This aviation project conforms to established aviation uses and has been determined to be consistent with the sportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

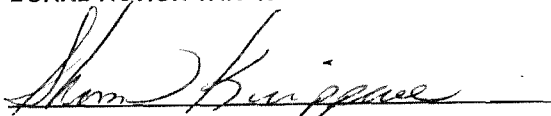
It is recommended that the Board approve the above-described Agreement with Evergreen Aviation Ground Logistics Enterprises, Inc.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution JAN 4 2000
No. 2000 5

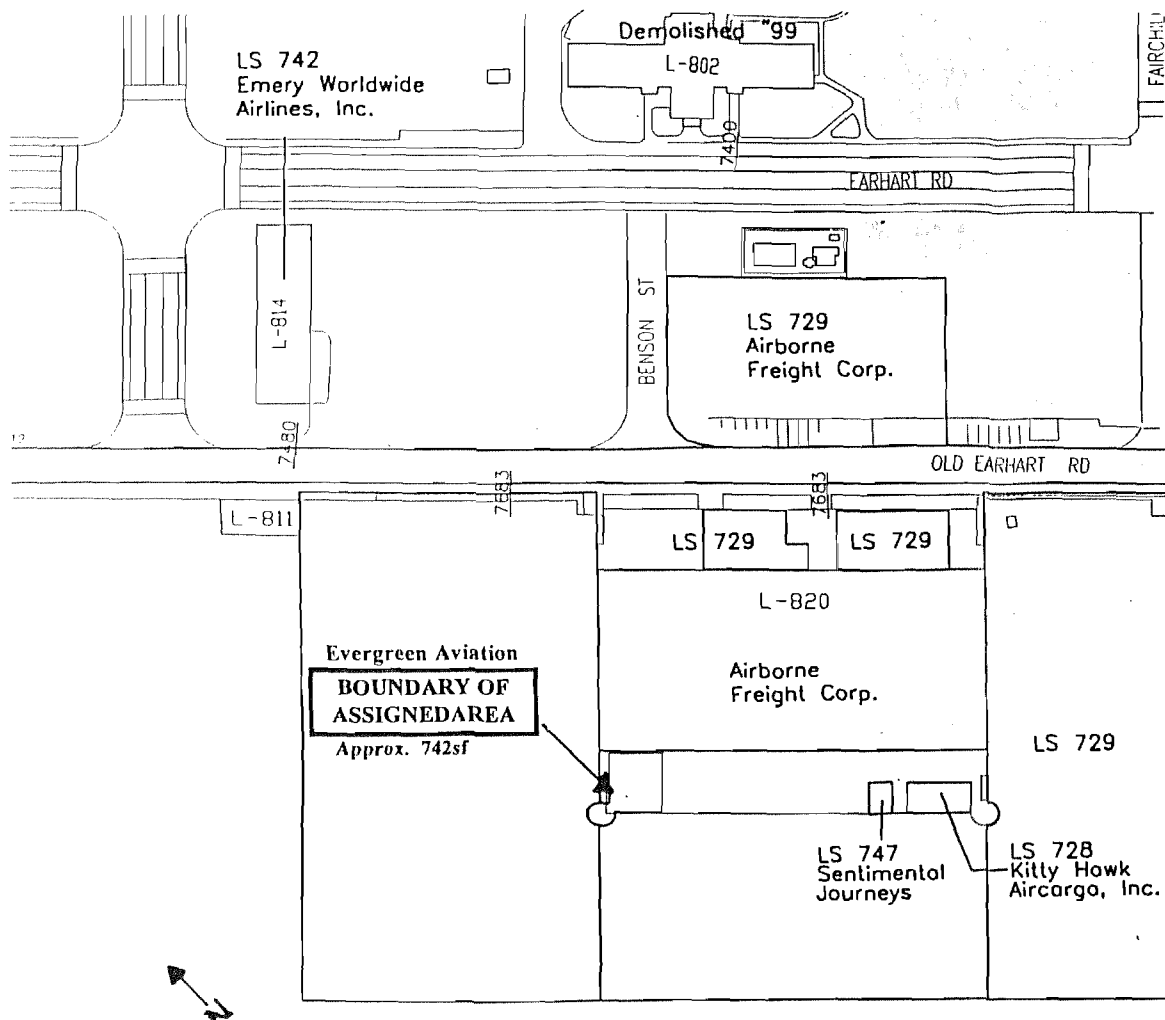
BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Board of Port Commissioners Calendar Item

Approval of License and Concession
Agreement with Evergreen Aviation Ground
Logistics Enterprises, Inc.
(7683 Earhart Road, North Airport)



Airport Properties

Port of Oakland

**Oakland
International Airport
North Airport**

Map Not to Scale

Agenda Sheet

SUBJECT: Approval of a License and Concession Agreement with Existing Tenant Federal Express Corporation (Taxiway B-2, South Airport)

Date: January 4, 2000

Item No. 8S

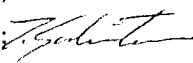
PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

Federal Express Corporation (FedEx) has multiple leases and Licenses Agreements covering the rental of space at the Airport for its small parcel air cargo business. Under these agreements, it pays the Port approximately \$2,500,000 per year in rent. Its business requires additional apron space to park aircraft and it has requested a License and Concession Agreement covering the rental of additional apron.

ANALYSIS:

The License and Concession Agreement would have a one-year term commencing January 1, 2000 with a 90-day termination provision and would provide for 6,435sf (\$0.0744 psf/mo) of unimproved land and 209,595sf (\$0.12 psf/mo) of heavy apron. The property is adjacent to Taxiway B-2 and would be used for aircraft parking, loading, unloading, and maintenance. FedEx would pay an initial monthly rental of \$25,630.16.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

This project had been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant Class 1 of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or licenses and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of the use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board pass a Resolution approving and authorizing the execution of a License and Concession Agreement with Federal Express Corporation, as described above.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

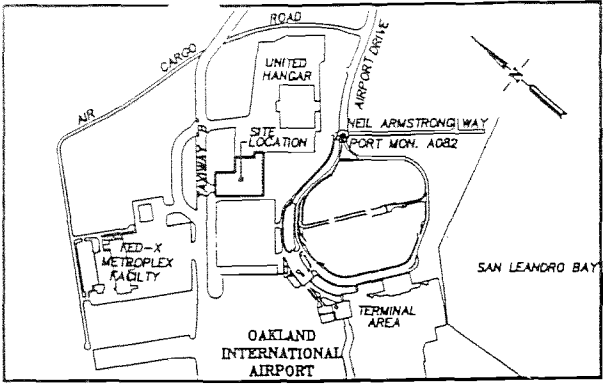
Approved by Resolution No. 20006 JAN 4 2000

BOARD ACTION TAKEN DATE



SECRETARY OF THE BOARD

Assistant



PARCEL
UNITED AIRLINES LEASE PREMISES

P.O.B.
PARCEL 1

N50°20'26"W 1101.51'

POINT OF COMMENCEMENT
PORT MON. A082

PARCEL TWO

S40°30'00"E 234.98'

N49°30'00"E 248.69'

PARCEL 1
209,595 #

S40°30'00"E 194.99'

154.99'

N40°30'00"W 194.99'

194.99'

P.O.B.
PARCEL 2

395.97'

PARCEL 2

N40°30'00"W 590.96' (TOTAL)

LINE	BEARING	DIST.
L1	S40°30'00"E	109.99'
L2	N49°30'00"E	33.00'
L3	N49°30'00"E	33.00'
L4	S40°30'00"E	51.00'
L5	N49°30'00"E	55.00'
L6	N49°30'00"E	33.00'

NOTES:
BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III. ALL DISTANCES ARE GRID. MULTIPLY HEREON SHOWN DISTANCES BY 1.0000707 TO OBTAIN GROUND DISTANCES. ALL AREAS SHOW ARE BASED UPON GROUND DISTANCES.

PORT OF OAKLAND
LAND SURVEYS AND MAPPING
530 Water Street
Oakland, California

PLAT TO ACCOMPANY LEGAL DESCRIPTION
EXHIBIT "B-2"
SKETCH OF PROPERTY
AT OAKLAND INTERNATIONAL AIRPORT

DRAWN BY: JRM	Field Bk:
CHECKED BY:	Wrk. Ord: 206394
SCALE: 1" = 100'	Data File:
DATE: 09/08/99	Revision: 1
SHEET 1 OF 1	Rev. date: 12/2/99
DRAWING FILE: FED-X_SOUTH.DWG	
FILE LOC.: ... \TRANSBAY\206394.JRM	

Board of Port Commissioners - PORT OF OAKLAND


Agenda Sheet

SUBJECT: Approval of a Building Permit Application to Remodel Storage Area Outside the Hangar and Upgrade Mechanical Systems for United Airlines Maintenance
1100 Airport Drive (Bldg # M-110)

Date: January 4, 2000
Item No. 95

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

United Airlines Maintenance has submitted a permit application to construct improvements to their leased space at their south field hangar (Building #M-110). The proposed work is in three areas outside the hangar, two along the north wall (the opposite side from the Airport Drive frontage) and one near the southeast corner adjacent to the parking lot. The project will also include upgrades of the mechanical system within the hangar.

The proposed work will include:

- Area 1: Construction of a canopy over the existing wash rack, reconstruction of existing concrete, and repair and replace plumbing and wash equipment as necessary to bring the operation in compliance with EBMUD regulations
- Area 2: Construction of permanent shop spaces to replace and consolidate existing activities and storage outside the building, approximately 12,000 square feet in two levels
- Area 3: Construction of a building to house an air compressor and related equipment, approximately 5000 square feet
- Modify HVAC system within the hangar

The estimated value of the work is \$9,600,000.

The project has been determined to be Categorically Exempt from CEQA under Section 15301, Class 1 (a) (d) (e, 2(A&B)), (f) and (1-4).

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

RECOMMENDATION:

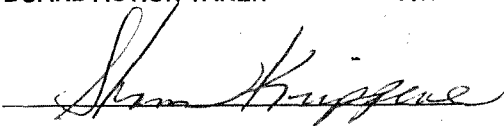
It is recommended that the Board approve this building permit application.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution **JAN 4 2000**
No. 20007

BOARD ACTION TAKEN DATE

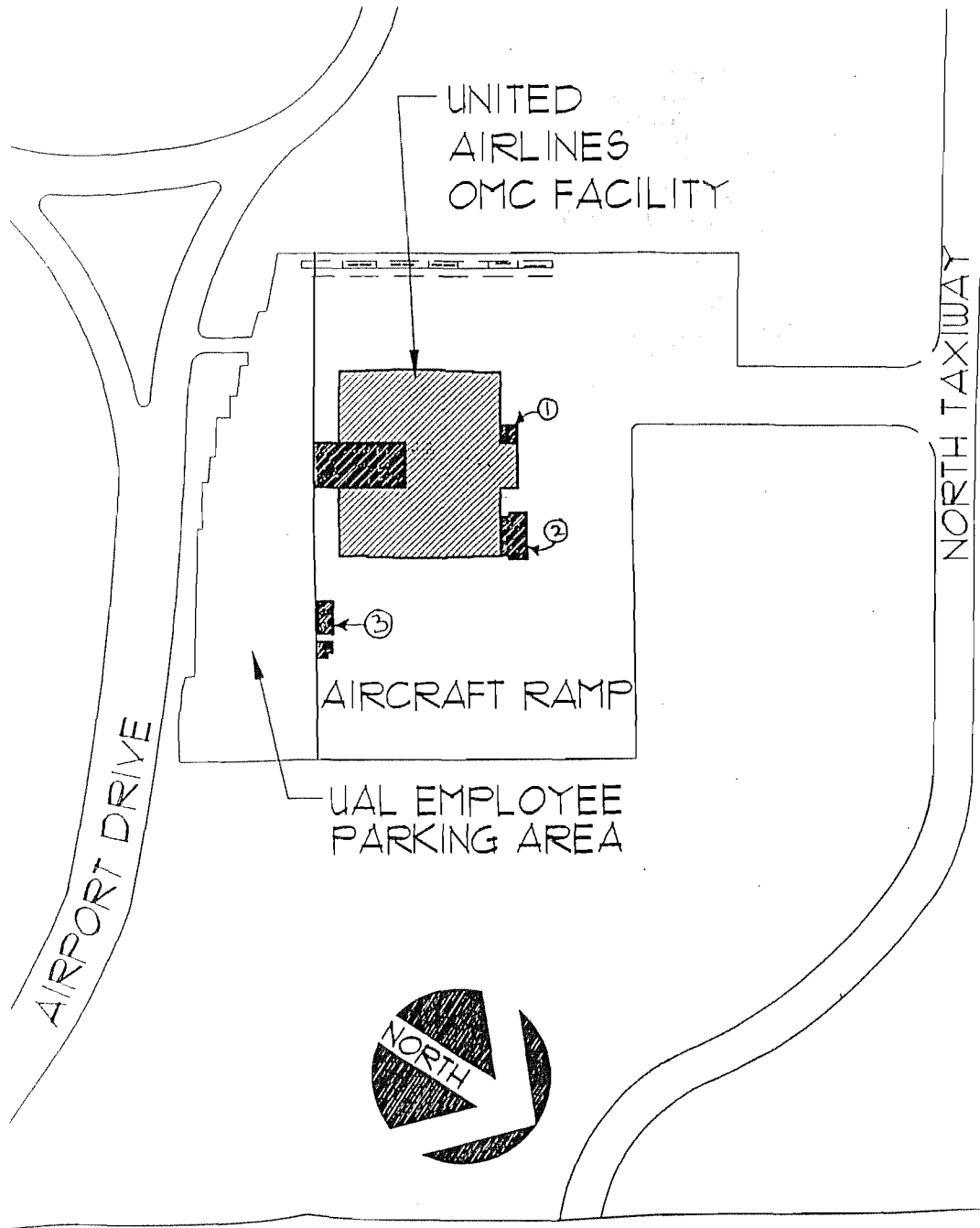


Assistant SECRETARY OF THE BOARD

SUBJECT: Approval of a Building Permit Application to Remodel Storage Area Outside the Hangar and Upgrade Mechanical Systems for United Airlines Maintenance (1100 Airport Drive (Bldg # M-110))

January 4, 2000

Page 2 of 2



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Specifications for Removal of Rubber Deposits from Runways for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, OIA

Date: January 4, 2000

Item No. 105

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *AKW*

EXECUTIVE OFFICE RECOMMENDATION: *For*

FACTUAL BACKGROUND:

Specifications have been prepared for **Removal of Rubber Deposits from Runways for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, Oakland International Airport, Oakland, California**, and are hereby submitted for approval and authorization to advertise for bids.

The work consists, in general, of removing runway rubber deposits and recycling the materials removed. Rubber is deposited on airport runways from the rubber tires of aircraft during landing. When too much rubber is deposited on a runway, the surface can become slippery and unsafe, especially in wet weather. It is therefore necessary to remove the rubber deposits from time to time. The rubber removal process requires highly specialized equipment, which removes the rubber with rotating high-pressure water jets. A number of contractors travel around the country from airport to airport with such equipment and perform rubber removal work. Others maintain their equipment in the local area to service a number of airports.

Currently, the Port is under contract with a rubber removal contractor on an annual term contract. This contract will end on February 28, 2000, without any option for further renewal.

The specifications for this new contract include a provision allowing the Port to renew the contract in one-year increments through February 28, 2003. Renewal of a contract shall only occur if agreed to in writing by both the Executive Director of the Port and the contractor. Should the contract be renewed, all provisions of the Specifications shall apply and the unit price bid shown on the Bid Sheet shall be adjusted in accordance with the annual January Consumer Price Index.

The expense budget for Fiscal Year 2000 provides for this work in the Aviation Facilities Department's maintenance budget. 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 15301, Class 1, maintenance, involving no expansion of use beyond that previously existing.

RECOMMENDATION:

It is recommended that the specifications be approved and authorization be granted to advertise for bids to be received on February 2, 2000.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20008 **JAN 4 2000**
 BOARD ACTION TAKEN DATE

Sharon Kinsman
 Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Specifications for Runway Painting for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, OIA

Date: January 4, 2000
Item No. 11S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Specifications have been prepared for **Runway Painting for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, Oakland International Airport, Oakland, California**, and are hereby submitted for approval and authorization to advertise for bids.

The work consists, in general, of repainting existing runway stripes and markings. Airport runway stripes and markings can become covered with rubber from the rubber tires of aircraft during landing. The rubber removal process can also cause some paint to be removed. Repainting the markings will be done after every other instance of rubber removal work.

Currently, the Port is under contract with a rubber removal contractor on an annual term contract, which includes the runway painting work. This contract will end on February 28, 2000, without any option for further renewal. The runway painting has been removed from the rubber removal contract and is being separately contracted for better coordination with the painting contractor.

The specifications for this new contract include a provision allowing the Port to renew the contract in one-year increments through February 28, 2003. Renewal of a contract shall only occur if agreed to in writing by both the Executive Director of the Port and the contractor. Should the contract be renewed, all provisions of the Specifications shall apply and the unit price bid shown on the Bid Sheet shall be adjusted in accordance with the annual January Consumer Price Index.

The expense budget for Fiscal Year 2000 provides for this work in the Aviation Facilities Department's maintenance budget. 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 15301, Class 1, maintenance, involving no expansion of use beyond that previously existing.


RECOMMENDATION:

It is recommended that the specifications be approved and authorization be granted to advertise for bids to be received on February 2, 2000.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution JAN 4 2000
No. 20009
BOARD ACTION TAKEN DATE


SECRETARY OF THE BOARD
Assistant

Agenda Sheet

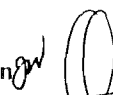
SUBJECT: Recommended Approval to Renew License and Concession Agreement – Oakland Telecard, LLC

Date: January 4, 2000

Item No. 16S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

The following License and Concession Agreement Renewal is submitted for approval:

<u>LICENSEE</u>	<u>PROPERTY DESCRIPTION/LOCATION</u>	<u>EXISTING RATE</u>	<u>PROPOSED RATE</u>	<u>AGREEMENT DATE</u>
Oakland Telecard, LLC	One site is in the lobby area of Washington Street Garage and the second is located by the Information Booth adjacent to the entrance to the Underground Parking Garage.	a. 3% of gross revenue less than \$5,000; b. 5% of gross revenue between \$5,000.01 and \$10,000; c. 10% of gross revenue between \$10,000.01 and \$15,000; d. 15% of gross revenue between \$15,000.01 and \$20,000; or e. 20% of gross revenue exceeding \$20,000.01	\$100.00/mo. minimum vs. 15% gross.	July 21, 1999

The Agreement was not previously considered by the Board in establishing a target rate for negotiation.

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) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

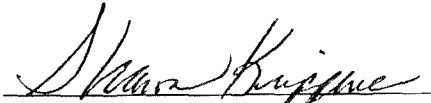
It is recommended that the Board approve the above listed Agreement.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20013 JAN 4 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Approval of a Tentative Map No. 7192 for
Condominiums at Waterpark Lofts
TJ Enterprises (owner)
2875 Glascock Street

Date: January 4, 2000

Item No. 175

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Charles W. Foster

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

TJ Enterprises has submitted an application for Tentative Map approval for subdivision of its property for the purpose of condominium sales. The proposed building, on private property within the Port Area, has been approved for construction by the Executive Director and will include approximately 27 live-work units. The site development includes public and private open space, parking, and public access to the waterfront.

Port Ordinance No. 2124 ("the Ordinance") specifies that the Board of Port Commissioner must act on any Tentative Map application in the Port Area, regardless of ownership. The Chief Engineer has filed a report with the Executive Director, who is in turn filing this report with the Board, as specified in the Ordinance. The Ordinance requires that the Board make all the following findings prior to approval of the Tentative Map:

- 1) That the proposed map is consistent with applicable general and specific plans.
- 2) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
- 3) That the site is physically suitable for the type of development.
- 4) That the site is physically suitable for the proposed density of development.
- 5) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
- 6) That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.
- 7) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access or use of, property within the proposed subdivision.

The Chief Engineer's Report indicates that all these conditions have been met. Conditions were made on the approval of the building permit for the live-work project construction, which will be reasserted in this approval. No additional conditions or findings are necessary. This approval will allow the owner to prepare a Final Map for filing with the County, which will also be subject to Board approval.

The project has been determined to be Categoricaly Exempt from CEQA under Section 15301(k).

RECOMMENDATION:

It is recommended that the Board approve this Tentative Map.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution JAN 4 2000
No. 2004

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT Approval of License and Concession Agreement with Work/Able Development Systems, Inc. for Premises Located in Building D502 at the Harbor Transportation Center

Date: January 4, 2000

Item No. 245

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

On January 6, 1998 the Board of Port Commissioners approved a License & Concession Agreement ("L & C") with Work/Able Development Systems, Inc. ("Work/Able") for premises in Building 833 in the Harbor Transportation Center ("HTC"). Work/Able was re-assigned premises in Building D502 where they currently occupy 6,426 square feet.

Rather than amending the current agreement to change the premises description, staff proposes to enter into a new L & C. The new premises afford Work/Able easier access to public transportation and parking. The location overall is better suited for use as a training facility.

Work/Able is a non-profit vocational training organization for unemployed young adults. Work/Able trains unemployed Oakland residents to qualify for high-tech jobs in various disciplines.

Analysis:

Rent is not assessed provided that Work/Able will be solely responsible for all maintenance and payment of all utilities. Work/Able shall at all times maintain an active insurance endorsement on file with the Port.

Work/Able provides a valuable service to the Community. However, the L&C provides a 30-day termination clause to be exercised by the Port's Executive Director should he determine that Work/Able's training program is no longer effective.

The proposed L&C is categorically exempt from CEQA under Section 15301.

RECOMMENDATION:

It is recommended that the Board approve a resolution to execute a License and Concession Agreement with Work/Able Youth Development Systems, Inc.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20018 JAN 4 2000

BOARD ACTION TAKEN DATE

[Signature]

Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Renewal of Korean Agency Contract

Date: January 4, 2000

Item No. 25S

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

Global Enterprises, Ltd. as represented by Mr. P.S. Chung, has served as the Port of Oakland's agent in Korea since 1984, and currently serves under a one-year term Fifth Supplemental Agreement dated January 1, 1999. Compensation for Global Enterprises, Ltd. is USD \$18,000 per year plus allowable expenses of up to USD \$6,000 annually. As a primary element to the Port of Oakland's continuing marketing efforts in Korea, it is proposed this contract with Global Enterprises, Ltd. be renewed for an additional twelve month period.

ANALYSIS:

Global Enterprises, Ltd. has consistently provided value to our marketing efforts through their personal knowledge of the key decision makers at the three Korean based ocean carriers and governmental agencies, and through their ability to interact with and represent the Port to these entities. Also, Global Enterprises, Ltd. has coordinated media representation for the Port in Korea including executive interviews, article placement and advertising. Further, their long-term relationship with the Port has enabled them to develop an in-depth understanding of the trade and transportation issues facing Oakland.

Additionally, Global Enterprises, Ltd. has provided valuable support to the Board and staff during Port trade missions to Korea in arranging business meetings, press conferences and transportation.

We therefore recommend extension of the Global Enterprises, Ltd. agency representation contract for a twelve month period through December 31, 2000 at a compensation level of USD \$18,000 per year plus allowable expenses of up to USD \$6,000.

RECOMMENDATION:

Approval of the Agreement in accordance with the above.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20019 JAN 4 2000

BOARD ACTION TAKEN DATE

[Signature]

Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Award of Contract for 2000 Structural Inspection
Rigging and Repair of Crane X438 and X439,
Berth 23, Outer Harbor Terminal

Date: January 4, 2000
Item No. 26S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *[Signature]*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Three (3) bids were received and opened on November 24, 1999, for **2000 Structural Inspection Rigging and Repair of Cranes X438 and X439, Berth 23, Outer Harbor Terminal, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Marine Maintenance, Inc.	Livermore, CA	x			X	\$112,420.00
Bigge Crane and Rigging Co.	San Leandro, CA				**	\$337,500.00
William P. Young Construction, Inc.	San Carlos, CA					\$941,780.00

*MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, ABE = Local Business Area Business Enterprise
Bigge Crane and Rigging Co., is not certified as a LBABE by the Port.

Marine Maintenance, Inc. (MMI) is an experienced crane inspection-rigging and repair company that is well qualified to perform the inspection-rigging and repair work of this contract. They have completed several similar contracts for Port-owned cranes and are currently working on a similar contract for Port Cranes X411 and X412. They currently have a contract with APL for crane maintenance work at the APL Terminal.

Bigge Crane and Rigging Company has done other work for the Port in the past and is an experienced rigging and repair company. William P. Young Construction, Inc. is a first time bidder for Port contract work. Neither company has ever contracted with the Port to perform crane inspection on Port owned cranes.

A copy of the bid canvass is on file. The Engineer's estimate for the contract is \$120,000.

ANALYSIS:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business location of the bidders and their subcontractors, and the length of time at those locations.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20020 JAN 4 2000
BOARD ACTION TAKEN DATE

[Signature]
Assistant SECRETARY OF THE BOARD

Since the bid of the lowest bidder, Marine Maintenance, Inc. is more than 10% lower than the next closest bidder, Bigge Crane and Rigging Co., this portion of the policy does not impact the award of this contract. Accordingly, it is recommended that Marine Maintenance, Inc. be considered to be the lowest responsible bidder for the purpose of this Contract.

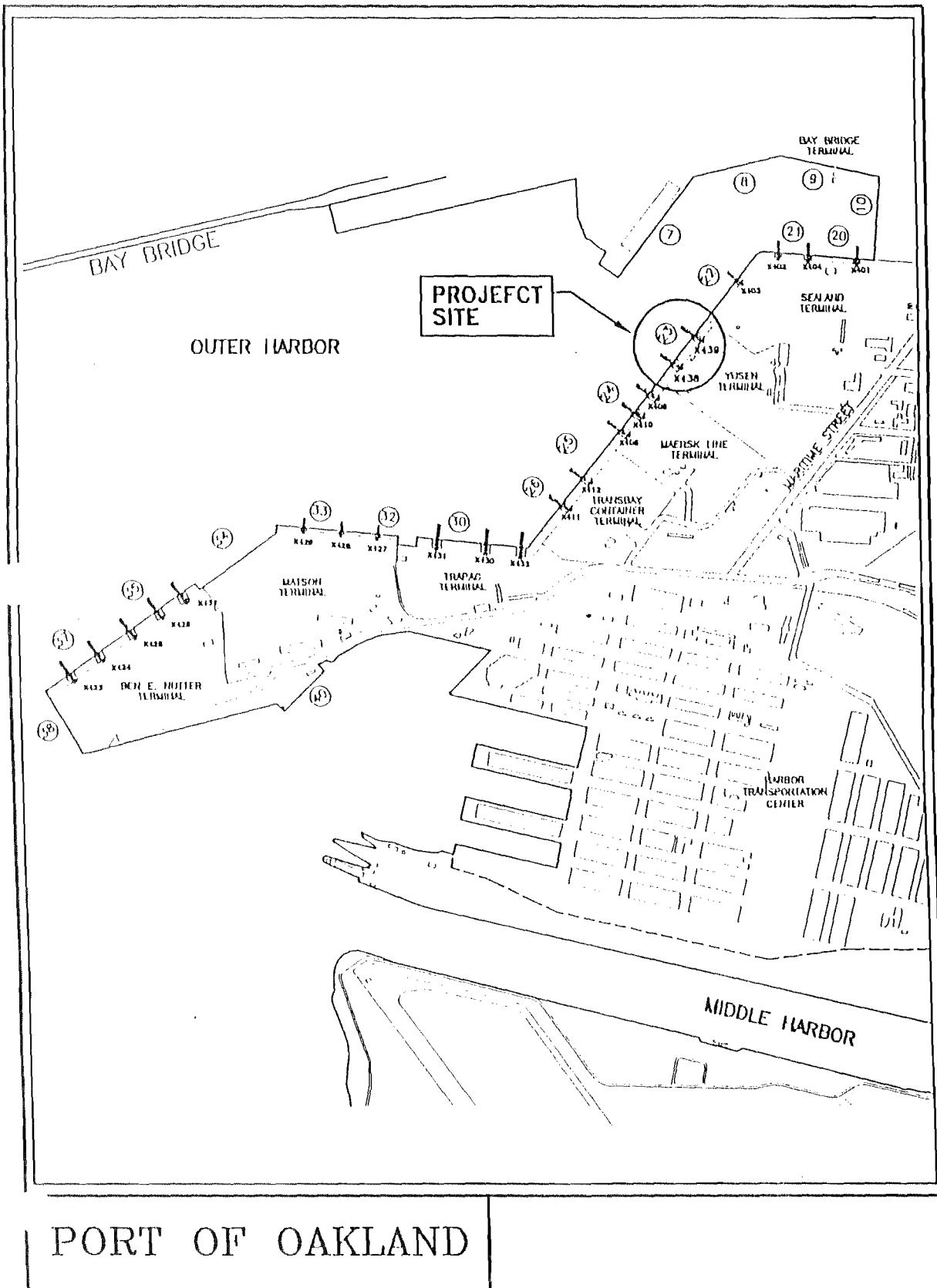
The Port's Office of Equal Opportunity (OEO) analyzed the bids for compliance with the Policy, and concurs with this recommendation.

Marine Maintenance, Inc. did not list any subcontractors with their bid. Marine Maintenance, Inc. intends to perform all work of the contract with its own forces.

The cost of inspection and repair of these Cranes is included in the Fiscal Year 1999-2000 Operating Budget for this work. The funding source is Port cash. The location of the work is shown on the attached map.

RECOMMENDATION:

It is recommended that Marine Maintenance, Inc. be found to be the lowest responsible bidder, that the contract for the above project be awarded to Marine Maintenance, Inc. for the amount of its bid, and that the other bids be rejected and the bid securities returned to the respective bidders.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Award of Contract for Removal and Disposal of Hazardous Materials and Miscellaneous Utility Work at Building D-732, Harbor Transportation Center

Date: January 4, 2000

Item No. 27S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *[Signature]*
 EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Three (3) bids were received and opened on December 1, 1999, for **Removal and Disposal of Hazardous Materials and Miscellaneous Utility Work at Building D-732, Harbor Transportation Center, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Performance Abatement Services of California	Hayward, CA				**	\$55,817.00
DNL Construction Company, Inc.	Oakland, CA			X		\$57,219.49
CST Environmental, Inc	San Leandro, CA	X			X	\$120,170.00

* MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE = Local Business Area Business Enterprise

** Performance Abatement Services of California is not currently certified by the Port as an LBABE.

A copy of the bid canvass is on file. The low bid is within the project budget for this work

ANALYSIS:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10%, depending on the location of the bidders and their subcontractors, and the length of time at those locations. Based on the comparison of the modified bid amounts, Performance Abatement Services of California remains the low bidder. Accordingly, it is recommended that Performance Abatement Services of California be considered to be the lowest responsible bidder for the purposes of this contract.

The Port's Office of Equal Opportunity (OEO) analyzed the bids for compliance with the Policy, and concurs with this recommendation.

Performance Abatement Services of California listed the following subcontractors. The remainder of the work will be performed by Performance Abatement Services of California.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20021 JAN 4 2000

BOARD ACTION TAKEN

DATE

[Signature]
 Assistant SECRETARY OF THE BOARD

Award of Contract for Removal and Disposal of Hazardous Materials and Miscellaneous Utility Work at Building D-732, Harbor Transportation Center

January 4, 2000
Page 2

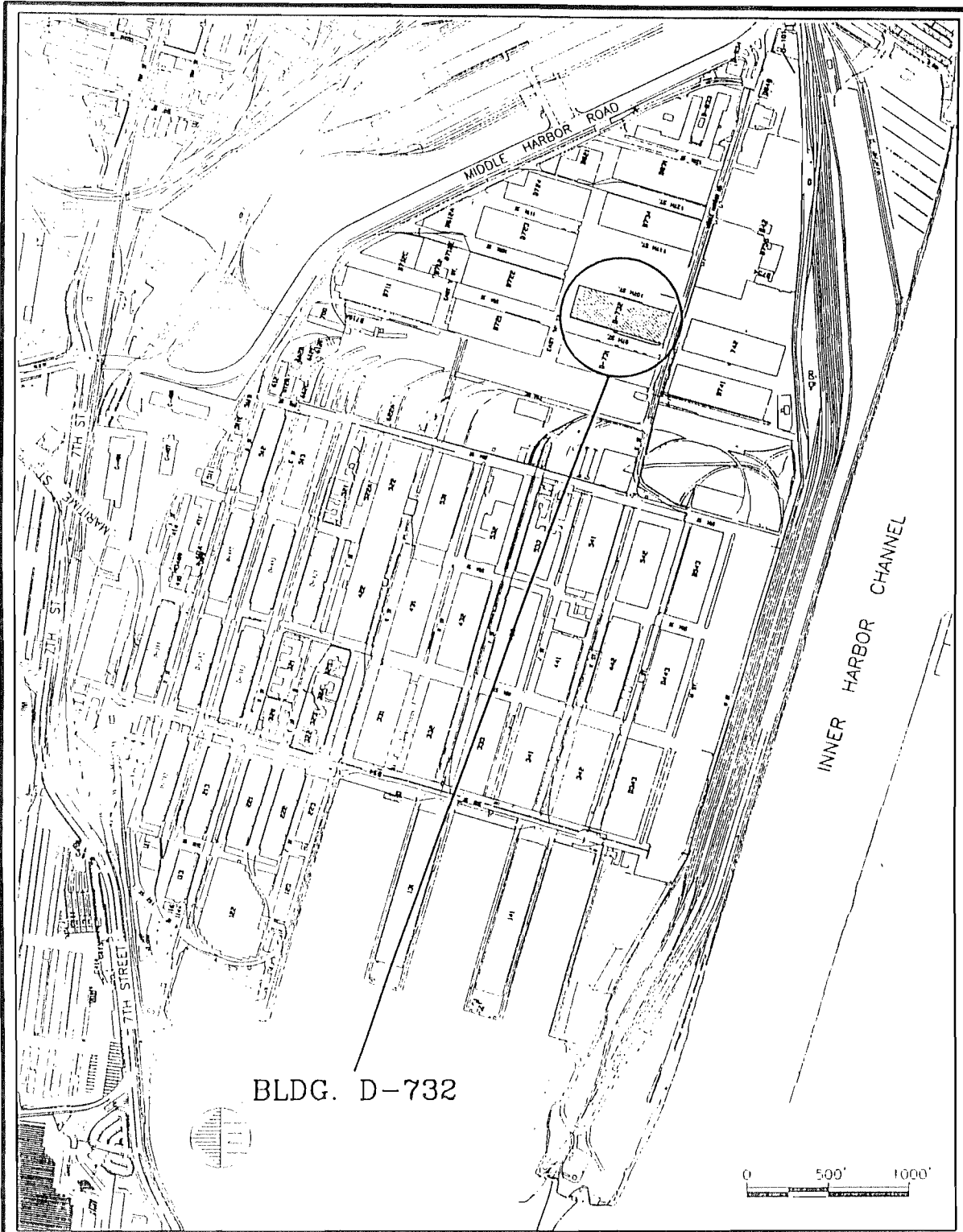
SUBCONTRACTORS SUBCONTRACTING AREA (Includes Trucking)	LOCATION	MBE	WBE	LIABE	LBABE	"\$" AND "%" OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
California Electric Company	Oakland, CA			X		\$3,100.00 / 5.6%
Ortiz Construction, Inc.	Castro Valley, CA	X			X	\$14,800.00 / 26.5%

Total participation of MBEs is \$14,800.00. Total participation of WBE's is \$0.00.

The Capital Budget for Fiscal Year 1998-1999 provides for this work under CIP Item No. M6.00543.01. The funding source is Port Bonds. The location of the work is shown on the attached map.

RECOMMENDATION:

It is recommended that Performance Abatement Services of California be found to be the lowest responsible bidder, that the contract for the above project be awarded to Performance Abatement Services of California for the amount of its bid, and that the other bids be rejected and the bid securities returned to the respective bidders.



PORT OF OAKLAND

HARBOR TRANSPORTATION CENTER
AREA D

Board of Port Commissioners - PORT OF OAKLAND


Agenda Sheet

SUBJECT: Ratify Addendum and Award of Contract for Annual Dredging of Port of Oakland Berths for the Period Commencing March 1, 2000 and Ending December 31, 2000, 2001 or 2002

Date: January 4, 2000
Item No. 28S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Two (2) bids were received and opened on December 15, 1999, for **Annual Dredging of Port of Oakland Berths for the Period Commencing March 1, 2000 and Ending December 31, 2000, 2001 or 2002, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Manson Construction Co.	Richmond, CA				X	\$1,087,030.00
Dutra Dredging Company	Alameda, CA			X		1,102,000.00

* MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE = Local Business Area Business Enterprise

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

The Board of Port Commissioners, on November 16, 1999, approved the plans and specifications for this project to advertise for bids to be received on December 15, 1999. Addendum 1 was issued by the Chief Engineer on December 8, 1999. The Addendum did not change the physical work of the contract.

ANALYSIS:

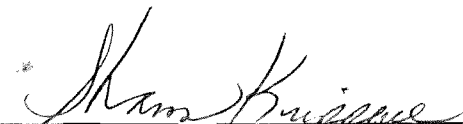
In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Based on a comparison of the modified bid amounts, Dutra Dredging Company's modified bid amount was \$1,009,889.33, and Manson Construction Co's modified bid amount was \$1,021,808.20. Accordingly, it is recommended that Dutra Dredging Company be considered to be the lowest responsible bidder for the purposes of this contract.

The Port's Office of Equal Opportunity (OEO) analyzed the bids for compliance with the Policy, and concurs with this recommendation.

BOARD ACTION REQUIRED

Approved by Resolution
No. 20022 JAN 4 2000
BOARD ACTION TAKEN DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY


Assistant SECRETARY OF THE BOARD

Ratify Addendum and Award of Contract for Annual Dredging of Port of Oakland Berths for the Period Commencing March 1, 2000 and Ending December 31, 2000, 2001 or 2002

January 4, 2000
Page 2

Dutra Dredging Company listed the following subcontractors:

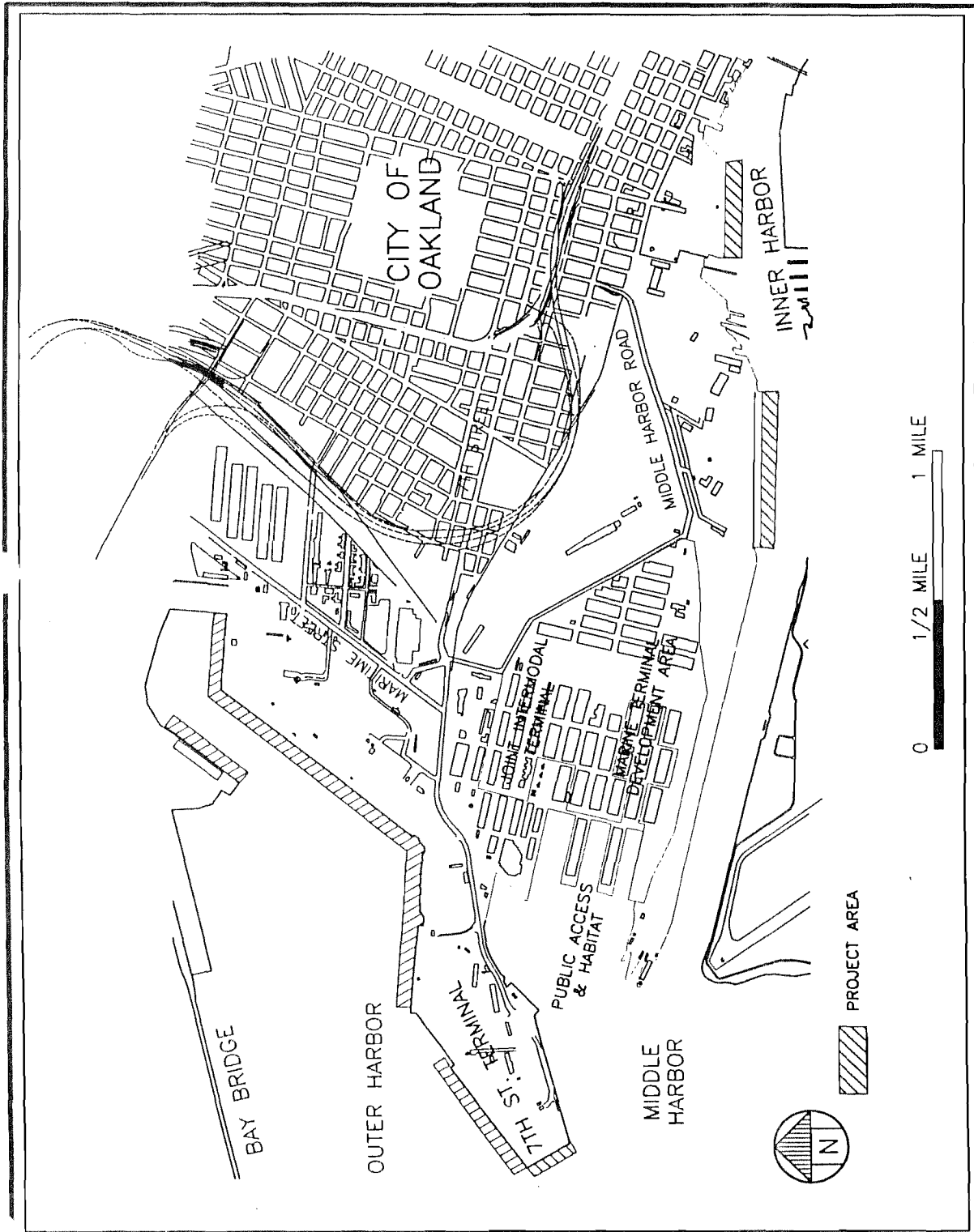
SUBCONTRACTORS SUBCONTRACTING AREA (Includes Trucking)	LOCATION	MBE*	WBE*	LIABE*	LBABE*	“\$” AND “%” OF EACH SUBCONTRACTOR’S TO PRIME CONTRACTOR
Masters Tug/Towing	Bethel Island, CA				**	\$108,000/9.9%
BC Stocking/Fuel	Richmond, CA	X	X		**	\$18,300/1.7%
Gloria Washington/Trucking	Richmond, CA	X	X		**	\$69,700/6.4%
Redwood Landfill/Disposal	Novato, CA					\$62,500/5.7%

- * MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE = Local Business Area Business Enterprise
- ** Have not applied for certification and are not credited as LBABE

The operating budget for fiscal year 1999-2000 provides for this work. The operating budgets proposed for the succeeding fiscal years will include the same provisions. The funding source will be Port Cash. The location of the work is shown on the attached map.

RECOMMENDATION:

It is recommended that Dutra Dredging Company be found to be the lowest responsible bidder, that the Board ratify and approve Addendum 1, and that the Contract for the above project be awarded to Dutra Dredging Company for the amount of its bid, and that the other bids be rejected and the bid securities returned to the respective bidder.



PORT OF OAKLAND

Harbor

DREG

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT Approval of an Amendment to the Union Pacific Company Lease to Add Additional Land Area

Date: January 4, 2000

Item No. 29S

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

The Port purchased several property interests from the Union Pacific Company (UP) December 19, 1998. Many of the properties were leased back to UP as the company phased their operations into the former Southern Pacific railhead.

UP requested that the Port lease them approximately (125,418 sf) of Port-owned land at the former Fleet Industrial Supply Center, Oakland (FISCO) to provide parking which allowed the Port to commence construction of the Berths 56/57.

The monthly rental of the property is \$10,033 per month based on a 10% return on a land value estimated at \$9.60 psf. The rental commenced October 15, 1999. The occupancy would be on a month-to-month basis. This item is being combined with several other clean-up items previously approved by the Board, all to be included in the amendment to the UP lease.

RECOMMENDATION:

It is recommended that the Board approve an amendment to the UP lease as outlined above.

BOARD ACTION REQUIRED:

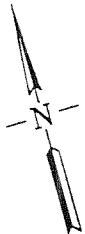
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20023 JAN 4 2000

BOARD ACTION TAKEN DATE

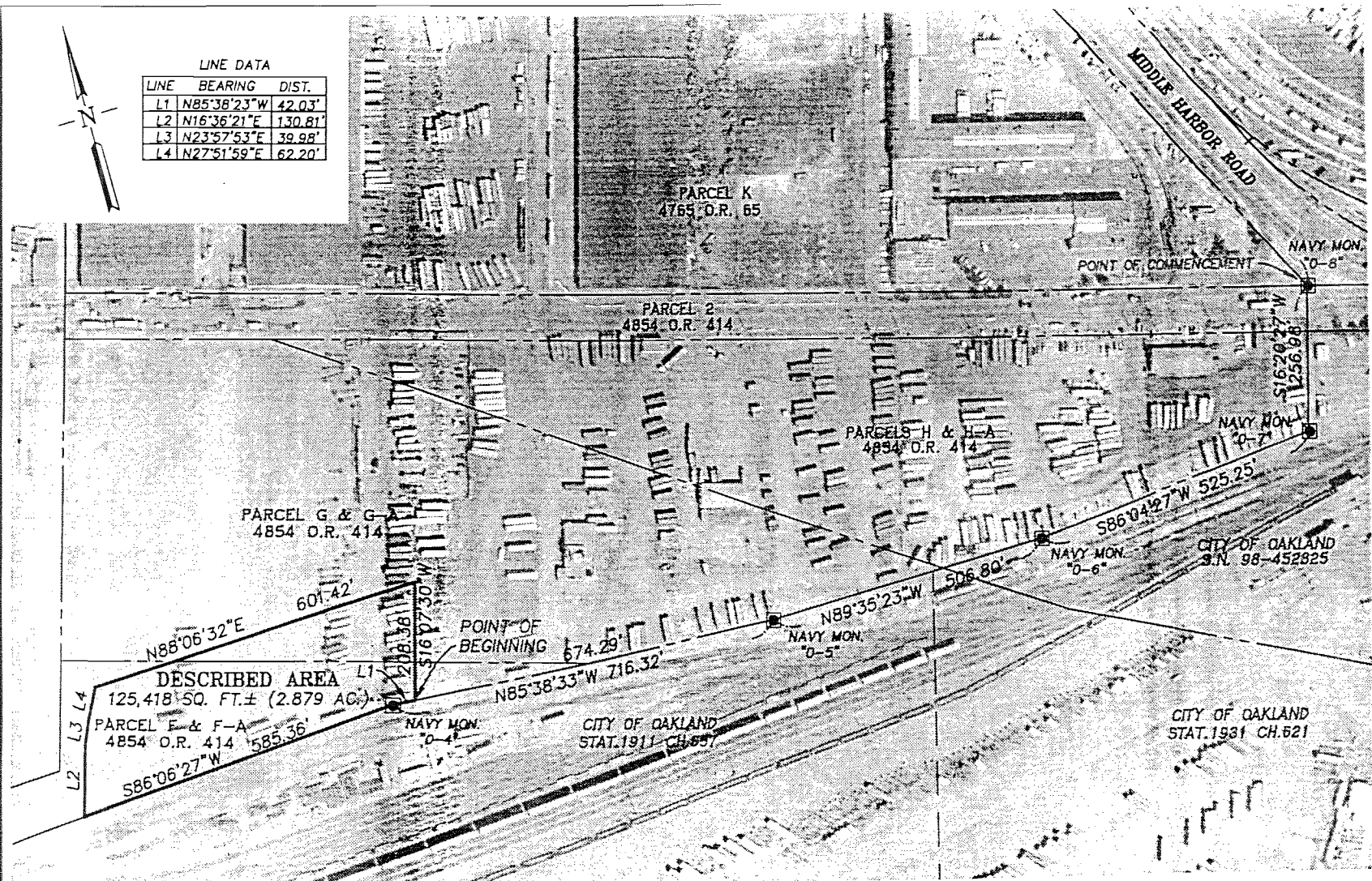
[Signature]

Assistant SECRETARY OF THE BOARD



LINE DATA

LINE	BEARING	DIST.
L1	N85°38'23"W	42.03'
L2	N16°36'21"E	130.81'
L3	N23°57'53"E	39.98'
L4	N27°51'59"E	62.20'



NOTE:

BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III. ALL DISTANCES ARE GRID. MULTIPLY HEREON SHOWN DISTANCES BY 1.0000705 TO OBTAIN GROUND DISTANCES. AREAS ARE BASED UPON GROUND DISTANCES.

<h1>PORT OF OAKLAND</h1> <p>LAND SURVEYS AND MAPPING</p> <p>530 Water Street Oakland, California</p>	<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION</p> <h2>EXHIBIT "D"</h2> <p>HARBOR TRANSPORTATION CENTER LEASE PREMISES</p>	<p>DRAWN BY: JRM CHECKED BY: SCALE: 1" = 240' DATE: 11/22/99 SHEET 1 OF 1 ATTACHMENTS: FILE LOC.: \\103223.JRM\EXHIBIT_D.DWG</p>	<p>Field Bk: Wrk. Ord: 103223 Data File: Revision: Rev. date:</p>
	<p>NOTE: BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III. ALL DISTANCES ARE GRID. MULTIPLY HEREON SHOWN DISTANCES BY 1.0000705 TO OBTAIN GROUND DISTANCES. AREAS ARE BASED UPON GROUND DISTANCES.</p>		

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607
TELEPHONE (510) 272-1100



CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

COMMISSIONERS

JOHN LOH
President

ROBERT HARRIS
First Vice President

KATHY NEAL
Second Vice President

FRANK KIANG
DAVID KRAMER
BECKY L. TAYLOR
PETER URIBE

C A L E N D A R

Regular Meeting of the Board of Port Commissioners
Tuesday, January 18, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh

READING OF THE MINUTES:

Deferred - Regular meeting of August 3, 1999;
special meeting of August 10, 1999; adjourned
regular meeting of August 31, 1999; adjourned
regular meeting of September 20, 1999; regular
meeting of October 5, 1999; adjourned regular
meeting of October 22, 1999; regular meeting of
November 2, 1999; regular meeting of November 16,
1999; regular meeting of December 7, 1999.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Audit/Budget and Finance
Commercial Real Estate
Special City/Port Liaison

READING OF SUMMARY ITEMS: (Marked "S")

6 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Approval of Lease Agreement with TCC Swan Way LLC, for Airport Terminal Expansion Group Office Space at 80 Swan Way, Oakland, California. (Resolution)
- 2 Authorization to Accept a Grant from the San Francisco Bay Trail Regional Development Program for the Purpose of Constructing Two Segments of the Bay Trail in the Vicinity of the Oakland International Airport and to Negotiate and Execute all Agreements Necessary to Comply with the Bay Trail's Grant Requirements. (Resolution)
- 3 Approval to Change Order Utility-Related Work from "Construction of Doolittle Drive and Airport Drive Interchange, MOIA (Contract B)" to "Widening of 98th Avenue West of I-880, MOIA (Control Contract C)." (Resolution)
- 4 Authorization to Dispense with Formal Bidding for Remodeling of Restrooms in Lower Level of Building M-103, South Field, OIA. (Resolution)
- 5S Approval of License and Concession Agreement with Bank of America National Association (7845 Earhart Road, North Airport). (Resolution)
- 6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Bay Avionics, Inc. (8991 Earhart Road, North Airport). (Resolution)
- 7S Approval of Agreement with EBMUD for Construction of Temporary Water Line at Doolittle Drive and Airport Drive Interchange Under the Airport Roadway Project. (Resolution),

COMMERCIAL REAL ESTATE

- 11S Recommend Approval of New License and Concession Agreement - AFI Marketing. (Resolution)

MARITIME

- 21 Ordinance Approving a Memorandum of Understanding Agreement with the City of Alameda and with Bay Ship and Yacht for the -50 Foot Dredging Project Turning Basin in the Inner Harbor. (Ordinance)
- 22 This item not used.
- 23 Authorization to Accept a Grant from the Coastal Conservancy for the Purpose of the Middle Harbor Shoreline Park Public Access Feasibility Study and to Negotiate and Execute all Agreements Necessary to Comply with the Coastal Conservancy's Grant Requirements. (Resolution)
- 24S Approval of Lease Assignment from Chancellor Media Corporation, a California Corporation, to Chancellor Media Corporation of Ohio, a Delaware Corporation. (Resolution)
- 25S This item not used.

OPERATIONS

- 31 Personnel Items: Creation of Salary Schedule; Creation of Classification/Positions; and Terminations. (Resolution and Ordinance)
- 32 Report on Costs and Benefits of Possible Adoption of a Living Wage Policy. (Information Only)

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

Vote on the following resolutions except 6 through 10:

- Ayes: Commissioners Kiang, Kramer, Taylor, Uribe and Vice President Harris - 5
- Noes: None
- Absent: Commissioner Neal and President Loh - 2

Vote on Resolution Numbers 6 - 11:

- Ayes: Commissioners Harris, Kiang, Kramer, Taylor, Uribe and President Loh - 6
- Noes: None
- Absent: Commissioner Neal - 1

Vote on Resolution Number 11:

- Ayes: Commissioners Harris, Kramer, Uribe and President Uribe - 4
- Noes: None
- Absent: Commissioners Kiang, Neal and Taylor - 3

RESOLUTIONS :

- 20029 1 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH BANK OF
AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION.
(Airport - 5S)
- 20030 2 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN
AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY
AGREEMENT WITH BAY AVIONICS, INC. (Airport - 6S)
- 20031 3 AUTHORIZING EXECUTION OF AGREEMENT WITH EAST BAY
MUNICIPAL UTILITY DISTRICT FOR CONSTRUCTION OF
TEMPORARY WATER LINE AT DOOLITTLE DRIVE AND
AIRPORT DRIVE INTERCHANGE UNDER THE AIRPORT
ROADWAY PROJECT, OAKLAND, CALIFORNIA.
(Airport - 7S)
- 20032 4 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH AFI
MARKETING DOING BUSINESS AS FIRST STOP.
(Commercial Real Estate - 11S)
- 20033 5 CONSENTING TO ASSIGNMENT OF LEASE BY CHANCELLOR
MEDIA CORPORATION AND AUTHORIZING EXECUTION OF
CONSENT DOCUMENTS. (Maritime - 24S)
- 20034 6 APPROVING AND AUTHORIZING THE EXECUTION OF LEASE
AGREEMENT WITH TCC SWAN WAY LLC. (Airport - 1)
- 20035 7 APPROVING APPLICATION TO THE SAN FRANCISCO BAY
TRAIL REGIONAL DEVELOPMENT PROGRAM FOR GRANT FUNDS
FOR THE PURPOSE OF CONSTRUCTING TWO SEGMENTS OF
THE BAY TRAIL IN THE VICINITY OF THE OAKLAND
INTERNATIONAL AIRPORT. (Airport - 2)
- 20036 8 APPROVING ISSUANCE OF CHANGE ORDERS FOR UTILITY
RELATED WORK FROM CONTRACT WITH GALLAGHER & BURK-
BROSAMER, A JOINT VENTURE, FOR CONSTRUCTION OF
DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE,
METROPOLITAN OAKLAND INTERNATIONAL AIRPORT,
OAKLAND, CALIFORNIA (CONTRACT B) TO CONTRACT WITH
GALLAGHER & BURK, INC. FOR WIDENING OF 98TH AVENUE
WEST OF 1-880, METROPOLITAN OAKLAND INTERNATIONAL
AIRPORT, OAKLAND, CALIFORNIA (CONTRACT C).
(Airport - 3)
- 20037 9 FINDING AND DETERMINING THAT IT IS IN THE BEST
INTEREST OF THE PORT TO CONTRACT FOR REMODELING OF
RESTROOMS IN LOWER LEVEL OF BUILDING M-103, SOUTH
FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND,
CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND
AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK
BASED ON RECEIPT OF INFORMAL PROPOSALS.
(Airport - 4)

Regular Meeting
January 18, 2000

- 20038 10 APPROVING AND AUTHORIZING ACCEPTANCE OF OFFER FROM AND EXECUTION OF GRANT AGREEMENT WITH THE CALIFORNIA STATE COASTAL CONSERVANCY TO STUDY THE MIDDLE HARBOR SHORELINE PARK PUBLIC ACCESS FEASIBILITY. (Maritime - 23)

- 20039 11 TERMINATING CERTAIN APPOINTMENTS. (Operations - 31A)

Vote on the following ordinances except numbers 6 and 7:
Ayes: Commissioners Kiang, Kramer, Taylor, Uribe
 and Vice President Harris - 5
Noes: None
Absent: Commissioner Neal and President Loh - 2

Vote on the following Ordinances Numbers 6 and 7:
Ayes: Commissioners Harris, Kiang, Kramer, Taylor,
 Uribe and President Loh - 6
Noes: None
Absent: Commissioner Neal - 1

ORDINANCES:

- 1 Port Ordinance No. 3559 being, "AN ORDINANCE AUTHORIZING AND APPROVING A LEASE WITH FEDERAL EXPRESS CORPORATION AND RENTAL CREDIT, WITHOUT COMPETITIVE BIDDING."

 Final.

- 2 Port Ordinance No. 3560 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A LEASE WITH SCORE LEARNING CORPORATION, INC. FOR THE REAL PROPERTY LOCATED AT 66 JACK LONDON SQUARE, OAKLAND, CALIFORNIA."

 Final.

- 3 Port Ordinance No. 3561 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH TCC SWAN LAND, LLC, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.23 ACRE PARCEL OF LAND LOCATED IN THE OAKLAND AIRPORT BUSINESS PARK."

 Final.

- 4 Port Ordinance No. 3562 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULE NO. 596.02, CREATING A NEW POSITION OF PROGRAM DIRECTOR, AIRPORT TERMINAL EXPANSION AND CREATING AN ADDITIONAL POSITION OF COMMERCIAL REPRESENTATIVE V."

 Final.

Regular Meeting
January 18, 2000

5 Port Ordinance No. 3563 being, "AN ORDINANCE AMENDING SECTION 1.03 OF PORT ORDINANCE NO. 867 RELATING TO THE COMPENSATION AND INCENTIVE PROGRAM."

Final.

6 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENTS WITH BAY SHIP & YACHT CO. AND THE CITY OF ALAMEDA REGARDING THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT."

Maritime - 21 to print.

7 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULE NO. 83.8 AND CREATING THE NEW POSITIONS OF BUILDING SERVICES ASSISTANT AND BUILDING SERVICES COORDINATOR."

Operations - 31 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be a regular meeting held on Tuesday, February 1, 2000 at 3:00 p.m.

Agenda Sheet

SUBJECT: Approval of Lease Agreement with TCC Swan Way LLC, for Airport Terminal Expansion Group office space at 80 Swan Way, Oakland, California

Date: January 18, 2000

Item No. 1

PROGRAM AREA

- Airport Operations C.I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *SD*
EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The Aviation Division is requesting approval of a Lease of office space for the Airport Terminal Expansion Group (TEX). The office space proposed to be leased is at 80 Swan Way in the Airport Business Park adjacent to the Airport.

The TEX staff of 11 currently occupies 2,000 square feet (sf) of office space in the Port-owned building at 9532 Earhart Road on the Airport's North Field. The TEX staff will grow to 17 in April 2000 and to at least 20 staff members in July 2000. TEX staff originally proposed to renovate, and add modular buildings ("modulars") adjacent to, the Port-owned building to provide 5,525 sf. The cost for renovating and adding modulars to the Port-owned building is estimated to exceed \$730,000. Of the \$730,000 expenditure, approximately \$300,000 (42%) would be permanent upgrades to the building and approximately \$430,000 (58%) would be temporary facilities and improvements.

ANALYSIS:

In proceeding with the proposed building modifications, staff investigated the alternative of leasing nearby, comparable office space. The present value of a 3-year lease expense for 6,500 sf is approximately \$295,000. The present value of a 6-year lease expense for 6,500 sf is approximately \$513,000. The lease expense appears to be a more cost-effective way to provide office space for TEX staff than the \$730,000 building renovation and modular building addition to the Port-owned building.

Several properties available for lease in the Airport Business Park were surveyed. The 80 Swan Way office building offered the amount of square footage needed, a favorable market lease rate, a tenant improvement allowance, and immediate proximity to the Airport with access to and from the Terminals via the Airport's employee parking lot shuttle bus.

The proposed Lease Agreement with TCC Swan Way LLC would be under the following terms and conditions:

- Premises: 6,500± sf consisting of approximately 4,400± sf on the first floor and approximately 2,100± sf on the third floor.
- Term: Three years with three 1-year options to extend
- Rent Schedule: Months 1 – 36 6,500 sf @ \$1.45 psf (\$9,425/month)
Rent for the three 1-year options to extend is negotiable.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20034 JAN 18 2000

BOARD ACTION TAKEN DATE
Sharon Krupp
SECRETARY OF THE BOARD

Assistant

- Increases in Operating Expenses, Taxes and Assessments. The per square foot rental rate includes janitorial and utilities and excludes telephone and premises alarm. At the end of each calendar year any increase in the landlord's direct expenses over the first year will be passed to tenants on a prorata basis. The Port would pay a prorated portion of any increases in real property taxes, assessments, and personal property tax.
- Security deposit: up to \$9,425; to be negotiated.
- Improvements: The Landlord will provide up to \$10/psf (\$10 x 6,500 sf = up to \$65,000) tenant improvement allowance for modifications to the office space to fit the TEX staff operations.

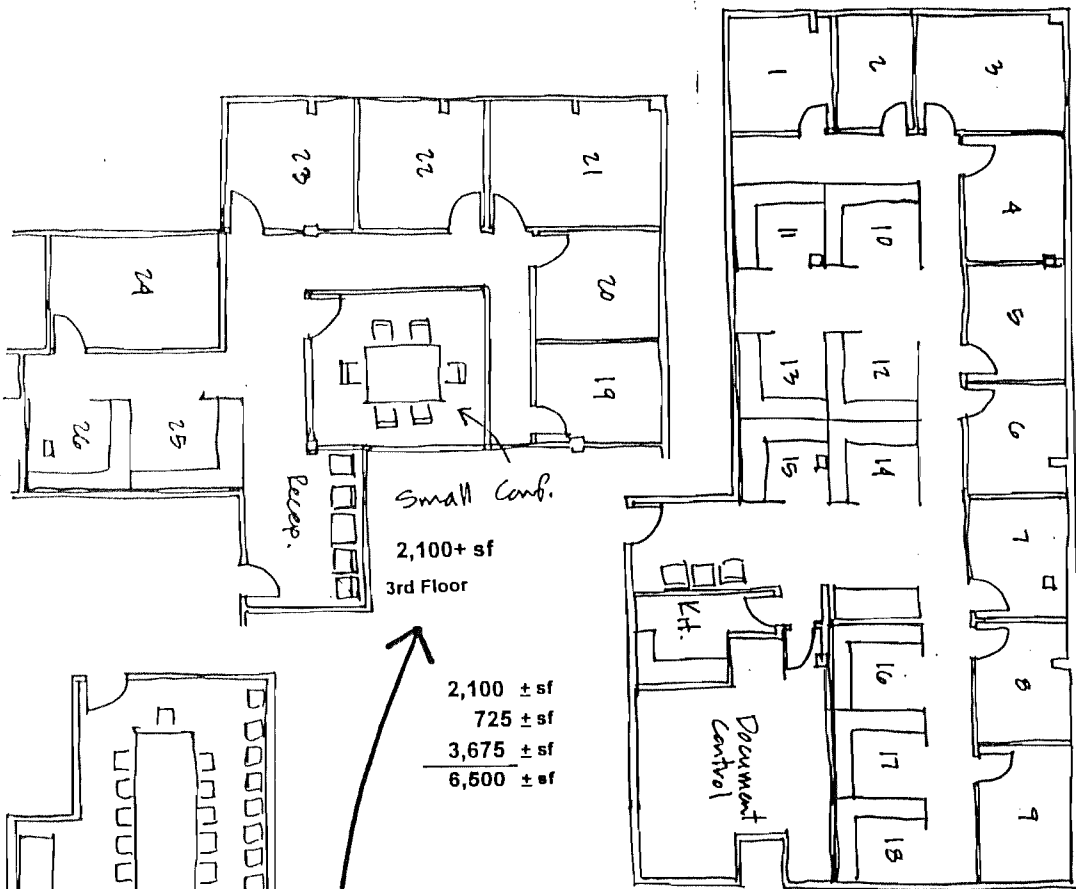
This project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

1. The Port could proceed with modifications of the Port-owned building at an expense of \$730,000. This expense could be recoverable in 14 years through subsequent rent of the modified building; however, leasing to subsequent non-Port occupants would require further upgrades such as an elevator.
2. The Port could relocate to a temporary modular "city" at the South Airport to house the TEX staff and not utilize the Port-owned building. This is an alternative for later phases of the Terminal Development Program, but at this phase of the program it would be more costly than leasing off-airport office space. Further, the location of a modular "city" would be difficult until the new Terminal Roadway layout is finalized.
3. The Port could relocate the TEX staff to appropriately sized, leased office space in close proximity the airport such as that proposed in the lease with TCC Swan Way LLC as described above.

RECOMMENDATION:

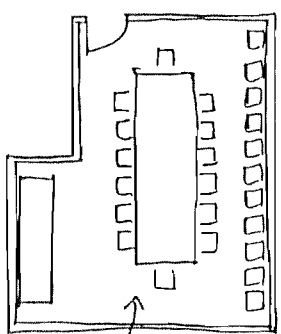
It is recommended that the Board pass a resolution approving a Lease Agreement with TCC Swan Way LLC and authorize the Executive Director to execute the Lease Agreement on behalf of the Port, subject to the Port Attorney's review and approval of the Lease Agreement form.



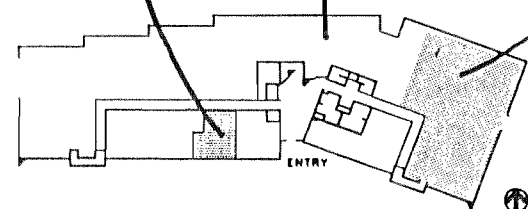
Small Conf.
2,100+ sf
3rd Floor

3,660± sf
First Floor

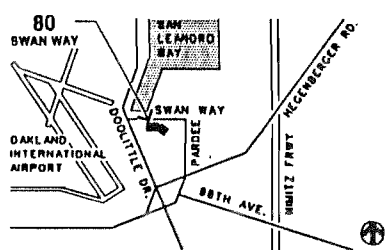
2,100 ± sf
725 ± sf
3,675 ± sf
6,500 ± sf



Main Conf.
725 ± sf



Suite Location -



Building Location

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Authorization to Accept a Grant from the San Francisco Bay Trail Regional Development Program for the Purpose of Constructing Two segments of the Bay Trail in the Vicinity of the Oakland International Airport and to Negotiate and Execute All Agreements Necessary to Comply with the Bay Trail's Grant Requirements

Date: January 18, 2000

Item No. 2

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The nine-countywide "Bay Trail Project" envisions a 400-mile trail surrounding the San Francisco and San Pablo Bays. Two unfinished segments, totaling 6,100 linear feet, are located at the Oakland International Airport. The Port of Oakland will submit a request for grant funding from the San Francisco Bay Trail Regional Development Program in an amount between \$250,000 and \$300,000 in order to fund construction of these segments. The construction of the new golf course will set aside a 10-foot wide, 1,800-foot long corridor on the southwestern side for the future construction of the Bay Trail (segment 1). No funding for actual construction of this segment is available at this time. The construction of the Airport Roadway Project allows for a Class I bike path along a portion of Doolittle Drive, through the interchange at Doolittle Drive, 98th Avenue, and Airport Drive, and along a 1,400-foot length of Airport Drive. The total length of segment 2 is 4,300 feet. The design of this class I bike lane has been incorporated into the Airport Roadway Project.

ANALYSIS:

Grant funding would allow for completion of segments of the Bay Trail at the southwestern edge of the new Lew Galbraith Golf Course and along Airport Drive, leaving only a small segment in the City of San Leandro needing completion before Doolittle and Airport Drives could be connected to the East Bay Regional Park District's Oyster Bay Park. The San Leandro segment is not the subject of this Board action. The Port is using the real estate value of the Galbraith segment and the real estate value of the ARP segment as "in-kind" contributions to the project. The Port's cost of administering and managing the contract, if awarded, would be \$19,200, and would be paid out of the Port's CIP Elements AA.00268.01 (Airport Roadway Project) and MA.2870.20 (Lew Galbraith Golf Course)..

RECOMMENDATION:

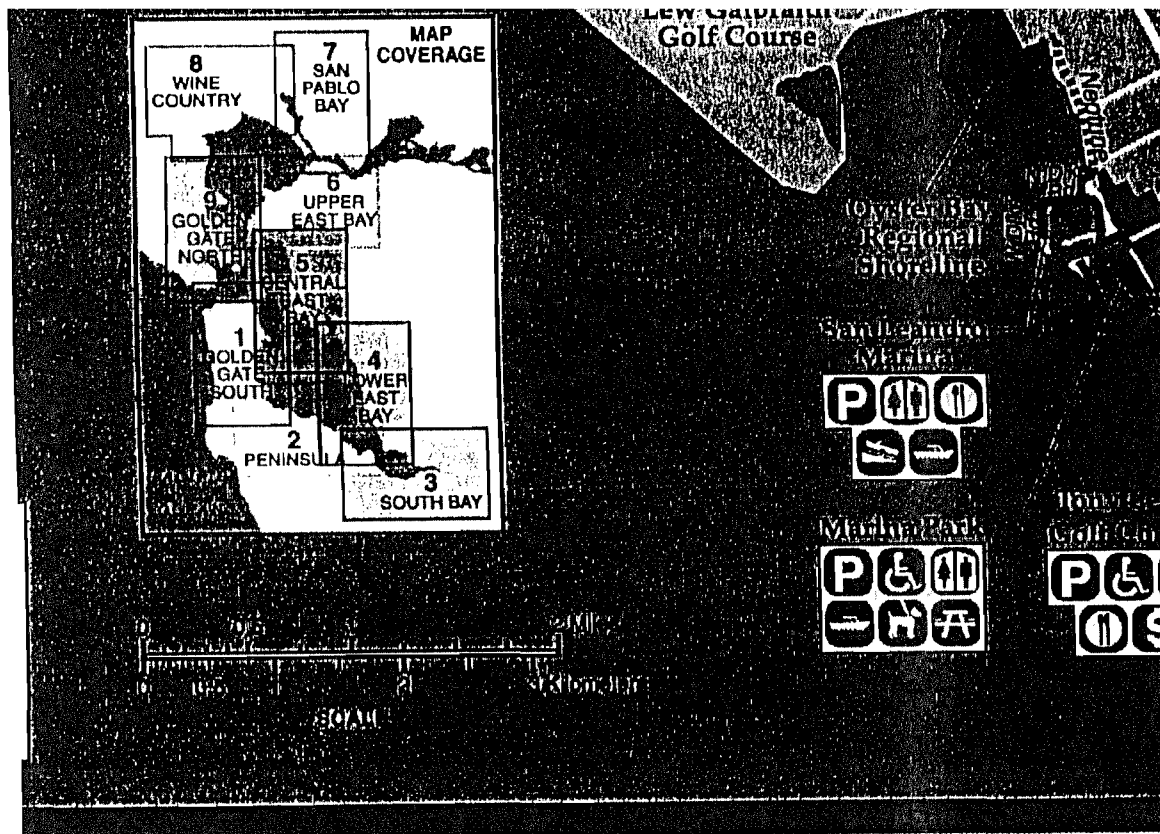
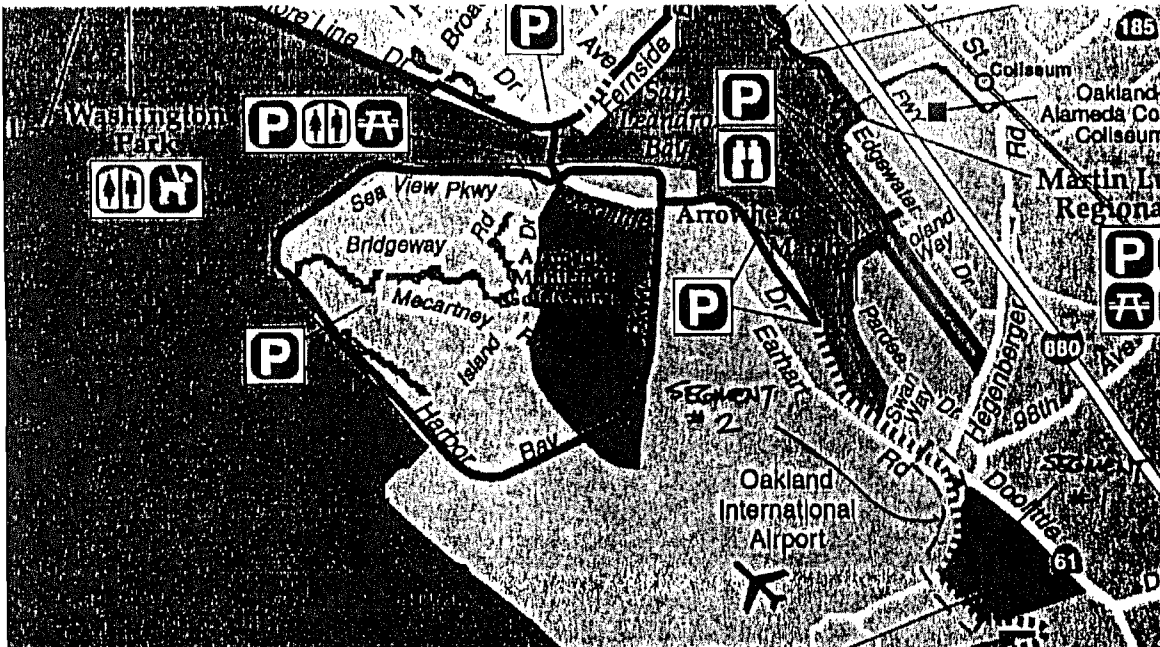
It is recommended that the Board approve a resolution authorizing the Executive Director to apply for and, if awarded, accept a grant from the San Francisco Bay Trail Regional Development Program for the purpose of constructing a total of 6,100 feet of Bay Trail at the Oakland International Airport.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20035 JAN 18 2000
BOARD ACTION TAKEN DATE

[Signature]
Assistant SECRETARY OF THE BOARD



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

TD SUBJECT: Approval to Change Order Utility Related Work from "Construction of Doolittle Drive and Airport Drive Interchange, MOIA (Contract B)" to "Widening of 98th Avenue West of I-880, MOIA (Contract C)"

Date: January 18, 2000

Item No. 3

SUBMITTED BY: Joseph K. Wong [Signature]

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

PROGRAM AREA

- [X] Airport Operations
[] Commercial Real Estate
[] Maritime Operations
[] Overall Operations

FACTUAL BACKGROUND:

The Airport Roadway Project (Project) is one of the capital improvement projects approved by Alameda County voters with the passage of Measure B in 1986. The Project will build an arterial roadway from the I-880/98th Avenue interchange in the City of Oakland to the Oakland International Airport, and then to Bay Farm Island in the City of Alameda.

The Contract for the WIDENING OF 98TH AVENUE WEST OF I-880, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA (CONTRACT C), was awarded to Oliver DeSilva dba Gallagher & Burk, Inc. on June 29, 1999 and work on the project is currently under way. The Contract for the CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA (CONTRACT B), was awarded to Gallagher & Burk-Brosamer, a Joint Venture, on June 29, 1999, and it is anticipated that the commencement date of this contract will be February 1, 2000.

ANALYSIS:

For Contract B, the utility relocation work is anticipated to take place within the first eight months of the project and is on the critical path. These utilities must cross over a sanitary sewer line to be installed under Contract B. This sewer line is to be installed at depths of up to 25 feet. It is proposed that this work be accomplished before the commencement of Contract B, so that the utility companies already on-site for the utilities relocation for Contract C can continue with their work onto the adjacent Contract B site.

OPTIONS:

- 1. Accept possible delays to Contract B and the Project resulting from utility relocation issues, and possible contractor claims for extended overhead.

cc: [illegible]

BOARD ACTION REQUIRED:

- [] MOTION
[x] RESOLUTION
[] ORDINANCE
[] INFORMATION ONLY

Approved by Resolution

No. 20036 JAN 18 2000

BOARD ACTION TAKEN DATE

[Signature]

Assistant

SECRETARY OF THE BOARD

-
2. Mitigate possible delays to Contract B and the Project resulting from utility relocation issues by accelerating the Contract. The consequence of this option is additional cost for an accelerated schedule.
 3. Mitigate possible delays to Contract B and the Project resulting from utility relocation issues by furnishing and installing the sanitary sewer line required in Contract B as a Contract Change Order to Contract C. A corresponding deductive Contract Change Order would be issued for deleting the work from Contract B. This would be done on a dollar-for-dollar basis with no increase to the total Project cost. The cost of this work is estimated to be \$500,000.

RECOMMENDATION:

It is recommended that the Board approve Option 3 above to perform the Contract B sanitary sewer work as a Contract Change Order to Contract C.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


SUBJECT: Authorization to Dispense with Formal Bidding for Remodeling of Restrooms in Lower Level of Building M-103, South Field, OIA

Date: January 18, 2000

Item No. 4

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

Plans and specifications have been prepared for **Remodeling of Restrooms in Lower Level of Building M-103, South Field, OIA**. The existing restrooms and sewer lift stations were constructed with the original terminal building in 1960. These restrooms have experienced an unforeseen increase of use resulting from the expansion of airline offices in the vicinity of these restrooms. Airline employees complain regularly about the lack of stalls and the frequent closure of the restrooms for servicing of the sewage system. The waste flows generated by the upper and lower level restrooms as well as the concessions located in the concourse exceed the service capacity of the current system. Airport Equipment System Engineers respond frequently to unclog the sewage ejectors.

Most recently, Southwest Airlines (SWA) experienced soaked carpeting in their offices resulting from the overflow of sewage. This was the third such occurrence in their offices and the third time Aviation was required to recarpet SWA's offices and the hallway adjacent to the restrooms. After the last occurrence, SWA requested that the Airport close the restrooms to avoid a possible health risk and immediately begin construction of the new restrooms and sewerage system.

The subject project will increase the number of stalls in two restroom facilities and will replace and increase the storage and pumping capacity of the failing sewage ejectors. The project also includes the construction of temporary facilities near the remodel site, for use during construction. These improvements will upgrade the service capacity of the sewerage system to better meet the current and future demand on the plumbing facilities.

ANALYSIS:

In order to eliminate the flooding and resulting water damage, and to increase the capacity of the facilities as quickly as possible, it is proposed to dispense with formal bids and to solicit proposals from general building contractors. Several contractors that are currently performing construction work on airport projects included in the Port's Small/Local Business Program are available to submit proposals for the work. In addition, other general contractors that are also in the local business area, who are currently performing work for some of our tenants have expressed interest in this project. The proposed informal, competitive bid process would allow construction to begin approximately three months earlier than the original schedule which is based on the formal bidding process. Aviation staff recommends that it be found to be in the best interest of the Port and our tenants to expedite this project.

BOARD ACTION REQUIRED

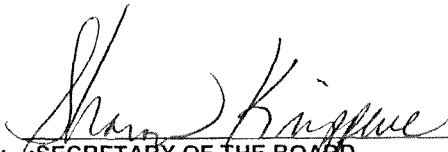
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20037

JAN 18 2000

BOARD ACTION TAKEN

DATE


Assistant SECRETARY OF THE BOARD

Authorization to Dispense with Formal
Bidding For Remodeling of Restrooms in
Lower Level of Building M-103, South Field,
OIA

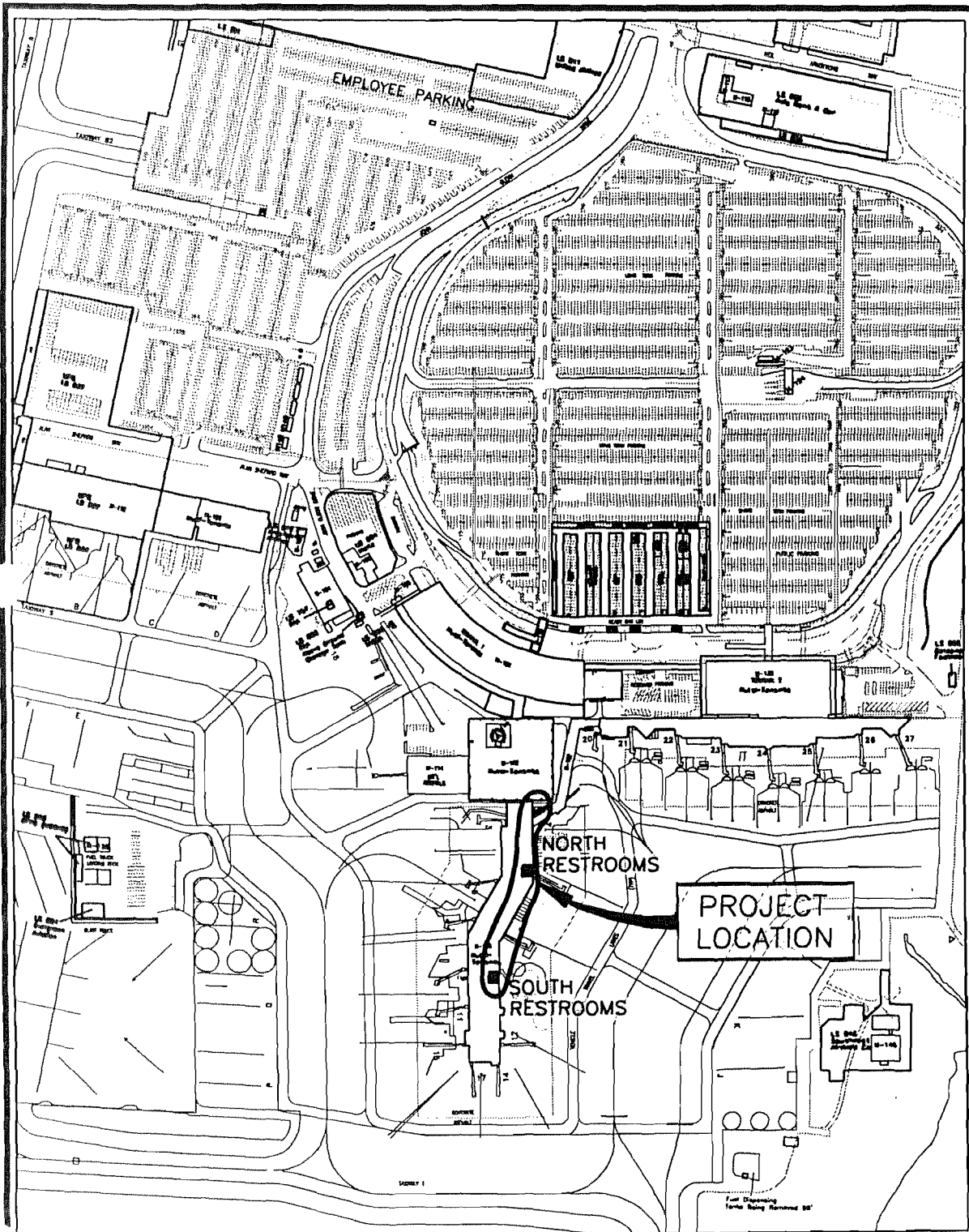
January 18, 2000
Page 2

It is estimated that the construction cost will be approximately \$505,000. The Capital Budget for Fiscal Year 2000-2001 provides for this work under CIP No. A2.00340.02. The funding source is Passenger Facility Charges (PFC) Application No. 9 and Port cash.

This project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port's CEQA Guidelines pursuant to Section: 15301, Class 1 (a, and d).

RECOMMENDATION:

It is recommended that the Board find it to be in the best interest of the Port to dispense with the formal bidding process and to solicit proposals from general building contractors in the local business area. It is also recommended that the Executive Director be authorized to execute a contract for this work with the lowest responsible proposer, said contract to be based on informal competitive proposals and in compliance with the Port's Non-Discrimination and Small/Local Business Utilization Policy.



PORT OF OAKLAND

REMODELING OF RESTROOMS
IN BUILDING M-103

- A. Geotechnical design services for the construction of Berths 55/56 yard buildings.
- B. Geotechnical design services for the construction of buildings and pavements at Middle Harbor Shoreline Park.
- C. Geotechnical design services for the construction of coastal improvements at Middle Harbor Shoreline Park.

The selections were based on the project teams' oral presentations, qualifications, and relevant experience, as well as key project personnel, project teams' technical abilities, project management abilities, and evidence of compliance with the Port of Oakland's Non-Discrimination and Small Local Business Utilization Policy.

FOR INFORMATION ONLY

A. Geotechnical Design Services for the Construction of Berths 55/56 Buildings

COMPANY	PRIME OR SUB	LOCATION OF FIRM	LIA/LBA STATUS	LENGTH OF TIME IN LIA/LBA	M/WBE STATUS	% OF TOTAL WORK	% OF SUB-CONSULTANT WORK
AGS, Inc.	Prime	Oakland	LIA	2 years	MBE	83%	n/a
Pitcher Drilling Company	Sub	Palo Alto	n/a	n/a	WBE	10%	59%
VBI In Situ Testing	Sub	Oakland	LIA	11 years		5%	29%
Elite Reprographics	Sub	Oakland	LIA	2 years	M/WBE	2%	12%

B. Geotechnical Design Services for the Construction of Buildings and Pavements at Middle Harbor Shoreline Park

COMPANY	PRIME OR SUB	LOCATION OF FIRM	LIA/LBA STATUS	LENGTH OF TIME IN LIA/LBA	M/WBE STATUS	% OF TOTAL WORK	% OF SUB-CONSULTANT WORK
Olivia Chen Consultants, Inc.	JV	Oakland	LIA	1 year 8 mos.	M/WBE	50%	n/a
Treadwell & Rollo	JV	Oakland	*	6 months		28%	56%
Pitcher Drilling Company	Sub	Palo Alto	n/a	n/a	WBE	22%	44%

* In Oakland office for only six months prior to proposal due date; does not qualify as an LIABE or LBABE.

FOR INFORMATION ONLY

C. Geotechnical Design Services for the Construction of Coastal Improvements at Middle Harbor Shoreline Park

COMPANY	PRIME OR SUB	LOCATION OF FIRM	LIA/LBA STATUS	LENGTH OF TIME IN LIA/LBA	M/WBE STATUS	% OF TOTAL WORK	% OF SUB-CONSULTANT WORK
Fugro West, Inc.	Prime	Oakland	LIA/LBA	1 year		85%	n/a
Pitcher Drilling Company	Sub	Palo Alto	n/a	n/a	WBE	15%	100%

The Port's Office of Equal Opportunity (OEO) was involved in the review of the RFQs and participated in the consultant interview process. OEO concurs in the selections.

The other firms interviewed will be placed on a list to be used to select geotechnical consultants for small projects which come up in the next year or two.

Port staff is currently negotiating with these three firms on the scopes and terms of the contracts. It is anticipated that the amounts of the agreements will not exceed \$ 100,000 each for AGS, Inc. and Olivia Chen Consultants, Inc./Treadwell & Rollo (Joint Venture), and \$250,000 for Fugro West, Inc. It is requested that the Executive Director be authorized to approve up to an additional \$ 25,000 each for Projects A and B, and \$50,000 for Project C for potential changes in scope. It is necessary to begin design work immediately after the final scope and terms are agreed upon in order to meet the project schedules. Therefore, it is proposed that the Executive Director be authorized to prepare and execute professional services agreements based on these negotiations.

The work is budgeted under CIP Nos. M6.00583.02 (Project A), M6.00540.08 (Project B), and M6.00548.01 for Project C. The funding source is Port bonds.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the engineering services as described above are professional services; and
2. Authorize the preparation and execution of agreements with AGS, Inc., Olivia Chen Consultants, Inc./Treadwell & Rollo (Joint Venture), and Fugro West, Inc. in accordance with the provisions above.

FOR INFORMATION ONLY

FOR INFORMATION ONLY

Agenda Sheet

SUBJECT: Agreement Between 1) The Port of Oakland and The City of Alameda and 2) The Port of Oakland and Bay Ship and Yacht Regarding the Oakland Harbor Navigation Improvement (50- Foot) Project

Date: January 18, 2000

Item No. 21

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

PREPARED BY: Raymond A. Boyle

EXECUTIVE OFFICE RECOMMENDATION: 

ACTUAL BACKGROUND:

Congress has authorized the Oakland Harbor Navigational Improvement (-50 Foot) Project ("Project") and if funded, the Army Corps of Engineers ("Corps") will design and construct the Project. If not funded, the Port of Oakland ("Port") may deem it necessary to do the Project itself in order to maintain the Port's economic competitiveness on the West Coast. The Project includes deepening the channel, widening the Turning Basin and lowering the Navy Sewer Main ("Sewer"). The Project affects areas on the City of Alameda ("Alameda") side of the Estuary. See attached maps for locations.

The Port requires certain real estate rights in order to begin construction. These rights include temporary and permanent easement and access rights. The property owners are Alameda, John Berry, a.k.a. Alameda Gateway, Inc. ("Gateway"), and Bay Ship and Yacht ("BSY"). Alameda is requesting approval of the Port/Alameda Agreement from its Council this date and BSY is prepared to execute the Port/BSY Agreement once the Port Board of Commissioners ("Board") approves the Agreements. An agreement with Gateway has been drafted and submitted for its review and comment and once negotiations have culminated, staff will return to the Board for approval of the Port/Gateway agreement.

ANALYSIS:

The Alameda Agreement is effective upon execution and the BSY Agreement will become effective upon Alameda and Gateway signing a limited party agreement acknowledging acceptance of the BSY Agreement. The terms of the agreements run from the effective dates and end when none of the provisions of the agreements any longer apply.

Alameda and BSY agree to provide rights of entry including access rights for areas within their control through the length of the project. An independent appraiser will be hired to determine the fair market value of acquisition. Water areas are governed by Navigational Servitude and land acquisitions are governed by Eminent Domain. Alameda and BSY agree that the Port is not obligated for compensation or for relocation for water areas. Alameda will deliver rights required subject to tenant rights and will not interfere with Port's rights, or power to acquire tenant rights for lands leased to Gateway.

Notwithstanding, Navigational Servitude, the Port at no cost to Alameda would demolish and remove existing improvements in the water area. Alameda agrees to lend its support to legislation for cost sharing between the Port and the Corps, to grant perpetual access to unleased water for no compensation to the Port/Corps for navigational purposes.

BSY premises include both lands and improvements owned by and leased from Alameda by Gateway. Access to the water, the pier space, and docking capability is all fundamental to BSY operation. In order to maintain BSY's ability to continue to operate, the Port at its sole cost has agreed to construct new Vessel Repair Facilities ("Repair facilities") to replace the facilities needed for the Project. The new facilities must be permitable, constructable and within the budget. If these criteria can not be achieved then the remaining balance of the Budget would be used to relocate BSY.

BOARD ACTION REQUIRED:

- ACTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

JAN 18 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Modifications to the Alameda Ferry Terminal ("Ferry") may be required in order to construct the Repair Facilities, collectively the Budgeted Facilities, which are subject to a 10 million-dollar budget ("Budget") including, but not limited to, costs of design, permitting, and construction. Under certain conditions the Budget balance would be escalated based on the CCI-SF inflation index.

The underlying fee owners will own and BSY will maintain the Repair Facilities. The Port will assign warranty rights to BSY for structural defects, if any. Alameda shall own the new improvements to the Ferry. The Port will not be responsible for operation or maintenance of the improvements.

As a condition to constructing the Repair Facilities, BSY must satisfy the Port that it is in possession of a long-term lease interest. In addition Alameda must provide written consent that if it terminates its lease with Gateway, BSY's lease will remain in effect and Gateway must agree to substitution of premises.

The construction of the BSY Repair Facilities or relocation expenses constitute payments under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 and other applicable laws and government codes. Likewise the Federal and California Law governs relocation benefits cited in the Uniform Regulations contained in 49 C.F.R. and other implementing regulations of such laws. Relocation benefits are not taxable under Federal or State law.

The Corps is responsible for structural defects. The Port is the last resort for curing structural defects to the bulkhead as long as the Turning Basin is active and the channel continues to support maritime commerce. The Port also agrees to make every effort to ensure that construction will be phased and coordinated with the parties to minimize disruptions to all of the parties and their operations.

Generally, one phase of construction will be completed to the maximum extent before another phase is begun. Controlling factors of which phasing will occur are whether the phase is permissible, constructable and within the budget. In all events, if the entire phase of construction cannot be completed, the work that is completed shall be left in a safe and lawful condition.

With regard to the Todd Shipyard Historic District Treatment Plan ("Plan"), if the Corps and Alameda replace the ship repair working space, Alameda shall cooperate in providing access to the waterfront for construction. Alameda will provide access to the dry dock head house, the sheet metal shop, and the crane so Port can determine if it is possible to move these structures. Alameda shall assist in finding suitable locations for any structures being moved. Alameda agrees to cooperate and assist the Port in preparing the preservation maintenance plan and subsequent permits. Alameda agrees to promptly present the Plan to the Alameda Historical Advisory Board. Alameda agrees to submit presentation of the Plan to the State Historic Preservation Officer.

Insurance requirements are being coordinated with the Port's Risk Manager.

Environmental documentation of the Project is contained in the EIR/EIS for the Oakland Harbor Navigation Improvement (-50) Foot Project dated February 1999 and scheduled for Board action early in 2000.

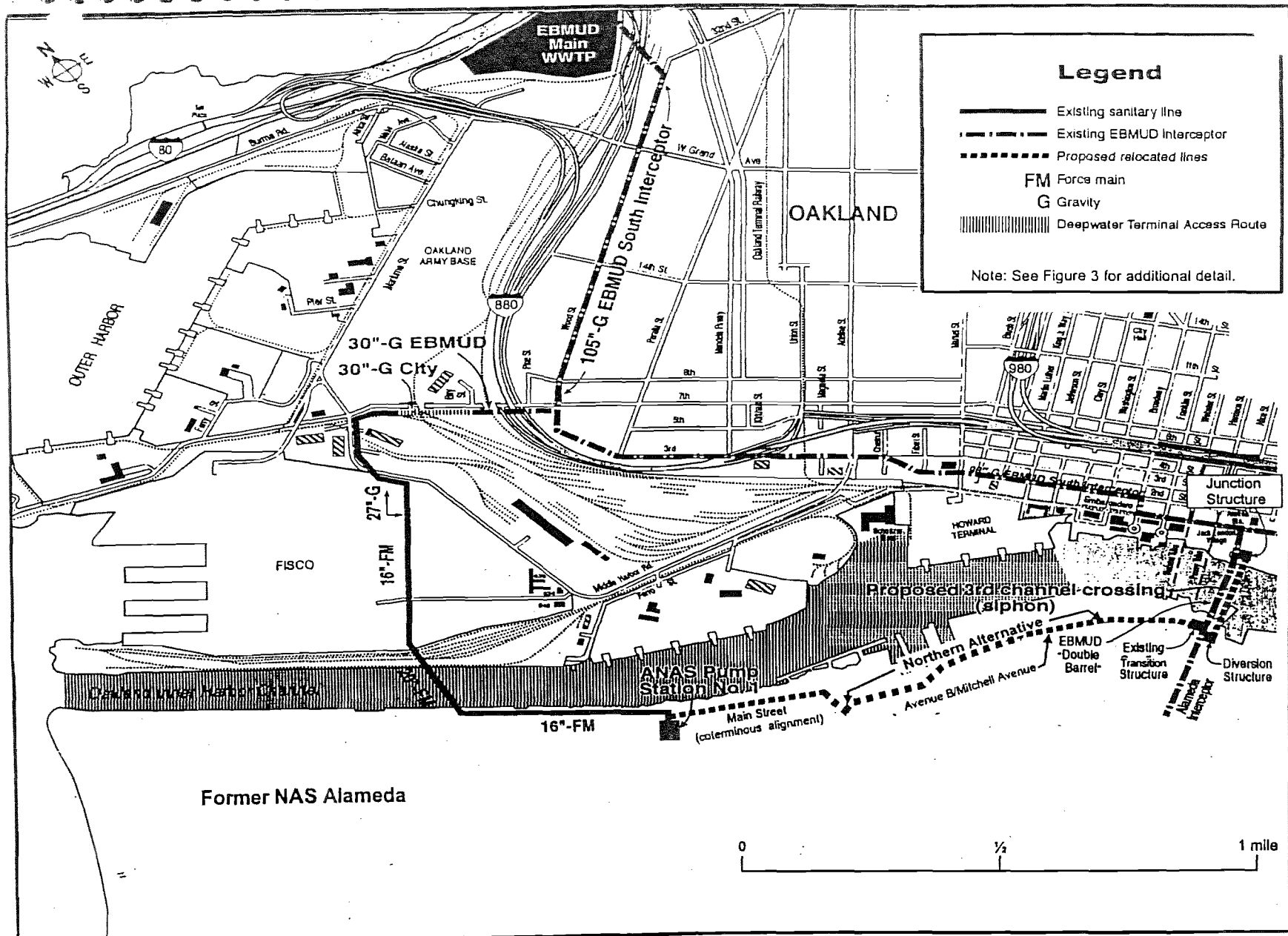
OPTIONS:

The Port needs the support of Alameda and its community for permitting, funding, and constructing the project. The Agreements clearly define obligations and responsibilities of each party.

The Project is addressed in the Oakland Harbor Improvement -50 Foot Project EIR/EIS dated February 1999 which will be presented to the Board early in 2000.

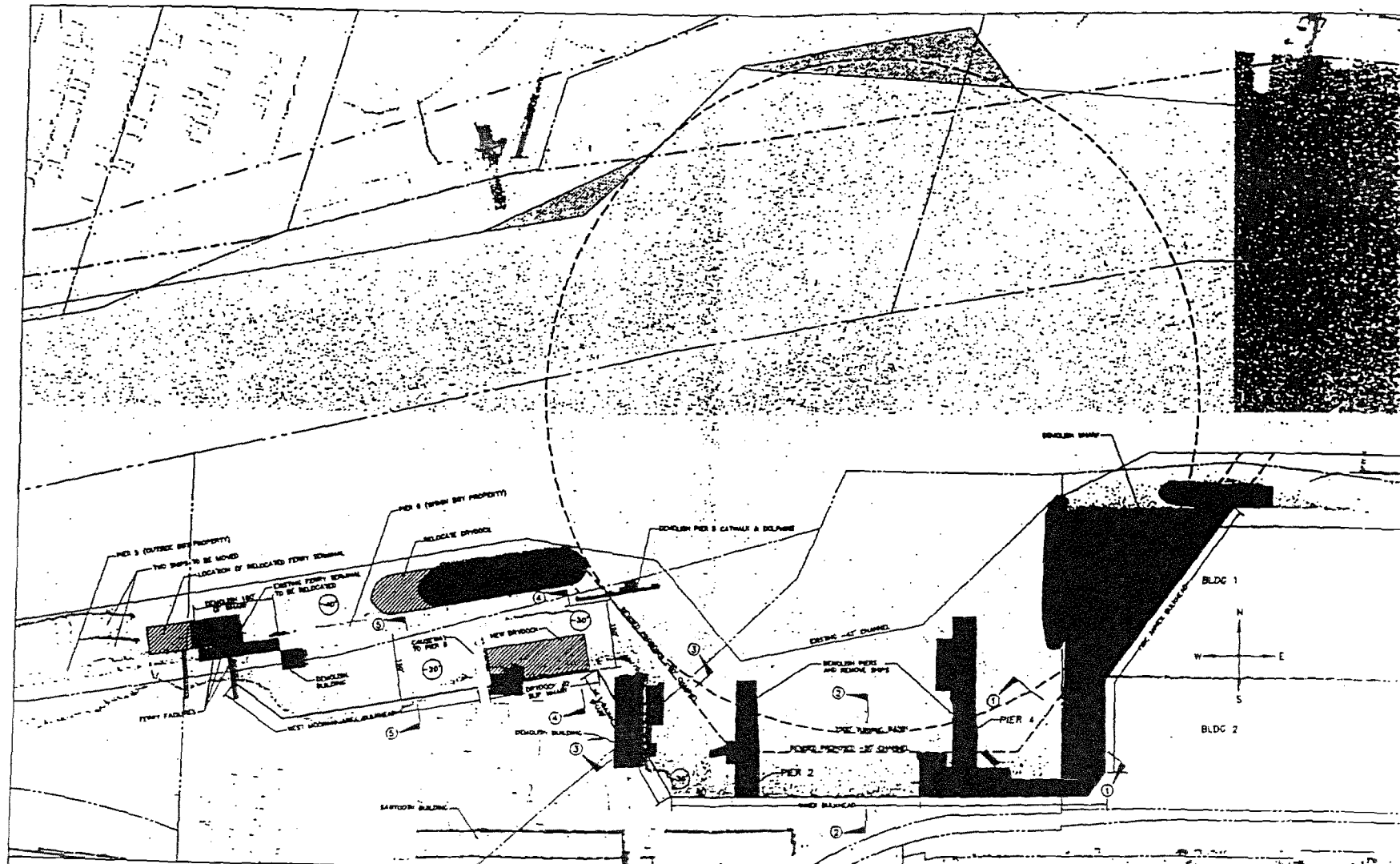
RECOMMENDATION:

It is recommended that the Board approve the execution of the Port/Alameda Agreement and the Port/BSY Agreement.



Source: East Bay Municipal Utility District, 1999

NAS Alameda Replacement Wastewater Interceptor System
 Figure 2: General Location of Project Elements



PORT OF OAKLAND

530 Water Street Oakland, California

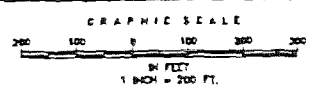


EXHIBIT A-3
 DATE: 10 DEC 99
 MOFFATT & NICHOL
 ENGINEERS

MS
for TM

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

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SUBJECT: Authorization to Accept a Grant from the Coastal Conservancy for the Purpose of the Middle Harbor Shoreline Park Public Access Feasibility Study and to Negotiate and Execute all Agreements Necessary to Comply with the Coastal Conservancy's Grant Requirements

Date: January 18, 2000

Item No. 23

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *ow*

EXECUTIVE OFFICE RECOMMENDATION: *OK*

FACTUAL BACKGROUND:

The Middle Harbor Shoreline Park ("Park") is being developed as a component of the Port of Oakland's Vision.2000 Maritime Development Program ("Program"). The Program also will significantly improve access routes to the Park for pedestrians and bicyclists. However, even after construction of these improvements, there still will be gaps in public access routes and a lack of public transit for people coming to the Park from destinations in downtown Oakland and nearby areas. In September 1999, the Port submitted a request for funding from the Coastal Conservancy for a feasibility study ("Study") of public access connections to the Park that would identify a way to close these gaps. The Coastal Conservancy has indicated that the staff will recommend a grant of \$100,000 to fund the Study. The Coastal Conservancy Board is expected to approve the grant on January 27, 2000.

ANALYSIS:

The Study would identify public access connections to the Park for pedestrians, bicyclists, and transit users. Because Middle Harbor Shoreline Park will be located in a remote area, surrounded by heavy industrial uses, ensuring safe public access to the Park is critical to its viability and attractiveness. Therefore, the Study will help to protect the Port's investment in the Park. The grant for the Study would support the Port's CIP Element No. M6.00546.04. The Port's cost of administering the Study, which is estimated to be \$12,500, would be paid for out of this CIP Element.

OPTIONS:

- 1) Do not fund this Study. This option is not recommended because it would leave significant gaps in public access to the Middle Harbor Shoreline Park.
- 2) Fund this Study from the Port's capital improvement program budget. This option is not recommended because of the Port's budget limitations
- 3) Accept the Coastal Conservancy Grant. This option is recommended.

RECOMMENDATION:

It is recommended that the Board approve a resolution authorizing the Executive Director to accept a grant from the Coastal Conservancy for the purpose of the Middle Harbor Shoreline Park Public Access Feasibility Study and to negotiate and execute all agreements necessary to comply with the Coastal Conservancy's grant requirements.

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BOARD ACTION REQUIRED

Approved by Resolution

No. 20038

JAN 18 2000

BOARD ACTION TAKEN

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Sham Kruppene
Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: January 18, 2000

- Creation of Salary Schedule
- Creation of Classifications/Positions

Item No. 31

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CWF*

FACTUAL BACKGROUND:

I. CREATION OF SALARY SCHEDULE – Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following salary schedule (Rep. Unit A) in order to implement the creation of the classification being created in Item III. A) below.

Salary Schedule 83.8 (a--\$2,854; b--\$2,998; c--\$3,150; d--\$3,331; e--\$3,523)

II. CREATION OF CLASSIFICATIONS/POSITIONS – Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the classification of **Building Services Assistant (Rep. Unit A)** at **Salary Schedule 83.8 (Item I. A) above**. It is also requested that the Board create one position of this classification. The position in this new classification will replace the Custodian position whose incumbent retired at the end of the year in 1999.

B) It is requested that the Board approve the creation of the classification of **Building Services Coordinator (Rep. Unit D)** at **Salary Schedule 233 (a--\$4,070; b--\$4,272; c--\$4,487; d--\$4,756; e--\$5,041)** to implement the upgrade of a Port Office Equipment Technician position approved in the FY 99-00 Staffing Plan. It is also requested that the Board create one position of this classification

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 1/19/99	AS OF 1/4/00	AS OF 1/18/00
Full-Time Employees	612.00 FTE	545.00 FTE	559.00 FTE	554.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators		3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)	11.00 FTE*	8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	558.40 FTE	572.40 FTE	567.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count decrease due five separations.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

JAN 18 2000

BOARD ACTION TAKEN

DATE

Man Kuppene

SECRETARY OF THE BOARD

Assistant

TEMPORARY AGENCY WORKER COUNT AS OF 1/7/00

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	14	9	1	8	0	0	32
* CIP	0	0	9	6	0	0	15
LEAVE BACKFILL (NON MEDICAL)	1	0	0	0	0	0	1
MEDICAL BACKFILL	5	2	0	0	0	0	7
* SPECIAL PROJECT	3	4	1	7	1	0	16
WORKER'S COMP BACKFILL	0	4	0	1	0	0	5
T O T A L S	23	19	11	22	1	0	76

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	10/26/99	11/2/99	12/22/99	1/7/00
BACKFILL	27	35	34	33	32
* CIP	18	16	16	16	15
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	7	6	1	1
MEDICAL BACKFILL	4	4	5	7	7
* SPECIAL PROJECTS	11	16	14	17	16
WORKER'S COMP BACKFILL	3	4	5	4	5
T O T A L S	63	82	80	78	76

COUNT SUMMARY

CURRENT FTE COUNT	567.40
CURRENT TEMPORARY AGENCY BACKFILLS	32.00
VACANT POSITIONS	16.00
T O T A L	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of salary schedule and creation of classifications/positions

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: January 18, 2000

- Terminations

Item No. 31A

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

SUBMITTED BY: Robert C. Martínez *RM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CF*

FACTUAL BACKGROUND:

I. TERMINATIONS—Resolution (1 Reading)

- A) It is requested that the Board approve the termination of Ms. Janet Meth, Assistant Port Environmental Planner, in the Engineering Division, for completion of her Limited Duration assignment, effective the close of the workday of January 18, 2000. *pulled*
- B) It is requested that the Board approve the termination of Mr. James Knox, Custodian, in the Aviation Division, for cause, effective the close of the workday of January 18, 2000.

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding terminations.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20039

JAN 18 2000

BOARD ACTION TAKEN

DATE

Sharon Kruppner
Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Report on costs and benefits of possible adoption of a living wage policy.

Date: January 18, 2000

SUBMITTED BY: John Glover 

Item No. 32

EXECUTIVE OFFICE RECOMMENDATION:

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations



FACTUAL BACKGROUND:

Port of Oakland staff conducted a survey and prepared a report to provide the Board of Port Commissioners with information on the costs and benefits of instituting a living wage ordinance at the Port of Oakland. This agenda sheet summarizes that report, which is available under separate cover.

In March 1998, the City of Oakland adopted a living wage ordinance that applies to service contractors, recipients of financial assistance from the City, and tenants of the latter. In May 1999, Jim Dupont, a representative of the Hotel and Restaurant Workers Union, requested a meeting with Port staff to urge that the Port adopt the City of Oakland's living wage ordinance. He also asked that it be extended to Port tenants. We agreed to study the issue.

Over the last few years, dozens of U.S. cities have adopted "living wage" policies or ordinances that require companies doing business with the municipality to pay employees wages that support a minimum standard of living. The most common justification for this policy is that the public, through its elected representatives, desires businesses that benefit from public tax revenue to pay a living wage to employees, even if it means higher costs for the city and higher taxes for the residents. There is no clear-cut definition of a living wage, but most cities have used some measure of the minimum wage needed to support a family above the poverty level.

Many communities set two living wage levels: one for employers that pay for employee health coverage and a higher one for firms that do not. The purpose of the higher level is both to penalize employers that do not provide health benefits and to enable employees to pay for their own medical coverage.

In April 1998, the City of Oakland passed an ordinance setting a living wage of \$8/hour with health benefits and \$9.25/hour without health benefits, and requiring that 12 paid days off per year (including holidays, sick leave or vacation) and 10 uncompensated days off for family or personal sick leave be made available upon request for employees of covered businesses. Hourly rates for FY99-00 have been set at \$8.30 and \$9.55, with and without health benefits, respectively. The covered businesses include service contractors and city financial assistance recipients, as well as service contractors and tenants of financial recipients.

To determine the likely additional cost to the Port of adopting a living wage ordinance that covers the same groups included in the City's ordinance, staff reviewed existing service contracts that feature traditionally low-paying occupations: security, parking, shuttle bus and janitorial services. (Current Port financial assistance recipients appear to already meet the living wage provisions.) The wages currently specified by the City of Oakland ordinance were used in estimating the financial impact of a similar living wage ordinance for the Port of Oakland. The results of the study indicate that annual costs would range from about \$0.4 million to \$0.5 million. With Port expansion projects included, costs in five years would range from \$0.6 million to \$0.9 million. The analysis assumes that employers currently paying for their employees' health benefits will continue to do so, and that employees will not reject health insurance in order to receive an extra \$1.25 per hour. In the latter case, employers' current direct costs would rise by about \$50,000, minus the savings on health benefits. Most of the surveyed employers appear to pay for employee health benefits, and most provide at least 12 paid days off per year.

About 75 to 100 low-paid service industry workers would benefit from higher wages through a policy, according to the study. In five years, with expansion projects underway, about 100 to 150 workers would benefit each year. Employees would also benefit from the provision of health benefits for themselves and, in many cases, for their families.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN DATE

SECRETARY OF THE BOARD

Report on costs and benefits of possible adoption of a living wage policy

The City of Oakland's ordinance does not cover tenants of the City. However the magnitude of the cost of extending a Port ordinance to cover Port tenants can be obtained from a December 1999 study titled "Living Wages at the Port of Oakland" by Carol Zabin, Peter Hall and Michael Reich, researchers at the University of California at Berkeley. They surveyed Port tenants, some service contractors, and some subcontractors of tenants. They estimated a total annual cost of \$11 million to \$13 million to extend the City of Oakland's living wage provisions to the Port and to the additional classes of businesses.

The added cost of doing business varies considerably depending on the types of business relationships that are covered by a living wage ordinance – service contractors, tenants, financial assistance recipients, etc. The limited information available from other cities with living wage ordinances suggests that a significant portion, and possibly all, of the additional costs would ultimately be passed on to the Port in the form of higher bids, reduced services, rent reductions, etc. In addition, higher expenditures and lower revenues will diminish the Port's ability to finance projects with revenue bonds. For example, additional annual costs of \$0.4 million would reduce the Port's bonding capacity by about \$4 million. Annual costs of \$13 million, as estimated by the Berkeley study, would reduce the Port's bonding capacity by about \$130 million.

The Port will also incur additional personnel costs in establishing and publicizing a program, determining eligibility, monitoring compliance, responding to complaints, and auditing covered firms. Three to five FTEs are typically needed to run a living wage program in other jurisdictions, although the City of Oakland needed only 1.5 FTEs in 1999. All companies in covered business categories will incur initial costs in determining eligibility under an ordinance. For some firms, annual or periodic reporting may be necessary to maintain an exemption. Affected firms will incur administrative costs in preparing and submitting payroll and other paperwork to the Port.

RECOMMENDATION:

This report is for information only. More details on the Port study can be found in the Port staff report, available under separate cover.

Board of Port Commissioners PORT OF OAKLAND
Agenda Sheet

SUBJECT: CLOSED SESSION

Date: January 18, 2000

Item No. 40

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *ccm*

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: 3 cases
2. Personnel Matters "Public Employee Discipline/Dismissal/Release",
(California Government Code Section 54957)
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under
Government Code Section 54956.8, under negotiations:
 - Property: Brush and Third Streets, Oakland
 - Negotiating Parties: Port of Oakland and M.A. Mortenson Company
 - Under Negotiation: Price and Terms of Payment
 - Property: 7711 Oakport
 - Negotiating Parties: Interested Parties in Response to RFP
 - Under Negotiation: Price and Terms of Agreement

SUPPLEMENTAL

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.
(Subdivision (a) of Section 54956.9):
 - City of Oakland v. Syufy Enterprises, LP, Alameda County Superior Court Case No. 806792.
 - City of Oakland v. Sara Fay Cannizzaro, et al., Alameda County Superior Court Case No. 812853-5.
 - Division of Labor Standards Enforcement v. Vortex Diving, Inc., and Related Cross Complaint, Alameda County Superior Court Case No. 79193-2.
5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: 1 case.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
25384
- INFORMATION ONLY

BOARD ACTION TAKEN DATE

SECRETARY OF THE BOARD

SUMMARY AGENDA OF BOARD CALENDAR
January 18, 2000

AIRPORT

5S Approval of License and Concession Agreement with Bank of America National Association (7845 Earhart Road, North Airport). (Resolution)

 Recommends approval of the agreement to cover space used for their corporate aircraft on the North Airport.

6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Bay Avionics, Inc. (8991 Earhart Road, North Airport). (Resolution)

 Recommends approval to extend their agreement for use of a portion of Hangar 3. Notes that a proposed Master Tenant for the hangar is under consideration.

7S Approval of Agreement with EBMUD for Construction of Temporary Water Line at Doolittle Drive and Airport Drive Interchange Under the Airport Roadway Project. (Resolution),

 Recommends approval of the agreement to provide for a temporary water line during construction of the new interchange.

COMMERCIAL REAL ESTATE

11S Recommendation Approval of New License and Concession Agreement - AFI Marketing. (Resolution)

 Recommends approval of the agreement covering a small pedestrian fire exit lane in Parking Lot 11.

MARITIME

24S Approval of Lease Assignment from Chancellor Media Corporation, a California Corporation, to Chancellor Media Corporation of Ohio, a Delaware Corporation. (Resolution)

 Recommends approval of the assignment which is part of their corporate restructuring.

25S This item not used.

ORDINANCES:

Port Ordinance No. 3559 being, "AN ORDINANCE AUTHORIZING AND APPROVING A LEASE WITH FEDERAL EXPRESS CORPORATION AND RENTAL CREDIT, WITHOUT COMPETITIVE BIDDING."

Provides for approving a lease with Federal Express Corporation and rental credit.

Port Ordinance No. 3560 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A LEASE WITH SCORE LEARNING CORPORATION, INC. FOR THE REAL PROPERTY LOCATED AT 66 JACK LONDON SQUARE, OAKLAND, CALIFORNIA."

Provides for approving a lease with Score Learning Corporation for the real property located at 66 Jack London Square.

Port Ordinance No. 3561 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH TCC SWAN LAND, LLC, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.23 ACRE PARCEL OF LAND LOCATED IN THE OAKLAND AIRPORT BUSINESS PARK."

Provides for authorizing the purchase and sale agreement with TTC Swan Land, LLC for the Port's sale of 2.23 acre parcel of land located in the Oakland Airport Business Park.

Port Ordinance No. 3562 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULE NO. 596.02, CREATING A NEW POSITION OF PROGRAM DIRECTOR, AIRPORT TERMINAL EXPANSION AND CREATING AN ADDITIONAL POSITION OF COMMERCIAL REPRESENTATIVE V."

Provides for amending and creating new salary schedules, creating a new position of Program Director, Airport Terminal Expansion and creating an additional position of Commercial Representative V.

Port Ordinance No. 3563 being, "AN ORDINANCE AMENDING SECTION 1.03 OF PORT ORDINANCE NO. 867 RELATING TO THE COMPENSATION AND INCENTIVE PROGRAM."

Provides for amending the compensation and incentive program.

Agenda Sheet

SUBJECT: **First Reading of Ordinance Approving New Lease with Federal Express Corporation for Metroplex with Accompanying Rental Credit of \$363,099 (1 Sally Ride Way, South Airport)**

Date: January 4, 2000

Item No. 1

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

SUBMITTED BY: Steven J. Grossman *S.J. Grossman*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

This action would authorize the Executive Director to enter into a new consolidated lease with Federal Express Corporation ("FedEx") for its sorting and distribution facilities and accompanying aircraft apron areas ("Metroplex") located on the South Airport. This action also would approve a one time rental credit of \$363,099 for repairs made to the aircraft apron that were the responsibility of the Port of Oakland under FedEx' existing agreements. Finally, this action would approve the termination of FedEx' existing five Metroplex facility agreements and transfer all obligations therefrom concurrent with the commencement of the term of this agreement.

FedEx presently leases its contiguous Metroplex facilities under five separate agreements, each with different terms and conditions. This action would approve the execution of a single consolidated lease covering all five existing agreements, as well as an option to lease additional land under a right of first refusal.

Currently, FedEx pays a total of \$2,189,496 in annual rental (\$182,458 / month). Most of this rental is derived from the principal Metroplex lease with FedEx, which term presently extends through August 31, 2011. The other four license agreements are now under holdover status. Under the proposed consolidated agreement, FedEx would pay annual rental of at least \$3,509,916 (\$292,493 / month). The demised premises of this proposed agreement includes some unimproved land (to be later improved by FedEx), some improved land, and a building.

A professional appraisal of the subject premises was undertaken as the basis for negotiation of the new rental valuation. The appraiser was instructed by Airport Properties staff to value the properties based on the level of improvements made by the Port (or a prior tenant). FedEx accepted the appraisal as a fair valuation of the premises. Subsequent to the appraisal, each of the parcels was revalued upwards during negotiations, as follows:

Parcel no.	Level of improvement	Area (sf)	Rate / sf / mo.	Monthly rental
1A	Paved, heavy	561,799	\$0.1230	\$69,101
1B	None	359,733	0.0763	27,448
1B1	None	80,817	0.0763	6,166
2A	Paved, heavy	46,897	0.1230	5,768
2B	None	36,143	0.0763	2,758
2B1	None	3,688	0.0763	281
2C	None	80,894	0.0763	6,172
2D1	Paved, light	347,221	0.0923	32,048
3D2	None	111,573	0.0763	8,513

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

JAN - 4 2000

BOARD ACTION TAKEN DATE

[Signature]
SECRETARY OF THE BOARD

Assistant

2E	None	77,855	0.0763	5,940
2F	None	41,937	0.0763	3,200
3A	Paved, heavy	117,433	0.1230	14,444
3B	Paved, medium	141,313	0.1025	14,485
3C	Paved, medium	40,823	0.1025	4,184
4	None	360,766	0.0763	27,526
5	Paved, light	295,152	0.1128	33,278
Sally Ride Way	Paved, heavy	49,223	0.1230	TBD
Bldg. M-132	Building	17,280	1.6400	28,339
6	None	781,466	0.0763	TBD
Totals:				\$292,493

The rental credit of \$363,099 is for aircraft apron repairs made by FedEx to Parcel 1A, which repairs were the Port's responsibility under the existing agreement. The new agreement assigns all maintenance and repair responsibility, as well as assumption of all such costs related thereto, to FedEx.

A summary of pertinent terms and conditions contained within the proposed lease follows:

Term: The term shall commence on the effective date of the ordinance approving this lease and shall terminate December 30, 2011.

Rental rates /sf / mo. (proposed effective June 1, 2000 *)

Level of improvements	Existing rental rates	Proposed rental rates
<input type="checkbox"/> None (unimproved land)	\$0.0675	\$0.0763
<input type="checkbox"/> Light apron	0.0737	0.0923
<input type="checkbox"/> Heavy / light	0.08	0.1025 - 0.1128
<input type="checkbox"/> Heavy	0.0868 - 0.1333	0.1230
<input type="checkbox"/> Building ("Clorox" M-132)	1.35	1.60

* Although the lease commences earlier, the above rates are to be effective June 1, 2000.

Adjustment of rental rates during the term: The rates will be adjusted in accordance with increases in the San Francisco/Oakland Consumer Price Index - All Urban Consumers every 30 months, with the first adjustment effective July 1, 2002. Subsequent CPI adjustments would be effective, as follows: January 1, 2005; July 1, 2007; and January 1, 2010.

Right of First Refusal

FedEx shall possess a right of first refusal to lease all or part of Parcel 6 (adjacent unimproved land approximately northeast of the Metroplex) and Sally Ride Way. Such right shall be exercised by acceptance within sixty (60) days following notification to FedEx of the terms and conditions to which the Port would have agreed with a third party.

Preferential, Non-Exclusive Rights: FedEx shall rent the following parcels on a preferential, non-exclusive basis: Parcels 1-A, 2-A, and 5 (three certain paved aircraft apron areas), with the Airport reserving the right to assign a portion of these parcels to other users (not to exceed 20% of total usage).

Rent Credit: The amount of the rent credit is \$363,099 for resurfacing work made by FedEx on the aircraft apron for safety and structural purposes. This work was the Port's responsibility under the terms of its existing agreements. This work has already been completed by FedEx and was performed under a Port authorized permit. The Board's approval of this action would waive formal competitive bidding in authorizing the rental credit.

Maintenance of Premises: FedEx is responsible for maintenance and repair of the premises at its sole cost and expense.

Other standard terms and conditions: Such other standard Port leasehold terms and conditions as are required by the Port Attorney.

ANALYSIS:

Taking no action would result in no increase in the monthly rental and allow a number of expired agreements to remain under holdover status. Renegotiating the existing five agreements most likely would not result in an operational or financial conclusion better than that being proposed. Approving the new consolidated lease with FedEx would allow for increased rents to commence on June 1, 2000 and would immediately relieve the Airport of its current maintenance and repair responsibilities on some of the Metroplex parcels.

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) which exempts: a) renewals, extensions, or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing; and b) interior alterations.

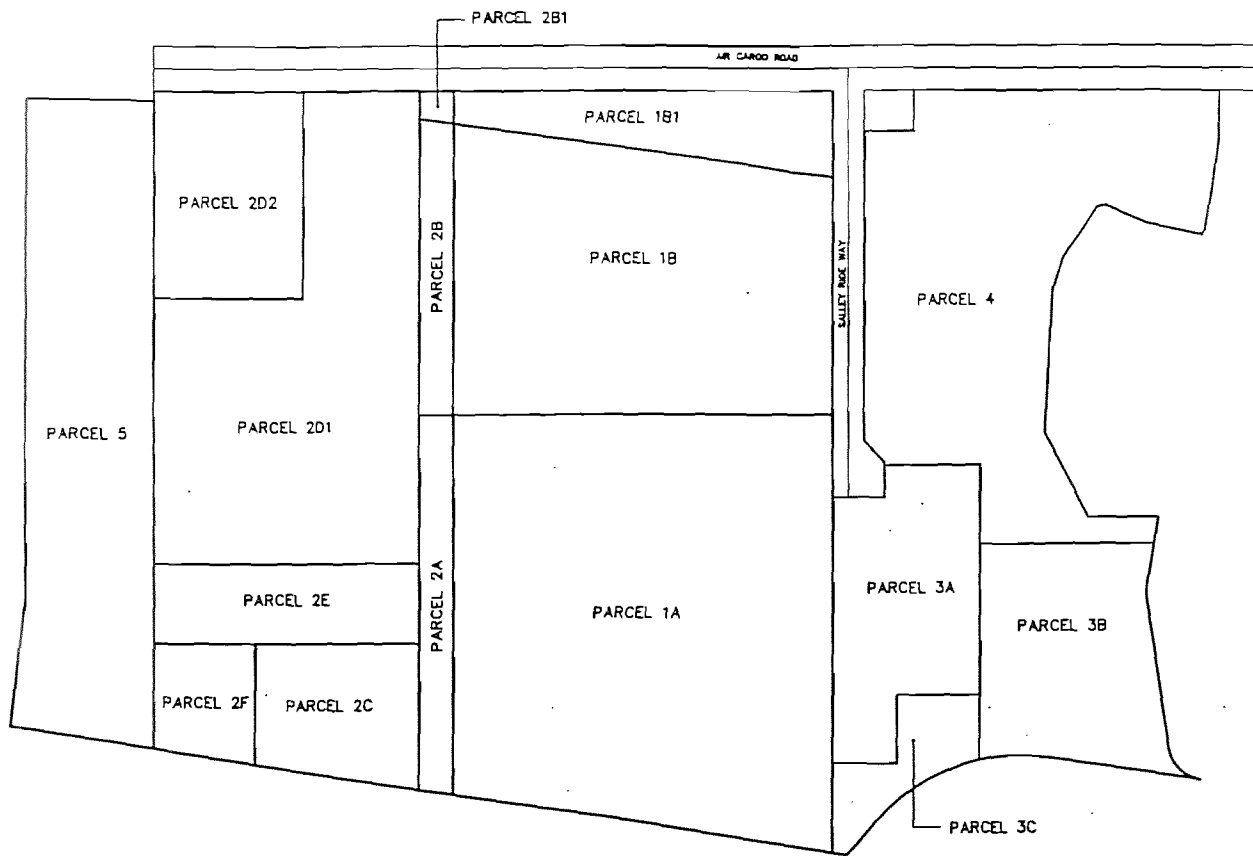
This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

OPTIONS:

1. Take no action.
2. Renegotiate the individual leases with FedEx.
3. Approve the new consolidated lease with FedEx for its sorting and distribution facilities and accompanying aircraft apron areas.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance approving and authorizing the Executive Director to execute a lease with Federal Express Corporation substantially in accordance with the terms and conditions of this Board letter with such changes as may be approved by the Executive Director and Port Attorney, approving the termination of FedEx' existing five Metroplex facility agreements and transferring all obligations therefrom concurrent with the commencement of the term of this agreement, and further approving a one-time rental credit of \$363,099 to Federal Express Corporation for aircraft apron repairs while waiving formal competitive bidding.



PARCEL AREA	
PARCEL 1A	561,799 SQ. FT.
PARCEL 1B	359,733 SQ. FT.
PARCEL 1B1	80,817 SQ. FT.
PARCEL 2A	46,897 SQ. FT.
PARCEL 2B	36,143 SQ. FT.
PARCEL 2B1	3,688 SQ. FT.
PARCEL 2C	80,894 SQ. FT.
PARCEL 2D1	347,221 SQ. FT.
PARCEL 2D2	111,573 SQ. FT.
PARCEL 2E	77,855 SQ. FT.
PARCEL 2F	41,937 SQ. FT.
PARCEL 3A	134,713 SQ. FT.
PARCEL 3B	141,313 SQ. FT.
PARCEL 3C	40,823 SQ. FT.
PARCEL 4	360,766 SQ. FT.
PARCEL 5	295,152 SQ. FT.

PORT OF OAKLAND



530 Water Street
Oakland, California



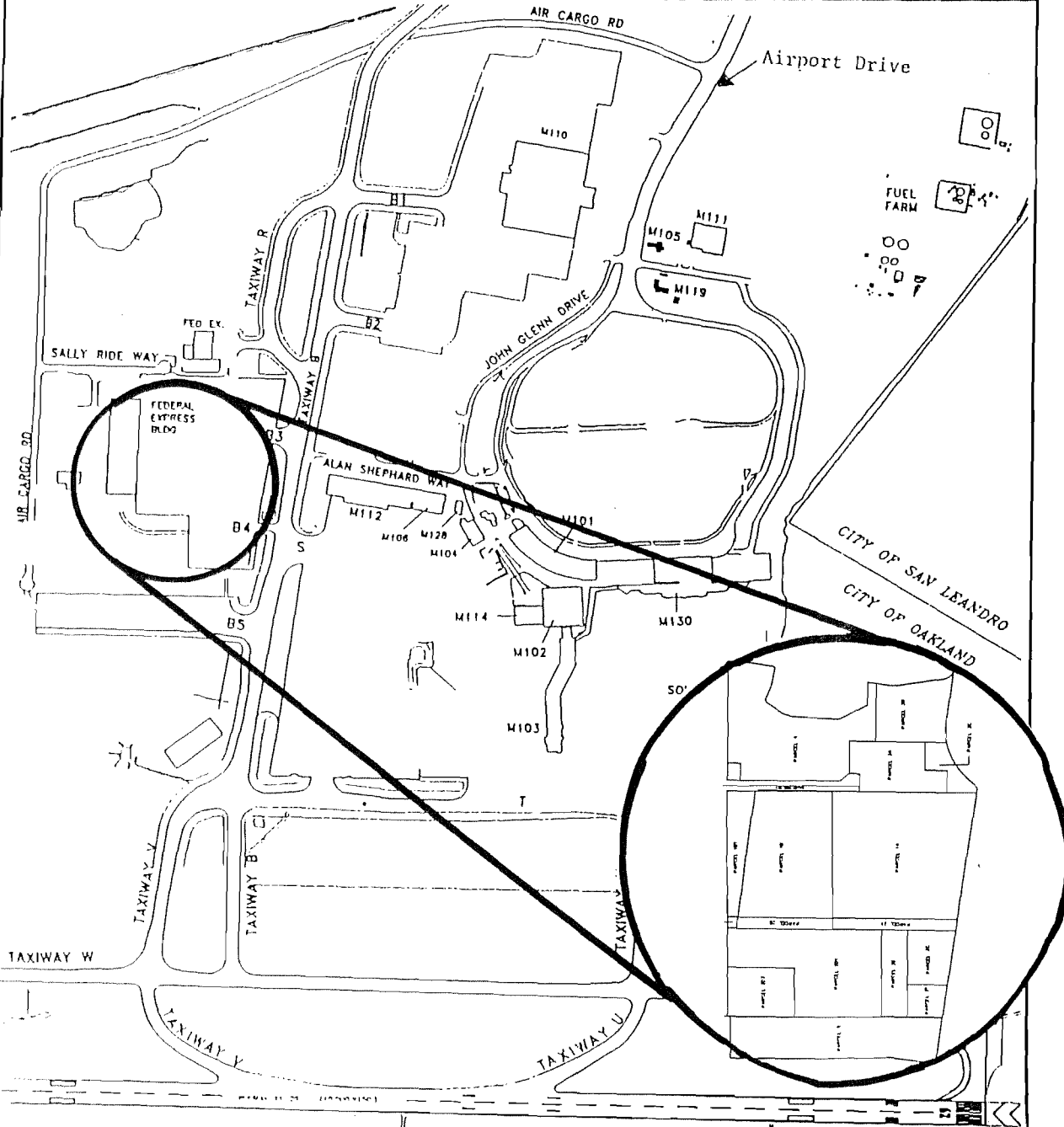
LEASE AREA PLAT
FEDERAL EXPRESS-METROPLEX FACILITY
INTERIM LEASE AREAS
METROPOLITAN OAKLAND INTERNATIONAL AIRPORT

DRAWN BY: JRM	FIELD BOOK:
CHECKED BY:	DATA FILE:
SCALE: 1" = 200'	WORK ORDER NO: 206120
DATE: 2/26/98	REVISION: 1
SHEET 1 OF 1	REVISION DATE: 03/19/98
ATLAS MAPS:	
FILE LOC.: \\TRANSBAY\206120_JRM\FEDXAREA.DWG	

First Reading of Ordinance Approving New Lease with Federal Express Corporation
for Metroplex with Accompanying Rental Credit of \$363,099
(1 Sally Ride Way, South Airport)

**Board of Port Commissioners
Calendar Item**

First Reading of Ordinance Approving New Lease with Federal Express Corporation
for Metroplex with Accompanying Rental Credit of \$363,099
(1 Sally Ride Way, South Airport)



**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: First Reading of an Ordinance Authorizing a Lease with Score Learning Corporation, Inc. and Authorization to execute a Termination Agreement with Alameda Newspaper Group, Inc. for the Property located at 66 Jack London Square

Date: January 4, 2000

Item No. 12

PROGRAM AREA

- Airport Operations
Commercial Real Estate C. I.
Maritime Operations
Overall Operations

DUPLICATE OF PRIOR CALENDAR MEMO

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Alameda Newspaper Group (ANG) is currently a tenant on the third floor of the Port building located at 66 Jack London Square. The leased premises contains 30,500 square feet of office space. The ten-year lease term is to expire in 2002. ANG currently pays the Port \$1.46 per square foot, per month. Last year ANG informed the Port of plans to renovate the Tribune Tower in downtown Oakland and relocate the ANG operations in Oakland and Hayward to the newly renovated space. ANG and the Port of Oakland worked with BT Commercial and LCB Associates to find a new office tenant for the space to be vacated by ANG at 66 Jack London Square. It is proposed to enter into a ten-year lease with Score Learning Corporation, Inc. (Score), to occupy the entire 3rd floor under the terms and conditions outlined below. It is also proposed to terminate the lease with ANG, effective January 9, 2000. In exchange for the termination of the ANG lease by the Port, and in effect to ANG vacating the premises by January 8, 2000, ANG would pay the Port \$135,000.

Score Learning Corporation, Inc. is a subsidiary of Kaplan Education Centers, Inc. Score currently leases space in San Francisco and is interested in moving to Oakland as a location for their national headquarters, including a new internet division called eScore.com. Score will have approximately 150 employees on site. The site will be used for administrative purposes. Score currently has 100 after school learning centers throughout the United States. The centers focus on academic curriculum, goal setting and confidence building for young children.

Upon ANG vacating the premises the 3rd floor will need major updating and renovation. The existing tenant improvements (carpet, paint, and lights) are approximately 10 years old and will need to be replaced. It is also proposed to upgrade the plumbing fixtures to alleviate excessive maintenance costs incurred in the past. The improvements are cost effective and considered necessary to attract a desirable tenant who is willing to pay market rental rates.

PROPOSAL:

The proposed lease will contain the following terms and conditions:

- Tenant: Score Learning Corporation, Inc.
Guarantor: Kaplan Education Centers, Inc.

BOARD ACTION REQUIRED:

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20010 JAN - 4 2000

BOARD ACTION TAKEN DATE

[Signature]

Assistant SECRETARY OF THE BOARD

**1 Reading of an Ordinance Authorizing a Lease with Score Learning Corporation, Inc. and Authorization to execute a Termination Agreement with Alameda Newspaper Group, Inc. for the Property located at 66 Jack London Square
January 4, 2000
Page 2**

- Term: Ten (10) years.
- Commencement Date: April 1, 2000 or upon substantial completion of tenant improvements
- Security Deposit: Equal to one month's rent.
- Rent: \$2.15 psf, fully serviced, with annual 3% increases.
- Base Year: 2000, tenant shall pay its pro-rata share of increases in operating expenses, above the base year.
- Option to Extend: Tenant shall have two five-year options to extend the lease term. The first option will have a rental rate of \$2.85 psf with 3% annual increases.
- Right to Terminate: Tenant shall have the right to terminate the lease after the 84th month by providing six (6) months prior written notice.
- Tenant Improvements: Landlord agrees to contribute \$30.00 psf.
- Parking: Tenant shall have 75 parking stalls at the rate of \$75 per stall, per month, for the initial five (5) years of the term. Thereafter, parking stalls will be available at market rate. Port shall have the right to relocate the 75 stalls as required for the operation of an efficient parking program in Jack London Square.

It is also proposed to pay a brokerage commission to BT Commercial in the amount of \$352,466.

This activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301(a); leasing or minor alteration of existing facilities, involving negligible or no expansion of use beyond that previously existing.

This matter was discussed with the Commercial Real Estate Committee on December 1, 1999.

RECOMMENDATION:

It is recommended that the first reading on an ordinance Authorizing a Lease with Score Learning Corporation, Inc. and a resolution Authorization to execute a Termination Agreement with Alameda Newspaper Group, Inc. for the property located at 66 Jack London Square and the payment of a brokerage commission in the amount of \$352,466 to B. T. Commercial, as outlined above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval to give First Reading to an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with TCC Swan Land, LLC, for the Property Located at 80 Swan Way

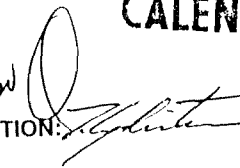
Date: January 4, 2000


Item No. 15

PROGRAM AREA

- Airport Operations
- Commercial Real Estate C. I.
- Maritime Operations
- Overall Operations

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

SUBMITTED BY: Omar R. Benjamin 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

TCC Swan Way, LLC, a California Limited Liability Company, currently has a lease with the Port for 2.23 acres of land in the Oakland Airport Business Park. The land is improved with a three-story office building containing approximately 52,464 square feet of net rentable area with surface parking for 196 cars. The 50-year ground lease expires on June 15, 2032.

The Port has received an offer from an affiliate of the lessee to purchase the fee interest in the land for \$700,000 or \$7.21 per square foot. This matter was discussed at the Commercial Real Estate Committee meeting on October 20, 1999.

The Port's Master Trust Indenture, in Section 5.13, requires that the Board make certain findings with respect to the sale of Port property. In this particular case, the Board must determine that the aggregate reduction in Net Pledged Revenues of "Port (as defined in the Master Trust Indenture) resulting from the sale of approximately 2.3 acres at 80 Swan Way and the disposal of all other Port facilities in the preceding 12 months is not more than 4% of such revenues. The Commercial Real Estate and Finance Divisions have reviewed these transactions for the prior 12 months and the resulting revenue impact and have determined that the indenture requirement has been met. The Indenture further requires that any proceeds from such sale be deposited into the Port Revenue Fund to be used to redeem bonds or be used within three years to provide additional revenue-producing Port facilities.

This proposal has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under State CEQA Guidelines Section 15061(b)(3) (General Rule Exclusion). It has been determined, with certainty, that no possibility exists that the purchase of fee interest in the land may produce a significant environmental effect. The property is fully improved and functional for offices and no changes in use or intensity of use are contemplated. The property is not only functional for office use but is currently occupied by an office building and is in office use. No expansion of the building is contemplated as part of this project. Therefore, this activity is not subject to CEQA and no further environmental review is required.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and TCC Swan Land, LLC, a California Limited Liability Company, for the sale of the aforementioned land for the price of \$700,000. The Board also finds and determines that the requirements of Section 5.13 of the Port's Master Trust Indenture have been met with respect to the sale of such property and that the proceeds of the sale be deposited into the Port Revenue Fund to be used as required by the Indenture.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Approved by Ordinance
passed to print**

JAN - 4 2000

BOARD ACTION TAKEN

DATE

Assistant

SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: January 4, 2000

- Creation of Salary Schedule
- Creation of Classification/Positions
- Terminations

Item No. 31

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

SUBMITTED BY: Robert C. Martinez

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

ACTUAL BACKGROUND:

I. CREATION OF SALARY SCHEDULE—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following salary schedule (Rep. Unit E) in order to implement the creation of the classification being created in item II. A) below.

Salary Schedule 596.02 (a--\$8,072; b--\$8,476; c--\$8,900; d--\$9,434; e--\$10,000)

II. CREATION OF CLASSIFICATION/POSITIONS –Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the classification of Program Director, Airport Terminal Expansion (Rep. Unit E) at Salary Schedule 596.02 (Item I. A) above), in the Engineering Division to meet current staffing needs. It is also requested that the Board create one position of his classification.

B) It is requested that the Board approve the creation one additional position of Commercial Representative V (Rep. Unit E) in the Commercial Real Estate Division to meet current staffing needs.

III. TERMINATIONS—Resolution (1 Reading)

A) It is requested that the Board approve the termination of Ms. Roberta Bradley, Director of Port Communications, effective the close of the workday of January 4, 2000.

B) It is requested that the Board approve the termination of Ms. Rose C. Frazier, Intermediate Typist Clerk, in the Engineering Division, for job abandonment, effective the close of the workday of January 4, 2000.

C) It is requested that the Board approve the termination during probationary period of Ms. Paulette Smith, Legal Office Services Clerk, in the Port Attorney's Office, due to reassessment of qualifications for the position and determination not to promote to regular status, effective the close of the workday of January 21, 2000.

BOARD ACTION REQUIRED:

- MOTION RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

Approved by Resolution No. 20028

JAN - 4 2000

BOARD ACTION TAKEN

DATE

Sharon Kuppel
Assistant SECRETARY OF THE BOARD

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 1/5/99	AS OF 12/7/99	AS OF 1/4/00
Full-Time Employees	612.00 FTE	542.00 FTE	564.00 FTE	559.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	555.40 FTE	577.40 FTE	572.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count decrease due to three new appointments (two of which are CIP) and six separations.

TEMPORARY AGENCY WORKER COUNT AS OF 12/22/99

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	14	9	1	9	0	0	33
* CIP	0	0	9	7	0	0	16
LEAVE BACKFILL (NON MEDICAL)	1	0	0	0	0	0	1
MEDICAL BACKFILL	5	2	0	0	0	0	7
* SPECIAL PROJECT	3	4	0	9	1	0	17
WORKER'S COMP BACKFILL	0	3	0	1	0	0	4
T O T A L S	23	18	10	26	1	0	78

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	9/22/99	10/26/99	11/2/99	12/22/99
BACKFILL	27	40	35	34	33
* CIP	18	15	16	16	16
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	4	7	6	1
MEDICAL BACKFILL	4	4	4	5	7
* SPECIAL PROJECTS	11	11	16	14	17
WORKER'S COMP BACKFILL	3	4	4	5	4
T O T A L S	63	78	82	80	78

COUNT SUMMARY

CURRENT FTE COUNT	572.40
CURRENT TEMPORARY AGENCY BACKFILLS	33.00
VACANT POSITIONS	<u>10.00</u>
T O T A L	615.40

COMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of salary schedule, creation of classification/positions, and terminations.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

Date: January 4, 2000

SUBJECT: Compensation and Incentive Recommended Changes

Item No. 32

PROGRAM AREA

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

**DUPLICATE
OF PRIOR**

CALENDAR MEMO

SUBMITTED BY: Robert C. Martinez

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

FACTUAL BACKGROUND:

In July 1999, a Compensation and Incentive Task Force was formed to review and analyze the current compensation and incentive program for unrepresented employees in Units D, E and H, and for represented employees in Units C and F (Western Council of Engineers-WCE and International Brotherhood of Electrical Workers-IBEW). The Task Force was charged with the following: 1) to research programs at similar public sector organizations; 2) to explore Success Indicators other than the Operating Ratio in determining the Port Premium; and 3) to address internal equity and consistency issues in the current program.

The Task Force convened several times over a four month period to review what parts of the current program could be kept intact, and what parts could be changed, all within the framework of simplicity, consistency, fairness, budgetary limits, contractual constraints, the Port Culture and best practices. The Task Force agreed that its recommendations needed to be based on the following rationale:

- To maintain consistency, retain the current Program as much as possible until the expiration of the WCE and IBEW contracts in 2001.
- Recommend changes that uphold consistency and fairness, but with minimal or no adverse impact on budget limits or employee morale and productivity.
- Continue more research and analysis of similar organizations before proposing changes in the future.

RECOMMENDATIONS:

In order to continue motivating employees to achieve individual performance objectives and to control the costs of the individual incentive program, the Task Force recommendations were presented to Senior Management and refined as follows:

I. INDIVIDUAL PERFORMANCE INCENTIVES

- A. FOR ELIGIBLE EMPLOYEES IN UNITS D AND E, WCE AND IBEW AT STEP "C" OR "D" FOR AT LEAST 6 MONTHS PRIOR TO THEIR ANNUAL APPRAISAL:

The current incentive program for individual performance will be retained:

- Meets Expectations Rating: COLA only
- Exceeds Expectations: COLA, plus step increase
- Outstanding Rating: COLA, plus step increase, plus 1-1/2% Premium (not added to base and in addition to step increase)

B. FOR ELIGIBLE EMPLOYEES IN UNITS D AND E WHO ARE AT LEAST ONE FULL YEAR IN STEP "E":

The incentives for Exceeds or Outstanding will remain as a percentage of base salary that is not added to base salary.

However, the following changes are recommended:

- Rather than establish a cap on the *number* of Units D and E employees at Step "e" who can receive an Exceeds or Outstanding Rating, the Port will establish a cap on the total dollars that may be paid out each fiscal year for Exceeds and Outstanding ratings for those at Step "e", as set forth in the letter on file with the Secretary of the Board.
- With the above cap on total dollars, the actual percentages for Exceeds and Outstanding will be retained at a **2:1 ratio**, not to exceed 4% of the base salary for an Exceeds Expectations rating, or 8% for Outstanding. (For example, if a substantial number of Units D and E employees at Step "e" receive an Exceeds Rating, the incentive percentage for each employee with Exceeds may be 3%, with 6% for those with Outstanding; or 3.5% for Exceeds and 7% for Outstanding.)
- It is further recommended that the budgeted incentive dollars for Units D and E employees at Step "e" be prorated to each Division based on the base salaries of eligible employees in the respective divisions.
- This new prorated method will be effective only for Units D and E employees at Step "e" beginning with the June 1, 2000 cycle of annual appraisals.

C. FOR EMPLOYEES IN UNITS C (WCE) AND F (IBEW) at Step "e": No change.

II. PORT PERFORMANCE PREMIUM (in addition to Individual Incentives)

The current Port Performance Premium for eligible employees in Units D and E, WCE AND IBEW is 1-1/2% of base and not added to base, when the Operating Ratio Target is achieved for the fiscal year. (Unit H has a "sliding scale" as outlined in AP425.)

We are recommending the following changes in the Port Premium component of the program to set forth a more accurate Success Indicator of Port performance, while creating incentives to generate revenues and control costs, and establishing consistency among all units.

A. FOR EMPLOYEES IN UNITS D, E and H, AND UPON MEET AND CONFER ADOPTION BY WCE AND IBEW:

- Replace original Annual Operating Ratio Target with Annual Operating Income Target(s) as the principal Success Indicator for the Port Performance Premium, as set forth in the letter on file with the Secretary of the Board. (Because the Operating Income Target excludes departmental CIP credits, it is therefore a more accurate Success Indicator of Port performance.)
- The new Operating Income Target will be effective for Fiscal 1999-2000.
- Operating Ratio Target for WCE and IBEW: For WCE and IBEW only, pending Meet and Confer adoption of an Operating Income Target, the Operating Ratio Target will be the Success Indicator for the Port Performance Premium, as set forth in the letter filed with the Secretary of the Board.

B. FOR EMPLOYEES IN UNITS D AND E ONLY:

- Eliminate the Port Premium eligibility requirement for promotional employees in order to maintain consistency among unrepresented and represented employees.** *(Therefore, a stellar employee who is promoted into a new classification, usually at Step "a" or "b", is still eligible for the Port Premium, and is not penalized because of the eligibility requirement to be at Step "c" or higher for at least 6 months prior to the annual appraisal.)*

It is recommended that the Board approve the above proposed changes (marked by and in bold print) to the current program, which will provide a better criterion for overall Port performance, as well as address the equity and consistency issues in our current program.

BOARD ACTION REQUIRED:

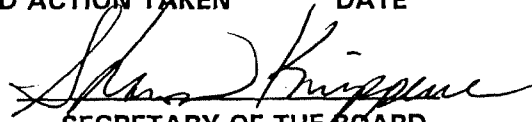
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

JAN - 4 2000

BOARD ACTION TAKEN

DATE



Assistant

SECRETARY OF THE BOARD

PORT OF OAKLAND
PROPOSED PERFORMANCE PROGRAM FOR ELIGIBLE EMPLOYEES IN UNITS C, D, E, F, AND H
FY 1999-2000

A. INDIVIDUAL PREMIUM

	<u>Existing Cap</u>	<u>Proposed Cap (effective June 1, 2000 appraisals)</u>
Unit C	60% of Eligible Employees	No Change
Units D and E		
- Steps C, D and E <1 yr	60% of Eligible Employees	No Change
- Step E >1 yr	60% of Eligible Employees	\$166,100 2:1 ratio for "Outstanding" and "Exceeds Expectations" Ratings Prorated to each division based on base salaries of respective eligible employees
Unit F	60% of Eligible Employees	No Change
Unit H	60% of Eligible Employees	No Change

B. PORT PREMIUM

<u>Operating Income</u> (in \$000's)	<u>Operating Ratio</u>		<u>One-Time Port Premium (Not Added to Base)</u>			
	<u>Original</u> Oper Exp before Depr & Amort)	<u>Revised</u> (Oper Exp before Depr & Amort & Dept Credits)	<u>Unit C</u>	<u>Units D and E</u>	<u>Unit F</u>	<u>Unit H</u>
54,100	58%	68%	0%	0%	0%	1%
56,200 ^a	57%	67% ^b	1.5%	1.5%	1.5%	2%
57,500	56%	66%	1.5%	1.5%	1.5%	3%
59,200	55%	65%	1.5%	1.5%	1.5%	4%
60,900	54%	64%	1.5%	1.5%	1.5%	5%

^a Proposed target as principal success indicator for Units D, E and H

^b Proposed target as principal success indicator for Units C and F pending Meet ar. after adoption of an Operating Income Target

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with Bank of America National Association (7843 Earhart Road, North Airport)

Date: January 18, 2000

Item No. 5S

SUBMITTED BY: Steven J. Grossman *SD*
EXECUTIVE OFFICE RECOMMENDATION:



PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

Bank of America National Association ("Bank of America") is currently under a 45-day Right-of-Entry and Indemnity Agreement ("ROE") and an Agreement To Extend Right-of-Entry and Indemnity Agreement ("Extension Agreement"). Both Agreements provide for occupancy of approximately 50,702sf of office, hangar, shop/storage, apron and paved parking in and adjacent to Hangar 8, (Bay "A" of Building L-810) on the North Airport. The premises are used for corporate aircraft storage and maintenance. The ROE commenced August 23, 1999 and the Extension Agreement expires on February 3, 2000; rent is \$17,000 per month.

ANALYSIS:

The proposed License and Concession Agreement ("Agreement") would extend Bank of America's occupancy of the same premises through July 31, 2000. Monthly rent would remain the same. This one-year Agreement is considered an "interim" agreement as Bank of America wishes to enter into a multi-year lease with the Port. Negotiations for that lease are pending.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with Bank of America National Association.

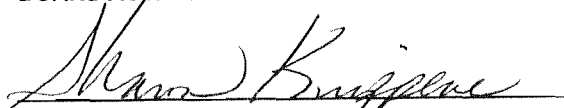
BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20029

JAN 18 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

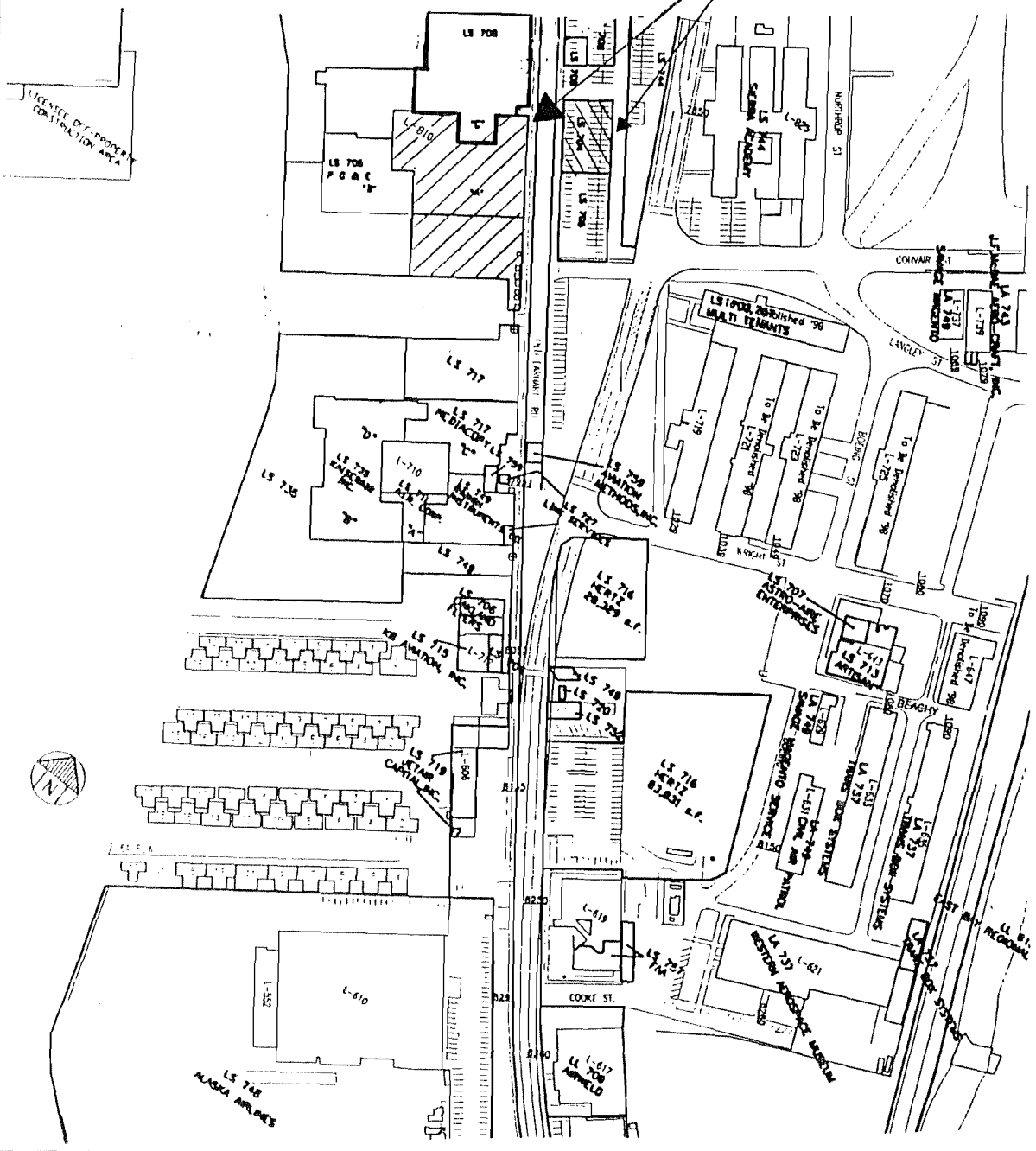
Board of Port Commissioners Calendar Item

Approval of License and Concession Agreement
with Bank of America National Association
(7843 Earhart Road, North Airport)

BANK OF AMERICA

**BOUNDARY OF
ASSIGNED AREA**

Approx. 50,702sf



OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT


Map Not to Scale

Agenda Sheet

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Bay Avionics, Inc. (8991 Earhart Road, North Airport)

Date: January 18, 2000

Item No. 65

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION:



PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

Bay Avionics, Inc. ("Bay") is currently under a Right-of-Entry and Indemnity Agreement ("ROE") which provides for occupancy of approximately 10,420sf of shop, hangar and apron space in and adjacent to Hangar 3 (Building L-310/East) on the North Airport for corporate aircraft storage and maintenance. The ROE commenced September 16, 1999; rent is \$3,900 per month.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend Bay's occupancy of the same premises (commencing November 1, 1999 and ending December 31, 1999). Monthly rent would remain the same. Bay is requesting this additional time to allow the Port to consummate an agreement with a new Master Tenant for all of L-310/East at which time, Bay will become a sub-tenant in the same premises.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

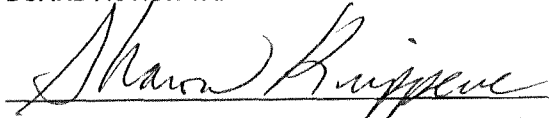
RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend Right-of-Entry and Indemnity Agreement with Bay Avionics, Inc.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

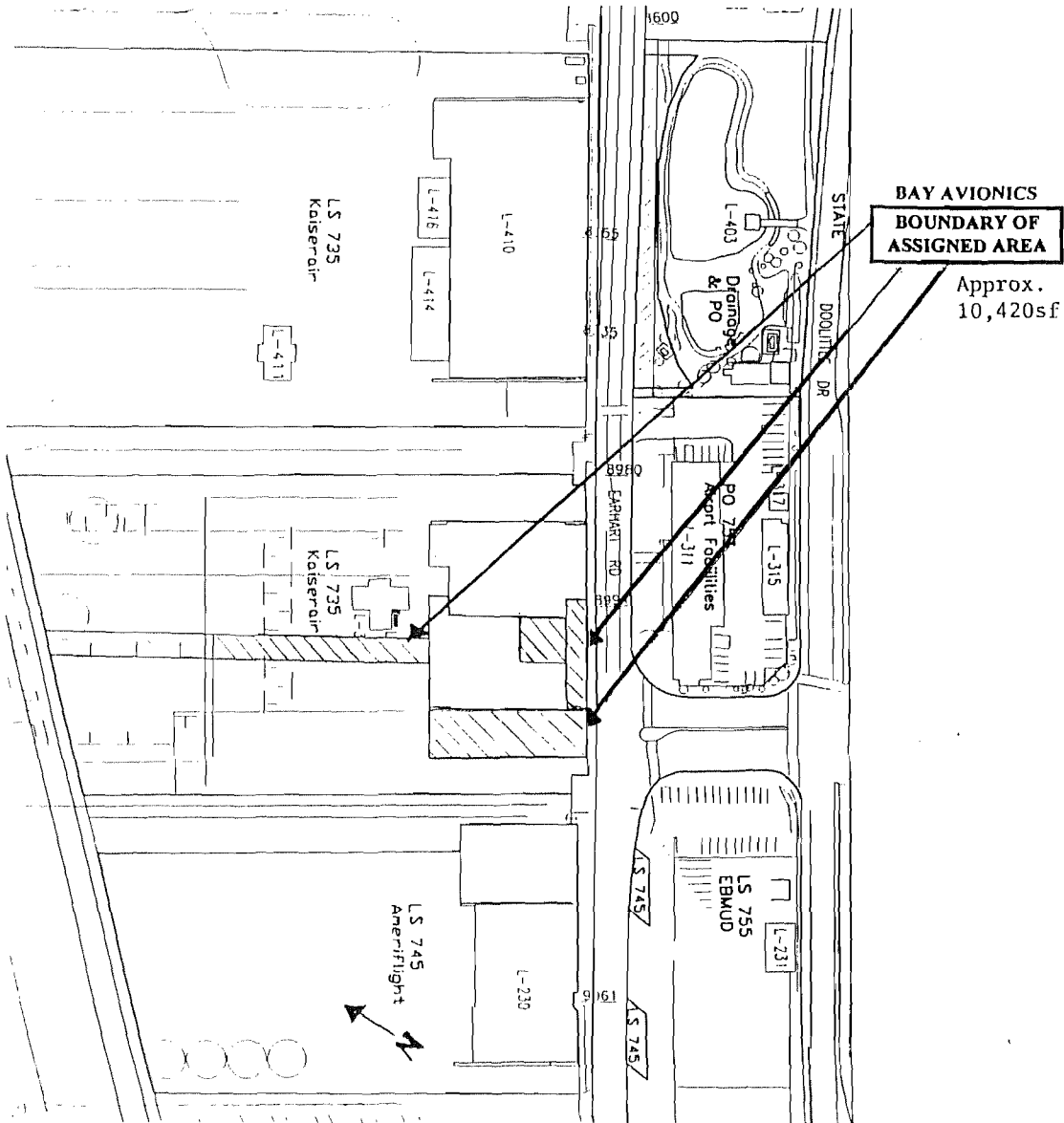
Approved by Resolution JAN 18 2000
No. 20030
BOARD ACTION TAKEN DATE


Assistant SECRETARY OF THE BOARD

Board of Port Commissioners

Calendar Item

Approval of Agreement To Extend
Right-of-Entry and Indemnity Agreement
With Bay Avionics, Inc.
(8991 Earhart Road, North Airport)



Airport Properties



**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

TD
SUBJECT:

Approval of Agreement with EBMUD for Construction of Temporary Water Line at Doolittle Drive and Airport Drive Interchange Under the Airport Roadway Project

Date: January 18, 2000

Item No. 75

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*
EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

The Port will soon begin construction of the Doolittle Drive/Airport Drive interchange portion of the Airport Roadway Project, Contract "B". Construction of the interchange will require deep excavations that will, in turn, require the temporary relocation of an existing 12-inch East Bay Municipal Utility District (EBMUD) water line. Once the interchange construction nears completion, the 12-inch water line will be moved back to within Doolittle Drive and become part of the Doolittle Drive/Airport Drive interchange.

Approximately 780 feet of temporary 12-inch water line must be constructed. The temporary relocation work will be performed by EBMUD.

An agreement has been prepared under which EBMUD will perform construction work utilizing EBMUD personnel, furnish the materials, and connect the new system into their existing pipelines. The cost for this relocation work is \$180,000. The agreement also provides that the temporary water system will be owned by EBMUD, and that the Port will grant EBMUD an easement to maintain the system.

The project is budgeted under CIP No. AA.00268.01 and will be funded by Measure B and Port Cash.

RECOMMENDATION:

It is recommended that the Executive Director be authorized to execute an agreement with EBMUD as described above.

Approved by Resolution

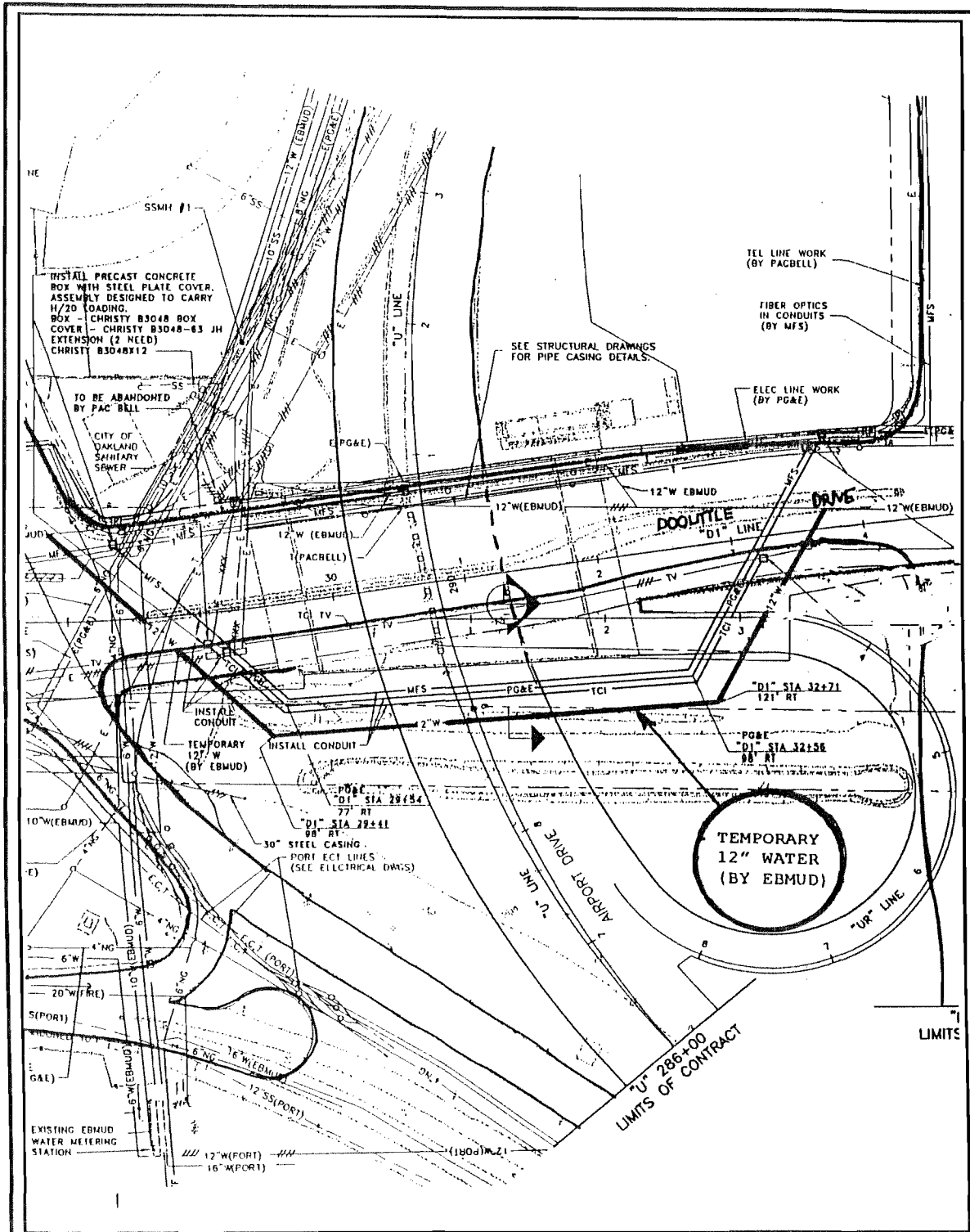
No. 20031 JAN 18 2000

BOARD ACTION TAKEN DATE

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

[Signature]
Assistant SECRETARY OF THE BOARD



PORT OF OAKLAND

AIRPORT ROADWAY
PROJECT

Agenda Sheet

SUBJECT: Recommend Approval of New License and Concession Agreement – AFI Marketing

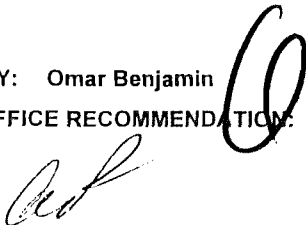
Date: January 18, 2000

Item No. 11S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar Benjamin
 EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The following License and Concession Agreement is submitted for approval.

<u>Licensee</u>	<u>Location</u>	<u>Property Description</u>	<u>Rate</u>	<u>Agreement Date</u>
AFI Marketing dba First Stop	A portion of Parking Lot 11 at 2nd and Webster Streets in Jack London Square	Pedestrian Fire exit lane 432 sq. ft.	\$50 per year	7/1/99

This agreement was not previously considered by the Board in establishing a target rate for negotiations.

RECOMMENDATION:

It is recommended that the Board approve the above-listed Agreement.

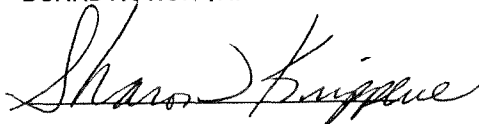
BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20032 JAN 18 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT Approval of Lease Assignment from Chancellor Media Corporation, a California Corporation to Chancellor Media Corporation of Ohio, a Delaware Corporation

Date: January 18, 2000
Item No. 24S

SUBMITTED BY: Raymond A. Boyle **RAB**

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

- PROGRAM AREA
- Airport Operations
 - Commercial Real Estate
 - Maritime Operations
 - Overall Operations

FACTUAL BACKGROUND:

Chancellor Media Corporation occupies an area of approximately 10.7 acres of land and water on the northerly side of the Bay Bridge approaches. The Board approved the Lease on July 21, 1998. The Lease is due to expire in 2008. The tenant pays monthly rental of \$3,922.50.

AMFM Inc. is the parent company of Chancellor Media. AMFM Inc. is restructuring through a series of inter-company transactions and has requested the Port's approval of the transfer of the Lease to Chancellor Media Corporation of Ohio, a Delaware corporation. Chancellor Media Corporation will continue to be liable for the obligations under the Lease.

The lease assignment has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 Guidelines Section 15301 (p).

RECOMMENDATION:

It is recommended that the Board approve the assignment of the Chancellor Media Corporation lease to Chancellor Media Corporation of Ohio.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20033 JAN 18 2000

BOARD ACTION TAKEN DATE

[Signature]
Assistant SECRETARY OF THE BOARD

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607

TELEPHONE (510) 272-1100

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Executive Director

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Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

Regular Meeting of the Board of Port
Commissioners

Tuesday, December 21, 1999, 3:00 p.m. has
been CANCELLED. The next meeting will be a
regular meeting held on Tuesday, January 4, 2000
at 3:00 p.m.

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607

TELEPHONE (510) 272-1100

COMMISSIONERS

JOHN LOH
President

ROBERT HARRIS
First Vice President

KATHY NEAL
Second Vice President

FRANK KIANG
DAVID KRAMER
BECKY L. TAYLOR
PETER URIBE

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

SUPPLEMENTAL
CALENDAR

Regular Meeting of the Board of Port Commissioners
Tuesday, January 4, 2000, 3:00 p.m.

OPERATIONS:

33

Funding Support of the Greater International
Trade Center

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

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Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Special Meeting of the Board of Port Commissioners
Tuesday, November 9, 1999, 4:00 p.m.

ROLL CALL:

Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh

ITEMS REQUIRING CLOSED SESSION (4:00 PM)

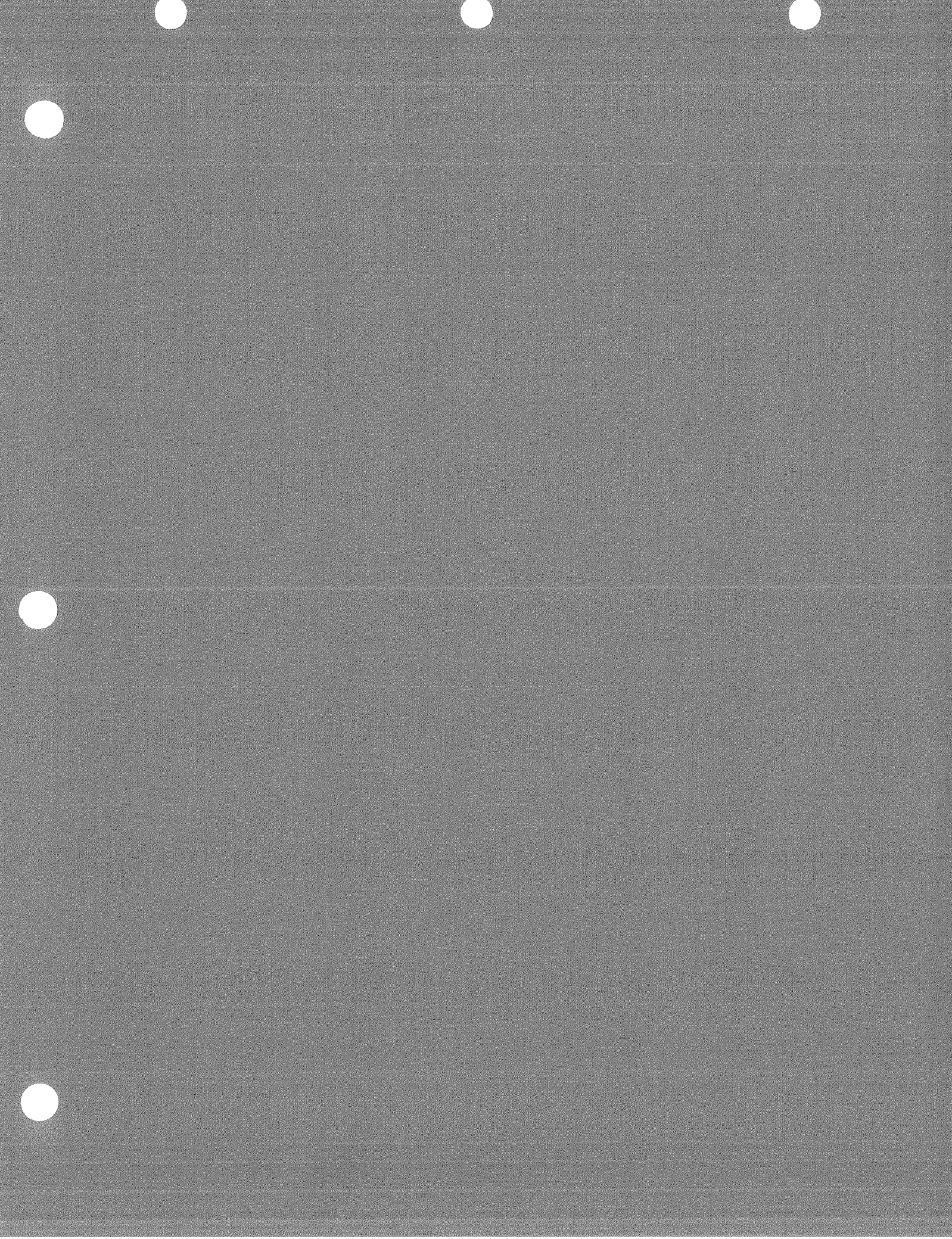
CONTINUATION from November 2, 1999 Regular Board
Meeting:

Conference with Legal Counsel - Anticipated
Litigation. Significant exposure to litigation
pursuant to Subdivision (b) of Section 54956.9,
one case.

OPEN SESSION:

APPEARANCES: (Public comment on non-agenda items may be
received by the Board during this time. Please
fill out a speaker card and present it to the
Secretary of the Board)

ADJOURNMENT: The next meeting will be a regular meeting held on
Tuesday, November 16, 1999, at 3:00 p.m.



PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607

TELEPHONE (510) 272-1100



CHARLES W. FOSTER
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BECKY L. TAYLOR
PETER URIBE

C A L E N D A R

Regular Meeting of the Board of Port Commissioners
Tuesday, February 1, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh

READING OF THE MINUTES:

Regular meeting of August 3, 1999; special meeting
of August 10, 1999; adjourned regular meeting of
August 31, 1999; adjourned regular meeting of
September 20, 1999; regular meeting of October 5,
1999; and adjourned regular meeting of October 22,
1999.

Deferred - Regular meeting of November 2, 1999;
regular meeting of November 16, 1999; regular
meeting of December 7, 1999; January 4, 2000; and
January 18, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

- Administration
- Aviation
- Commercial Real Estate
- City/Port Liaison
- Maritime

READING OF SUMMARY ITEMS: (Marked "S")

8 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 This number not used.
- 2 Authorization to Provide Funds to the Metropolitan Transportation Commission and the Bay Area Economic Forum to Conduct Regional Airport Planning Studies. (Resolution)
- 3 Authorization for a Change in Scope of Work and an Increase in Compensation for CCS Planning and Engineering Traffic Planning and Pre-engineering Services for Roadways at the North Field of Oakland International Airport. (Resolution)
- 4 Determination of Airport Taxi Cab Permits. (Resolution)
- 5S Approval and Authorization for Execution of a Reimbursable Agreement with the Federal Aviation Administration for Airport Roadway Project. (Resolution)

COMMERCIAL REAL ESTATE

- 11 Authorization to Enter into a Professional Services Contract for the Relocation of the Jack London Village Tenants and to Pay Relocation Claims during the Purchase Option Agreement Term. (Resolution)
- 12 **HELD OVER** Recommendation that the Board Request City Council Amendment of Port Area Line for Portions of the Port Area within the Estuary Plan Boundary. (Resolution)

Regular Meeting
February 1, 2000

- 13 First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Mortenson Development Company for the Property Located at Brush and Third Streets. (Ordinance)

SUPPLEMENTAL ITEM ADDED TO THE AGENDA:

- 51 Jack London Square Master Developer Schedule and Recommendation to Proceed with Selection Process. (Resolution)

MARITIME

- 21 Ratification of Expenditures and Authorization to Dispense with Formal Bids for Repair of Damaged Wharf at Berth 25, Outer Harbor Terminal. (Resolution)
- 22 Approval of Second Supplemental Agreement with Fugro West, Inc. for Geotechnical Design Services for the Construction of Coastal Improvements at Middle Harbor Shoreline Park. (Resolution)
- 23 Incremental Port Contribution to the Cost of Design of Oakland Harbor Navigation Improvement (-50 Foot) Project. (Resolution)
- 24 Certification of the Oakland Harbor Navigation Improvement (-50 Foot) Project Final EIR, Findings Concerning Significant Effects of the Project, Adoption of Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations for Unavoidable Adverse Impacts and Approval of the -50 Foot Project. (Resolution)
- 25 Ratify Addenda and Award of Contract for Construction of Joint Intermodal Terminal. (Resolution)
- 26 Approval of First Supplemental Agreement with Subsurface Consultants, Inc. for Engineering Design Services for the Closure of the Former Lew F. Galbraith Golf Course. (Resolution)
- 27 Ratification of Change Order for Preparation of Site Material for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)
- 28S Approval of Plans and Specifications for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)
- 29S Approval to Dispense with Formal Bids for the Purchase of a 40 Long Ton Spreader for Berth 25, Cranes X411 and X422. (Resolution)

Regular Meeting
February 1, 2000

- 30S Ratify Change Order for "Demolition Buildings D-741 and D-742 and Water Supply Facility, Harbor Transportation Center." (Resolution)
- 31S Award of Contract for 2000 Structural Inspection Rigging and Repair of Cranes X415 and X416, Berth 68, Howard Terminal. (Resolution)
- 32S Approval of a Building Permit Application for Gallagher & Burk, Inc., Installation of Conduits for Level 3 in Conjunction with the 7th Street Realignment Project. (Resolution)

SUPPLEMENTAL ITEM ADDED TO THE AGENDA:

- 50 Transfer of Star Shipping TUA to Burma Road and Modification of Compensation Provisions to License and Concession Agreement with MTC at Burma Road Terminal. (Resolution)

OPERATIONS

- 33 Personnel Items: Appointments; and Terminations. (Resolutions)
- 34 Approval of a Second Supplemental Agreement with Patton Boggs, LLP (Phil Bangert) for Federal Legislative Consultant and Advocacy. (Resolution)
- 35S Approval and Authorization for Execution of a Supplemental Lease Agreement for the Port of Oakland Information Annex West. (Resolution)
- 36S Travel Authorization. (Resolution)

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

BUILDING PERMIT APPLICATION: (S)

CA1, construct alterations in Terminal 1 to convert Americo's Pizzeria to Round Table.

Regular Meeting
February 1, 2000

Vote on the following resolutions except number 28:

Ayes: Commissioners Harris, Kiang, Kramer, Neal,
Taylor, Uribe and President Loh - 7

Noes: None

Absent: None

Vote on number 28:

Ayes: Commissioners Harris, Kiang, Kramer, Neal,
Taylor and President Loh - 6

Noes: None

Abstained: Commissioner Uribe - 1

Absent: None

RESOLUTIONS:

- 20040 1 AUTHORIZING PROVISION OF FUNDS TO THE METROPOLITAN
TRANSPORTATION COMMISSION AND THE BAY AREA
ECONOMIC FORUM TO CONDUCT REGIONAL AIRPORT
PLANNING STUDIES. (Airport - 2)
- 20041 2 RATIFYING PORT RESOLUTION NO. 99460 APPROVING
ADDITIONAL WORK AND COMPENSATION FOR CCS PLANNING
AND ENGINEERING. (Airport - 3)
- 20042 3 AUTHORIZING RE-ISSUE OF METROPOLITAN OAKLAND
INTERNATIONAL AIRPORT TAXI PERMITS. (Airport - 4)
- 20043 4 APPROVING AND AUTHORIZING EXECUTION OF A
REIMBURSABLE AGREEMENT WITH THE UNITED STATES OF
AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL
AVIATION ADMINISTRATION. (Airport - 5S)
- 20044 5 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT
WITH UNIVERSAL FIELD SERVICES, INC., FOR
CONSULTING SERVICES CONSTITUTES PROFESSIONAL,
TECHNICAL AND SPECIALIZED SERVICES THAT ARE
TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING
AND AUTHORIZING EXECUTION OF AGREEMENT.
(Commercial Real Estate - 11)
- 20045 6 DIRECTING STAFF TO PROCEED WITH SELECTION PROCESS
FOR A MASTER DEVELOPER FOR THE JACK LONDON SQUARE.
(Commercial Real Estate - 51)
- 20046 7 RATIFYING AND APPROVING EMERGENCY CONTRACT ACTION;
AND FINDING AND DETERMINING THAT IT IS IN THE BEST
INTEREST OF THE PORT TO CONTRACT FOR REPAIR OF
DAMAGED WHARF AT BERTH 25, OUTER HARBOR TERMINAL,
OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING
AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH
WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.
(Maritime - 21)

Regular Meeting
February 1, 2000

- 20047 8 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH FUGRO WEST, 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. (Maritime - 22)
- 20048 9 APPROVING AND AUTHORIZING PAYMENT OF INCREMENTAL PORT CONTRIBUTION TO THE COST OF DESIGN OF OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT. (Maritime - 23)
- 20049 10 CERTIFICATION OF THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT FINAL EIR, ADOPTION OF FINDINGS CONCERNING SIGNIFICANT EFFECTS OF THE PROJECT, ADOPTION OF MITIGATION MEASURES FOR THE PROJECT, ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS FOR UNAVOIDABLE ADVERSE IMPACTS AND APPROVAL OF THE -50 FOOT PROJECT. (Maritime - 24)
- 20050 11 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH SUBSURFACE 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. (Maritime - 26)
- 20051 12 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR PREPARATION OF SITE MATERIAL FOR THE CLOSURE OF LANDFILL AT THE FORMER LEW F. GALBRAITH GOLF COURSE, OAKLAND, CALIFORNIA. (Maritime - 27)
- 20052 13 APPROVING PLANS AND SPECIFICATIONS FOR THE CLOSURE OF LANDFILL AT THE FORMER LEW F. GALBRAITH GOLF COURSE, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Maritime - 28S)
- 20053 14 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR PURCHASE OF A 40 LONG TON SPREADER FOR CRANES X411 AND X412, BERTH 25, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime - 29S)
- 20054 15 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH PEAK ENGINEERING, INC. FOR DEMOLITION OF BUILDINGS D-741 AND D-742 AND WATER SUPPLY FACILITY, HARBOR TRANSPORTATION CENTER, OAKLAND, CALIFORNIA. (Maritime - 30S)

Regular Meeting
February 1, 2000

- 20055 16 AWARDING CONTRACT TO MARINE MAINTENANCE, INC. FOR 2000 STRUCTURAL INSPECTION, RIGGING AND REPAIR OF CRANES X415 AND X416, BERTH 68, HOWARD TERMINAL, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 31S)
- 20056 17 GRANTING GALLAGHER & BURK, INC. PERMISSION TO PERFORM CERTAIN WORK. (Maritime - 32S)
- 20057 18 APPROVING, AUTHORIZING AND TRANSFER OF TERMINAL USE AGREEMENT WITH STAR SHIPPING (USWC) INC. TO BURMA ROAD TERMINAL AND MODIFICATION OF COMPENSATION PROVISIONS TO LICENSE AND CONCESSION AGREEMENT WITH MARINE TERMINALS CORPORATION AT BURMA ROAD TERMINAL. (Maritime - 50)
- 20058 19 CONCERNING CERTAIN APPOINTMENT. (Operations - 33)
- 20059 20 TERMINATING CERTAIN APPOINTMENTS. (Operations - 33A)
- 20060 21 FINDING AND DETERMINING THAT A PROPOSED SECOND 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. (Operations - 34)
- 20061 22 APPROVING AND AUTHORIZING EXECUTION OF A FIRST SUPPLEMENTAL AGREEMENT TO THE PORT OF OAKLAND INFORMATION ANNEX WEST LEASE. (Operations - 35S)
- 20062 23 CONCERNING CERTAIN TRAVEL. (Operations - 36S)
- 20063 24 GRANTING AIR TERMINAL SERVICES, INCORPORATED, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20064 25 APPROVING TENTATIVE SETTLEMENT AND AUTHORIZING EXECUTION OF ESCROW AGREEMENT OR OTHER APPROPRIATE WRITTEN INSTRUMENT WITH PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, CONCERNING PHASE I OF CITY OF OAKLAND, A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS BOARD OF PORT COMMISSIONERS V. PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, AND DOES 1 THROUGH 50, INCLUSIVE, SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF ALAMEDA CASE NO. 8001317 ("LOT 12 MOVIE THEATER LITIGATION").
- 20065 26 APPROVING PAYMENT OF JUDGMENT TO CENTRAL PARKING SYSTEM OF CALIFORNIA.
- 20066 27 APPROVING APPOINTMENT OF SPECIAL COUNSEL.

Regular Meeting
February 1, 2000

20067 28 RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF JOINT INTERMODAL TERMINAL, MIDDLE HARBOR, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR; AND AWARDING CONTRACT TO GALLAGHER & BURK, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 25)

Vote on the following ordinances:

Ayes: Commissioners Harris, Kiang, Kramer, Neal,
 Taylor, Uribe and President Loh - 7

Noes: None

Absent: None

ORDINANCES:

1 **HELD OVER** Port Ordinance No. 3564 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENTS WITH BAY SHIP & YACHT CO. AND THE CITY OF ALAMEDA REGARDING THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT."

Final.

2 Port Ordinance No. 3565 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867. CREATING NEW SALARY SCHEDULE NO. 83.8 AND CREATING THE NEW POSITIONS OF BUILDING SERVICES ASSISTANT AND BUILDING SERVICES COORDINATOR."

Final.

3 Port Ordinance No. ____ being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH MORTENSON DEVELOPMENT COMPANY, FOR THE PORT OF OAKLAND'S SALE OF PROPERTY LOCATED AT THIRD AND BRUSH STREETS."

Commercial Real Estate - 13 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be an adjourned regular meeting held on Tuesday, February 22, 2000 at 3:00 p.m.

Agenda Sheet

SUBJECT: Authorization to Provide funds to the Metropolitan Transportation Commission and the Bay Area Economic Forum to conduct Regional Airport Planning Studies


Date: February 1, 1999

Item No 2

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:



PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

Regional Airport System Plan. The Metropolitan Transportation Commission and the Association of Bay Area Governments periodically convene the Regional Airport Planning Committee (RAPC) to prepare a Regional Airport System Plan and to conduct other regional airport related business as appropriate. The last plan was completed in 1994 and included a new runway at Oakland International Airport and no new runways at San Francisco International Airport (SFO). SFO's decision to study potential new runways prompted MTC to reformulate RAPC in 1998 to study airfield capacity at a regional level and develop a new Regional Airport System Plan. In addition to MTC and ABAG, the Bay Conservation and Development Commission has increased their involvement with RAPC, having three seats on the Committee as well as providing staff support. This committees work is important for the long-term future of Oakland International Airport. The Port is currently conducting an airfield planning study which will provide information regarding Oakland's need for additional airfield capacity. This information will be provided to the RAPC for incorporation into their work. In addition, the RAPC is conducting its own studies to provide a regional perspective. These studies include forecasts, alternatives development and evaluation, and an airspace study. MTC funded the first phase of the study with \$100,000. MTC has requested that the three major Bay Area airports fund the second phase for a total \$250,000. SFO has agreed to fund 50% (\$125,000), San Jose International Airport has agreed to fund 25% (\$62,500) and MTC has requested that the Port fund the remaining 25% (\$62,500)

Bay Area Economic Forum. The Bay Area Economic Forum is a partnership of the Association of Bay Area Governments and the Bay Area Council. The Forum has proposed to conduct a regional study of the regional business community's dependency on airport infrastructure. The estimated total cost for their study is \$104,000. San Francisco and San Jose International Airports have agreed to participate (SFO 50%, SJC 25%). The Forum has requested that the Port also participate by funding the remaining 25% (\$27,500) of the study cost. This study would be useful in highlighting the Bay Area airports' relationships to the economy and provide an independent study of what the Port considers to be one of the important roles of Oakland International Airport - as infrastructure for economic activity in the region.

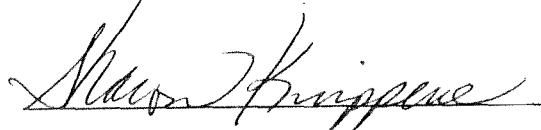
OPTIONS:

1. Do not participate in these regional studies. Decline MTC's and/or the Bay Area Economic Forum's requests for participation.
2. Contribute the requested funding to the regional studies.

Approved by Resolution

No. 20040 **DATE** FEB 1 - 2000

BOARD ACTION TAKEN **DATE**



Assistant SECRETARY OF THE BOARD

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Authorization to Provide funds to the Metropolitan
Transportation Commission and the Bay Area Economic
Forum to conduct Regional Airport Planning Studies**

February 1, 2000

Pr 2

ANALYSIS:

Not participating in these studies (Option 1) could hamper the regional airport planning process currently underway. This process is important because it permits independent agencies and organizations to study the issues surrounding airport development and how to best utilize the Bay Area's aviation facilities. It would also communicate a signal that the Port of Oakland is not interested in supporting the regional process which is essential for future airfield development at Oakland International Airport. Participating in these studies (Option 2) demonstrates our commitment and support of the regional process and ensures that the regional studies can move forward unimpeded by a lack of funding.

RECOMMENDATION:

Authorize the distribution of \$62,500 to MTC for conducting Phase 2 of the Regional Airport System Plan Update and \$27,500 for distribution to the Bay Area Economic Forum for conducting a regional economic analysis of airports. It is further recommended that the Executive Director be authorized to increase these distributions by up to \$10,000.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization for a Change in Scope of Work and an Increase in Compensation for CCS Planning and Engineering Traffic Planning and Pre-engineering Services for Roadways at the North Field of Oakland International Airport

Date: February 1, 1999

Item No 3

PROGRAM AREA

- Airport Operations (checked)
Commercial Real Estate
Maritime Operations
Overall Operations

Kristi McKenney for

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

On December 7, 1999 the Board of Port Commissioners authorized preparation and execution of an agreement with CCS Planning and Engineering (LIA, MBE, WBE) to perform traffic planning and pre-engineering services for north field roadways to support planned cargo and rental car developments.

During preparation of the contract with CCS, two additional traffic planning needs were identified. These additional scope items related closely to the existing work that CCS has been approved to perform and include:

FedEx Detour Study. FedEx recently approached the Port expressing concern regarding a detour proposed for FedEx ground traffic during construction of portions of the Airport Roadway Project.

Detailed Caltrans Reports. Caltrans approval will be required for changes or improvements to Doolittle Drive, which is a State Highway.

Approved by Resolution

No. 20041

FEB 1 - 2000

BOARD ACTION TAKEN

DATE

Shan Kruppel

Assistant SECRETARY OF THE BOARD

MOTION

RESOLUTION

ORDINANCE

INFORMATION ONLY

Authorization for a Change in Scope of Work and an Increase in Compensation for CCS Planning and Engineering Traffic Planning and Pre-engineering Services for Roadways at the North Field of Oakland International Airport

February 1, 2000

Page 2

OPTIONS AND ANALYSIS:

1. Do not conduct these additional scope items. Port staff are not available to conduct this work in a timely fashion or with the appropriate amount of experience and expertise without the use of a consulting firm. Therefore, the detour would not be studied in greater detail and FedEx would be required to utilize the original detour without further consideration. Airport access and travel time is a critical issue to FedEx. FedEx has indicated a potential cost to them of millions of dollars if the currently planned detour is utilized. Therefore, not studying the impacts and possible alternatives in greater detail and with greater collaboration with FedEx could be potentially placing an unnecessary burden on them. We would also be denying their request to study this issue further with them.
2. Add the two above described scope items to CCS Planning and Engineering's contract. This option would provide the most economical solution and the greatest continuity because the additional scope items are so closely related to CCS original scope of work. This option would also ensure that the additional scope items would be performed by an LIA, MBE, WBE firm with their first prime consultant contract with the Port. Addition of these scope items to the CCS contract would increase the contract by \$55,000 for a total of \$120,000.
3. Hire others to conduct this work. The Port could hire a separate firm to conduct the FedEx Detour Study. The Port could also hire a separate firm to prepare the necessary studies and documents for Caltrans approval after CCS completes their original scope items. This option would cost more by engaging a separate firm to conduct traffic studies on the same roads that CCS will already be studying as part of the original scope of work. The additional work for Caltrans approval would cost significantly more because it would require CCS to do part of the coordination and a separate firm to complete the coordination with the detailed study. This would require considerably more effort and time in backtracking.

RECOMMENDATION:

Authorize the requested changes in scope of work and an increase in compensation of \$55,000 for CCS Planning and Engineering as part of their traffic planning and pre-engineering services for North Field roadways at the Oakland International Airport.

Agenda Sheet


SUBJECT: Determination of Airport Taxi Cab permits


Date: February 1, 2000

Item No. 4

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

On October 5, 1999 the Board adopted Port Ordinance No. 3542 which established rules and regulations for taxicab operations at the Airport. These rules generally followed established practice at the Airport while incorporating industry best practices from airports around the country. Among many other provisions within these regulations is the requirement to renew each permit every year. The permit holder must apply for the renewed permit by a date certain and meet certain requirements (Section 2, paragraph c). Should all 92 permits not be renewed, the remaining permits are issued via a lottery system in which all eligible operators may participate. This procedure has been followed for a number of years and in any given year usually only one or two permits are available.

In calendar year 1999, the Friendly Cab Company held 37 of the 92 permits available. The Airport limits the number of permits to 92 to ensure there is enough business for the operators to make a living but obtaining a sufficient number of trips each day. Despite written, certified notification, Friendly Cab Company did not request renewal of their permits until beyond the due date. Company officials have acknowledged their mistake to Port staff. As stated above, normal practice would be to lottery off all 37 permits and Friendly Cab Company would take their chance along with all the other eligible companies. Given the large number of permits involved and the sizable impact on one company, staff has investigated what the options are in this case.

The adopted rules and regulations are silent as to any other remedies as well as being silent as to limitations on the Board's Authority to act as an appeal body in this instance. The Port Attorney has advised staff that, in the absence of specific language limiting the Board's Authority, the Board can hear an appeal to the rules and regulations and implement a remedy as it sees fit. Friendly Cab has indicated a desire to appeal this issue and the following are the options available.

Options

1. Re-issue all 37 permits to Friendly Cab Company
2. Put all 37 permits in a lottery
3. Have Friendly pay a penalty to receive all 37 permits
4. Re-issue some of the permits to Friendly and place the remainder in a lottery

Analysis

While there are a number of permutations of the options listed above, these four encompass most of the actions that can be taken. Clearly options 1 and 2 are the extremes. Re-issuing all the permits would essentially void all the rules and set a precedent that would be hard to control. There would be no incentive for companies to follow the rules if no penalties were involved. Likewise, pulling all 37 permits, while permissible under the regulations would appear to be a draconian solution to what appears to be a simple oversight on the part of Friendly Cab Company. The circumstances in this case do not seem to warrant this type of solution. While the regulations do call for financial penalties for infractions of the rules as they relate to the operation of the cabs, there is no mention of financial penalties for failure to renew a permit. It might be possible to place a dollar amount on this type of solution but determining what a fair amount would be is very difficult in that the economics of taxi operations are not easily discernable. Option 4 retains the spirit of the regulations, provides opportunities for other cab companies to receive additional permits, allows Friendly Cab to retain a significant number of permits and enacts a penalty for the mistake made by Friendly while representing a proportionate response to this issue.

Staff is recommending that Option 4 be implemented and the Friendly Cab Company be reissued 25 Airport Taxi permits and that the remaining 12 be placed in a lottery in which all eligible cab companies, including Friendly, will participate.

Recommendation

It is recommended that the Board of Port Commissioners direct staff to re-issue 25 Airport Taxi permits to the Friendly Cab Company and hold a lottery for the remaining 12 vacant permits as soon as practical.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20042 FEB 1 - 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to enter into a Professional Services Contract For the Relocation of Jack London Village Subtenants and to Pay Relocation Claims during the Purchase Option Agreement Term

Date: February 1, 2000

Item No. 11

PROGRAM AREA

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

[Signature]

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

On September 20, 1999, the Board passed a Resolution approving the execution of a "Option to Purchase Leasehold" with Oakland Village Corporation (Jack London Village). The 6-month Option Agreement, dated October 20, 1999, sets forth terms and conditions by which the Port can elect to buyout the Jack London Village leasehold. The option period was necessary in order to complete required environmental review (CEQA) work. Additional Board approval will be required to exercise the Option.

The Port intends to pay relocation benefits to the extent required by applicable law. There are 20 current subtenant businesses that may be eligible for relocation assistance benefits.

relocation assistance program is designed to provide both advisory assistance and relocation payments to displaced businesses. Advisory assistance helps the business in locating a suitable replacement property. Relocation payments primarily cover the actual moving expenses incurred from moving the business personal property to the new location. Payments also cover a percentage of other related expenses, such as loss of tangible personal property, search costs, and re-establishments costs. In addition, there is a provision for a payment in-lieu of moving expenses primarily for businesses that close operations.

ANALYSIS:

Staff has received proposals from three (3) consulting firms that specialize in providing relocation services. Please note that none of the firms are located in the city of Oakland. Staff did make an attempt, but could not locate a consulting firm in the City that provides relocation assistance services. The EEO department was consulted during the selection process. Each consulting firm was interviewed and presented with the following project "scope of work."

Provide Written Relocation Plan

- 1. Description of relocation area and surrounding area, including neighborhood amenities.
2. Information regarding the relocation needs of the persons and businesses to be displaced, including any significant issues.
3. Estimate of the total cost to relocate each business (gross dollar range).
4. Availability of relocation sites for businesses to consider for relocation, including zoning, market rental rates, or purchase prices for sites.
5. Approximate timeframe for relocation to be completed.
6. Identification of any other issues that might impact the successful relocation of the impacted businesses.

BOARD ACTION REQUIRED:

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20044 FEB 1 - 2000

BOARD ACTION TAKEN DATE

[Signature] Assistant SECRETARY OF THE BOARD

**Authorization to enter into a Professional Services Contract
For the Relocation of Jack London Village Subtenants and to
Pay Relocation Claims during the Purchase Option Agreement Term
February 1, 2000
Page 2**

• Provide Relocation Services

1. All advisory assistance required under HCD regulation.
2. Review of clients' information booklet and delivery as necessary.
3. Provide (and/ or prepare) all necessary forms to accomplish relocation
4. Keep accurate records.
5. Provide verbal (or written) summary of relocation progress, as needed.
6. Coordinate timely payments.
7. Advise displacees of appeal rights and procedure.

• Coordination and Ongoing Consultation

1. Establish work process with Port.
2. Prepare critical path spreadsheet for work, as requested.
3. Prepare monthly reports, as requested.
4. Provide consultation to address project issues on an ongoing basis.
5. Attend meeting as requested. Prepare presentations as directed.
6. Coordinate and communicate with Port's legal counsel regularly, as requested.
7. Retain and supervise subcontractors as needed.
8. Assist in delineating relocation records for retrieval purposes, as requested.

The following table summarizes the consultant proposals for cost of services:

CONSULTANT	ESTIMATED COST OF SERVICES
Associated Right of Way Services, Inc.,	\$86,000 - \$120,000 (range)
Crossroads R/W	\$76,000 (not to exceed)
Universal Field Services, Inc	\$66,200 (not to exceed)

Staff recommends that the relocation consultant contract be awarded to Universal Field Services, Inc.(UFSI) based on their excellent qualifications to successfully complete the project, and their projected cost of service. Their bid estimate is nearly 13% lower than the Crossroads estimate.

UFSI is a national company with a local office in Concord. They have been providing full service, business relocation services to government clients for over 40 years. Their local management team is headed by Jim Finnegan, who has 29-years of acquisition and relocation experience with Caltrans. Mr. Finnegan served several years as the statewide relocation manager for Caltrans. Staff feels that the qualifications and experience of UFSI will result in the successful relocation of the Jack London Village tenants. Also, staff is aware that the relocation of the Jack London Village subtenants is an extremely sensitive issue, and we will work closely with the consultant staff to assure that the subtenants are treated fairly and are kept informed throughout the process.

Staff is further proposing that the Board approve the payment of individual relocation claims to any eligible Jack London Village subtenant during the 6-month option period, and for the time period prior to the close of escrow. Normally relocation payments would not be made until after the Port owns the property. Staff is proposing this action to assist the many Jack London Village subtenants, who have expressed a desire to relocate their businesses immediately, and not wait for the end of the 6-month option period, or for the purchase escrow to close. Staff believes that a commitment by the Port to pay relocation claims, prior to ownership, will diffuse potential problems with the subtenants related to their desire for immediate relocation. A downside to this strategy would be if the Port decides not to exercise the purchase option, and has already paid relocation claims to subtenants.

RECOMMENDATION:

It is recommended that the Board approve the consultant contract with Universal Field Services, Inc. as outlined above. It is further recommended that the Board authorize the payment of individual relocation claims to eligible Jack London Village subtenants, during the 6-month purchase option period and prior to the close of escrow and that the Executive Director or his designee be authorized to approve individual relocation claims on behalf of the Port.

Agenda Sheet

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Mortenson Development Company for the Property Located at Third and Brush Streets

Date: February 1, 2000

Item No. 13

PROGRAM AREA

- Airport Operations
- Commercial Real Estate C. I.
- Maritime Operations
- Overall Operations

OR
SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:
OR

FACTUAL BACKGROUND:

The Port currently owns a 40,000 square foot site bounded by Brush, Castro, Second and Thirds Streets which is used by the Harbor Facilities Group. We have received an offer from Mortenson Development Company to purchase the property. Mortenson has secured an option on the adjoining 20,000 square foot privately owned parcel, and intends to demolish the improvements on both parcels and construct a 120,000 square foot building to house Internet service provider companies.

Mortenson refers to the Port's parcel as "ground zero" for their type of use. As telecom construction experts, they build over \$1 billion in construction projects annually. Their search for an Oakland location targeted the Port's site because of its existing infrastructure: accessibility to multiple fiber optic carriers in the street, the proximity of PG&E Substation C which provides electrical redundancy, and the short distance to the Pac Bell Tandem Switch.

Mortenson has noted that the transformation of the South of Market area in San Francisco, now known as Media Gulch, was fueled to a great degree by a similar facility located at 274 Brannan Street. They believe that the ability to rapidly access the necessary infrastructure to be located in their building will attract and retain a diverse grouping of business to the surrounding area.

The Port's Facilities Group is currently operating out of the FISC property, and a study is underway to determine requirements for a permanent facility. It is highly unlikely that the operation will move back to this area, since the property values dictate a higher and better use. It may be possible to locate Port property in the Harbor area suitable for the relocation.

The facility, which will run a 24-hour operation, will include approximately 90 employees.

ECONOMIC TERMS:

Price: \$80.00/square foot
 \$3,200,000

Closing, Contingency Period: The closing of this transaction is contingent upon Buyer completing all due diligence Buyer deems necessary and obtaining all approvals Buyer deems necessary to construct the proposed Telecommunications Access Center. Buyer will have 9 months from the execution of the Purchase Agreement to complete the due diligence, and will be provided reasonable access to the property during this period. This transaction is to close within 30 days following Buyer's contingency period.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print FEB 1 - 2000

BOARD ACTION TAKEN **DATE**

Sharon Kruppel

SECRETARY OF THE BOARD

Assistant

Sellers Obligations:

- Provide, within 14 days of execution of purchase agreement, current title report.
- Reimburse Buyer up to \$9,800 for "Phase One" and "Phase Two" environmental reports certified to Buyer verifying environmental condition of site acceptable to Buyer.
- Pay at closing 50% of any transfer taxes due.

Buyer Obligation:

- Pay market rate real estate brokerage commission due CB Commercial Real Estate Group Inc.

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15061(b)(3) (General Rule Exclusion.) The General Rule Exclusion applies to those activities where it can be seen with certainty that there is no possibility for the activity in question to have a significant effect on the environment. The General Rule Exclusion does not apply to the final sale of the property or to construction and operation of the telecom building. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture). The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

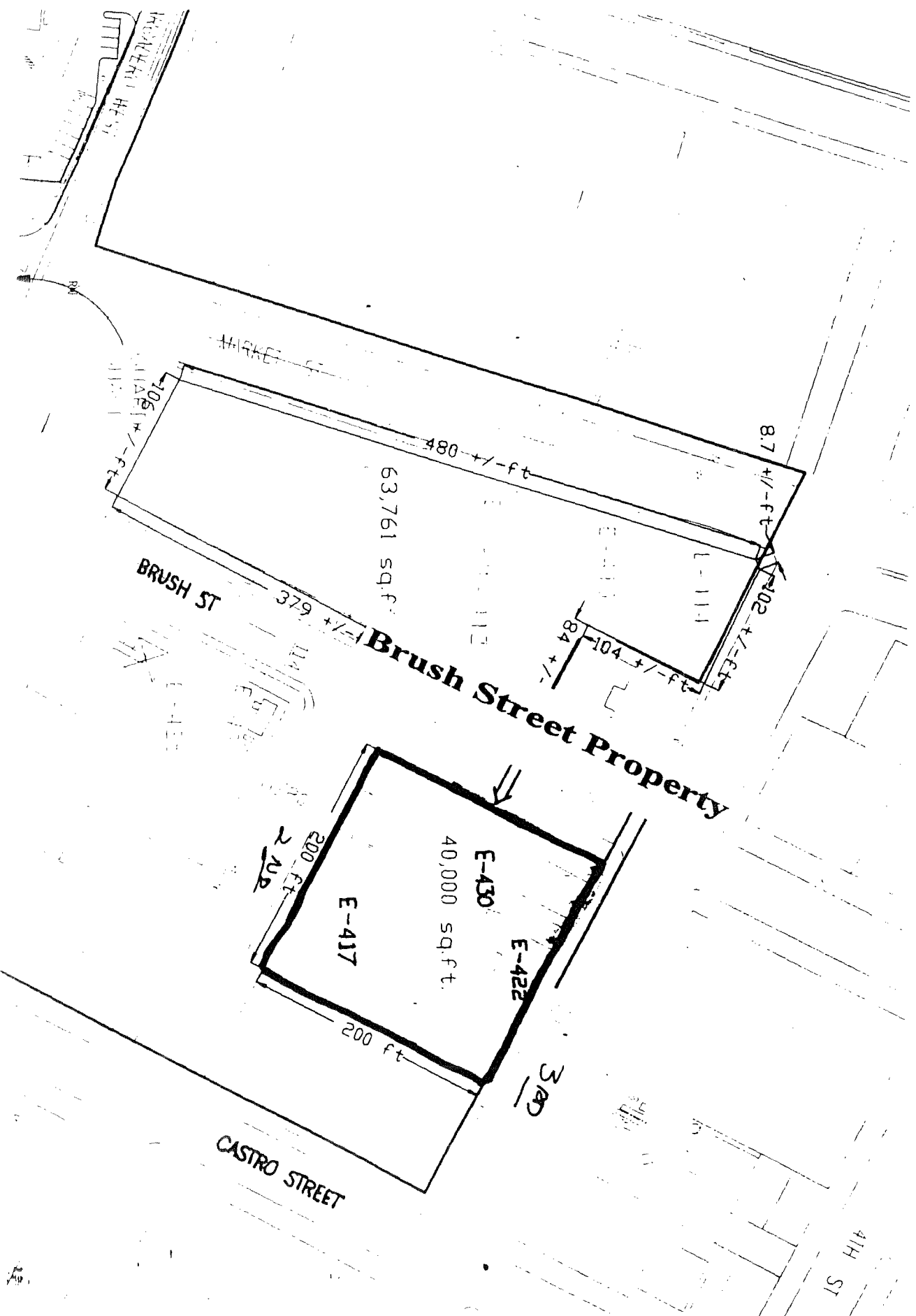
This matter has been discussed at a number of Commercial Real Estate Committee meetings.

OPTIONS:

1. Do not sell.
2. Put the parcel on the open market.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Mortenson Development Company for the purchase of the Brush Street parcel in the amount of \$3,200,000.



Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Jack London Square Master Developer Schedule and
Recommendation to Proceed with Selection Process

Date: February 1, 2000

Item No. 51

PROGRAM AREA

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Jack London Square Master Developer Request for Qualifications was issued in October 1999. The responses were due on December 23, 1999. As of 5:00 PM December 23, 1999 we received four proposals from the following groups:

LCOR Public/Private, Inc./WDG Ventures, Inc.
SPI Holdings
Jack London Square Partners (JLSP)
Jack London Village Partners, LLC

We received notice from SPI Holdings (Dennis Wong) in a letter dated January 18, 2000 withdrawing from the selection process based upon SPI's current capacity due to accelerated development time frames on projects they are currently undertaking.

In order to evaluate the remaining three proposals we assembled a panel to review the written responses to the RFQ and oral presentations by the developers.

The presentations included a review of the qualifications of the respective developers, partners, and team members as well as conceptual development plans for the build-out of Jack London Square.

The Port staff will continue our due diligence with the development teams, and will be prepared to report to the Board at the February 1, 2000 closed session meeting. Based on the information received, we may be prepared to recommend that we request proposals from two of the developers ("short list"). At a special meeting of the Board (to be held within the next 30 days) the short listed developers would make a presentation to the public and the Board and solicit comments and concerns.

Staff will prepare a Request for Proposal (RFP) to be sent out before the end of February. The RFP will solicit the following information from the developers:

- Answers to any remaining questions related to the RFQ phase of the selection process.
- Further clarification of team structures and qualifications.
- Design proposals including development concepts, parking solutions, merchandizing and tenant mix.
- Business proposals, including a profoma and offer of business terms to Port.
- Acceptance of Port Ground Lease.

BOARD ACTION REQUIRED:

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Resolution No. 20045 FEB 1 - 2000

BOARD ACTION TAKEN DATE

Sharon Krippner

Assistant SECRETARY OF THE BOARD

**Jack London Square Master Developer Schedule and
Recommendation to Proceed with Selection Process**

February 1, 2000

1 2

SCHEDULE:

The schedule going forward is:

Issue RFP by February 25, 2000.

Responses due May 1, 2000.

Recommendation for selection of a developer to the Board June 20, 2000.

RECOMMENDATION:

It is *recommended* that staff be directed to proceed with the process as outlined above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

^{TD}
SUBJECT: Ratification of Expenditures and Authorization to
Dispense with Formal Bids for Repair of Damaged
Wharf at Berth 25, Outer Harbor Terminal

Date: February 1, 2000

Item No. 21

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

On December 15, 1999, the vessel Maersk Tampa struck and damaged the concrete wharf at Berth 25 while attempting to position itself for docking at Berth 24. The damage consists of nine broken concrete bearing piles and spalled concrete in the crane power trench. The damage is located such that TBCT, the tenant at Berth 25, is unable to fully utilize the wharf area with the cranes, since three of the damaged concrete piles support the crane rail girder. As a result, the tenant's operations are restricted as to the positioning of ships and movements of the cranes across the damaged portion. To return the wharf to normal operations, it is critical that the wharf be repaired at the earliest possible date. Port staff is pursuing recovery of the Port's engineering and construction costs from the insurance carrier for Maersk Sealand. As such, a Bill-To-Others has been prepared and sent to the shipping line.

Because of the urgency of the situation, a purchase order contract was issued to Liftech Consultants, Inc. to design the necessary repair work. The final billing for this work is expected to be approximately \$33,000, exceeding the \$15,000 limit established by the Purchasing Ordinance for purchase order contracts for professional services. In addition, due to the fact that concrete piles typically require a three-week lead-time, a purchase order contract for an amount of \$23,000 was issued to Pomeroy Corporation for the seven concrete piles needed to perform the repair work. That is within the \$50,000 limit for the purchase of materials.

In order to continue expediting this process, it is proposed to dispense with formal bids and solicit proposals to perform the work from contractors currently under contract with the Port for other Port work. These contractors are Vortex Diving, Manson Construction & Engineering, and Port of Oakland Constructors. Upon receipt of the proposals, it is recommended that the Port negotiate and execute a change order with one of the above contractors based on the lowest cost proposal. It is estimated that the work will cost approximately \$300,000.

The proposed emergency pile repair work is exempt from the requirements of the California Environmental Quality act (CEQA).

RECOMMENDATION:

It is recommended that the Board:

1. Ratify the expenditures for the design services provided by Liftech;
2. Find it to be in the best interest of the Port to dispense with formal bidding procedures for the subject project; and
3. Authorize the negotiation and execution of a contract change order with one of the above identified contractors to perform the repair work.

Approved by Resolution

No. 20046

FEB 1 - 2000

BOARD ACTION REQUIRED

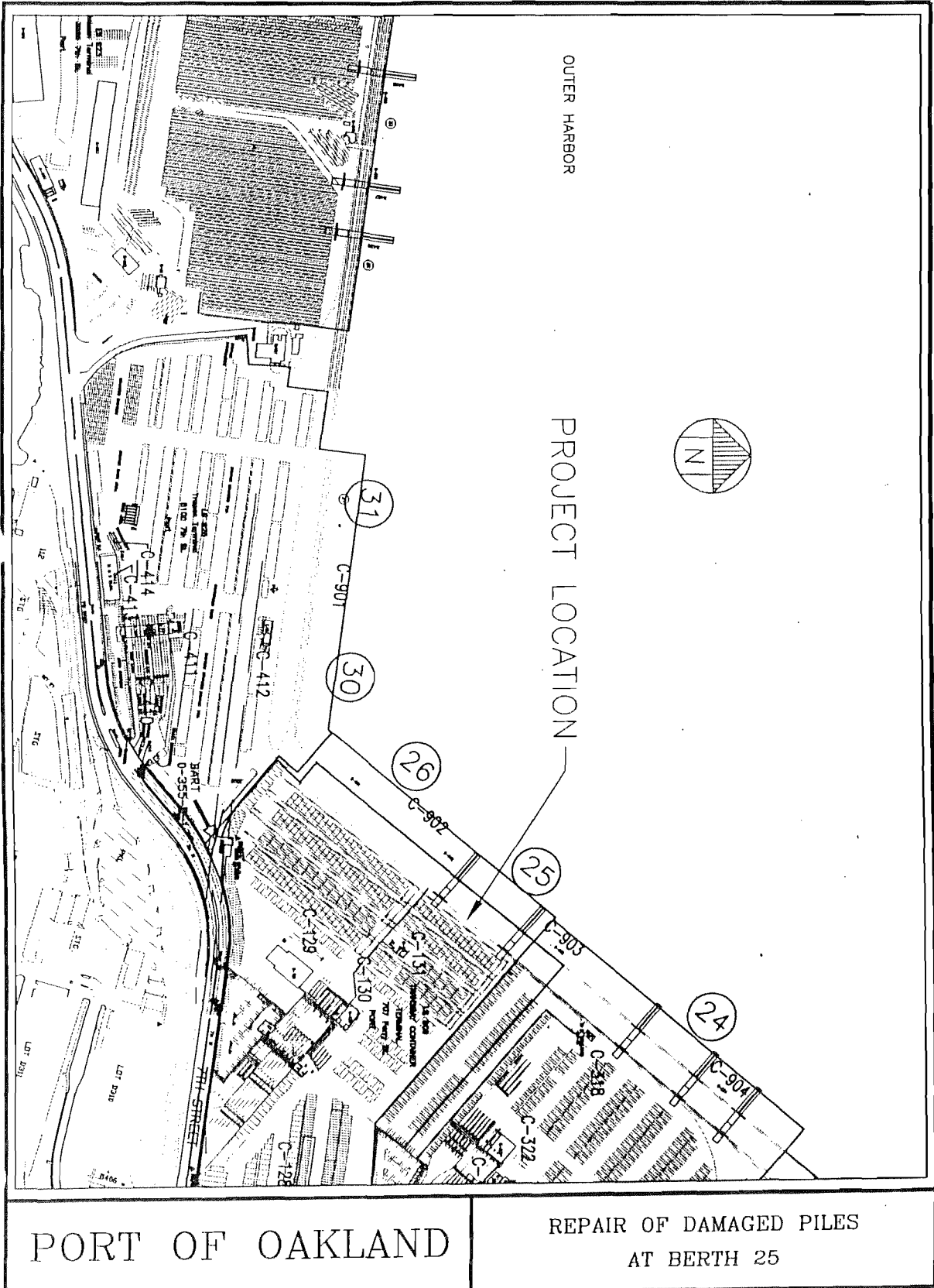
BOARD ACTION TAKEN

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

[Signature]
Assistant SECRETARY OF THE BOARD

Assistant



PORT OF OAKLAND

REPAIR OF DAMAGED PILES
AT BERTH 25


Agenda Sheet


^{TD}
SUBJECT: Approval of Supplemental Agreement with Fugro West, Inc. for Geotechnical Design Services for the Construction of Coastal Improvements at Middle Harbor Shoreline Park

Date: February 1, 2000
Item No. 22

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port of Oakland (Port) has a current professional services agreement with Fugro West, Inc. (Fugro), which was approved by the Board on November 24, 1998, per Resolution No. 98458. Fugro was hired to provide geotechnical engineering, hydrodynamic modeling, and consultation services related to the shoreline design and fill in the north cell of the Middle Harbor. The Board authorized a maximum compensation of \$250,000 with the provision for an additional amount of \$50,000 to be spent with the approval of the Executive Director for change in scope work.

During the planning and design work for this project, various elements of the overall program and specific elements of the north cell design were changed to incorporate the requirements of the community and regulatory agency stakeholders for the Middle Harbor Shoreline Park and Middle Harbor Enhancement Area projects and to cover work not accounted for when the original authorization was brought to the Board in November 1998. As a result, the scope of work under the agreement with Fugro needs to be expanded. In summary, the changes requested include:

- New geotechnical analyses associated with the southern training wall.
- New design of attenuation structures to minimize potential for beach erosion at the north cell.
- New seismic evaluation of the North Marginal Wharf required by the BCDC permit.
- Acquisition, processing, and analysis of long-term wind data used in predicting wave conditions in the north cell area.
- Measurement and processing of wave data within the Middle Harbor area for use in calibrating wind-wave generation models to predict wave heights and other relevant parameters in the north cell area.
- Additional water level analyses associated with the newly acquired data.
- New CAD Drawings of several design elements and features of the north cell containment structure.
- Several iterations for containment dike location and geometry based on changes in the beach design as a result of data and analysis described above.
- Support During Construction and Bidding: Coordinate with bidders and selected contractors to resolve any bidding or construction issues. Provide interpretations and clarifications of intent of design during bidding and construction. Review conflicts that arise. Make periodic site visits during construction. Review contractor submittals.

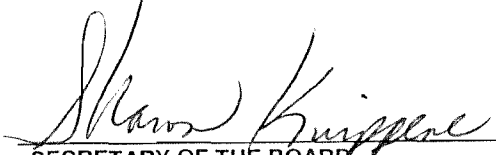
Approved by Resolution

No. 20047 FEB 1 - 2000

BOARD ACTION REQUIRED

BOARD ACTION TAKEN DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY


Assistant SECRETARY OF THE BOARD

These revisions to the original scope of work total \$117,000 in excess of the original authorized maximum, for which a First Supplemental Agreement would be required.

Budget Status:

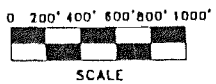
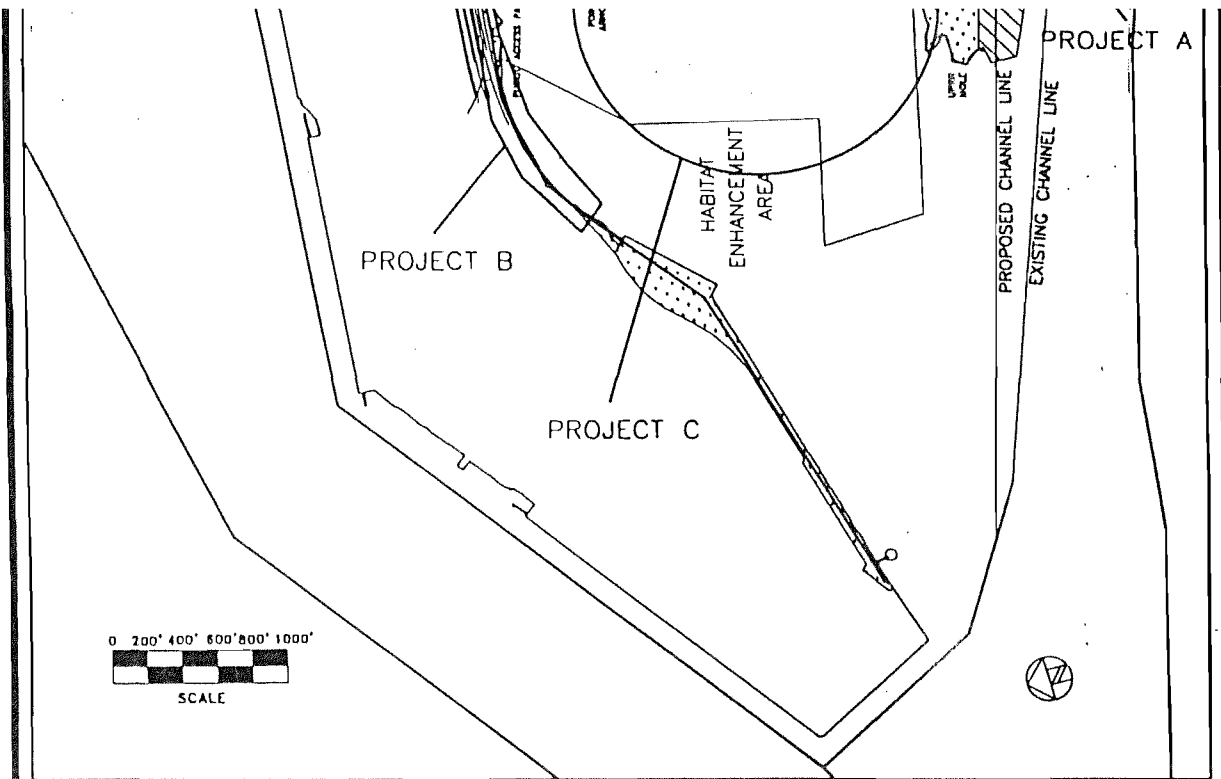
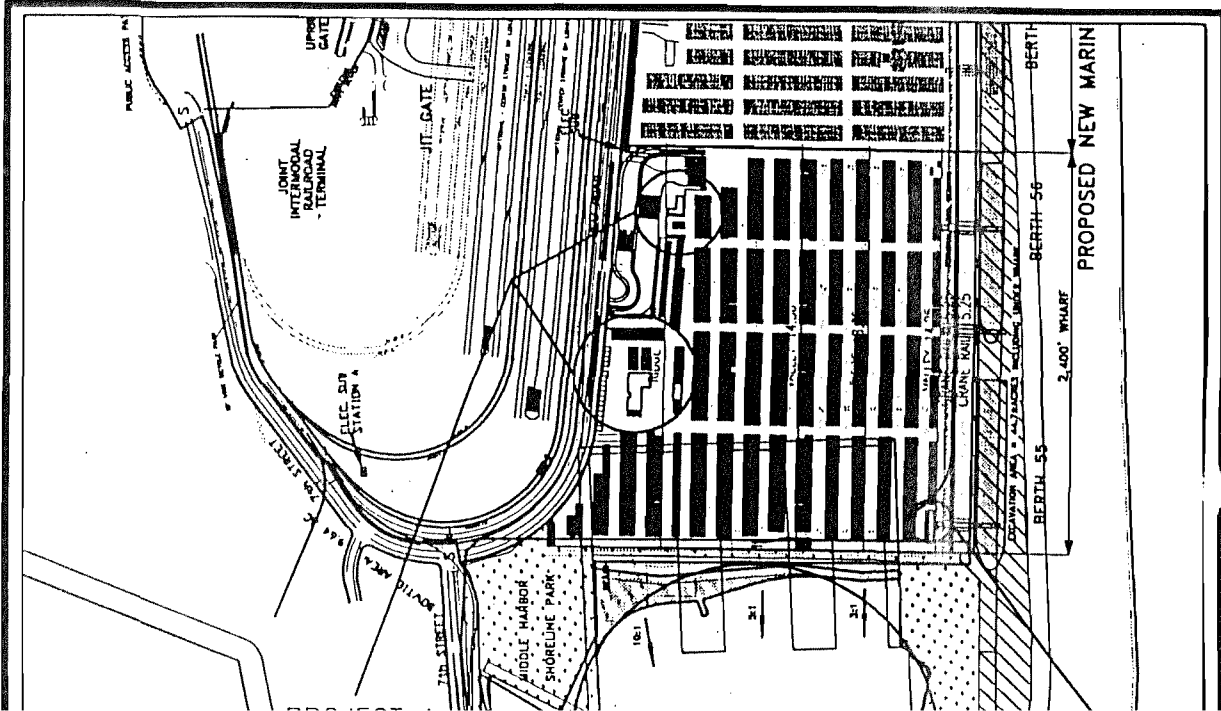
This work was originally budgeted under CIP Item No. M6.00546.08, Middle Harbor Shoreline Park. The funding source is Port bonds. This additional work will be covered by funds in CIP Item M6.00548.02, Prepare New Channel Bank, and shifting funds from M6.00599.01, Project Awards Variance, the CIP item created for Vision 2000 contingencies from savings on other Vision 2000 projects.

A summary of the proposed compensation changes is provided below:

	DESCRIPTION	DATE	BOARD APPROVED	PROPOSED
1	Original Agreement Maximum Allowable Compensation	11/24/98	\$250,000	
2	Allowable Increase with Executive Director's Approval (Remains Available)		\$ 50,000	
3	Additional Amount to be Included in a First Supplemental Agreement	Proposed		\$117,000
4	Maximum Allowable Compensation		\$300,000	\$417,000

RECOMMENDATION:

It is recommended that the Board authorize the preparation and execution of a supplemental agreement with Fugro West, Inc for geotechnical and hydrodynamic services as described above, increasing the compensation by \$117,000, with a new maximum allowable compensation of \$417,000.



PORT OF OAKLAND

HARBOR TRANSPORTATION CENTER
 AREA D

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

1889

SUBJECT: Approval of Consultant Agreements for Geotechnical Design Services with AGS, Inc., Olivia Chen Consultants, Inc./Treadwell & Rollo (Joint Venture), and Fugro West, Inc. for Construction of Berths 55/56 Yard Buildings and Middle Harbor Shoreline Park, Inner Harbor Channel

Date: November 24, 1998

Item No. 21

SUBMITTED BY: Joseph K. Wong *JKW*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

As part of the Port's Vision 2000 Program, a container yard with associated buildings and the Middle Harbor Shoreline Park are being designed along the north side of the Oakland Inner Harbor Channel in the former Fleet Industrial Supply Center, Oakland. The proposed consultants are to provide geotechnical design services for construction of the Berths 55/56 yard buildings and the shoreline park.

Basis of Selection:

Twenty-six Requests for Qualifications (RFQs) were sent out on August 21, 1998. The purpose of the RFQs was to obtain firms to supply geotechnical services on three separate small projects in the Port's maritime area and to provide a list of qualified firms for future small projects. The current three projects are: (1) foundation design for the Berths 55/56 yard buildings; (2) foundation and pavement designs for the Middle Harbor Shoreline Park; and (3) coastal improvements at the Middle Harbor Shoreline Park. The RFQs were sent to geotechnical firms with offices in the Local Impact Area (LIA), Oakland, Alameda, and Emeryville, which have not worked with the Port in the last four years. Of the requests sent out, twelve qualifications were received.

The Port Review Panel reviewed the twelve statements of qualifications, and the eight top-ranked firms were invited for interviews, namely:

1. AGS, Inc.
2. Fugro West, Inc.
3. GEI Consultants, Inc.
4. Geo/Resource Consultants, Inc.
5. Geotechnical Consultants, Inc.
6. Harding Lawson Associates
7. Olivia Chen Consultants, Inc./Treadwell & Rollo
8. Rust Environment & Infrastructure

AGS, Inc., Olivia Chen Consultants, Inc./Treadwell & Rollo (Joint Venture), and Fugro West, Inc. are recommended for selection to perform the required geotechnical design services, respectively, for the following projects:

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BOARD ACTION REQUIRED

BOARD ACTION TAKEN **DATE**

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

JWB

SUBJECT: Incremental Port Contribution to the
Cost of Design of Oakland Harbor Navigation
Improvement (-50 Foot) Project

Date: February 1, 2000

Item No. 23

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

The Federal cost-shared project to deepen the Port of Oakland's Entrance, Inner, and Outer Harbor Channels to -50 feet Mean Lower Low Water (MLLW) is directly related to the Port's Vision 2000 Program. The key projects of Vision 2000 include the new marine terminals presently under construction at the mouth of the Oakland Estuary, and the Joint Intermodal Terminal.

The -50 foot project is required to accommodate the latest generation of container vessels. The design vessel for the project is a container ship designed to carry in excess of 6500 TEU's. It has a design draft of 48 feet, is 1,139 feet long, and 140 feet wide.

The -50 foot project components include deepening and slight widening of the Bar, Inner, and Outer Harbor Channels as well as the two turning basins. The project also includes the relocation of the Navy sewer line and cathodic protection for the Bay Area Rapid Transit (BART) transbay tube. The transbay tube itself would not be impacted.

The Corps of Engineers, and the Port as the non-Federal cost-sharing partner, anticipate dredging nearly 13 million cubic yards (cys) of material, of which less than 600 thousand cys is unsuitable for unrestricted aquatic disposal, but is suitable for upland construction grade material or wetlands non-cover. None of the material is considered toxic or hazardous. The proposed plan places approximately 7 million cys of suitable (clean) dredged material at Middle Harbor, part of the former Navy facility, decreasing depths from -38 feet to an average of approximately -6 feet. This will provide a shallow water habitat, vastly more biologically productive than the current situation. A related but independent project is a planned park on the periphery of Middle Harbor, a concept that has overwhelming support from the local community. The proposed plan also includes reusing approximately 3 million cys of suitable dredged material at the closing Hamilton Army Airfield (HAAF) to restore grades appropriate for various wetlands habitats. Finally, the proposed plan includes the placement of approximately 3 million cys at the Montezuma Wetlands restoration project in the west delta.

The Board of Port Commissioners approved a resolution on March 19, 1996, that authorized the Executive Director to negotiate, prepare, and execute an agreement with the U.S. Army Corps of Engineers to provide technical expertise in support of a feasibility study for deepening and improvements to the Port of Oakland. The combined feasibility study and environmental documentation was prepared pursuant to the authority provided by the Congress of the United States through the Water Resources Development Act (WRDA) of 1986. Section 203 of WRDA 86 provides for a non-Federal interest (The Port of Oakland), on its own, to undertake a feasibility study of a proposed harbor project and submit it to the Secretary of the Army.

Section 203 of WRDA 86 also states that, upon authorization and appropriations, the Secretary of the Army shall credit the non-Federal sponsor (Port of Oakland) the cost that the Federal Government would have contributed if the project had gone through the normal civil works process. This amount, applied to the Port's share of the cost of construction, is generally 50% of the cost of the study. The "Section 203" process enabled the Port to complete the feasibility phase of the project in less than two years, in contrast to the normal five years required for most navigation projects.

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BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20048 FEB 1 - 2000

BOARD ACTION TAKEN DATE

[Signature]

Assistant

SECRETARY OF THE BOARD DATE

The study and environmental documentation justified and supported a project that deepens the channels, turning basins, and berths to -50 feet, MLLW. As a result of this study, Congress approved, and the President signed, the WRDA 99 that authorized the project in August 1999.

The Corps of Engineers, with active participation by the Port, is currently designing the project in accordance with the design agreement authorized by the Board on March 16, 1999. The next step of the project includes the completion of design, permitting, and real estate actions by the Fall of 2000. The Port would then enter into a Project Cooperation Agreement (PCA) with the Federal Government. The final cost-sharing ratios for the construction of the project would be "secured" with the signing of the PCA. Federal funding for design has been secured through Corps of Engineers' appropriations for Federal FY 2000. The Corps plans on recommending funds to complete design and initiate construction in FY 2001, based on recommendations by the Port and the California Marine Affairs and Navigation Conference (CMANC). The Federal fiscal year starts on October 1 and ends on September 30.

COST ESTIMATE:

The current Corps of Engineers estimate for design/construction of the -50 foot project, including both general navigation features, local service facilities, and Lands, Easements, Rights-of-Way, and Re-locations (LERRs) is \$259.3 million. The estimated total Federal contribution for the project is \$128.1 million. The Port's estimated contribution to the project is \$131.2 million according to the Corps of Engineers.

STATUS OF BUDGET:

\$148.556 million is budgeted for in the Port's CIP for MA.02871.00. This includes the Corps of Engineers working estimate of \$131.2 million together with contingency, legal costs, staff/overhead, and project management / monitoring after construction. The Port has currently expended a total of \$15.965 million in planning and design costs towards the project.

The Port's Contribution for general navigation-related project design is covered under CIP Item No. MA.02871.02, Project Contributions / Project Coordination Team. The Port budgeted \$2,634,000 for this portion (non-Federal cost share of design) of the total project cost, and has expended \$925,000 to date.

The funding source is Port Revenue Bonds.

ANALYSIS and OPTIONS:

The design phase of the -50 foot project to deepen the Port's channels is a logical progression beyond the recently completed planning phase of the project that resulted in a combined feasibility study / environmental impact study / environmental impact report for the project. The Corps of Engineers initially requested \$825,000 as the Port's contribution to the design effort. The initial request was based on the feasibility study of the project before initiation of the design phase where costs could be more accurately determined. The Corps of Engineers recently revised the total design estimate to include:

- refined/final design of the Middle Harbor Habitat Enhancement Area;
- additional hydrodynamic analysis to address San Francisco Bar Pilots concerns as a result of the recently completed navigational study;
- additional geotechnical analysis;
- additional sediment / sampling analysis; and
- design contribution related to the transport and beneficial re-use of dredged material at Hamilton Army Airfield.

The additional design effort is anticipated to cost \$1,360,000. The non-federal (Port's) share of this amount is \$364,529. It is important to emphasize that this additional work was anticipated by the Port and included within the CIP. Therefore the requested amount of \$364,529 is an incremental commitment of a portion of the total design budget rather than an increase to the design budget.

Failure to provide the non-Federal (Port's) portion of the project's design funding would place the -50 foot deepening project in jeopardy, as a cost-shared Federal project. The Port could conceptually continue with the project, but it would be at 100% cost share rather than approximately 25% for design and 50% for construction. Furthermore, the Port would not be able to take advantage of current Federal responsibilities to maintain Federal projects including navigational channels.

RECOMMENDATION:

It is recommended that the Board authorize the incremental payment of \$364,529 as part of the Port (non-Federal) contribution to the design of the -50 foot project.

Agenda Sheet


SUBJECT: Certification of the Oakland Harbor Navigation Improvement (-50 Foot) Project Final EIR, Findings Concerning Significant Effects of the Project, Adoption of Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations for Unavoidable Adverse Impacts and Approval of the -50 Foot Project

Date: February 1, 2000

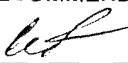
Item No. 24

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION:



EXECUTIVE SUMMARY:

This Agenda Sheet provides the necessary material to certify the Revised Final Environmental Impact Report (EIR) for the Oakland Harbor Navigation Improvement (-50 Foot) Project (hereinafter the "Project"), and then to approve that Project. A full copy of the Final EIR and all supporting documents are on record and are available in the Office of the Secretary of the Board of Port Commissioners. The Project consists primarily of: 1) deepening and widening the entrance, Outer Harbor and Inner Harbor channels and the Outer Harbor and Inner Harbor turning basins; 2) deepening certain berths; and 3) reusing dredged material for habitat restoration.

The EIR for the Project identified a number of significant impacts from both construction and operation of the Project. Mitigation measures have been identified to avoid, or reduce to a less than significant level, significant impacts of the Project regarding surface water resources, geology and groundwater, biological resources, cultural resources, transportation, noise, and hazardous materials and contaminated wastes. It is recommended that the Board adopt all of the EIR's recommended mitigation measures for reducing significant and less than significant impacts. Details of those measures are contained in both Appendix 1 to this Agenda Sheet and in the EIR.

After mitigation, three impacts remain significant: dredging noise during construction, air pollutant emissions during operations, and cumulative freeway traffic during operations. If the Board is to approve the Project and certify the EIR, it must first adopt all feasible mitigation measures that would reduce those impacts, and then adopt a Statement of Overriding Considerations. The EIR identifies a program of mitigation measures which reduces noise and air quality impacts and cumulative freeway traffic impacts and explains why the Port cannot feasibly eliminate the Project's dredging noise impact.

In addition to mitigation measures, the Project itself includes elements that would effectively avoid or reduce environmental impacts. These include restoration of habitat in the Middle Harbor Enhancement Area, which calls for replacement, on a much larger scale, of a small amount of eelgrass habitat that could be removed by the Project, and construction specifications such as the use of electric-powered, rather than diesel, dredges that reduce air pollutant emissions and noise during construction. In addition, the Project includes commitments that would enhance the environment and the quality of life for Bay Area communities. Most notably, these commitments include the commitment to create and maintain the Middle Harbor Enhancement Area for habitat restoration and, if feasible, to contribute dredged material to habitat restoration at the Hamilton Army Airfield Restoration site and the Montezuma Wetlands Project. Staff recommends that the Board approve the Project, thereby approving all of these design features, construction specifications and quality of life measures.

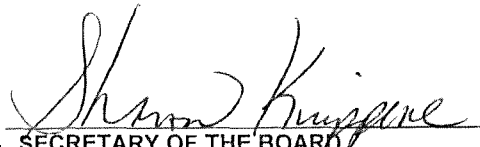
Approved by Resolution

No. 20049 FEB 1 - 2000

BOARD ACTION REQUIRED

BOARD ACTION TAKEN DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY


Assistant SECRETARY OF THE BOARD

It should be noted that on the same date the Board considers the certification of the EIR and approval of the Project, the Board will also consider enacting an ordinance authorizing the execution of agreements with the City of Alameda and Bay Ship & Yacht Co. Those agreements provide frameworks for real property acquisitions for the Project and address the City of Alameda's and Bay Ship & Yacht Co.'s remaining concerns regarding the Project. Accordingly, if the Board does not certify the EIR and approve the Project, the Board should not enact the ordinance authorizing execution of the agreements with the City of Alameda and Bay Ship & Yacht Co.

The detailed findings that follow identify seven individual bases for finding that the benefits of the Project override the remaining significant impacts. They are:

- 1) providing deep-draft navigation improvements for the federal channels in Oakland Harbor that would contribute to national economic development;
- 2) protecting and enhancing the environment, in part by maximizing beneficial reuse of dredged material for habitat enhancement;
- 3) reducing tidal delays associated with container ship passages to and from the Port of Oakland;
- 4) increasing economies of scale for waterborne commerce;
- 5) increasing navigation safety by reducing the potential for vessel collisions and groundings;
- 6) maintaining the viability of container shipping to and from the San Francisco Bay Area by providing access to the Port of Oakland in an efficient, cost-effective and environmentally sensitive manner; and
- 7) removing contaminated sediments from berths and channels within the Port of Oakland and disposing of these materials in an approved and environmentally sound manner.

FACTUAL BACKGROUND:

Project Description

If approved, implementation of the Project is planned to begin in December 2000, and is projected to be completed in approximately four years. Construction of the Project comprises chiefly the following activities:

- Deepening the entrance channel, Outer Harbor channel, Outer Harbor turning basin, Inner Harbor channel and Inner Harbor turning basin to -50 feet mean lower low water ("MLLW") plus 2 feet of overdepth;
- Widening the entrance channel (on the north side), the Outer Harbor turning basin (from a diameter of 1,480 feet to a diameter of 1,600 feet), the Outer Harbor channel (to accommodate the widening of the turning basin), and the Inner Harbor turning basin (from a diameter of 1,200 feet to a diameter of 1,500 feet);
- Widening and straightening the Inner Harbor channel from approximately station 40+00 to station 135+00;
- Deepening the following berths to -50 feet MLLW: 22-26, 30, 32, 33, 35, 37, 55-58, 60-63, 67 and 68;
- Relocating the submarine portion of the sanitary sewer force main that crosses the Inner Harbor and services the former Naval Air Station (NAS) Alameda and replacing any portions of the cathodic protection system for the BART Transbay Tube that may be impacted by the widening of the Outer Harbor;
- Placing approximately 7.0 million cubic yards (mcy) of wetland cover-quality dredged material in the waters of San Francisco Bay for habitat restoration known as the "Middle Harbor Enhancement Area" (MHEA); 400,000 cubic yards (cy) of the most contaminated material upland at a combination of the Port of Oakland's "Vision 2000" site (up to 300,000 cy) and at landfills (the remainder); 2.5 mcy of dredged material suitable for wetland restoration at the Hamilton Army Airfield Wetland Restoration site (Hamilton), providing the site is developed on schedule and is available during construction; 2.9 mcy of dredged material suitable for wetland restoration (including up to 300,000 cy of wetland non-cover quality material) at the Montezuma Wetlands Project (Montezuma), contingent on the resolution of environmental issues concerning the site, site availability, and cost effectiveness; or disposal of the material designated for Hamilton and Montezuma, which is also suitable for ocean disposal, either at an upland beneficial reuse site such as former NAS Alameda or at the Environmental Protection Agency (EPA) Section 102 San Francisco Deep Ocean Disposal Site (SF-DODS), to the extent that neither Hamilton nor Montezuma is available.

- Use of electric-powered (rather than diesel-powered) dredges for most dredging.

The Project's operations consist of the use by vessels of the expanded channels, turning basins and berths, and the operation of the MHEA. The expanded channels, turning basins and berths will require maintenance dredging during operations. The MHEA will require ongoing maintenance and management as a habitat enhancement area.

Procedural Background/Public Comment

On July 18, 1997, the Port of Oakland issued a Notice of Preparation (NOP) of a Joint Environmental Impact Statement/Environmental Impact Report/Feasibility Study (EIS/EIR/FS) for the Project. The NOP identified the Port of Oakland (the Port) as the state lead agency and the U.S. Army Corps of Engineers (the Corps) as the federal lead agency for the Project. On August 5, 1997, the Port and the Corps held a public scoping meeting to provide an early and open process for determining the scope of issues to be addressed related to the Project. A transcript of that meeting is included in the EIS/EIR/FS, along with a copy of the NOP and summaries of both written and oral scoping comments, at Appendix F.

On February 13, 1998, the Port and the Corps issued a Draft EIS/EIR/FS. The public comment period ended on March 30, 1998. A public hearing was held on March 4, 1998, at which oral comments were received. A transcript of that hearing, along with copies of the written comments on the Draft EIS/EIR/FS, are included in the EIS/EIR/FS at Appendix W. A total of 54 written comments on the Draft EIS/EIR/FS were received. The Port and the Corps prepared written responses to all written and oral comments received, all of which are contained in Appendix X of the EIS/EIR/FS. In addition, the Port and the Corps prepared corrections to the EIS/EIR/FS, which were incorporated into Volumes I (Feasibility Study), II (EIS/EIR) and III (Feasibility Study Appendices). The Port and the Corps issued their Final EIS/EIR/FS for review by interested persons and public agencies on May 15, 1998.

With the exception of berth deepening, for which the Port bears sole responsibility, the Project is co-sponsored by the Port and the Corps, with the federal government to provide much of the necessary funding. The Port and the Corps originally planned for the Project to be included in the projects authorized for federal funding by the 1998 Water Resources Development Act (WRDA). Due, however, to factors unrelated to the Project, the United States Congress did not pass a WRDA in 1998; the Port and the Corps were required to await the 1999 congressional session.

By early 1999, when Congress was again prepared to take up the possibility of passing a WRDA, new information had become available regarding the Project, so the Corps issued an Information Report in March 1999 to update its EIS. In the summer of 1999, Congress passed and the President signed WRDA 1999, which included authorization for the Project. The Corps issued its Chief's Report recommending authorization of the Project in April 1999 and its Record of Decision approving the Project in October 1999.

During the WRDA delay, a potential historical resource in the City of Alameda that would be affected by the Project was determined to be eligible for listing on the National Register of Historic Places and the California Register of Historic Resources. Because the Project's potentially significant impact on this resource (absent mitigation) had been disclosed only in the Final EIS/EIR and not in the Draft EIS/EIR, the Port recirculated the EIR with respect to that resource in Part 1 of a document entitled "Revisions to Final EIR" in September 1999. In addition, Part 2 of the Revisions to Final EIR provided new information not meriting recirculation, largely duplicating the information contained in the Corps "Information Report" of March 1999. The Port has received and responded to public comment on the historical resources issue addressed in the Revisions to Final EIR. The Revisions, comments thereon, and responses to comments are included in the document entitled "Final Revisions to Final EIR," Volume IX of the Final EIS/EIR/FS.

RECOMMENDATION:

The staff recommends that the Board take the actions and make the findings set forth below:

I. RECOMMENDED GENERAL FINDINGS AND OVERVIEW

A. Purpose

It is recommended that the findings and Statement of Overriding Considerations set forth below ("**findings**") be made and adopted by the Board as its findings under CEQA relating to the Project. The findings will 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 the Environmental Impact Report

For purposes of the findings, the terms "Project EIR" and "Revised Final EIR" refer to the following seven volumes of the nine-volume EIS/EIR/FS for the Oakland Harbor Navigation Improvement (-50 Foot) Project:

- Volume II, Final Environmental Impact Statement/Final Environmental Impact Report (May 1998);
- Volume IV, Appendices F through M (May 1998);
- Volume V, Appendices N through X (May 1998);
- Volume VI, Appendix W1 (May 1998);
- Volume VII, Appendix W2 (May 1998); and
- Volume VIII, Executive Summary; and
- Volume IX, Final Revisions to Final EIR (January 2000).

In addition, the Project EIR includes all appendices and documents incorporated by reference in the Project EIR.

C. Record of Proceedings and Custodian of Record

The record upon which the Board's findings and determination will be based includes, but is not limited to, the following:

- The Project EIR;
- All documentary and oral evidence submitted to the Port prior to the close of the Board of Port Commissioners' meeting on the Project;
- All documents constituting the record pursuant to Public Resources Code section 21167.6; and
- All matters of common knowledge to this Board, including, but not limited to, the Port's policies, guidelines and regulations.

The custodian of documents described above constituting the record of proceedings is James McGrath, Manager, Port of Oakland Environmental Planning Department, 530 Water Street, Oakland, CA 94607.

D. Consideration and Certification of the Environmental Impact Report

In adopting its findings, it is recommended that the Board certify that the Project EIR was presented to the Board, and that the members of the Board reviewed and considered the information in the Project EIR, pursuant to CEQA Guidelines section 15090(a). It is also recommended that the Board certify that the Project EIR has been completed in compliance with the California Environmental Quality Act. It is also recommended that in its findings, the Board ratify, adopt and incorporate the analysis, explanation, findings, responses to comments and conclusions of the Project EIR, except where they are specifically modified by the Board's findings. Finally, it is recommended that the Board find that the Project EIR represents the independent judgment of the Board.

E. Changes to Environmental Impact Report

The Revised Final 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. It is recommended that the Board make the following findings: With the possible exception of the new information regarding the Todd Shipyard Historic District on Alameda that is addressed in the Revisions to Final EIR, the changes and additional information contained in the Revised Final 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.

The Revisions to Final EIR was recirculated for public and agency comment as to the Todd Shipyard Historic District, and the Port has responded to comments on the Revisions to Final EIR's discussion of the Todd Shipyard Historic District, because the possibility that the Project might cause a significant impact, in terms of cultural resources, to the Todd Shipyard Historic District was not disclosed in the Draft EIR. Volume IX of the Revised Final EIR concludes that with the mitigation described therein, the Project will not have a significant impact on the Todd Shipyard Historic District.

F. Severability

The staff recommends that the Board include in its resolution the provision 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 same to other situations, shall continue in full force and effect unless amended or modified by the Board.

II. RECOMMENDED FINDINGS RELATING TO MITIGATION MEASURES, ENVIRONMENTAL IMPACTS AND ALTERNATIVES

A. Findings Relating to Mitigation Measures

The Project EIR identifies certain significant environmental impacts that may result from the Project and identifies specific mitigation measures to reduce or avoid significant impacts. The recommended actions to be taken and findings recommended for adoption regarding mitigation measures are set forth below.

1. Adoption of Mitigation Measures

It is recommended that the Board adopt and incorporate, as conditions of approval for the Project, the mitigation measures set forth in column 3 of Appendix 1 to this Agenda Sheet as the mitigation measures applicable to the Project. Appendix 1 includes all mitigation measures recommended by the Revised Final EIR. The mitigation measures contained in Appendix 1 are the proposed mitigation measures for the Project upon which it is recommended the Board's findings be based, and which are the measures that staff recommends the Board adopt as conditions of approval for the Project. Part A of Appendix 1 identifies mitigation measures for potentially significant project and cumulative impacts. Part B of Appendix 1 identifies mitigation measures for impacts that will be less than significant prior to implementation of the specified mitigation measures.

In adopting these mitigation measures it is recommended that the Board state its intention to adopt each of the mitigation measures recommended in the Revised Final EIR. Accordingly, in the event a mitigation measure recommended in the Revised Final EIR has inadvertently been omitted from Appendix 1 it is recommended that the Board's findings indicate that said mitigation measure is adopted and incorporated in Appendix 1 by reference.

2. Adoption of Mitigation Monitoring and Reporting Program

It is recommended that the Board adopt the mitigation monitoring and reporting program set forth in columns 3 through 6 of Appendix 1 as the mitigation monitoring and reporting program for the Project. It should be noted, with regard to mitigation measures designated as being within the responsibility of the U.S. Army Corps of Engineers, that the Port may ultimately agree to take responsibility for implementation of some of those measures. Accordingly, staff recommends that the Board approve all of the mitigation measures listed in Appendix 1, including those that are designated as the Corps' responsibility.

3. Findings Regarding Modifications to Mitigation Measures Made in the Revised Final EIR

Since the Draft EIR was published in February 1998 and the Final EIR was first published in May 1998, further information pertaining to mitigation of various potential project impacts was incorporated in the Revised Final EIR. As a result of this further analysis in the Revised Final EIR: (a) twelve mitigation measures recommended in the Draft EIR and/or the May 1998 Final EIR were found by the Revised Final EIR to be unnecessary because of updated information; (b) six mitigation measures identified in the Draft EIR and/or the 1998 Final EIR were modified by the Revised Final EIR; and (c) ten mitigation measures were added in the Revised Final EIR. The recommended findings regarding the bases for each of these changes are set forth below.

(a) The following mitigation measures were deleted in the Revised Final EIR as unnecessary because of updated information:

(1) Noise. The 1998 Final EIR stated that electric-powered cutterhead and clamshell dredges in the Inner Harbor were mitigation measures for noise impacts on the island of Alameda. Because the use of such electric-powered dredges is now included in the Project Description in the Revised Final EIR, these mitigation measures have been deleted.

(2) Public Services. Replacement of any portion of the cathodic protection system on the BART Transbay Tube that might be damaged during dredging, as well as replacement of the sanitary sewer force main that crosses the Inner Harbor and services the former NAS Alameda, were identified as mitigation measures in the Draft and 1998 Final EIRs. These two replacement tasks are now included in the Project Description in the Revised Final EIR, so have been deleted from the list of mitigation measures.

(3) Surface Water. The Draft and 1998 Final EIRs identified a mitigation measure to prevent surface water impacts from the placement of wetland non-cover material behind the submerged berm at Middle Harbor Enhancement Area. The Revised Final EIR modified the Project Description to provide that only cover-quality, not non-cover quality, material would be placed in the Middle Harbor Enhancement Area, so this mitigation measure is deleted.

(4) Air Quality. The Draft and 1998 Final EIRs identified eight mitigation measures for air quality impacts that they stated would be caused by the Project. The Revised Final EIR deleted three of these mitigation measures (numbers 4, 5 and 6) because the Port's approval of the Berths 55-58 Project adopted improved versions of all three of these mitigation measures, to address the same air emissions as the Draft EIR addressed. The Revised Final EIR also deleted Air Quality mitigation measure number 3 (retrofit of light- and medium-duty trucks) because the exhaustive air quality mitigation analysis prepared for the Berths 55-58 Project showed that this mitigation measure was not cost-effective. In addition, the Draft EIR identified a ninth mitigation measure, the purchase of emission credits. This measure is deleted because it would not mitigate the air quality impacts of the Project.

(5) Vessel Transportation. Two mitigation measures identified in the Draft EIR for significant impacts to vessel transportation are deleted from the Revised Final EIR because a) the impact on ferry service from the Inner Harbor Turning Basin has been determined not to be significant; and b) the MHEA will cause no impact to tug service in Middle Harbor because the tug berths will have been relocated prior to construction of the MHEA as part of the Berths 55-58 Project.

(6) Land Use. One mitigation measure, for the taking of approximately 1.3 acres of land from Alameda Island, was identified in the Draft EIR. This mitigation measure consisted of

appropriate compensation to the landowners. Although the Project still includes the payment of appropriate compensation, such payment is no longer identified as a mitigation measure, because the taking of land is not properly identified as a land use impact.

(b) The following mitigation measures were modified by the Revised Final EIR from those identified in the Draft EIR and/or the 1998 Final EIR for the reasons stated below:

(1) Air Quality. The eighth air quality mitigation measure identified in the Draft EIR and 1998 Final EIR, to implement street sweeping, was modified in the Revised Final EIR to provide for *continued* street sweeping, because the Port has established a street sweeping program.

(2) Surface Water and Hazardous Materials and Contaminated Wastes. Two mitigation measures were identified based on the assumption that a new dredged material rehandling facility would be constructed on the Vision 2000 Upland site. When the Project was altered to provide for use of the Port's existing Berth 10 rehandling facility, these two mitigation measures were modified to provide for compliance with the existing San Francisco Regional Water Quality Control Board permit conditions for the Berth 10 facility.

(3) Vessel Transportation. The mitigation measure for potential delays in ferry schedules caused by use of a clamshell dredge in the Inner Harbor was upgraded after the Draft EIR was published.

(4) Ground Transportation. After the Draft EIR was published, two mitigation measures associated with transportation of dredged material to Altamont Landfill were revised to add a prohibition on transport during certain hours.

(c) The following mitigation measures that did not appear in the Draft EIR were added in the Revised Final EIR:

(1) Cultural Resources. Five mitigation measures in the area of Cultural Resources were added to the Revised Final EIR to mitigate the potentially significant impact of the Project on the Todd Shipyard Historic District, which impact was identified after the Draft EIR was released.

(2) Noise. Noise controls for pile driving equipment were added as a mitigation measure after the Draft EIR was released.

(3) Biological Resources. After the Draft EIR was published, four mitigation measures were added for the Project's less-than-significant impact from ballast water discharges.

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

In the comments on the Draft EIR and on Section 1 of the Revisions to Final EIR, which was circulated for public comment, a number of 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 in the Revised Final EIR, the responses to comments in the Revised Final EIR explain why the proposed mitigation measures are not recommended by the Revised Final EIR for adoption. It is recommended that the Board adopt and incorporate by reference the reasons stated in the responses to comments contained in the Revised Final EIR as its grounds for rejecting adoption of these proposed mitigation measures as infeasible. Such measures and the reasons for their rejection include, but are not limited to, the following, with reasons for rejection given in italics:

Establish ballast water treatment facilities at the Port and require trans-oceanic vessels to treat ballast water before discharge (*Project would not cause a significant ballast water impact; effectiveness, treatment standards, protocols and best management standards for on-shore treatment facilities are all unknown and speculative; and no port in U.S. has such facilities for container ships, so requirement that vessels use such facilities would place the Port at a competitive disadvantage*); require offshore ballast water exchange (*this Project would not cause a significant ballast water impact; the Berths 55-58 Project, which could cause such an impact, included adoption of this mitigation measure, which applies to all Port terminal facilities*); prohibit nighttime dredging in Inner Harbor (*use of electric dredges minimizes dredging noise; 24-hour dredging is the industry and Corps standard; leaving dredges idle at night would substantially lengthen the dredging schedule and significantly increase dredging costs*);

fund a "complete assessment" of all structures at Todd Shipyard, fund a tour of Todd Shipyard by the Alameda Historic Advisory Board, fund and prepare the proposed preservation maintenance plan for the Todd Shipyard Historic District, and present findings to the Alameda Historic Advisory Board (*the Project's significant impact on the Todd Shipyard Historic District is mitigated to a less-than-significant level by the Port's proposed mitigation measures; funding of further efforts directed at Todd Shipyard structures that the Project will not affect would not constitute mitigation for the Project's impacts*).

B. Findings Relating to Project Impacts

1. Standard for Findings.

CEQA requires, in Public Resources Code section 21081, that the Board make certain findings for each significant impact identified in the Project 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) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

2. Recommended Impact Findings.

As set forth above, it is recommended that the Board adopt all of the mitigation measures recommended by the Revised Final EIR, and that none of them be found infeasible.

It is also recommended that the Board's specific findings with respect to mitigation of the potentially significant impacts identified in the Revised Final EIR be those that are set forth in column 7 of Appendix 1, Part A and that Appendix 1 be 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 column 7 of Appendix 1, Part A state 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, column 7 of Appendix 1, Part A states that the impact will remain significant.

The recommended findings set forth in Appendix 1 do not repeat the full discussions of environmental impacts contained in the Revised Final EIR. Instead, Appendix 1 provides a brief summary description of the impacts, describes the applicable mitigation measures that are recommended for adoption by the Board, and states 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 Revised Final EIR. In summary, they are as follows:

(1) Air Quality. Project operations would cause a significant air quality impact because emissions would exceed BAAQMD significance thresholds for ROG, NO_x, SO_x, and PM₁₀. As is discussed in section B.3.1 of the Revisions to Final EIR (Revised Final EIR, Vol. IX), this conclusion reflects some double-counting of emissions between the Project and the Berths 55-58 Project, which the Board approved in April 1999. Nevertheless, to be conservative, staff recommends that the Board treat operational air quality impacts of the Project as significant and as remaining significant after mitigation.

(2) Cumulative Air Quality. For the same reasons that operational air quality impacts of the Project alone are treated as significant, the Project's cumulative air quality impact is also significant.

(3) Cumulative Freeway Traffic. Project operations would add small amounts of traffic to local freeways. Although, as for air emissions, some double-counting of traffic between the Project and the Berths 55-58 Project has occurred, staff recommends that the Board adopt the Revised Final EIR's conservative approach and treat the Project's contribution to traffic on certain freeways south of the Port as cumulatively considerable and as remaining cumulatively considerable after mitigation.

(3) Dredging Noise. Because dredging for the Project would occur 24 hours per day, and because some of the dredging would take place within the limits of the City of Alameda, whose Noise Ordinance imposes daily time limits on construction noise, construction of the Project would cause a significant noise impact, despite the fact that the noise generated by the Project would not exceed the standards set forth in the City of Oakland noise ordinance.

With respect to the foregoing impacts, which will not be mitigated to a less than significant level, it is recommended that the Board find 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 part III below.

3. Recommended Findings Regarding Actions by Other Agencies.

All of the mitigation measures set forth in Appendix 1, and recommended for adoption by the Board, are within the authority and control of the Port and their implementation will be monitored by the Port, with the following exceptions.

First, for construction of all aspects of the Project other than berth deepening (which is solely the Port's responsibility), the responsibility for mitigation may be shared by the Port and the U.S. Army Corps of Engineers.

Second, improvements proposed to the intersections at Third Street/Adeline, Seventh Street/Seventh Street Extension and Seventh Street/I-880 Northbound Offramp are within the jurisdiction of the City of Oakland. Because these are public streets, the Port would need to enter into an agreement with the City of Oakland to implement these mitigation measures.

Third, street cleaning and sweeping in West Oakland is within the jurisdiction of the City of Oakland and continued agreement of the City of Oakland is required for this mitigation measure.

Fourth, although it is within the Port's authority and control to support prompt adoption of international and nationwide measures to reduce the risk of invasive species introductions, the adoption of these measures is within the jurisdiction of the International Maritime Organization and the United States government, respectively.

It is recommended that the Board find that to the extent implementation of these mitigation measures is within the responsibility and jurisdiction of said agencies, those agencies can and should take action to adopt and implement them.

C. Findings Relating to Alternatives

The Final EIR evaluates and compares alternatives to the Project. It is recommended that the Board find that the Final EIR sets forth a reasonable range of alternatives to the Project sufficient to foster informed public participation and informed decisionmaking and to permit a reasoned choice. It is further recommended that the Board find that the Final EIR adequately discusses and evaluates the comparative merits of the alternatives.

It is further recommended that the Board find 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 their limited environmental advantages, if any, in comparison with the Project do not justify their adoption in light of these factors.

In addition to these findings, it is recommended that the Board make 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.

In its initial screening of alternatives, the Project EIR examined five different dredging options, eight different Inner Harbor turning basin alignments, and twenty different reuse/disposal options. The first stage of analysis narrowed further study to two dredging options, one Inner Harbor turning basin alignment, and eight reuse/disposal options. Various combinations of these options resulted in the evaluation of seventeen project alternatives (numbered B1-B6 and F1-F11) in addition to the No Project Alternative. The following recommendations pertain to these eighteen alternatives.

1. The "B" Dredging Alternatives (B1 through B6)

It is recommended that the Board find that the "B" Dredging Alternatives, numbered B1 through B6, are infeasible, as that term is defined by CEQA, and reject these Alternatives for the following reasons.

Under the "B" Dredging Alternatives, the Outer Harbor Channel would be widened to 1,000 feet rather than 750 feet, requiring the dredging of an additional 1.7 million cubic yards (mcy) of material compared to the Project. The "B" Dredging Alternatives would meet most Project objectives, but would detract from the Project goals of cost-effectiveness and environmental protection. Widening the Outer Harbor Channel to 1,000 instead of 750 feet would be insufficient to permit two-way ship traffic in that channel, but would require the dredging of an additional 1.7 mcy of material. The increased cost of dredging and reusing or disposing of the additional material would not be justified by the benefits to navigation. The additional dredging and barge transport of dredged material would also result in increased air emissions and could outstrip the capacity of available beneficial reuse sites. With regard to other environmental impacts, the "B" Dredging Alternatives would differ little from the Project.

Staff recommends that the Board find that the benefits of the Project outweigh any benefits of the "B" Dredging Alternatives, which would not reduce any significant impacts compared to the Project.

2. The Alternatives Including Reuse of Dredged Material at "New Berth 21": F4, F5, F8 and F9

It is recommended that the Board find that the alternatives that include reuse of dredged material at "New Berth 21," numbered F4, F5, F8 and F9, are infeasible, as that term is defined by CEQA, and reject these alternatives for the following reasons.

The alternatives that include "New Berth 21" call for the same "F" dredging plan as does the Project, but also provide for reuse of 2.5 mcy of dredged material at a "New Berth 21" that the Port may propose to build at some point in the future. These alternatives would not permit the attainment of all Project objectives because it is not anticipated that a New Berth 21 could be under construction and available to receive dredged material during the timeframe of the Project. The high probability of delay associated with these alternatives would inhibit the achievement of all of the navigation and economic objectives of the Project.

The alternatives that include reuse of dredged material at "New Berth 21" would reduce air pollutant emissions during construction because they would reduce or eliminate reuse of dredged material at Montezuma, Hamilton, or the San Francisco Deep Ocean Disposal Site ("SF-DODS"). Although reduction of such emissions is beneficial, air pollutant emissions during construction do not constitute a significant impact of the Project, and reuse of dredged material at New Berth 21 rather than at Hamilton or Montezuma would forego the habitat benefits to be achieved at the latter sites.

Staff recommends that the Board find that the benefits of the Project outweigh the benefits of Alternatives F4, F5, F8 and F9, which would not reduce any significant impacts compared to the Project.

3. The Alternatives Including Disposal of Dredged Material at SF-DODS: F1, F4, F6, F8, F9 and F11

It is recommended that the Board find that the alternatives that include disposal of dredged material at SF-DODS, numbered F1, F4, F6, F8, F9 and F11, are infeasible, as that term is defined by CEQA, and reject these alternatives for the following reasons.

The alternatives that include disposal of dredged material at SF-DODS call for disposal of between 2.2 and 5.2 mcy of dredged material at EPA's San Francisco Deep Ocean Disposal Site ("SF-DODS"), approximately 58 nautical miles from the dredging site. Although disposal of dredged material at SF-

DODS would be consistent with the Project's navigational and economic objectives (and Alternative F11 is, in fact, the lowest-cost alternative), such disposal would not be consistent with the Project objectives of environmental enhancement and protection through beneficial reuse of dredged material.

Compared to the Project (which provides for disposal of dredged material at SF-DODS only if, and to the extent, that the Hamilton Wetlands Restoration, Montezuma Wetlands Restoration, and NAS Alameda sites are infeasible), Alternatives F1, F4, F6, F8, F9 and F11 would waste dredged material that could be used for wetland and shallow water habitat restoration. For these reasons, it is unlikely that the Corps or the regulatory agencies would approve any of these alternatives unless Hamilton, Montezuma and NAS Alameda were infeasible. Other impacts of the alternatives that include disposal of dredged material at SF-DODS would be similar to the impacts of the Project.

Staff recommends that the Board find that the benefits of the Project outweigh any benefits of the Alternatives F1, F4, F6, F8, F9 and F11, which would not reduce any significant impacts compared to the Project.

4. Alternatives F6 and F7: Reuse of 2.5 mcy of Dredged Material at Vision 2000 Upland

It is recommended that the Board find that Alternatives F6 and F7, which provide for reuse of 2.5 mcy of dredged material at Vision 2000 Upland (in addition to 7.0 mcy at Middle Harbor Enhancement Area, 3.2 mcy at SF-DODS or Hamilton, and 0.1 mcy at Various Landfills), are infeasible, as that term is defined by CEQA, and reject those Alternatives for the following reasons.

Because Alternatives F6 and F7 provide for the reuse of 2.5 mcy of dredged material at Vision 2000 Upland, they would inhibit achievement of all Project objectives, including environmental enhancement and protection. The Final EIR for the Port's Berths 55-58 Project, certified by the Board in April 1999, revealed that the Vision 2000 Upland site requires little, if any, dredged material from the dredging project. An attempt to reuse substantially more dredged material at the Vision 2000 site than that site requires would hamper all of the objectives of the Project by introducing unnecessary expense and delay. In addition, the Port's environmental enhancement and protection objectives would be advanced more appreciably by reusing dredged material for habitat enhancement than for raising grades at Vision 2000 Upland.

Alternatives F6 and F7 would reduce air pollutant emissions during construction because they would eliminate transport of dredged material to Montezuma. Although reduction of such emissions is beneficial, air pollutant emissions during construction do not constitute a significant impact of the Project, and reuse of dredged material at the Vision 2000 Upland site would forego the habitat benefits to be achieved at Montezuma. Other impacts of Alternatives F6 and F7 would be similar to the impacts of the Project.

Staff recommends that the Board find that the benefits of the Project outweigh the benefits of the Alternatives F6 and F7, which would not reduce any significant impacts compared to the Project.

5. Alternative F3

It is recommended that the Board find that Alternative F3, which provides for reuse of 5.2 mcy of dredged material at Montezuma Wetlands (in addition to 7.0 mcy at Middle Harbor Enhancement Area, 0.5 mcy at Vision 2000 Upland, and 0.1 mcy at Various Landfills), is infeasible, as that term is defined by CEQA, and reject that Alternative for the following reasons:

Alternative F3 would meet all of the Project's economic and navigational objectives. This Alternative, unlike those providing for substantial ocean disposal or Vision 2000 Upland reuse, would also meet the objective of enhancing and protecting the environment by maximizing reuse of dredged material for habitat enhancement. However, compared to the Project, Alternative F3 is disadvantageous because it would not allow any dredged material to be reused at the Hamilton Wetland Restoration site. Hamilton is another worthwhile wetland restoration project that will depend on receiving a significant quantity of dredged material from the Port. In addition, air pollutant emissions during construction would be somewhat higher under Alternate F3 than under the Project because Montezuma is farther from the dredge site than is Hamilton. Other impacts of Alternative F3 would be similar to the impacts of the Project.

Staff recommends that the Board find that the benefits of the Project outweigh any benefits of the Alternative F3, which would not reduce any significant impacts compared to the Project.

6. Alternative F2

It is recommended that the Board find that Alternative F2, which provides for reuse of 5.2 mcy of dredged material at the Hamilton Wetlands Restoration site (in addition to 7.0 mcy at Middle Harbor Enhancement Area, 0.5 mcy at Vision 2000 Upland, and 0.1 mcy at Various Landfills), is infeasible, as that term is defined by CEQA, and reject that Alternative for the following reasons:

Alternative F2 would meet all of the Project's economic and navigational objectives. This Alternative, unlike those providing for substantial ocean disposal or Vision 2000 Upland reuse, would also meet the objective of enhancing and protecting the environment by maximizing reuse of dredged material for habitat enhancement. However, unlike the Project, Alternative F2 would permit dredged material to be used for only one, not two, wetland restoration projects, because it would not permit any material to be sent to the Montezuma Wetlands Restoration site; it is more beneficial to the environment to contribute needed dredged material to two wetlands restoration projects rather than one. In addition, because it appears that Montezuma will be ready to receive dredged material between one to two years earlier than Hamilton will be, Alternative F2 provides less scheduling flexibility than does the Project, and could cause delay in achieving the Project's economic and navigational objectives. Alternative F2 would reduce air pollutant emissions during construction because Hamilton is nearer to the dredge site than is Montezuma. Although reduction of such emissions is beneficial, air pollutant emissions during construction do not constitute a significant impact of the Project. Other impacts of Alternative F2 would be similar to the impacts of the Project.

Staff recommends that the Board find that the benefits of the Project outweigh any benefits of the Alternative F2, which would not reduce any significant impacts compared to the Project.

7. No Project Alternative

It is recommended that the Board find that the No Project Alternative, in which no improvements are constructed, is infeasible, as that term is defined by CEQA, and reject this Alternative for the following reasons.

The No Project Alternative could not feasibly attain any of the Project objectives. The channels, turning basins and berths used by vessels calling at the Port of Oakland would remain at -42 feet MLLW, unlike the Port's West Coast competitors, which are dredged to -50 feet MLLW or deeper. The result in the short term would be that the larger ships that make up an increasing proportion of the fleets of the Port's tenants either would not call at the Port or would experience costly tidal delays. In the longer term, the Port's business would decline as the smaller, older vessels that could operate in channels dredged to -42 MLLW were phased out of the tenants' fleets. In addition, the No Project Alternative would prevent the Port from creating shallow water habitat at Middle Harbor Enhancement Area and from contributing to wetland restoration at Hamilton and Montezuma, thus inhibiting the Project objective of environmental enhancement and protection through maximum beneficial reuse of dredged material for habitat enhancement.

The No Project Alternative would avoid the environmental impacts, including the significant and unmitigable air, noise and cumulative traffic impacts, that would be caused by the Project, although the possibility that local cargo would be trucked into the Bay Area from other ports could cause air quality impacts in the Los Angeles Basin and the Central Valley.

Staff recommends that the Board find that the benefits of the Project outweigh the reduction in significant impacts that would occur under the No Project Alternative.

8. Additional Suggested Alternatives

In their comments on the Draft EIR, a few commenters suggested additional alternatives for evaluation in the Project EIR. Such alternatives include, but are not limited to, the following. An alternative was suggested in which the Inner Harbor turning basin would be eliminated or moved. Eliminating the basin is infeasible because the Port could not direct large ships to use only the Outer Harbor. Moving the turning basin is infeasible because the turning basin must be near the terminus of the channel, so

cannot be shifted westward, and a northward shift would destroy either Port facilities or recently constructed Schnitzer Steel facilities and would disturb contaminants. Moreover, the selected turning basin location can be made compatible with the needs of Bay Ship & Yacht Co.

Another suggested alternative was to deepen the channels, turning basins and berths incrementally, in two or more separate projects, rather than going directly from -42 feet MLLW to -50 feet MLLW. This would be infeasible primarily because the Port's competitors all have, or are currently dredging, -50-foot or deeper channels and berths to accommodate the same vessels that the Port's tenants wish to use at Oakland. In addition, the fixed costs associated with a dredging project mean that it is much more cost-effective to conduct one dredging project than several successive projects.

A third suggested alternative was to deepen one harbor before the other, in two separate projects. This alternative is infeasible because, as described above, the Port cannot direct large ships to use only one harbor; some of the tenants operating the largest ships will operate at berths along Inner Harbor and others will operate through their berths along Outer Harbor. Moreover, the same cost-effectiveness issues that apply to deepening from -42 to -50 feet in increments apply to dredging one harbor, then the other, in two separate projects.

It is recommended that the Board find that none of these suggested alternatives is a feasible alternative to the Project because none will further the primary objectives of the Project, and are not feasible alternatives to the Project, as is explained in the responses to comments contained in the Revised Final EIR. It is recommended that the Board adopt and incorporate by reference the reasons stated in the responses to comments contained in Volume V of the Revised Final EIR as its grounds for rejecting adoption of these proposed alternatives as infeasible.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

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."

It is recommended that the Board find and determine 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 above. It is further recommended that in light of the overriding considerations set forth below, the Board further find and determine that the benefits of the Project outweigh these remaining significant, adverse impacts. These considerations warrant approval of the Project notwithstanding such remaining significant impacts. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval.

- A. The Project will provide deep-draft navigation improvements for the federal channels in Oakland Harbor that would contribute to national economic development.
- B. The Project will protect and enhance the environment, in part by maximizing beneficial reuse of dredged material.
- C. The Project will reduce tidal delays associated with container ship passages to and from the Port of Oakland.
- D. The Project will increase economies of scale for waterborne commerce.
- E. The Project will increase navigation safety by reducing the potential for vessel collisions and groundings.
- F. The Project will maintain the viability of container shipping to and from the San Francisco Bay Area by providing tidally unconstrained access to the Port of Oakland in an efficient, cost-effective and environmentally sensitive manner.

G. The Project will remove contaminated sediments from berths and channels at the Port of Oakland and dispose of those materials in an approved and environmentally sound manner.

IV. APPROVAL OF PROJECT

Subject to the foregoing, it is recommended that the Board approve the Project.

RECOMMENDATIONS:

It is recommended that the Board adopt a resolution:

- (a) Certifying that it has reviewed and considered the information contained in the Revised Final EIR for the Project; and that the Revised Final EIR has been prepared in compliance with CEQA, the State CEQA Guidelines and the Port CEQA Guidelines; and finding that the Revised Final EIR reflects the independent judgment of the Board, as set forth in section 1, above;
- (b) Adopting the mitigation measures set forth in Appendix 1 as conditions of approval of the Project;
- (c) Adopting the Mitigation Monitoring and Reporting Program set forth in Appendix 1;
- (d) Adopting the CEQA findings regarding mitigation measures, project impacts, and alternatives contained in sections I and II above; and
- (e) Adopting the Statement of Overriding Considerations finding that the benefits of the proposed Project outweigh the Project's significant adverse environmental impacts contained in section III above.
- (f) Approving the Project.

Appendix 1
 -50 Foot Dredging Project
 Mitigation Monitoring and Reporting Program
 (Page 1 of 18)

Note: This table reflects the significant project and cumulative impacts, as well as the less-than-significant impacts, of the Project (Alternative F10), which involves reuse or disposal of dredged material at the Vision 2000 Upland site, the Middle Harbor Enhancement Area, the Hamilton Wetlands Restoration site, the Montezuma Wetlands Restoration site and the Various Landfills disposal sites. Any mitigation measures associated with ocean disposal of dredged material and transport of dredged material to the former NAS Alameda are also included because these two sites may be used if Hamilton and/or Montezuma are unavailable. If no significant impact is expected for a given resource at one of these sites or the dredge area, that resource does not appear in the table.

PART A: SIGNIFICANT IMPACTS

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
IMPACTS FROM DREDGING						
Surface Water	Dredging could cause the release of soluble organics from the YBM in the Inner Harbor turning wing, which exceed water quality criteria.	Dredging with a dredge pipe of 18 inches in diameter or a clamshell dredge shall be required at this site.	Include requirements in contractor's specifications and monitor dredging contractor's compliance.	Corps of Engineers	Prior to and during construction.	No.
Geology and Groundwater	Dredging near berths could cause slope instability along wharves by over-steepening of the bank, decreased capacity of existing piles (piles would be under-strength) from removal of confining bearing material, and intrusion of piles into some wharves as sediment is removed.	Add piles at waterside crane girders; build sheet pile wall at the toe of shore slope of the impacted wharves, or other appropriate structural improvements designed and constructed according to the Port's latest wharf design ordinance.	Include requirements in contractors' specifications and monitor contractor compliance with specifications.	Port of Oakland	During the design and construction phases of the project.	No.

-50 Foot Dredging Project
Mitigation Monitoring and Reporting Program
(Page 2 of 13)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
IMPACTS FROM DREDGING						
Biological Resources	Turbidity from the dredging could disrupt herring spawning and result in mortality to eggs.	A qualified observer shall be present on site during dredging operations near herring spawning areas between December 1 and March 1. If spawning is observed within 200 meters of the dredging, all dredging-related activities shall stop in the area for 2 weeks.	Corps to provide observer with authorization to halt dredging activities per mitigation. Dredging contractor specifications to include provision for work stoppage.	Corps of Engineers	Prior to and during construction.	No.
Cultural Resources	Expansion of Inner Harbor turning basin would remove some structures from former Todd Shipyard, which is eligible for the National Register of Historic Places.	<ol style="list-style-type: none"> 1. If feasible, replace ship repair working space. 2. If feasible, relocate one or more affected buildings or structures. 3. Document affected buildings and structures. 4. Explore with City of Alameda development of preservation maintenance plan. 5. Implement all measures delineated in MOU among Corps, SHPO, and ACHP, with Port and City of Alameda as Invited Parties. 	Explore feasibility; document; consult with City of Alameda; implement MOU.	Port of Oakland and Corps of Engineers	Prior to and during construction.	No.
Vessel Transportation	Dredging could impede vessel access to the berths.	Schedule dredging in consultation with terminal managers to ensure that access to berths is available when needed.	Port and Corps to coordinate dredging schedule with terminal managers.	Port of Oakland and Corps of Engineers	During construction.	No.

-50 Foot Deepening Project
 Mitigation Monitoring and Reporting Program
 (Page 3 of 18)

Resource Area	Significant Impact	Mitigation Measure	Monitoring Action	Responsible Party	Timing	Significant After Mitigation?
IMPACTS FROM DREDGING						
Vessel Transportation (cont'd)	Dredging could cause structural damage to the berths.	Use precautions while dredging near berths (see Geology and Groundwater mitigation measures). Document the condition of the berths prior to dredging; repair any damage specifically attributable to the dredging.	Develop a constraints plan that identifies measures to be taken before, during, and after dredging.	Port of Oakland and Corps of Engineers	Prior to and during construction.	No.
	Use of a clamshell dredge in the Inner Harbor could cause delays in ferry schedules.	Clamshell dredges shall not be used in the Inner Harbor Channel during peak morning and afternoon ferry transit hours. Allowable times shall be established in consultation with the ferry operator.	Port to indicate allowable time for use of clamshell dredge in Inner Harbor in construction plans.	Port of Oakland and Corps of Engineers	Prior to construction.	No.
Noise	Proposed hours of dredging would not be consistent with Alameda Noise Ordinance time restrictions and pile driving noise in Alameda would exceed construction noise standards.	When feasible, use noise controls on pile driving equipment. Controls include: <ul style="list-style-type: none"> • Sonic or vibratory pile drivers; • Acoustical enclosures around the pile driver; • Engine and pneumatic exhaust controls. 	Include requirements in contractors' specifications and monitor contractor compliance with specifications.	Corps of Engineers	Prior to and during construction.	Dredging, yes; pile driving, no.

-50 Foot Dredging Project
 Mitigation Monitoring and Reporting Program
 (Page 4 of 13)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
IMPACTS FROM REUSE AT THE VISION 2000 UPLAND SITE						
Surface Water	Discharge of potentially contaminated water from the rehandling facility to the Bay may exceed water quality standards.	Sample, test, and treat water under permit with the SF-RWQCB prior to discharge, or allow to evaporate.	Comply with permit and/or certification conditions of the SF-RWQCB.	Port of Oakland and Corps of Engineers	During the use of the rehandling facility.	No.
	Rebuilding of a new stormwater system, which would be necessary at the Vision 2000 Upland site, may direct stormwater into the sensitive Middle Harbor Enhancement Area (MHEA).	Rebuild the stormwater system to direct stormwater away from the MHEA.	Sample stormwater in accordance with the Port's Stormwater Monitoring Plan as required by the SF-RWQCB.	Port of Oakland	Sample during the construction phase of the project; sample annually thereafter.	No.
Hazardous Materials and Contaminated Wastes	Contaminated dredged material could be spilled accidentally from the clamshell bucket while being transferred to the Vision 2000 Upland site.	Develop procedures for loading and unloading contaminated sediments that minimize the potential for spillage. Establish clean-up procedures.	Periodic inspections of work areas. Maintain log of unloading operations during handling of contaminated sediment; include requirements in contractors' specifications.	Corps of Engineers	Develop procedures prior to start of construction. Monitor during the construction phase.	No.

-50 Foot E...ing Project
 Mitigation Monitoring and Reporting Program
 (Page 5 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
IMPACTS FROM REUSE AT THE VISION 2000 UPLAND SITE						
Hazardous Materials and Contaminated Wastes (cont'd)	While drying at the rehandling facility, the small quantity of dredged sediments with leachable constituents could contaminate groundwater.	Ensure that the bottom and sides of the rehandling facility remain sealed.	Comply with permit and/or certification conditions of the SF-RWQCB.	Corps of Engineers and Port of Oakland	When dredged sediments that could exceed drinking water standards are drying in the rehandling facility.	No.
IMPACTS FROM DISPOSAL/CONSTRUCTION AT THE MIDDLE HARBOR ENHANCEMENT AREA						
Surface Water	TSS concentrations could exceed the TSS threshold for a short period of time in the localized area of the disposal.	The dike (jetty), submerged berm, and sill elevation shall be sufficiently above the filled bottom elevation to avoid TSS levels that exceed 1,500 mg/L on the outer side of the dike, submerged berm, or sill.	Comply with permit and/or certification conditions. Include requirements in contractors' specifications and monitor contractor compliance with specifications.	Corps of Engineers/ Port of Oakland	During the design and construction phase.	No.
		A silt curtain shall be used if TSS levels outside the dike (jetty) and sill exceed 1,500 mg/L on a continuous basis.	Monitor contractor compliance; include in contractors' specifications.	Corps of Engineers/ Port of Oakland	During the construction phase.	No.

-50 Foot L...ing Project
 Mitigation Monitoring and Reporting Program
 (Page 6 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
Biological Resources	Widening the Inner Harbor channel and disposal of dredged material at MHEA would likely remove a portion or all of the eelgrass bed at the western margin of the U.P. Mole; any remaining portions of the eelgrass bed may be impacted by increased turbidity and sedimentation from the dredging.	Establishment and long-term monitoring of an eelgrass bed of equal or greater area and density as the impacted eelgrass bed. This eelgrass habitat would be established in the proposed MHEA.	<ol style="list-style-type: none"> 1. Finalize MHEA design, including monitoring, performance criteria, contingency measures. 2. Monitor implementation, apply performance criteria, contingencies (if needed). 	Corps of Engineers, Port of Oakland	<ol style="list-style-type: none"> 1. Finalize plan prior to construction. 2. Long-term monitoring shall be ongoing per final plan. 	No.

-50 Foot Lining Project
 Mitigation Monitoring and Reporting Program
 (Page 7 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
IMPACTS FROM THE VARIOUS LANDFILLS DISPOSAL OPTION						
Ground Transportation	Disposal at the Altamont Landfill would degrade intersection LOS at 3rd/Adeline	Operational changes:				
		<ul style="list-style-type: none"> • When necessary, change lane assignments/phasing. • Disallow transport of dredged material between 3 P.M. and 7 P.M. 	<p>Monitor intersection LOS to determine when improvement needed. When required, implement improvement by developing plans and specifications for operational and design changes, and monitor contractor compliance. Port to pay for improvements.</p> <p>Include hauling hours in contractor specifications and monitor contractor compliance.</p>	<p>City of Oakland/ Port of Oakland</p> <p>Corps of Engineers</p>	Prior to commencement of material hauling to landfill.	No.

-50 Foot Widening Project
 Mitigation Monitoring and Reporting Program
 (Page 8 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
IMPACTS FROM THE VARIOUS LANDFILLS DISPOSAL OPTION						
Ground Transportation (cont'd)	Disposal at the Altamont Landfill would degrade intersection LOS at Southfront/I-580 ramps	Disallow transport of dredged material between 3 P.M. and 7 P.M.	Include hauling hours in contractors' specifications and monitor contractor compliance.	Corps of Engineers	During the design phase and during material hauling.	No.
	Disposal at the Redwood Landfill would degrade intersection LOS at the intersection of Sanitary Landfill Road and U.S. 101.	Limit hauling operations to the hours between 3 A.M. and 6 A.M. and between 10 A.M. and 3 P.M.	Include hauling hours in contractors' specifications and monitor contractor compliance.	Corps of Engineers	During the design phase and during material hauling.	No.
	Disposal at the Redwood Landfill would degrade freeway LOS on U.S. 101 south of Redwood Landfill	Limit hauling operations to the hours between 3 A.M. and 6 A.M. and between 10 A.M. and 3 P.M.	Include hauling hours in contractors' specifications and monitor contractor compliance.	Corps of Engineers	During the design phase and during material hauling.	No.

-50 Foot Widening Project
Mitigation Monitoring and Reporting Program
(Page 9 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
IMPACTS FROM THE VARIOUS LANDFILLS DISPOSAL OPTION						
Ground Transportation (cont'd)	Disposal at the Vasco Road Landfill would degrade intersection LOS: <ul style="list-style-type: none"> • 3rd/Adeline • Vasco Road/Northfront Road 	Disallow hauling operations from 6 A.M. to 9 A.M. and from 3 P.M. to 7 P.M.	Include hauling hours in contractors' specifications and monitor contractor compliance.	Corps of Engineers	Prior to commencement of material hauling to landfill.	No.
	Disposal at the Vasco Road Landfill would increase V/C (volume to capacity) ratio on freeway ramps already operating at LOS F: <ul style="list-style-type: none"> • Eastbound offramp after I-580 diverge • Westbound onramp before I-580 merge 	Disallow hauling operations from 6 A.M. to 9 A.M. and from 3 P.M. to 7 P.M.	Include hauling hours in contractors' specifications and monitor contractor compliance.	Corps of Engineers	Prior to commencement of material hauling to landfill.	No.
IMPACTS DURING THE OPERATIONS PHASE						
Air Quality	Increases in ROG, NO _x , SO _x , and PM ₁₀ emissions from the new vessel, truck, train, and terminal sources allowed by the project (i.e., after construction) would exceed BAAQMD significance thresholds of 80 pounds/day and 15 tons/year in the Bay Area Air Basin.	Optimize Port operations. Design new and retrofitted wharf, terminal, and intermodal facilities to minimize vehicle idling and vehicle miles traveled within the Port area.	Document policy	Port of Oakland	Ongoing, as new facilities and retrofitted facilities are designed.	Yes.
		Encourage Port tenants to retrofit and operate low- or zero-emissions off-road light and medium duty vehicles.	Adopt program and document	Port of Oakland	Initiate prior to year 2003.	

-50 Foot E ng Project
 Mitigation Monitoring and Reporting Program
 (Page 10 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
		Inventory unpaved roads and parking lots in the maritime area of the Port and consider paving.	Inventory and pave if feasible	Port of Oakland	Ongoing/ yearly	
		Continue street sweeping and cleaning at regular intervals in the Port area and West Oakland area.	Periodic inspection	Port of Oakland for Port area; City of Oakland for West Oakland area.	Before and during facility operations.	

-50 Foot Dredging Project
 Mitigation Monitoring and Reporting Program
 (Page 11 of 18)

Resource Area	Significant Impact	Mitigation Measure	Monitoring Action	Responsible Party	Timing	Significant After Mitigation?
IMPACTS DURING THE OPERATIONS PHASE						
Ground Transportation	In 2010, degraded LOS at intersections in the Port area: <ul style="list-style-type: none"> 7th Street/7th Street Extension 	Operational changes: <ul style="list-style-type: none"> When necessary, add southbound left turn lane. 	Monitor intersection LOS to determine when improvement needed. When required, implement improvement by developing plans and specifications for operational and design changes, and monitor contractor compliance; stripe pavement and document. Port to fund improvements.	City of Oakland/ Port of Oakland	During the design and construction phase; as impact occurs (approximately Year 2010).	No.
IMPACTS DURING THE OPERATIONS PHASE						
Ground Transportation (cont'd)	In 2010, degraded LOS at intersections in the Port area: <ul style="list-style-type: none"> 3rd/Adeline 	<ul style="list-style-type: none"> When necessary, change lane assignments/phasing. 	Monitor intersection LOS to determine when improvement needed. When required, implement improvement by developing plans and specifications for operational and design changes, and monitor contractor compliance; document. Port to fund improvements.	City of Oakland/ Port of Oakland	During the design and construction phase; as impact occurs (approximately Year 2010).	No.
<i>Note:</i> 1. For the Hamilton and Montezuma reuse/disposal options, only the impacts of transporting the dredged material from Oakland Harbor to the site would be attributable to the proposed 50-foot project. The impacts of offloading the dredged material and activities related to wetland restoration at these sites would not be attributable to the proposed project.						

-50 Foot Dredging Project
 Mitigation Monitoring and Reporting Program
 (Page 12 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
CUMULATIVE IMPACTS						
Air Quality	Increases on ROG, NO _x , SO _x , and PM ₁₀ emissions from the new vessel, truck, train, and termination sources that would be allowed by the channel deepening and other cumulative projects would exceed BAAQMD significance thresholds of 80 pounds/day and 15 tons/year.	<ul style="list-style-type: none"> Continue to implement and evaluate effectiveness of operations-related mitigation measures. Participate in regional and local air quality planning programs. Support long-term air quality planning and mitigation efforts through the Port of Oakland proposed long-term air quality program. 	Same.	Port of Oakland	Throughout Project planning and operations.	Yes.
Surface Water	Turbidity impacts could occur if dredging and filling for the Berth 55-58 project overlaps with the 50-foot project in the same vicinity.	<ul style="list-style-type: none"> Dredge the 50-foot project at a location sufficiently distant from contemporaneous dredging in the Berth 55-58 area. Alternatively, mitigate by choice of appropriate dredging equipment. 	Require contractor either to maintain sufficient distance or to use dredging equipment that minimizes turbidity; monitor compliance.	Corps of Engineers and Port of Oakland	Prior to and during dredging.	No.
Biological Resources	Loss of deep-water marine habitat	Fastland would be excavated as part of the Berth 55-58 project.	Create new deep water areas.	Port of Oakland	During Berths 55-58 Project construction.	No.

-50 Foot ging Project
 Mitigation Monitoring and Reporting Program
 (Page 13 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
	Disturbance of roosting, nesting or foraging by birds.	<p>To minimize conflicts between wildlife and public access,</p> <ul style="list-style-type: none"> • Only non-motorized vessel access shall be authorized within the MHEA and no vessel access shall occur in the area near the U.P. Mole as defined within the MHEA Final Concept Plan. • Maintenance of barrier vegetation, interpretative facilities and signage, as well as necessary modification to buffer designs to ensure successful access restrictions shall be provided for through the parkland or refuge management financing program. • Upland buffering has been incorporated into the park design to protect sensitive bird loafing and roosting areas along the northern shore of the U.P. Mole. 	Monitored through Park and MHEA management plans	Port of Oakland	During Project design and operation.	No.
Cultural Resources	Loss of historic property through demolition and reuse of military and non-military property.	Implement mitigation measures for Project-only impact described above.	See above.	Port of Oakland and Corps of Engineers.	Prior to and during construction.	No.

-50 Foot) ging Project
 Mitigation Monitoring and Reporting Program
 (Page 14 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
Ground Transportation	In the year 2000, the impacts from cumulative construction would be the same as for construction of the proposed project.	Implement mitigation measures for Project-only impact described above.	See above.	Port of Oakland and Corps of Engineers.	During design and construction.	No.
	In the year 2003, the 3rd Street/ Adeline Street intersection would operate at LOS F during the morning and evening peak hours.	As necessary, at the 3rd Street/ Adeline Street intersection, convert the eastbound and westbound combination thru-left turning lanes to exclusive left turn lanes and run permitted left turn phasing instead of split phasing.	Enter into agreement with City of Oakland regarding design, construction and funding of improvements.	Port of Oakland/City of Oakland	During design and as impact occurs (approximately 2003).	No.

-50 Foot Widening Project
 Mitigation Monitoring and Reporting Program
 (Page 15 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
	In the year 2003, on I-880 south of I-238, the level of service would drop from LOS E to LOS F during the morning peak hour in both the northbound and southbound directions.	<ul style="list-style-type: none"> • Participate actively in corridor/area-wide transportation planning process, including specific studies. • Serve on the technical working groups and advise steering committees for the I-880 Corridor Study and I-80 Corridor Study. • Maintain active membership in the Alameda County CMA Technical Advisory Committee, the Measure B Reauthorization Expenditure Plan Development Committee, the Bay Area Partnership finance and operations committees, the Caltrans Statewide Intermodal Goods Movement Advisory Committee, and the MTC Freight Advisory Committee. 	Commit staff, funding, and other resources in support of transportation planning process and traffic operations system implementation strategies.	Port of Oakland.	During Project construction and operation.	Yes.
	In the year 2010, two intersections would be affected:					

-50 Foot Widening Project
 Mitigation Monitoring and Reporting Program
 (Page 16 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
	<ul style="list-style-type: none"> 3rd Street/ Adeline Street intersection would operate at LOS F during the morning and evening peak hours. 	<ul style="list-style-type: none"> As necessary, at the 3rd Street/ Adeline Street intersection, convert the eastbound and westbound combination thru-left turning lanes to exclusive left turn lanes and run permitted left turn phasing instead of split phasing. 	Enter into agreement with City of Oakland regarding design, construction and funding of improvements.	Port of Oakland/City of Oakland	When warranted.	No.
	<ul style="list-style-type: none"> 7th Street/ I-880 NB offramp would operate at LOS F during the morning commute hours. 	<ul style="list-style-type: none"> As necessary, at the 7th Street/I-880 NB offramp intersection, convert the northbound thru lane to a combination left-thru lane, and provide split phasing of the north and southbound approaches to the intersection. 	Enter into agreement with City of Oakland regarding design, construction and funding of improvements.	Port of Oakland/City of Oakland	When warranted.	No.

-50 Foot Dredging Project
Mitigation Monitoring and Reporting Program
(Page 17 of 18)

<i>Resource Area</i>	<i>Significant Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
Ground Transportation	In the year 2010, significant impacts would occur in the peak commute direction on I-880 south of I-908, and on I-238 during both the morning and evening commute hours.	<ul style="list-style-type: none"> • Participate actively in corridor/area-wide transportation planning processes, including specific studies. • Serve on the technical working groups and advise steering committees for the I-880 Corridor Study and I-80 Corridor Study. • Maintain active membership in the Alameda County CMA Technical Advisory Committee, the Measure B Reauthorization Expenditure Plan Development Committee, the Bay Area Partnership finance and operations committees, the Caltrans Statewide Intermodal Goods Movement Advisory Committee, and the MTC Freight Advisory Committee. 	Commit staff, funding, and other resources in support of transportation planning process and traffic operations system implementation strategies.	Port of Oakland	During Project construction and operation.	Yes.
Noise	Planned development of residential uses in the waterfront area south of Jack London Square could result in compatibility problems between trucks and residential noise receptors.	To resolve conflicts between planned residential development and industrial uses and the waterfront area south of Jack London Square, trucks could be banned from the street segment.	Contact City of Oakland if noise compatibility problems arise.	Port of Oakland/City of Oakland	After residential uses are in place.	No.

-50 Foot E...ing Project
 Mitigation Monitoring and Reporting Program
 (Page 1 of 4)

PART B: LESS-THAN-SIGNIFICANT IMPACTS

<i>Resource Area</i>	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
Air Quality	Construction Emissions	<ul style="list-style-type: none"> • Retard injection timing of older diesel-powered equipment and engines which do not have mechanical injection for NO_x control. • Use reformulated fuel on all diesel-powered equipment. • BAAQMD Basic, Enhanced and Optional Control Measures 	Include in construction contractor's specifications and monitor compliance.	Corps of Engineers	Prior to and during construction.	No.
Surface Water	Disposal of dredged material at the SF-DODS site may result in temporary and localized disturbance of water quality stratification.	<ul style="list-style-type: none"> • Comply with EPA's Site Management and Monitoring Plan (SMMP) Implementation Manual. • A tiered monitoring approach would be used to address effects of dredged material on the environment. • If unacceptable adverse impacts are detected, several management actions could be used, such as reducing the size or location of the disposal zone, imposing reuse permit conditions, and limiting amount of material. 	Include in disposal contractor's contract specifications and monitor compliance.	Corps of Engineers	During construction and disposal.	No.

-50 Foot Dredging Project
 Mitigation Monitoring and Reporting Program
 (Page 2 of 4)

<i>Resource Area</i>	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
Geology and Groundwater	Impact on sediment quality at SF-DODS.	Same mitigation measures as for Surface Water and Biological Resources.	Same as for Surface Water and Biological Resources.	Corps of Engineers	During contracting and disposal.	No.
Biological Resources	Impact on the biological community in general at SF-DODS.	Accurate positioning to ensure that dredged materials is confined within the disposal site boundaries. Monitoring disposal operations and potential effects on the existing pelagic and benthic communities per EPA's EIS and Site Management and Monitoring Plan Implementation Manual.	Include in disposal contractor's contract specifications and monitor compliance.	Corps of Engineers	During contracting and disposal.	No.

-50 Foot Deepening Project
Mitigation Monitoring and Reporting Program
(Page 3 of 4)

<i>Resource Area</i>	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring Action</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
Biological Resources	Possibility of introduction of potentially invasive species during the discharge of ballast water	<ul style="list-style-type: none"> • Support prompt adoption of a new Annex to the International Maritime Organization's regulations making mandatory the use of the existing voluntary guidelines to minimize in-port discharges. • Support prompt adoption of national mandatory ballast water management regulations to reduce the risk of invasive species introductions on a national basis. • Support an educational outreach program to inform vessel operators calling the Port regarding the risks of invasive species to be discharged with ballast water, existing national voluntary guidelines aimed at minimizing the risk, and new technology research into control of invasive species. • Explore the possibility of requiring operators of transoceanic vessels to discharge ballast water into the East Bay Municipal Utility District system for treatment in lieu of discharge. 	Commit staff to support of legislative and regulatory measures, education program and contact with EBMUD.	Port of Oakland	Ongoing.	No.

-50 Foot E...ing Project
 Mitigation Monitoring and Reporting Program
 (Page of 4)

<i>Resource Area</i>	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Monitoring</i>	<i>Responsible Party</i>	<i>Timing</i>	<i>Significant After Mitigation?</i>
Human Health and Risk	Potential risks to rehandling facility workers during handling of contaminated materials	<ul style="list-style-type: none"> Employ trained workers and use appropriate personal protective material at the rehandling facility. 	Include in contractors specifications and monitor compliance	Corps of Engineers and Port of Oakland	Prior to and during rehandling activities.	No.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

Handwritten initials

SUBJECT: *TD* Ratify Addenda and Award of Contract for Construction of Joint Intermodal Terminal, Middle Harbor

Date: February 1, 2000

Item No. 25

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *AK*

FACTUAL BACKGROUND:

Seven (7) bids were received and opened on December 17, 1999, for Construction of Joint Intermodal Terminal, Middle Harbor, Oakland, California. The following bids were received:

BIDDERS	LOCATION	DBE*	TOTAL BID PRICE (Base Bid Plus Alternate A3 Total Price)
Gallagher & Burk, Inc.	Oakland, CA		\$22,715,035.00
McGuire and Hester	Oakland, CA		**\$23,553,373.20 \$23,531,873.00
Granite Construction Company	Watsonville, CA		**\$24,394,366.88 \$24,101,168.28
Morrison Knudsen Corporation	Boise, ID		\$24,755,102.00
O.C. Jones & Sons, Inc.	Berkeley, CA		\$25,176,272.00
Neosho Construction Co., Inc.	Topeka, KS		**\$26,496,649.00 \$27,038,500.00
Granite Rock Company, d.b.a. Pavex Construction Division	Redwood City, CA		**\$26,894,952.95 \$24,747,307.95

* DBE = Disadvantaged Business Enterprise certified by Caltrans
 ** Bid corrected in accordance with Instructions to Bidders (Document 00200).

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

The Board of Port Commissioners, on September 20, 1999, approved the plans and specifications for this project, and authorized bids to be received 37 days after advertisement for bid following Federal and State authorizations from Caltrans. The bid period commenced on November 8, 1999, following Caltrans' Authorization to Proceed on October 26, 1999.

Addenda 1 through 4 were issued by the Chief Engineer to extend the bid opening date by three days to December 17, 1999; clarify bidding requirements; issue updated Federal Minimum Wage Rates; and clarify the Plans for electrical grounding. The Addenda did not change the physical work of the contract.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20067 FEB 1 - 2000

BOARD ACTION TAKEN DATE

Handwritten signature of Sharon Kruppel

Assistant SECRETARY OF THE BOARD

ANALYSIS:

The Bid for this project included a Base Bid plus four Alternates (A1, A2, A3 and A4) for different railroad track assemblies. In accordance with provisions contained in the contract documents, after receipt of bids and prior to opening of bids, the Maritime Division selected Alternate A3 as the basis of comparison to determine the lowest responsible bidder. Alternate A3 is for 136 RE railroad track, timber ties, standard plates and cut spikes. Therefore, the bid price for comparison is the Total Bid Price based on the Base Bid plus Alternate A3.

Since the funding for this project includes Federal money, the Federal Disadvantaged Business Enterprise (DBE) regulations apply. The DBE participation goal for this contract is 20% of the Total Bid Price.

Gallagher & Burk, Inc. listed fourteen subcontractors and two suppliers with their bid. Nine subcontractors are DBEs performing a total of 13.56% of the work. The two suppliers are also DBEs, with a total credit of 6.69% of the work. Therefore, Gallagher & Burk, Inc.'s DBE participation is 20.25% of their Total Bid Price. The Port's Office of Equal Opportunity analyzed Gallagher & Burk, Inc.'s bid for compliance with Federal Affirmative Action requirements, and has determined that Gallagher & Burk, Inc. has met the established DBE goal. Accordingly, it is recommended that Gallagher & Burk, Inc. be considered to be a responsible bidder for the purposes of this contract.

SUBCONTRACTORS SUBCONTRACTING AREA (Includes Trucking)	LOCATION	DBE*	"\$" AND "%" OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
A C Dike / Asphalt Concrete Curb	Lincoln, CA	X	\$6,030.00 / 0.03%
Cal-Robbins Erosion Control / Erosion Control	Orangevale, CA	X	\$37,966.00 / 0.17%
Golden Bay Fence Co. / Guard Posts	San Lorenzo, CA	X	\$117,808.00 / 0.52%
Oliveira Fence, Inc. / Fencing	Santa Clara, CA	X	\$283,973.25 / 1.25%
Spirit Road Oils / Pavement Emulsion	San Jose, CA	X	\$120,114.00 / 0.53%
Pacific States Environmental / Hazardous Material	Dublin, CA		\$215,000.00 / 0.95%
CJC Trucking / Trucking	Oakland, CA	X	\$410,000.00 / 1.81%
Watson Trucking / Trucking	Oakland, CA	X	\$950,000.00 / 4.18%
Robertson Trucking / Trucking	Fremont, CA	X	\$53,000.00 / 0.23%
Reggie Hughey Excavation, Inc. / Drain Pipe and Underdrains	Livermore, CA	X	\$1,100,000.00 / 4.84%
Industrial Railway / Railroad Track	Pinole, CA		\$3,370,000.00 / 14.84%
Mountain Cascade / Underground	Livermore, CA		\$2,100,000.00 / 9.24%
M F Maher, Inc. / Minor Concrete	Vallejo, CA		\$138,700.00 / 0.61%
St Francis Electric / Electrical	Hayward, CA		\$2,470,000.00 / 10.87%

SUPPLIERS MATERIAL/EQUIPMENT	LOCATION	DBE*	"\$" AND "DBE %" OF EACH SUPPLIER'S BID TO PRIME CONTRACTOR
Francisco Electric Supply/ Electrical	Oakland, CA	X	\$500,000.00 / 1.32% ***
Linier Steel Products, Inc. / Railroad Track	Commerce, GA	X	\$2,033,400.00 / 5.37% ***

Ratify Addenda and Award of Contract
for Construction of Joint Intermodal
Terminal, Middle Harbor

Page 3

*** Credit for a DBE vendor of materials or supplies is limited to 60 percent.

Total participation of DBEs is \$4,598,891.25.

The project is budgeted under CIP Item No. M6.00563.01. The funding sources are Port bonds, Federal funds, and State funds. The State and Federal funding approved for this project in the current State Transportation Improvement Program (STIP) includes:

\$7.00 Million - Intermodal Surface Transportation Enhancement Act of 1991 (ISTEA),
100% Federal funds

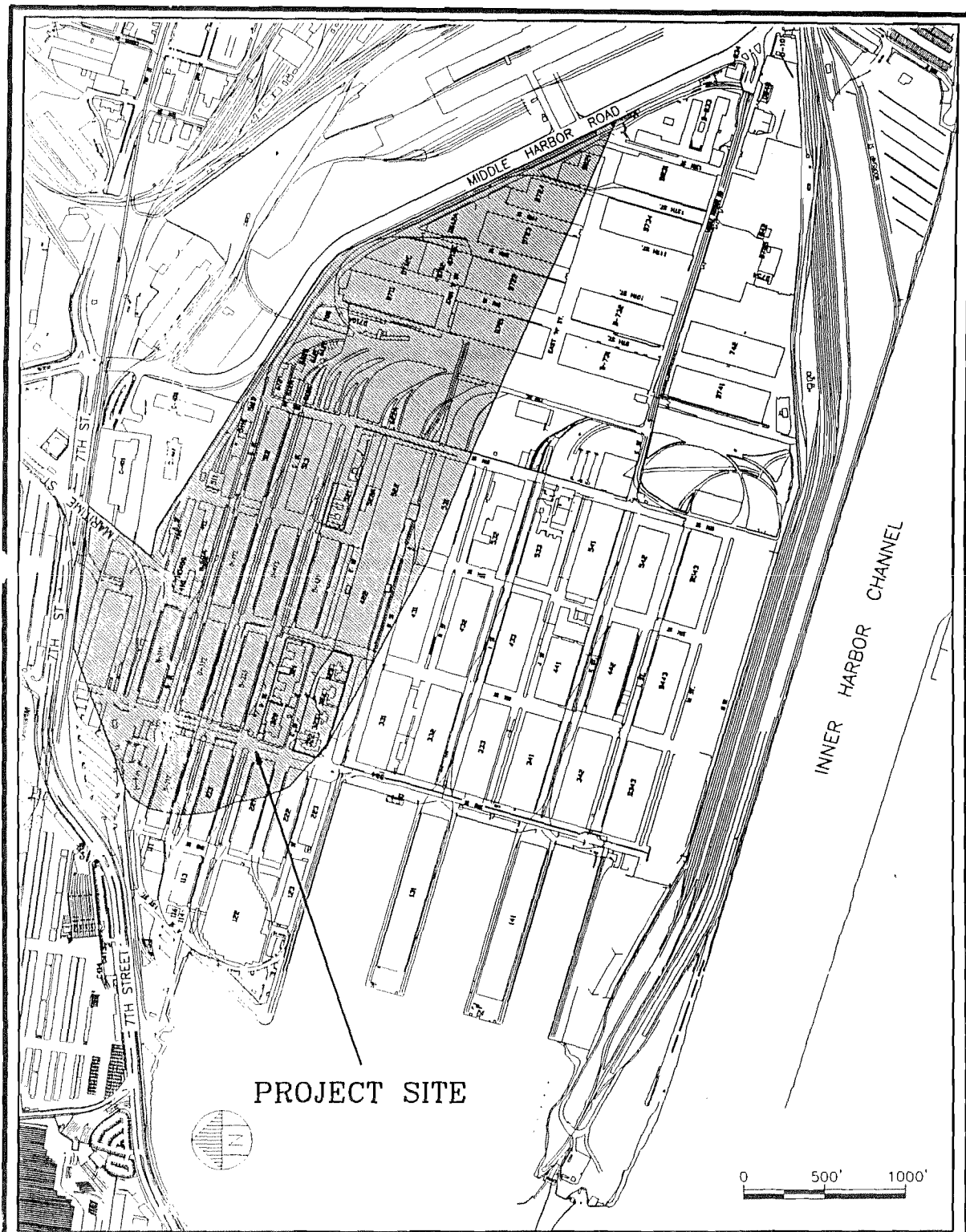
\$6.75 Million - State Transportation Improvement Program funds (STIP), 87.53% Federal funds
and 11.47% State funds

\$6.06 Million - Transportation Equity Act for the 21st Century (TEA-21), 100% Federal funds
(\$57,693 increase effective 10/21/99)

The location of the work is shown on the attached map.

RECOMMENDATION:

It is recommended that Gallagher & Burk, Inc. be found to be the lowest responsible bidder, that the Board ratify and approve Addenda 1 through 4, that the contract for the above project be awarded to Gallagher & Burk, Inc. for the amount of its bid, and that the other bids be rejected and the bid securities returned to the respective bidders.



PORT OF OAKLAND

MIDDLE HARBOR AREA

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


SUBJECT: Approval of First Supplemental Agreement with Subsurface Consultants Inc. for Engineering Design Services for the Closure of the Former Lew F. Galbraith Golf Course

Date: February 1, 1999

Item No. 26

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

The Port of Oakland (Port) has a current professional services agreement with Subsurface Consultants, Inc. (SCI). The agreement was approved by the Board on February 2, 1999, per Resolution No. 99049. SCI was hired to design and prepare Plans and Specifications for the closure of the landfill at the former Lew F. Galbraith golf course. The Board authorized a maximum compensation of \$375,000.

ANALYSIS:

During the design of this project, various elements were changed to accommodate the needs of the Port, the golf course designer, and the City of Oakland. As a result, the scope of work under the agreement with SCI has expanded greatly from the original contract. The changes directly reflect the Port's overall goal to construct a championship level golf course by January 2002, while meeting all State landfill closure regulations.

There are basically three major scope of work changes to the original contract that amount to approximately 90% of the cost increase. The remaining 10% is for additional testing and analysis work on the in-situ material.

The first major change-in-scope item was to separate the project into two construction contracts, Phase I and Phase II work. This allowed the use of two dry seasons to dry existing dredge material while providing additional time for the capping/grading design. This approach created two different sets of plans and specifications for advertising, bidding, and awarding.


The second change-in-scope item was to prepare the designs for the ornamental lakes and ponds, including the lining, gas venting and overflow systems. It was assumed in the original Contract that a golf course developer/contractor/operator (Developer) would design and construct all water related golf course features. It was later decided that this would cause the Developer to assume closure responsibility. Special linings and venting systems need to be designed and constructed for these water features and it's unlikely that a Developer would have the expertise or the regulatory experience to properly design and construct this type of work.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. <u>20050</u> BOARD ACTION TAKEN	FEB 1 - 2000 DATE
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 Assistant SECRETARY OF THE BOARD

Approval of First Supplemental Agreement with
Subsurface Consultants Inc. for Engineering
Design Services for the Closure of the Former
Lew F. Galbraith Golf Course

February 1, 2000
Page 2

The third major change-in-scope was the inclusion of a drainage system design. It was assumed in the original contract that the grading plan would be designed as simple as possible while in conformance with the golf course designer's proposed grades. Drainage systems were not considered because of the increased construction costs and the requirement for future maintenance. During design coordination meetings between Johnny Miller Design (JMD), the golf course designer; and SCI, drainage systems became necessary to control runoff due to the intricate golf course layout and complex grading.

Portions of the above changes in scope have been paid for under the \$375,000 authorized by the Board. The remainder of the above changes in scope are estimated to cost an additional \$173,517. An additional allowance of \$50,000 is also requested from the Board for future unforeseen changes in scope. The total additional amount requested is \$223,517.

Budget Status:

This work is budgeted under CIP No. MA.02870.19. The funding source is Port bonds.

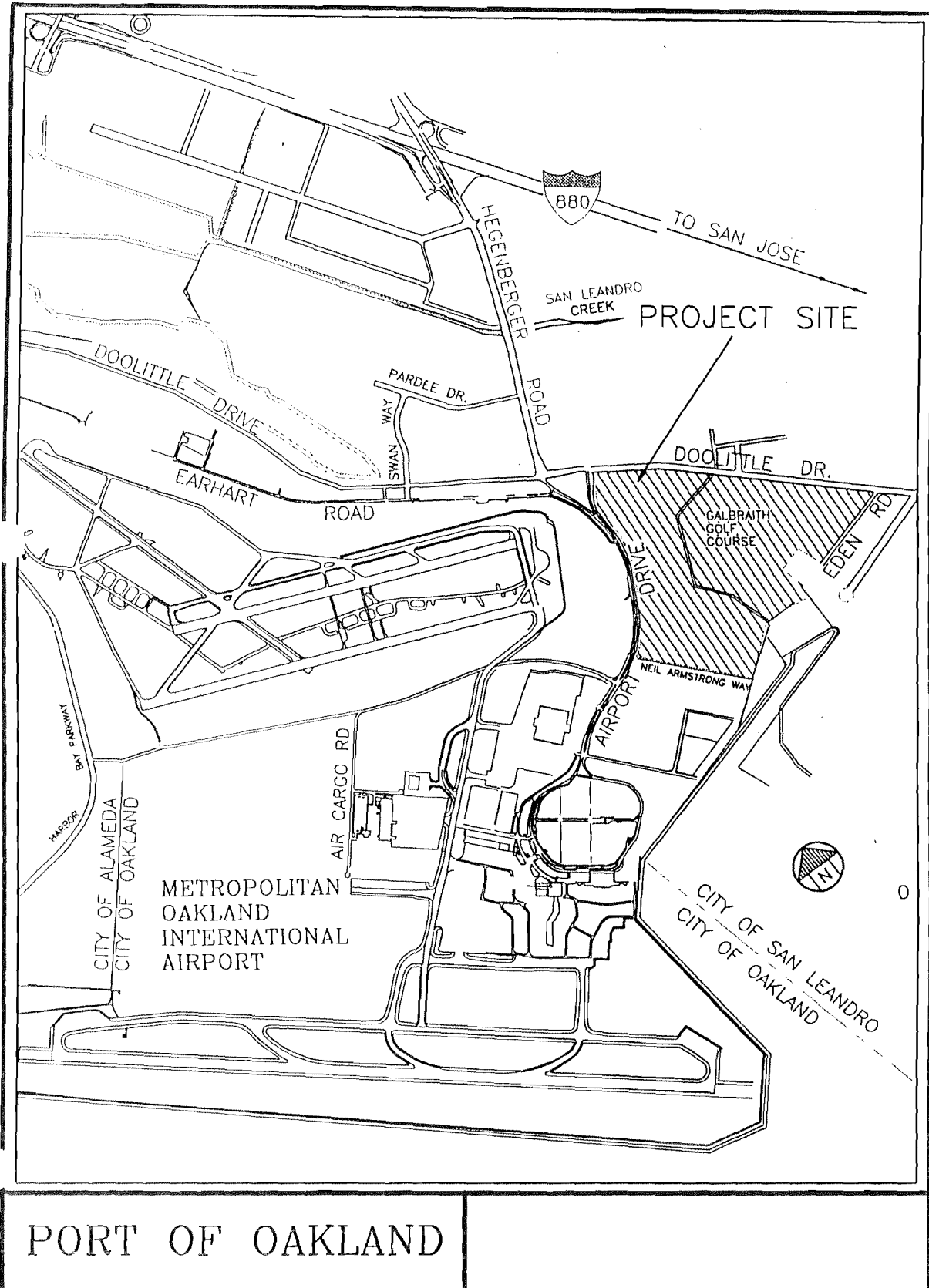
A summary of the proposed compensation changes is provided below:

	<u>Description</u>	<u>Date</u>	<u>Authorized</u>
1	Board Authorized Maximum Compensation	2/2/99	\$375,000
2	Additional Amount Requested from the Board 1) Identified Changes in Scope 2) Future Unforeseen Changes	Proposed	\$173,517 \$50,000
3	Total Proposed Maximum Compensation Authorized	Proposed	\$598,517

The overall costs associated with the original design scope and the above change in design scope remains within the Total Project Cost for the Phase I and Phase II work.

RECOMMENDATION:

It is recommended that the Board authorize the preparation and execution of a First Supplemental Agreement with Subsurface Consultants Inc. for design services as described above for \$173,517. It is further recommended that the Board authorize an additional \$50,000 with the Executive Director's approval for potential additional scope changes.



PORT OF OAKLAND

Info

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Approval of Consultant Agreement for Engineering Design Services for the Closure of the Former Galbraith Golf Course Site

Date: February 2, 1999

Item No. 23

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

BACKGROUND:

The former Galbraith golf course site originally consisted of shallow mudflats and tidal marshlands adjacent to San Francisco Bay. Between 1935 and 1960, the site was used as a municipal landfill. The landfill contains solid waste, construction debris, hydraulic fill and an isolated area of sewage sludge disposal. In early 1960, the site was developed into the Lew F. Galbraith Golf Course. In 1994 the golf course was closed. Between 1995 and 1998, the site was used as the Galbraith Dredged Material Disposal Facility for unsuitable material from the Port and the US Army Corps of Engineers -42 foot deepening project. The disposal facility consists of two containment ponds with a combined area of approximately 100 acres.

FOR INFORMATION ONLY

The Port is currently in the process of converting the site back into a public golf course by the year 2002. However, prior to any new site development, the Port must close the former landfill areas. In order to close these areas, the Port must meet the Regional Water Quality Control Board's (RWQCB) closure requirements. One requirement is the construction of an engineered impermeable cap over the landfill areas. The site currently consists of perimeter dike walls containing dredged material covering most of the landfill areas. The Port anticipates that part of this dredged material will be modified to meet the RWQCB's cap requirements. Alternate cap designs will also be considered to reduce differential settlement and meet design requirements associated with the new golf course. Work also includes: geotechnical investigations, regulatory permit assistance, preparation of plans and specifications and coordinate grading design with the new golf course designer.

ANALYSIS:

On October 19, 1998, thirty-one (31) Requests for Proposals (RFPs) were sent to professional design firms currently doing business as Geotechnical Engineers in the Local Impact Area (LIA); Oakland, Alameda and San Leandro.

FOR INFORMATION ONLY

Nine proposals were received on November 19, 1998. The Port Review Panel, which was comprised of engineering staff from Project Management, Design and Planning Sections, staff from the Office of Equal Opportunity and a staff member from the Regional Water Quality Control Board, reviewed the proposals and invited the five top-ranked firms for interviews. The firms invited for interviews were: Golder Associates, Harding Lawson Associates, Kleinfelder, Subsurface Consultants Inc. and URS Greiner Woodward Clyde.

Subsurface Consultants Inc. is recommended to perform the professional design services for this project. The selection was based on their project team's proposal; presentation and response to the Interview

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN _____ DATE _____

SECRETARY OF THE BOARD _____

Approval of Consultant Agreement for
Engineering Design Services for the
Closure of the Former Galbraith Golf
Course Site

February 2, 1999
Page 2

Panel's questions; the skills and experience of the team members; and their recent experience in planning and designing similar projects on the West Coast.

The following table shows the design team members, their roles, and their planned shares of the work.

Team Member	Location	Target %	EEO Status *	Role
Subsurface Consultants, Inc.	Oakland	40%	LIA	Prime, Geotechnical Design
Moffatt & Nichol	Oakland	30%	LIA	Civil Design
Mariscal Engineering	Oakland	12%	LIA/MBE	Assist in Civil Design
Acumen Building Enterprise	Oakland	8%	LIA/MBE/DBE	Scheduling and Estimating
HEW Drilling	East Palo Alto	6%	MBE	Subsurface Soil Exploration
Soil Mechanics Laboratory	Oakland	4%	LIA/MBE	Geotechnical Soil Testing

* LIA = Local Impact Area
MBE = Minority Business Enterprise
DBE = Disadvantaged Business Enterprise

FOR INFORMATION ONLY

The Port's Office of Equal Opportunity (OEO) participated in all phases of evaluating the consultants. OEO has determined that the recommended team is responsive to the Port's Non-Discrimination and Local Business Policy. 94% of the team's members are within the LIA, 30% are certified as MBEs and 8% are certified as DBEs. Therefore, OEO concurs with this recommendation.

The EEO-1 Work Force Reports/Professional Services Questionnaires for all team members are on file.

The amount of the agreement will not exceed \$300,000 based upon the scope of work and terms of the contract. In addition, it is requested that the Executive Director be authorized to approve up to an additional \$75,000 for potential changes in scope.

The work is included in the FY 1998 Capital Budget under CIP Element No. MA.02870.19. The funding source will be Port Bonds.

OPTIONS: Not applicable.

FOR INFORMATION ONLY

RECOMMENDATION:

It is recommended that the Board:

- 1) Determine that the engineering services described above are professional services; and
- 2) Authorize the preparation and execution of an agreement with Subsurface Consultants, Inc. in accordance with the provisions above.


Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

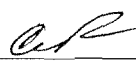
SUBJECT: Ratification of Change Order for
Preparation of Site Material for the
Closure of Landfill at the Former
Lew F. Galbraith Golf Course

Date: February 1, 2000
Item No. 27

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 
EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The contract with Harding Lawson Associates (HLA) for **PREPARATION OF SITE MATERIAL FOR THE FORMER LEW F. GALBRAITH GOLF COURSE, OAKLAND, CALIFORNIA**, became effective in August 1999, at lump sum and unit prices totaling \$1,559,257.00. The work consists of site preparation, constructing drainage trenches and excavating, stockpiling, and moisture conditioning a major portion of the dredged mud material. This is the Phase I work associated with a two-phase project to prepare the site for the construction of a new public golf course. The Phase II work will consist of moisture conditioning the remaining dredged mud material, constructing a cap over the existing landfill, rough grading utilizing the golf course designer's rough grading plan, and constructing ornamental ponds and lakes. The Phase II project is on today's agenda for approval of plans and specifications and is entitled, "Approval of Plans and Specifications for the Closure of Landfill at the Former Lew F. Galbraith Golf Course." The phased work was necessary in order to utilize two seasons of dry weather conditions in an effort to meet the Port's overall goal to complete construction of the golf course by the year 2002.

ANALYSIS:

Because of the short duration of the Phase I contract work and due to the uncertainty of weather conditions over the contract period, the quantity of material to be conditioned under HLA's contract was set at approximately 380,000 cubic yards (CY), approximately 70% of the known muds on site, with provisions to increase this amount depending on time and weather conditions. In addition, the sand removal and stockpiling work necessary to construct the cap at the current sand location was not included in this contract. The remaining muds to be conditioned, as well as the sand removal and stockpiling work, will be performed under Phase II.

The unit price bid by HLA for moisture conditioning the on-site muds was \$3.89/CY, a very favorable price as compared to the other seven original bidders for the above work. The favorable unit price, coupled with this winter's very dry weather conditions, provided the Port an opportunity to transfer some of the Phase II mud conditioning work into Phase I. That transfer of work has reduced the scope of the Phase II work, thus providing more opportunity for timely completion of the Phase II contract to complete the remaining work.

HLA agreed to perform all additional mud conditioning work at their original \$3.89/CY unit price. Accordingly, HLA was authorized to perform this increased work in accordance with allowable quantity increases as specified in the Contract Documents. The total additional muds conditioned beyond the original contract amount was approximately 140,000 CY.

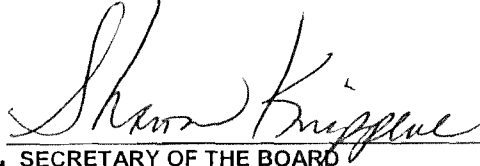
Approved by Resolution

No. 20051 FEB 1 - 2000

BOARD ACTION TAKEN DATE

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY



Assistant SECRETARY OF THE BOARD

**Ratification of Change Order for
Preparation of Site Material for the
Closure of Landfill at the Former
w F. Galbraith Golf Course**

February 1, 2000
Page 2

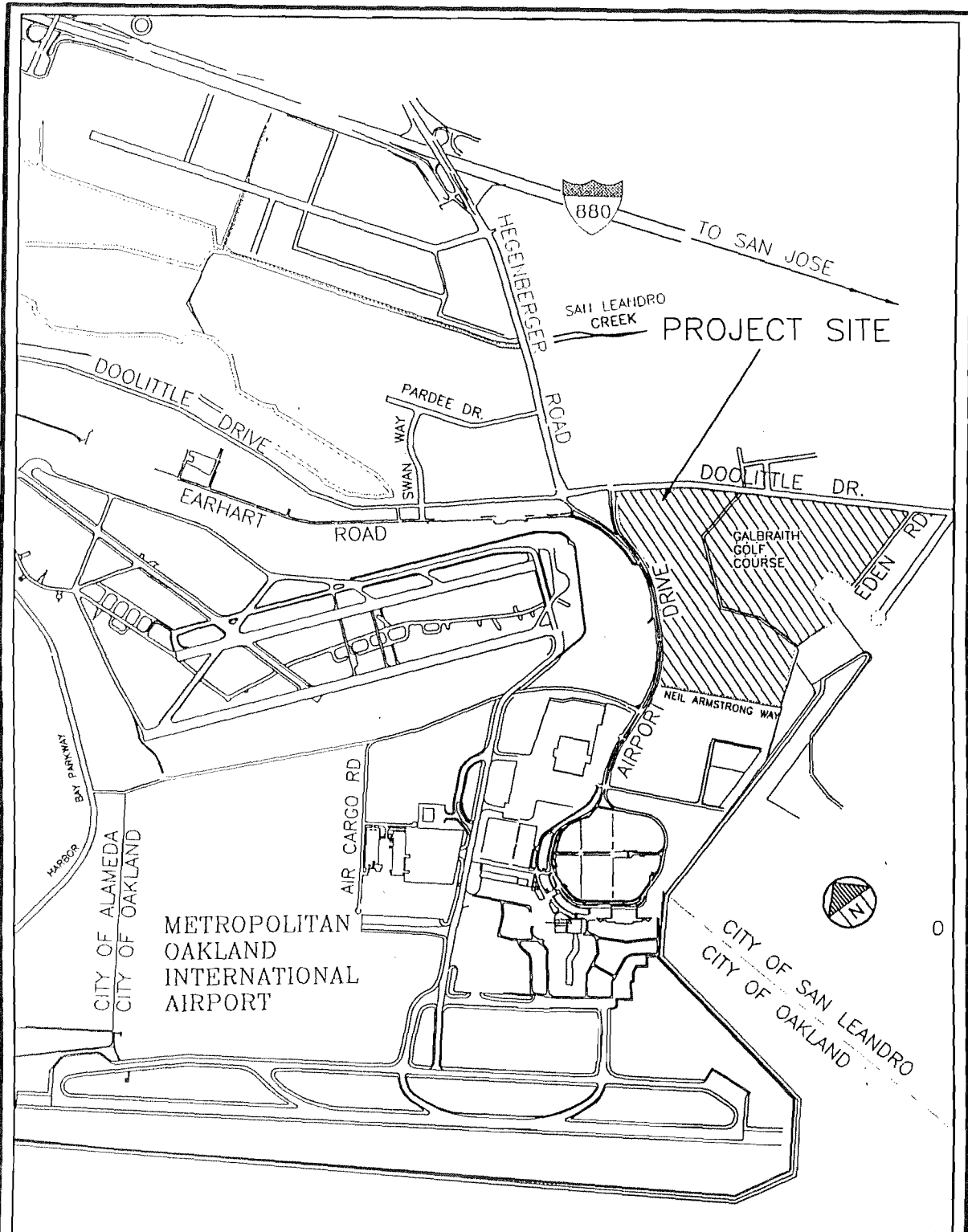
In order to access some of the sand-covered muds that HLA conditioned under the quantity increase provisions, the top layer of sand in that area had to be removed and relocated. This was work that was originally included in the Phase II scope as described above. Therefore, in order to take advantage of this timely opportunity, the Chief Engineer authorized the relocation and stockpiling of approximately 32,000 CY of sand at a negotiated unit price of \$2.50/CY for a total contract change order amount of \$80,000.

BUDGET STATUS:

The overall costs associated with the Phases I and II work, including the additional mud conditioning and the change order to cover the sand removal, remain within the original Total Project Cost budget. The work is budgeted under CIP No. MA.02870.19. The funding source is Port bonds.

RECOMMENDATION:

It is recommended that the Board ratify a change order in the amount of \$80,000 to Harding Lawson Associates for relocating and stockpiling sand as described above.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Transfer of Star Shipping Terminal Use Agreement (TUA) to Burma Road Terminal and Modification of Compensation Provisions to License & Concession Agreement with Marine Terminals Corporation at Burma Road Terminal

Date: February 1, 2000

Item No. 50

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle *PAB*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Star Shipping ("Star") has a Terminal Use Agreement (TUA) at the Ninth Ave. Terminal where it discharges non-containerized newsprint. Terminal services at the Ninth Ave. Terminal are being provided by Stevedoring Services of America Terminals (SSAT). Under terms of the TUA, Star pays 80% for the Port tariff rates for dockage and wharfage on breakbulk commodities. In lieu of the prevailing Port tariff rate, non-containerized newsprint is assessed its own commodity wharfage rate of \$4.25 per revenue ton. This rate is also subject to a Minimum Annual Guarantee (MAG) of 35,000 metric tons. Star receives additional discounts at year-end if newsprint tonnage meets or exceeds incremental volume Breakpoints.

The importers and cargo interests of the newsprint are now starting to lose money with the logistics associated with the two off-dock warehouses presently used in conjunction with the Ninth Avenue operation. Non-containerized import newsprint volume has dropped off and cannot support both warehouses, lifting production from ship cranes is inconsistent while securing an adequate supply of flatbeds and trucks is sometimes difficult. As a cost cutting measure, one of the two off-dock warehouses is being closed so operations can be consolidated into one facility. However, stopping operations at one of the off dock warehouses will require a nearby transit shed to stage and deliver newsprint directly from the marine terminal and into the off-dock warehouse. Additional savings from streamlined drayage operations could also then be passed along to the cargo interest. Consequently, Star has asked that their TUA be transferred to the Burma Road Terminal where a transit shed is presently available.

The Burma Road Terminal offers an on-dock transit shed and is presently used as a breakbulk facility where import steel commodities are primarily discharged. However, the Port is presently evaluating the continued maritime use of the facility involving the handling and processing of other commodities. Vessel and terminal services at the Burma Road facility are provided under a License and Concession ("L&C") Agreement between the Port and Marine Terminals Corporation ("MTC"), which is in holdover status. During each month, MTC guarantees the Port the minimum sum of \$46,000.00 generated from 100% of the Port's prevailing tariff charges for dockage, wharfage, wharf demurrage and storage activity. In addition to this monthly minimum, MTC pays a monthly charge equal to 75% of the Port's tariff revenues above \$46,000.00 (First Breakpoint/Guarantee) up to \$98,000.00 (Second Breakpoint). MTC also pays the Port the monthly sum of 25% of the Port's tariff revenues in excess of \$98,000.00. Additionally, the Burma Road L&C Agreement provides the Port the right to authorize the use of the premises by other parties with MTC being entitled to 30% of net Port revenues received by the Port from third parties for said use.

ANALYSIS:

MTC has indicated its willingness to handle the Star newsprint cargo at the Burma Road Terminal. The Port is therefore proposing a compromise where the Star TUA is transferred to the Burma Road Terminal under its current economic terms. We are also offering to modify the L&C Agreement with MTC so that the provision entitling MTC to 30% of net Port revenues from Star's newsprint will be used. Under this arrangement MTC shall agree to use the 30% of Port revenues generated from Star newsprint activity to help offset the additional labor cost that will be incurred at the on-dock transit shed.

Approved by Resolution

No. 20057 **DATE** FEB 1 - 2000

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN **DATE**

[Signature]

Assistant SECRETARY OF THE BOARD

Since the Port is evaluating other uses for the Burma Road Terminal, the Star TUA shall also be modified so that the Port may terminate the Agreement with Star upon 60 days' prior written notice. During any partial contract year that said written notification is provided by the Port, the Star MAG and Breakpoints will be prorated to reflect the partial contract year.

Star's transfer to Burma Road Terminal will commence with arrival of its next Oakland vessel call which is scheduled for on or about February 1, 2000.

FINANCIAL IMPACT TO THE PORT:

Based upon current activity at the Burma Road Terminal, as well as projections for Star's newsprint, we estimate the economic modification to MTC's L&C Agreement and the transfer of Star's TUA shall reduce Port annualized revenue by no more than \$110,000.00.

ALTERNATIVES:

None. The Port could lose all of Star's newsprint business to the ports of Richmond or San Francisco if the TUA is not transferred to Burma Road along with the modifications to the MTC L&C Agreement.

The proposed modifications were reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and Port CEQA Guidelines and were determined Categorical Exempt per Section 15301 (p) which exempts such Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and where there is no negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval to modify the termination provisions as well as transfer the Star TUA to the Burma Road Terminal; and, to modify the compensation provisions of the MTC Agreement, all as outlined above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: February 1, 2000

- Appointment

Item No. 33

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez *RM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CW*

FACTUAL BACKGROUND:

I. APPOINTMENT – Resolution (1 Reading)

A) Regular Appointments to Fill Existing Vacancies or New Positions – The following appointments is to regular full-time positions to fill a vacancies resulting from resignation, retirement, or promotion of a previous incumbents, to fill new positions approved in the FY 99-00 Staffing Plan budget, or to implement promotions (with no backfill) approved in the FY 99-00 Staffing Plan budget.

NAME	CLASSIFICATION POSITION (DIVISION)	TYPE OF APPOINTMENT	EFFECTIVE DATE	SALARY RATE	POSITION # ORG CODE
Pamela Kershaw	Commercial Representative V (Commercial Real Estate Division)	Exempt	2/21/00 3/6/00	\$6,607 per month rate "c"	PB00 10458-06

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 1/19/99	AS OF 1/4/00	AS OF 1/18/00
Full-Time Employees	612.00 FTE	545.00 FTE	559.00 FTE	554.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	558.40 FTE	572.40 FTE	567.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count decrease due five separations.

BOARD ACTION REQUIRED:

Approved by Resolution No. 20058

FEB 1 - 2000

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN DATE

Sharon Kruppel
SECRETARY OF THE BOARD

Assistant

TEMPORARY AGENCY WORKER COUNT AS OF 1/7/00

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	14	9	1	8	0	0	32
* CIP	0	0	9	6	0	0	15
LEAVE BACKFILL (NON MEDICAL)	1	0	0	0	0	0	1
MEDICAL BACKFILL	5	2	0	0	0	0	7
* SPECIAL PROJECT	3	4	1	7	1	0	16
WORKER'S COMP BACKFILL	0	4	0	1	0	0	5
TOTALS	23	19	11	22	1	0	76

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	10/26/99	11/2/99	12/22/99	1/7/00
BACKFILL	27	35	34	33	32
* CIP	18	16	16	16	15
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	7	6	1	1
MEDICAL BACKFILL	4	4	5	7	7
* SPECIAL PROJECTS	11	16	14	17	16
WORKER'S COMP BACKFILL	3	4	5	4	5
TOTALS	63	82	80	78	76

COUNT SUMMARY

CURRENT FTE COUNT	567.40
CURRENT TEMPORARY AGENCY BACKFILLS	32.00
VACANT POSITIONS	<u>16.00</u>
TOTAL	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding appointment.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: February 1, 2000

- Terminations

Item No. 33A

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CF*

FACTUAL BACKGROUND:

I. TERMINATIONS – Resolution (1 Reading)

- A) It is requested that the Board approve the termination of **Ms. Rose C. Frazier, Intermediate Typist Clerk**, in the Engineering Division, for job abandonment, effective the close of the workday of February 2, 2000.
- B) It is requested that the Board approve the termination of **Ms. Janet Meth, Assistant Port Environmental Planner**, in the Engineering Division, for completion of her Limited Duration assignment, effective the close of the workday of February 2, 2000.

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding terminations.

Approved by Resolution

No. 20059

FEB 1 - 2000

BOARD ACTION REQUIRED:

BOARD ACTION TAKEN

DATE

Sharon Kruppene

SECRETARY OF THE BOARD


Assistant


- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet**

SUBJECT: Approval of a Second Supplemental Agreement with Patton Boggs, L.L.P. (Phil Bangert) for federal legislative consultation and advocacy

Date: February 1, 2000
Item No. 34

SUBMITTED BY:  Harold Jones, Acting Director of Communications
EXECUTIVE OFFICE RECOMMENDATION:



- PROGRAM AREA**
- Airport Operations
 - Commercial Real Estate
 - Maritime Operations
 - Overall Operations

FACTUAL BACKGROUND:

A formal one-year extension of our First Supplemental Agreement with the Port's federal legislative lobbyist in Washington, D.C. has expired. The agreement is with Patton Boggs, LLP, represented by Phil Bangert. Mr. Bangert has provided effective federal legislative advocacy services for the Port of Oakland through Patton Boggs, LLP, since 1995 and prior to that through his affiliation with the Port's federal lobbyist, Richard Sinnott.

The existing First Supplemental Agreement provides for an annual payment not to exceed \$182,000. This amount included retainer, monthly fees, and expenses. The First Supplemental Agreement also provided authorization for the Executive Director to extend the agreement for one additional year with an adjustment allowed during the second year for a cost-of-living increase.

The Scope of Work for the proposed Second Supplemental Agreement is the same as in the First Supplement. Mr. Bangert and others in the firm of Patton Boggs spent a tremendous amount of time and advocacy effort in seeking support and passage of the 1999 Water Resources Development Act (WRDA'99) which provided authorization and appropriation earmarks for our -50' harbor deepening project. The consultants will be seeking support for AIR-21 and an anticipated SEA-21, legislation that will direct more attention to seaport appropriations. The consultant will work through the appropriations process, especially during the next critical five years, to seek favorable allocation of dollars for our Vision 2000 projects underway. The consultants will also continue to pursue on the Port's behalf, matters that will come before the Federal Aviation Administration and Environmental Protection Agency as well as other federal agencies. The proposed maximum annual compensation is set at a maximum of \$198,800, which represents a total combined cost of living and team salary increase of \$16,000 from the \$182,000 set forth in the previous agreement. It should be noted that this amount is paid to the firm of Patton Boggs, L.L.P. and represents fees paid to the firm for varying levels of representation and services.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to enter into a Second Supplemental Agreement with Patton Boggs, LLP for an amount not to exceed \$198,800 for the first year, with authorization for a one-year extension and cost-of-living adjustment as set forth in the original agreement.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20060

FEB 1 - 2000

BOARD ACTION TAKEN DATE


SECRETARY OF THE BOARD

Assistant

Agenda Sheet

SUBJECT: CLOSED SESSION

Date: February 1, 2000


Item No. 40

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.
(Subdivision (a) of Section 54956.9):

Port of Oakland v. Pacific Gas & Electric Company, Alameda County Superior Court Case No. 800137 (Lot 12)

Central Parking Systems of California, Inc. v. Port of Oakland, et al., Alameda County Superior Court Case No. 749090-3.
 2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: 2 case.
 3. Personnel Matter "Public Employee Discipline/Dismissal/Release", (California Government Code Section 54957).
 4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, unde negotiations:

Property: Brush and Third Streets, Oakland
Negotiating Parties: Port of Oakland and M.A. Mortenson Company
Under Negotiation: Price and Terms of Agreement

Property: Jack London Square
Oakland, CA 94607
Negotiating Parties: Port and Oakland Portside Associates
Under Negotiation: Price and Terms of Agreement
- SUPPLEMENTAL
- Property: 7711 Oakport
Negotiating Parties: Interested Parties in Response to RFP
Under Negotiation: Price and Terms of Agreement

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
25384
- INFORMATION ONLY

BOARD ACTION TAKEN	DATE
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SECRETARY OF THE BOARD

SUMMARY AGENDA OF BOARD CALENDAR
February 1, 2000

AIRPORT

- 5S Approval and Authorization for Execution of a Reimbursable Agreement with the Federal Aviation Administration for Airport Roadway Project. (Resolution)
- Recommends approval of the agreement that provides for certain improvements to the Air Cargo Road overpass.

MARITIME

- 28S Approval of Plans and Specifications for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)
- Recommends their approval and authority to advertise for bids for the Phase II work to cap the site.
- 29S Approval to Dispense with Formal Bids for the Purchase of a 40 Long Ton Spreader for Berth 25, Cranes X411 and X422. (Resolution)
- Recommends approval to purchase the spreader on the open market due to the lack of suppliers of the product.
- 30S Ratify Change Order for "Demolition Building D-341 and D-742 and Water Supply Facility, Harbor Transportation Center." (Resolution)
- Recommends approval of the change order for additional work to remove below grade piles.
- 31S Award of Contract for 2000 Structural Inspection Rigging and Repair of Cranes X415 and X416, Berth 68, Howard Terminal. (Resolution)
- Notifies of the bids received and recommends award of the contract to the low bidder.
- 32S Approval of a Building Permit Application for Gallagher & Burk, Inc., Installation of Conduits in Conjunction with the 7th Street Realignment for Level 3, 7th Street at New Road. (Resolution)
- Recommends approval for the construction of new conduits for fiber optics along the new 7th Street realignment.

OPERATIONS

- 35S Approval and Authorization for Execution of a Supplemental Lease Agreement for the Port of Oakland Information Annex West. (Resolution)
- Recommends approval to extend the lease for the Port's Annex West office.

36S Travel Authorization. (Resolution)

Recommends approval for the travel of 3 Engineers to Shanghai to inspect the new ZPMC cranes and two aviation marketing staff to Asia.

ORDINANCES:

Port Ordinance No. 3564 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENTS WITH BAY SHIP & YACHT CO. AND THE CITY OF ALAMEDA REGARDING THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT."

Provides for authorizing agreements with Bay Ship & Yacht Co. and the City of Alameda regarding the Oakland Harbor Navigation Improvement Project.

Port Ordinance No. 3565 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULE NO. 83.8 AND CREATING THE NEW POSITIONS OF BUILDING SERVICES ASSISTANT AND BUILDING SERVICES COORDINATOR."

Provides for creating new positions of Building Services Assistant and Building Services Coordinator.

Agenda Sheet

SUBJECT: Agreement Between 1) The Port of Oakland and The City of Alameda and 2) The Port of Oakland and Bay Ship and Yacht Regarding the Oakland Harbor Navigation Improvement (50- Foot) Project

Date: January 18, 2000

Item No. 21

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

MITTED BY: Raymond A. Boyle

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]
**DUPLICATE
OF PRIOR**

ACTUAL BACKGROUND:

CALENDAR MEMO

Congress has authorized the Oakland Harbor Navigational Improvement (-50 Foot) Project ("Project") and if funded, the Army Corps of Engineers ("Corps") will design and construct the Project. If not funded, the Port of Oakland ("Port") may deem it necessary to do the Project itself in order to maintain the Port's economic competitiveness on the West Coast. The Project includes deepening the channel, widening the Turning Basin and lowering the Navy Sewer Main ("Sewer"). The Project affects areas on the City of Alameda ("Alameda") side of the Estuary. See attached maps for locations.

The Port requires certain real estate rights in order to begin construction. These rights include temporary and permanent easement and access rights. The property owners are Alameda, John Berry, a.k.a. Alameda Gateway, ("Gateway"), and Bay Ship and Yacht ("BSY"). Alameda is requesting approval of the Port/Alameda Agreement in its Council this date and BSY is prepared to execute the Port/BSY Agreement once the Port Board of Commissioners ("Board") approves the Agreements. An agreement with Gateway has been drafted and submitted for its review and comment and once negotiations have culminated, staff will return to the Board for approval of the Port/Gateway agreement.

ANALYSIS:

The Alameda Agreement is effective upon execution and the BSY Agreement will become effective upon Alameda and Gateway signing a limited party agreement-acknowledging acceptance of the BSY Agreement. The terms of the agreements run from the effective dates and end when none of the provisions of the agreements any longer apply.

Alameda and BSY agree to provide rights of entry including access rights for areas within their control through the length of the project. An independent appraiser will be hired to determine the fair market value of acquisition. Water areas are governed by Navigational Servitude and land acquisitions are governed by Eminent Domain. Alameda and BSY agree that the Port is not obligated for compensation or for relocation for water areas. Alameda will deliver rights required subject to tenant rights and will not interfere with Port's rights, or power to acquire tenant rights for lands leased to Gateway.

Notwithstanding, Navigational Servitude, the Port at no cost to Alameda would demolish and remove existing improvements in the water area. Alameda agrees to lend its support to legislation for cost sharing between the Port and the Corps, to grant perpetual access to unleased water for no compensation to the Port/Corps for navigational purposes.

BSY premises include both lands and improvements owned by and leased from Alameda by Gateway. Access to the water, the pier space, and docking capability is all fundamental to BSY operation. In order to maintain BSY's ability to continue to operate, the Port at its sole cost has agreed to construct new Vessel Repair Facilities ("Repair facilities") to replace the facilities needed for the Project. The new facilities must be permitable, constructable and within the budget. If these criteria can not be achieved then the remaining balance of the Budget would be used to relocate BSY.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

JAN 18 2000

BOARD ACTION TAKEN

DATE

[Signature]

Assistant

SECRETARY OF THE BOARD

Modifications to the Alameda Ferry Terminal ("Ferry") may be required in order to construct the Repair Facilities, collectively the Budgeted Facilities, which are subject to a 10 million-dollar budget ("Budget") including, but not limited to, costs of design, permitting, and construction. Under certain conditions the Budget balance would be escalated based on the CCI-SF inflation index.

The underlying fee owners will own and BSY will maintain the Repair Facilities. The Port will assign warranty rights to BSY for structural defects, if any. Alameda shall own the new improvements to the Ferry. The Port will not be responsible for operation or maintenance of the improvements.

As a condition to constructing the Repair Facilities, BSY must satisfy the Port that it is in possession of a long-term lease interest. In addition Alameda must provide written consent that if it terminates its lease with Gateway, BSY's lease will remain in effect and Gateway must agree to substitution of premises.

The construction of the BSY Repair Facilities or relocation expenses constitute payments under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 and other applicable laws and government codes. Likewise the Federal and California Law governs relocation benefits cited in the Uniform Regulations contained in 49 C.F.R. and other implementing regulations of such laws. Relocation benefits are not taxable under Federal or State law.

The Corps is responsible for structural defects. The Port is the last resort for curing structural defects to the bulkhead as long as the Turning Basin is active and the channel continues to support maritime commerce. The Port also agrees to make every effort to ensure that construction will be phased and coordinated with the parties to minimize disruptions to all of the parties and their operations.

Generally, one phase of construction will be completed to the maximum extent before another phase is begun. Controlling factors of which phasing will occur are whether the phase is permissible, constructable and within the budget. In all events, if the entire phase of construction cannot be completed, the work that is completed shall be left in a safe and lawful condition.

With regard to the Todd Shipyard Historic District Treatment Plan ("Plan"), if the Corps and Alameda replace the ship repair working space, Alameda shall cooperate in providing access to the waterfront for construction. Alameda will provide access to the dry dock head house, the sheet metal shop, and the crane so Port can determine if it is feasible to move these structures. Alameda shall assist in finding suitable locations for any structures being moved. Alameda agrees to cooperate and assist the Port in preparing the preservation maintenance plan and subsequent permits. Alameda agrees to promptly present the Plan to the Alameda Historical Advisory Board. Alameda agrees to joint presentation of the Plan to the State Historic Preservation Officer.

Insurance requirements are being coordinated with the Port's Risk Manager.

Environmental documentation of the Project is contained in the EIR/EIS for the Oakland Harbor Navigation Improvement (-50) Foot Project dated February 1999 and scheduled for Board action early in 2000.

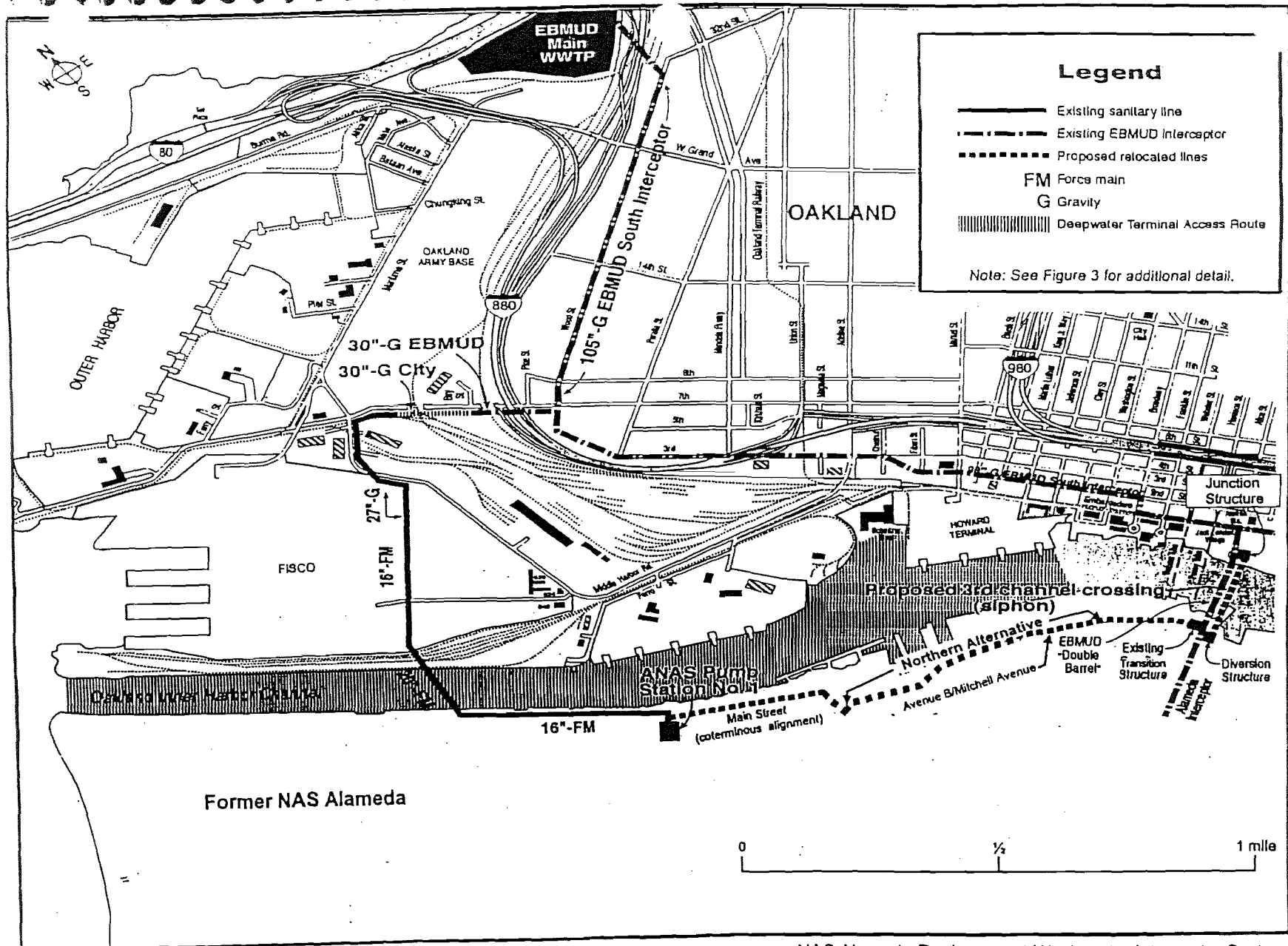
OPTIONS:

The Port needs the support of Alameda and its community for permitting, funding, and constructing the project. The Agreements clearly define obligations and responsibilities of each party.

The Project is addressed in the Oakland Harbor Improvement -50 Foot Project EIR/EIS dated February 1999 which will be presented to the Board early in 2000.

RECOMMENDATION:

It is recommended that the Board approve the execution of the Port/Alameda Agreement and the Port/BSY Agreement.



Source: East Bay Municipal Utility District, 1999

NAS Alameda Replacement Wastewater Interceptor System
 Figure 2: General Location of Project Elements



PORT OF OAKLAND
530 Water Street Oakland, California

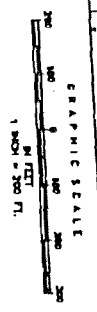
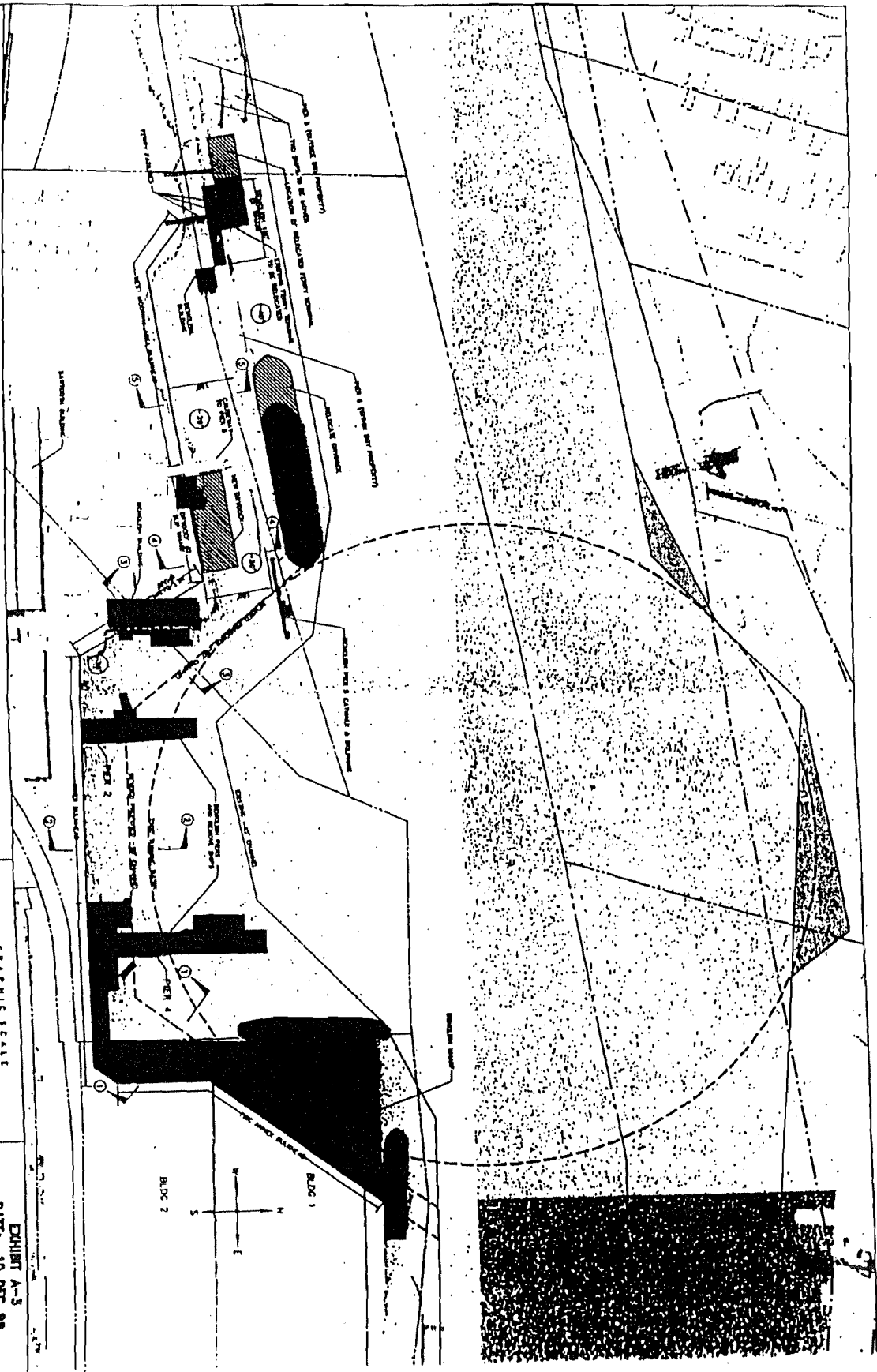


EXHIBIT A-3
DATE: 10 DEC 98
MOFFATT & NICHOL
L. M. C. I. N. E. E. S.



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

- Creation of Salary Schedule
- Creation of Classifications/Positions

Date: January 18, 2000

Item No. 31

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez *RM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CF*

FACTUAL BACKGROUND:

I. CREATION OF SALARY SCHEDULE—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following salary schedule (Rep. Unit A) in order to implement the creation of the classification being created in Item III. A) below.

Salary Schedule 83.8 (a--\$2,854; b--\$2,998; c--\$3,150; d--\$3,331; e--\$3,523)

II. CREATION OF CLASSIFICATIONS/POSITIONS –Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the classification of **Building Services Assistant (Rep. Unit A)** at Salary Schedule 83.8 (Item I. A) above). It is also requested that the Board create one position of this classification. The position in this new classification will replace the Custodian position whose incumbent retired at the end of the year in 1999.

B) It is requested that the Board approve the creation of the classification of **Building Services Coordinator (Rep. Unit D)** at Salary Schedule 233 (a--\$4,070; b--\$4,272; c--\$4,487; d--\$4,756; e--\$5,041) to implement the upgrade of a Port Office Equipment Technician position approved in the FY 99-00 Staffing Plan. It is also requested that the Board create one position of this classification

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 1/19/99	AS OF 1/4/00	AS OF 1/18/00
Full-Time Employees	612.00 FTE	545.00 FTE	559.00 FTE	554.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	558.40 FTE	572.40 FTE	567.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count decrease due five separations.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

JAN 18 2000

BOARD ACTION TAKEN DATE

Stan Kruppene

SECRETARY OF THE BOARD

Assistant

TEMPORARY AGENCY WORKER COUNT AS OF 1/7/00

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	14	9	1	8	0	0	32
* CIP	0	0	9	6	0	0	15
LEAVE BACKFILL (NON MEDICAL)	1	0	0	0	0	0	1
MEDICAL BACKFILL	5	2	0	0	0	0	7
* SPECIAL PROJECT	3	4	1	7	1	0	16
WORKER'S COMP BACKFILL	0	4	0	1	0	0	5
T O T A L S	23	19	11	22	1	0	76

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	10/26/99	11/2/99	12/22/99	1/7/00
BACKFILL	27	35	34	33	32
* CIP	18	16	16	16	15
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	7	6	1	1
MEDICAL BACKFILL	4	4	5	7	7
* SPECIAL PROJECTS	11	16	14	17	16
WORKER'S COMP BACKFILL	3	4	5	4	5
T O T A L S	63	82	80	78	76

COUNT SUMMARY

CURRENT FTE COUNT	567.40
CURRENT TEMPORARY AGENCY BACKFILLS	32.00
VACANT POSITIONS	<u>16.00</u>
T O T A L	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of salary schedule and creation of classifications/positions

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

^{J.P.}
SUBJECT: Approval and Authorization for Execution of a Reimbursable Agreement with the Federal Aviation Administration for Airport Roadway Project, OIA

Date: February 1, 2000

Item No. 5S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The Airport Roadway Project is an Alameda County Measure B tax-funded project to build an arterial roadway from I-880 at 98th Avenue to Oakland International Airport and through the Airport to Bay Farm Island, Alameda. As a part of this project, a concrete bridge will be constructed at Taxiway "Bravo" with the vehicle traffic to Bay Farm Island being routed under the bridge.

The Federal Aviation Administration (FAA) owns and maintains communication and control cables along Taxiway "Bravo" to connect the North Field with the South Field. Since the current Air Cargo Road will be routed under the new Taxiway "Bravo" concrete bridge or overpass, the FAA cables must be relocated during construction. The Port entered into a Reimbursable Agreement WPM-002-99-L in September, 1998 with the FAA for the relocation of the cables. The FAA now desires to add new spare conduits in conjunction with the work performed under WPM-002-99-L and install additional spare conduits into the Taxiway "Bravo" concrete bridge to support future FAA airfield facilities.

The newly proposed Reimbursable Agreement (No. DTF A08-00-X-00001) with the FAA will provide for the installation of the new spare conduits. The Port will design, procure and install the spare conduits as directed by FAA. The FAA will review the design, provide a system inspector during construction, and certify the construction work for acceptance by FAA. The FAA will reimburse the Port for all of the costs incurred in installing the spare conduits. The estimated cost is \$143,000, but the final reimbursement amount will be the actual cost incurred by the Port under the Agreement.

RECOMMENDATION

It is recommended that the Board approve and authorize the execution of the proposed Reimbursable Agreement with the FAA.

Approved by Resolution

No. 20043

FEB 1 - 2000

BOARD ACTION REQUIRED

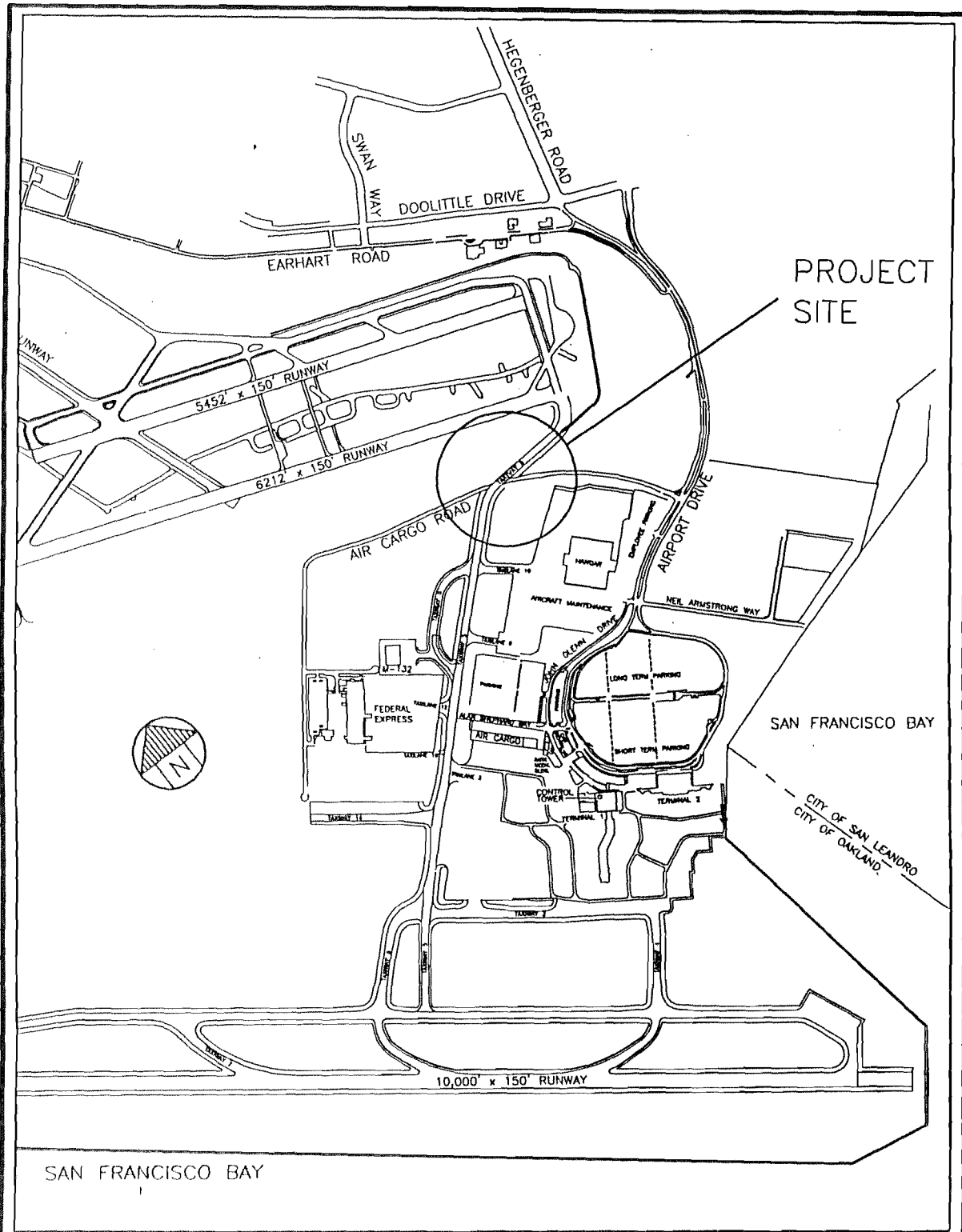
BOARD ACTION TAKEN

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY



Assistant SECRETARY OF THE BOARD



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Plans and Specifications for the Closure of Landfill at the Former Lew F. Galbraith Golf Course

Date: February 1, 2000

Item No. 28S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:

JKW

BACKGROUND:

Plans and specifications have been prepared for the **CLOSURE OF LANDFILL AT THE FORMER LEW F. GALBRAITH GOLF COURSE, OAKLAND, CALIFORNIA**, and are hereby submitted for approval and authorization to advertise for bids. The site, a former landfill, was recently used to dispose of portions of dredged material from the U.S. Army Corps of Engineers' -42 foot deepening project. As required by the Regional Water Quality Control Board (RWQCB), the former landfill, which was used until the 1960's for disposal of municipal solid waste, must be capped with an engineered impermeable fill layer prior to construction of the proposed new golf course.

CEQA and NEPA requirements for the -42 foot deepening project were completed, respectively, with Board certification of the Final EIR/EIS on September 13, 1994, and the signing of the Record Decision by the U.S. Army Corps of Engineers in September, 1994. The project description included reconstruction of the golf course.

On July 6, 1999, the Board of Port Commissioners authorized the Executive Director to negotiate a contract on the open market for the Phase I work to condition and stockpile part of the dredged material for capping of the former landfill. Harding Lawson Associates was selected to perform the Phase I work for \$1,559,257. The Contract included lump sum and unit price items.

ANALYSIS:

The work for Phase I consisted of site preparation, constructing drainage trenches, excavating, stockpiling, and moisture-conditioning a majority of the dredged material. This work was necessary in order to maximize the effects of the dry weather conditions in order to meet the schedule to construct a public golf course by the year 2002.

The Phase II work, which is herein presented to the Board of Port Commissioners for approval of Plans and Specifications, consists of moisture-conditioning the remaining dredged material, constructing a cap over the existing landfill, and providing rough grading and drainage in coordination with the golf course designer. The Phase II work will also incorporate the construction of synthetically lined ornamental ponds and natural lowland areas to provide aesthetics for the golf course landscape. Closure of the landfill will be conducted in compliance with a landfill closure plan approved by the RWQCB. It is expected that the Phase II work will commence sometime in April 2000.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20052

FEB 1 - 2000

BOARD ACTION TAKEN

DATE

Sharon Kruppel

Assistant SECRETARY OF THE BOARD

Assistant

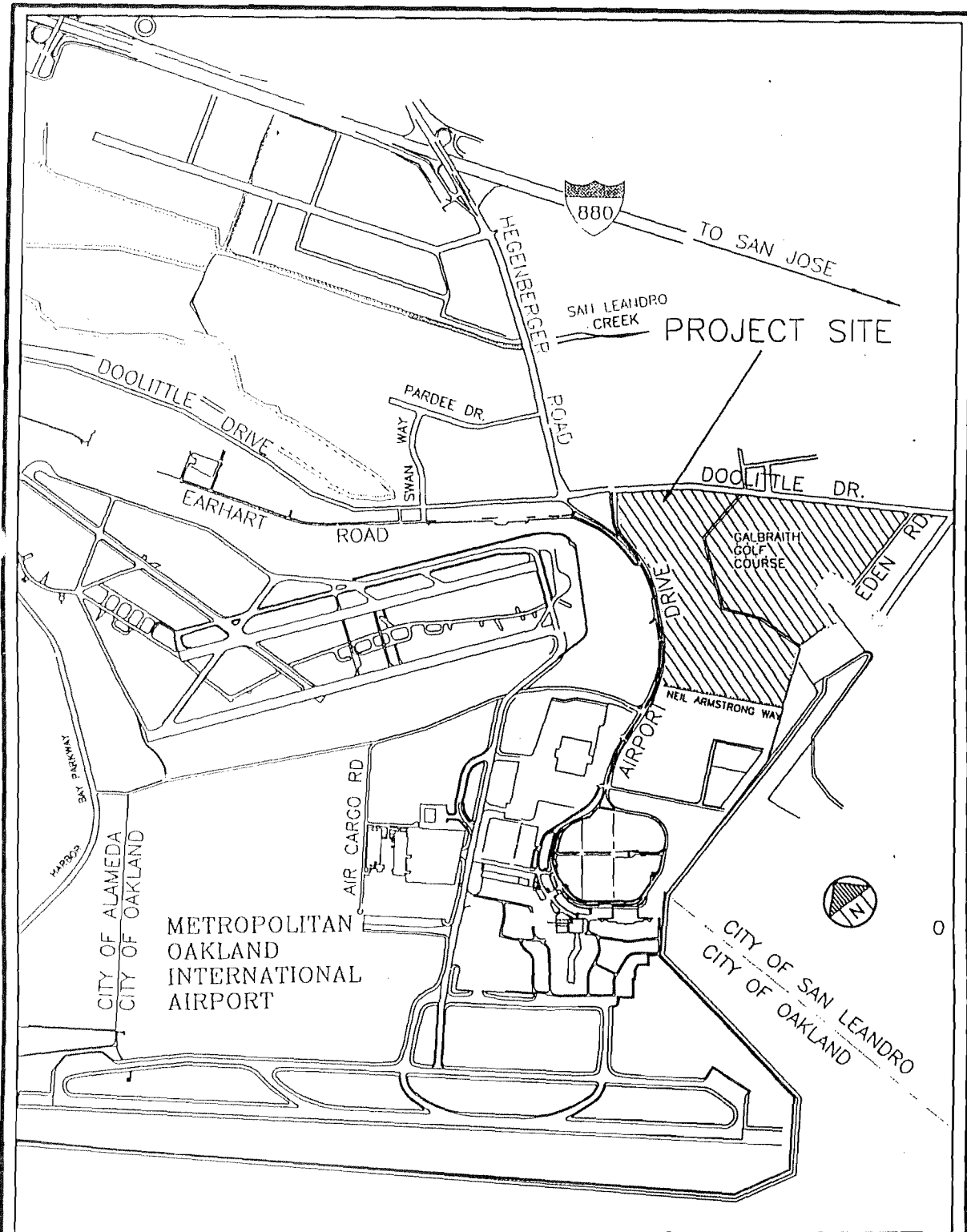
Approval of Plans and Specifications
for the Closure of Landfill at the Former
Lew F. Galbraith Golf Course

February 1, 2000
Page 2

The project is budgeted under CIP Item No. MA.02870.19. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that plans and specifications for the Phase II work be approved and authorization be granted to advertise for bids to be received on March 1, 2000.



PORT OF OAKLAND

RS
Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Approval to Dispense with Formal Bids for the Purchase of a 40 Long Ton Spreader for Berth 25 Cranes X411 and X412

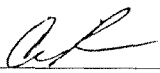
Date: February 1, 2000
Item No. 295

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

Two Paceco container cranes, X411 and X412, that were purchased in 1977, serve the Trans Bay Container Terminal at Berth 25. The spreaders on these cranes were also purchased in 1977 as part of the crane purchase. One of the spreaders was replaced after being damaged in an accident approximately 10 years ago. The other spreader is at the end of its useful life and needs to be replaced.

Since there are only a few spreader manufacturers capable of building spreaders for this crane, it is recommended that the spreader be purchased through informal quotes.

The capital budget for fiscal year 1999-2000 provides for this work under CIP item No. MM.01170.04.

RECOMMENDATION:

It is recommended that it be found to be in the best interest of the Port to dispense with formal bidding procedures for purchasing a new spreader for Berth 25 and that the Executive Director be authorized to negotiate a purchase order contract for the purchase of the equipment.

Approved by Resolution

No. 20053 FEB 1 - 2000

BOARD ACTION REQUIRED

BOARD ACTION TAKEN

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Assistant



SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Ratify Change Order for
"Demolition of Buildings D-741 and D-742 and Water
Supply Facility, Harbor Transportation Center"

Date: February 1, 2000
Item No. 30S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

The Port has a contract with Peak Engineering, Inc., for the **DEMOLITION OF BUILDINGS D-741 AND D-742 AND WATER SUPPLY FACILITY, HARBOR TRANSPORTATION CENTER, OAKLAND, CALIFORNIA**, which became effective on November 16, 1998, at lump sum and unit prices totaling \$497,000. The work consists of demolition and removal of Buildings D-741 and D-742 and a water supply facility consisting of two 350,000-gallon water tanks, a 1,600 square-foot pump building of concrete construction, and a 300 square-foot chlorination building of steel construction. This work is necessary in order to clear the site for construction of the Berth 57 Yard.

ANALYSIS:

The Contract Plans showed the removal and disposal of wood foundation piles. However, during the demolition of the buildings, it was discovered that the piles were metal encased concrete piles. The Contractor was directed to remove the metal encasement and to break the concrete piles.

The Contractor was directed to start the work immediately in order to stay on schedule and to minimize cost. After several negotiations, the Contractor agreed to perform all the work for a lump sum price of \$46,271.79.

BUDGET STATUS:

This budget for this project has sufficient funds to cover the cost of this change order: The work is budgeted under CIP No. M600543.01. The funding source is Port bonds.

RECOMMENDATION:

It is recommended that the Board ratify a change order for \$46,271.79 to Peak Engineering, Inc., for the above-described work.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. *20054*

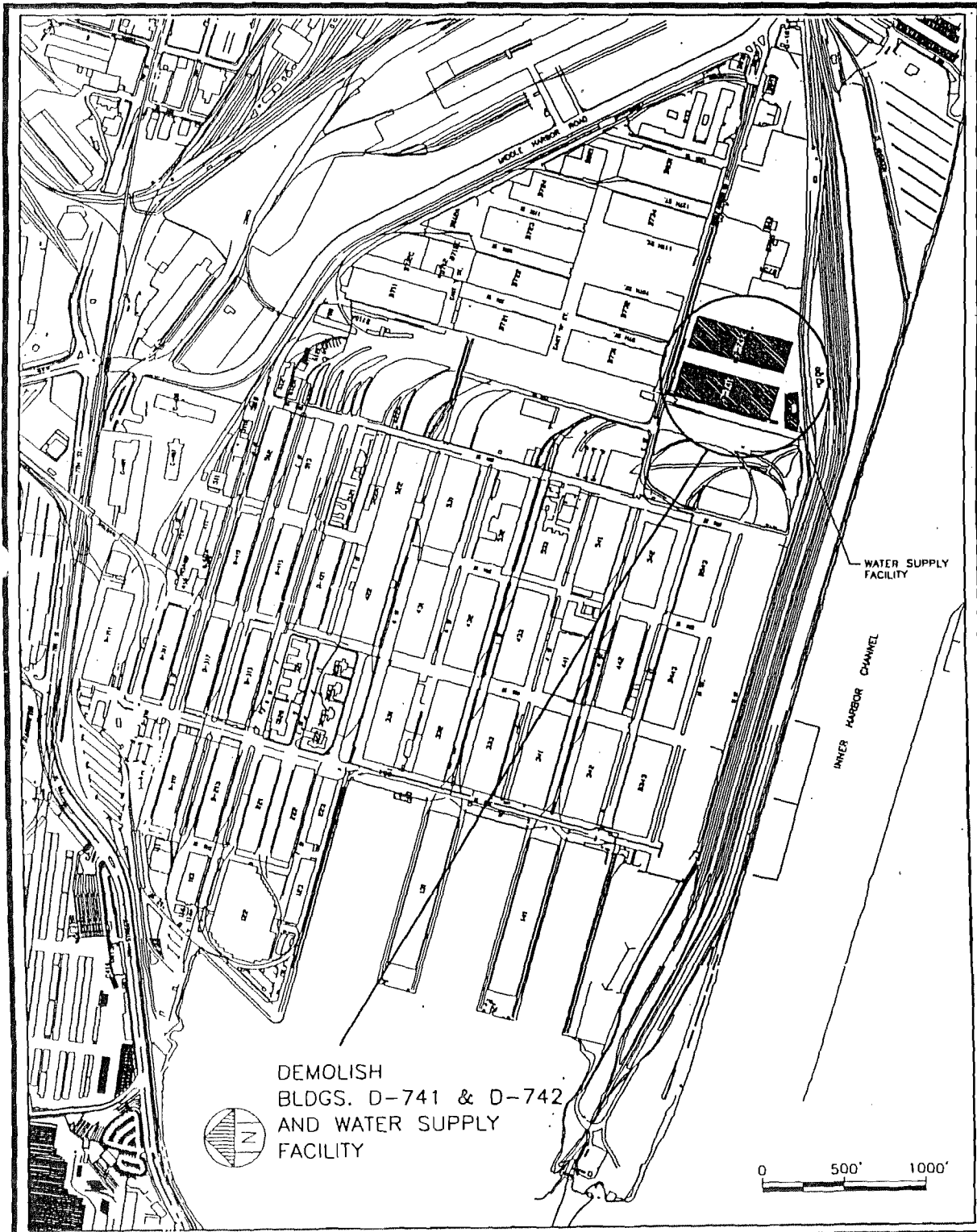
FEB 1 - 2000

BOARD ACTION TAKEN

DATE

[Signature]
SECRETARY OF THE BOARD

Assistant



PORT OF OAKLAND

HARBOR TRANSPORTATION CENTER
AREA D

Agenda Sheet

^{JD}
 SUBJECT: Award of Contract for 2000 Structural Inspection,
 Rigging and Repair of Cranes X415 and X416,
 Berth 68, Howard Terminal

Date: February 1, 2000
 Item No. 31S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

Two bids were received and opened on December 22, 1999, for **2000 Structural Inspection, Rigging and Repair of Cranes X415 and X416, Berth 68, Howard Terminal, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Marine Maintenance, Inc.	Livermore, CA	X			X	\$117,420.00
Bigge Crane and Rigging Co.	San Leandro, CA				X	\$337,500.00

*MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE = Local Business Area Business Enterprise

Marine Maintenance, Inc. (MMI) is an experienced crane inspection, rigging and repair company that is well qualified to perform the inspection, rigging and repair work of this contract. They have completed several similar contracts for Port-owned cranes and are currently working on two similar contracts for four Port Cranes. They currently have a contract with APL for crane maintenance work at the APL Terminal. MMI's numerous jobs in the area reduce their multiple mobilization costs and allow them to submit a reasonable bid.

Bigge Crane and Rigging Company has done other work for the Port in the past but has no recent experience in inspection, rigging and repair work with the Port. That may explain why Bigge was not able to submit a competitive bid for this project.

A copy of the bid canvass is on file. The low bid is within the project budget.

ANALYSIS:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business location of the bidders and their subcontractors, and the length of time at those locations.

Approved by Resolution

No. 20055 FEB 1 - 2000

BOARD ACTION REQUIRED

BOARD ACTION TAKEN

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

[Signature]
 Assistant SECRETARY OF THE BOARD

Since the bid of the lowest bidder, Marine Maintenance, Inc., is more than 10% lower than the next closest bidder, Bigge Crane and Rigging Co., this portion of the policy does not impact the award of this contract. Accordingly, it is recommended that Marine Maintenance, Inc. be considered to be the lowest responsible bidder for the purpose of this Contract.

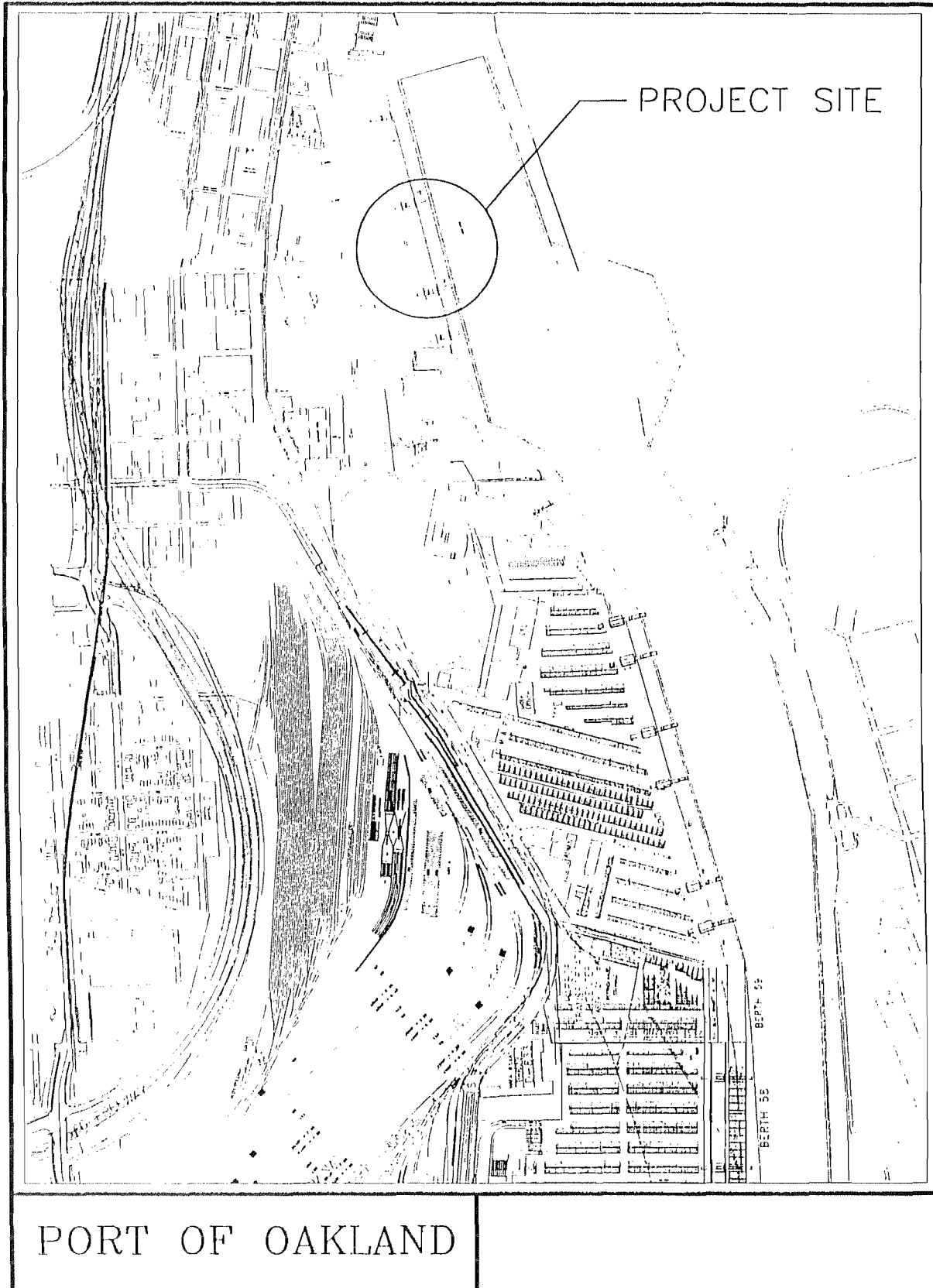
The Port's Office of Equal Opportunity (OEO) analyzed the bids for compliance with the Policy, and concurs with this recommendation.

Marine Maintenance, Inc. did not list any subcontractors with their bid. Marine Maintenance, Inc. intends to perform all the work of the contract with its own forces.

The cost of inspection and repair of these Cranes is included in the Fiscal Year 1999-2000 Operating Budget. The funding source is Port cash. The location of the work is shown on the attached map.

RECOMMENDATION:

It is recommended that Marine Maintenance, Inc. be found to be the lowest responsible bidder, that the contract for the above project be awarded to Marine Maintenance, Inc. for the amount of its bid, and that the other bid be rejected and the bid security returned to the other bidder.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


SUBJECT: Approval of a Building Permit Application for Gallagher & Burk, Inc. for Installation of Conduits for Level 3 in Conjunction with the 7th Street Realignment Project

Date: February 1, 2000

Item No. 32S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

Gallagher & Burk, Inc. (G&B) has submitted a permit application for construction work on behalf of Level 3, a telecommunications company. The project is to install fiber optics conduits in portions of the new roads being constructed by G&B under contract with the Port. The work would be done under separate contract, and would not impact the execution of the road construction contract. Level 3 and the Port are conducting separate negotiations for agreement on long term use and access to the conduits, which will be subject to separate Board action.

This proposed work will include:

- Modification of trench configuration to accommodate the new conduits
- Installation of seventy 2" fiber optic conduits
- Installation of utility vaults for access

A condition of this permit approval is that the work must be done within the time frame set for the "Construction of 7th Street Realignment and the New Road" public works contract between the Port of Oakland and G&B. Level 3 has contracted with G&B to install the conduit, with the stipulation that Level 3 will be responsible for any cost incurred by G&B to insure that the terms of the contract with the Port are met. Level 3 will enter into an agreement with the Port of Oakland for rights relating to this installation separate from this permit approval.

The estimated value of the work is \$534,000.

The project has been determined to be categorically exempt under Class 3 (Section 15303(d) which applies to the construction and installation of small, new equipment and facilities, including water main, sewage, electrical, gas, **and other utility extensions**, including street improvements of reasonable length to serve such construction.

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

RECOMMENDATION:

It is recommended that the Board approve this building permit application.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

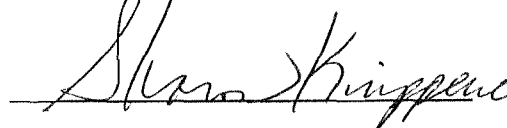
Approved by Resolution

No. 20056

FEB 1 - 2000

BOARD ACTION TAKEN

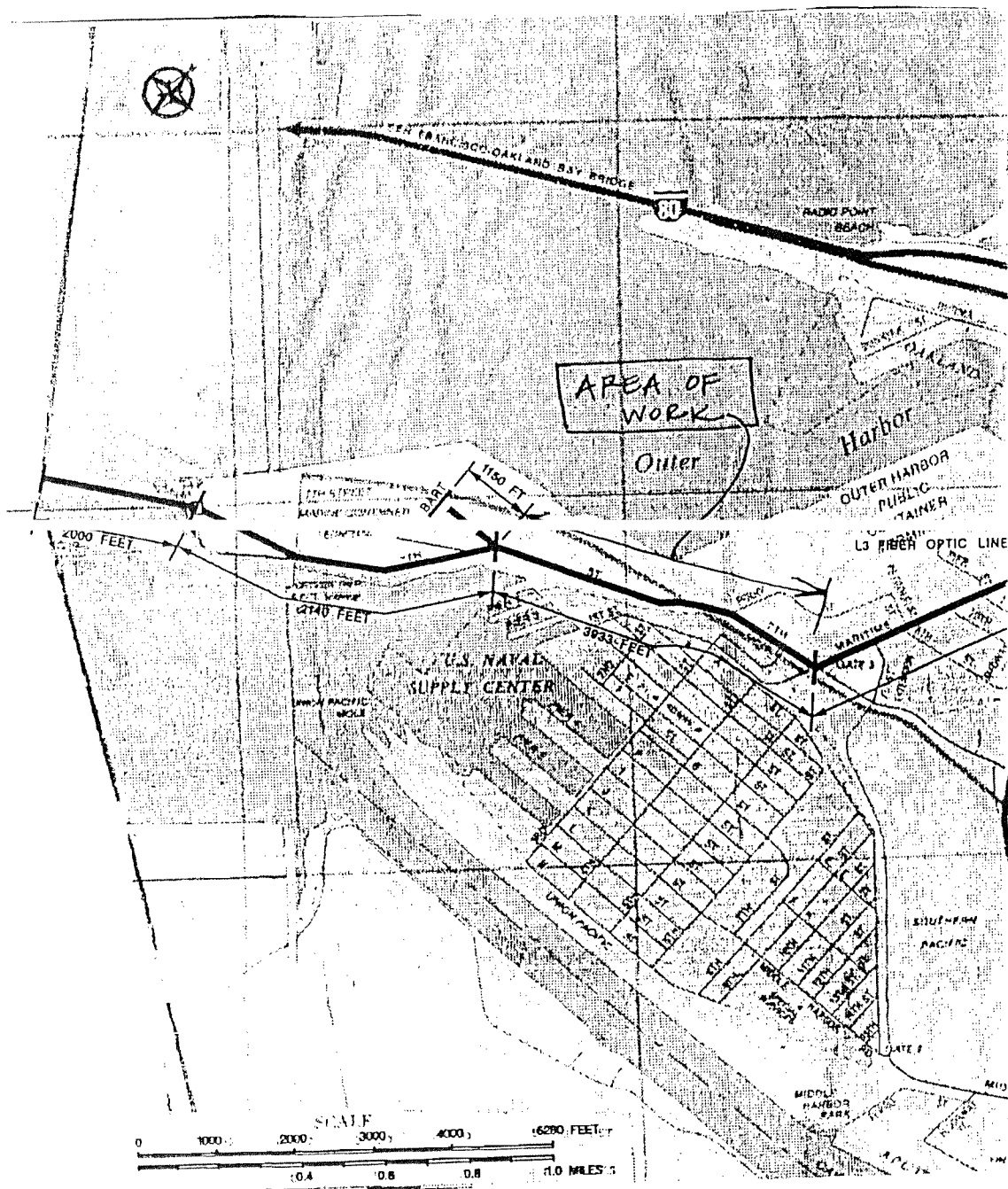
DATE



Assistant SECRETARY OF THE BOARD

SUBJECT: Approval of a Building Permit Application for
Gallagher & Burk, Inc. for Installation of Conduits
for Level 3 in Conjunction with the 7th Street
Realignment Project

Page 2 of 2




Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval and Authorization for execution of a supplemental lease agreement for the Port of Oakland Information Annex West.

Date: February 1, 2000

Item No. 35S

SUBMITTED BY: Harold P. Jones 
Acting Director of Communications

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The Communications Division is requesting approval of a supplemental lease agreement for the Port of Oakland Information Annex West, previously referred to as the Port's West Oakland Resource Center. The office space is located at 1448 32nd Street, Oakland, California 94608. The existing lease agreement commenced on June 1, 1999 and was to continue until May 31, 2000. The supplemental agreement amends the existing lease by extending the term to May 31, 2002.

The office will serve many functions and help facilitate the Port's commitment to its Good Neighbor Program in West Oakland. The Annex West Information office will provide a place where the community can easily access Port resources including documents and information on Port activities and projects, meeting with community organizations and expansion of the community relations programs already in place.

The annex will also play a role in implementation of the Port's Project Labor Agreement (PLA) by providing a central location for information and referral services. It will provide space for contractors to review projects and bid specifications as well as a center for informational sessions.

A representative of the Communications Division will staff the office approximately 3 days per week. The close proximity of the office to multiple West Oakland community based organizations greatly enhances the Port's visibility and reinforces the Ports efforts to be involved and aware of community issues and concerns in West Oakland. A staff person from the Employment Resources Development Program (ERDP) will also be housed at this office and will provide local residents access to employment opportunities with Port tenants.

OPTIONS:

1. Abandon the concept of a Port of Oakland Information Annex West and continue to perform outreach functions from Port of Oakland Offices at 530 Water Street.
2. Identify an alternative site to the one selected.
3. Renew existing Lease.

BOARD ACTION REQUIRED:

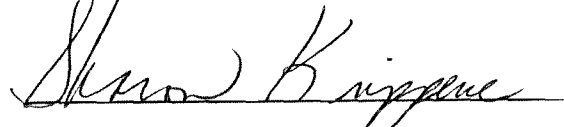
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20061

FEB 1 - 2000

BOARD ACTION TAKEN

DATE



Assistant SECRETARY OF THE BOARD

ANALYSIS:

The option to abandon the Port of Oakland Annex West is not recommended. The Good Neighbor Policy adopted by the Board can best be implemented by maintaining a physical presence in the West Oakland community. Several outreach programs including job placement assistance programs are planned. A physical presence in the community enhances and strengthens the Port's visibility and relationship with this community.

The option to identify an alternative site is not recommended. Communications Division staff conducted an exhaustive search of suitable West Oakland sites and found very few. It is in close proximity to various community organizations and is strategically situated to promote the Port's intention to be a good neighbor. It should be noted also that significant renovations have been made to the structure to make it compliant with the Americans with Disabilities Act (ADA.) The Port could not realize the benefits of that investment if the site was to be abandoned and a new location selected.

FISCAL:

The Board in its FY 99-00 budget authorized a Resource Center /Annex located in the West Oakland community. Existing lease agreement provides for payment of \$1400 per month. The supplemental agreement increases the lease amount to \$1500 per month effective December 1, 1999 and \$1600 per month effective December 1, 2000.

RECOMMENDATION:

Approval of the Supplemental Lease Agreement is recommended.

Agenda Sheet

SUBJECT: TRAVEL AUTHORIZATION

Date: February 1, 2000Item No. 36S

PROGRAM AREA

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Christopher C. Marshall

EXECUTIVE OFFICE RECOMMENDATION:

*CCM**[Signature]*

FACTUAL BACKGROUND:

As provided for in the Port's Administrative Manual, it is recommended that the Board ratify the travel of Tony Cho and Yale Yee, Electrical/Mechanical Engineers, to Shanghai, China, on or about January 14 – 28, 2000, to inspect ZPMC crane fabrication for Berth 55, Vision 2000 Project.

Also recommended is the travel of Terry Smalley, Supervising Electrical/Mechanical Engineer, to Shanghai, China, on or about January 28 to February 14, 2000, concerning testing and equipment changes on the ZPMC cranes.

Further recommended is the travel of George Turner, Manager, Aviation Marketing and Communications and Cindy Johnson Bolenos, Cargo Marketing and Communications Representative, to China, Japan, Singapore and Taiwan, on or about the period of February 4 – 20, 2000, to call on potential Asian passenger and cargo carriers, and to Kuala Lumpur, Malaysia, to attend the Air Freight Asia 2000 trade show.

RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

BOARD ACTION REQUIRED:

Approved by Resolution FEB 1 - 2000
No. 20062

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

BOARD ACTION TAKEN DATE

[Signature]
 SECRETARY OF THE BOARD

Assistant

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607

TELEPHONE (510) 272-1100

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Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Adjourned Regular Meeting of the Board of Port Commissioners
Tuesday, February 22, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh

READING OF THE MINUTES:

Deferred - Regular meeting of November 2, 1999;
regular meeting of November 16, 1999; regular
meeting of December 7, 1999; January 4, 2000;
January 18, 2000; and February 1, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

PRESENTATION:

CH2M Hill Technology Award

COMMITTEE REPORTS:

Administration

Budget & Finance

Commercial Real Estate

City/Port Liaison

READING OF SUMMARY ITEMS: (Marked "S")

7 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Authorization to Execute Agreements with Ford Motor Company to Accept 19 Compressed Natural Gas Vans and \$150,000 Towards Construction of a Compressed Natural Gas Fueling Station and to Fund \$70,000 in Associated Costs. (Resolution)
- 2 Authorization to Include the Buildout of Air Cargo Road Parking Facility, South Airport, OIA, in the Port's Small Business Program. (Resolution)
- 3 Authorization to Increase Consultant Fee to Provide for Additional Financial Information to Airlines on the Airport Development Program. (Resolution)
- 4 Contract with Northern California Airport Valet & Shuttle Service, a California LLC dba Valet Parking Service. (Resolution)
- 5 Recommendation to Approve Modification of Airport Development Program, Burrowing Owl Mitigation Measure. (Resolution)
- 6S Request for an Extension of Deadline by which to Submit to the FAA an Application for the Use of PFC Revenue. (Resolution)
- 7S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Rolls-Royce Engine Services-Oakland (7389 Cessna Street, North Airport). (Resolution)
- 8S Approval of License and Concession Agreement with Today's Aircraft Maintenance Corporation (7683 Earhart Road, North Airport). (Resolution)
- 9S Approval of License and Concession Agreement with The Hertz Corporation (Vicinity of 1020 Wright Street, North Airport). (Resolution)

Adjourned Regular Meeting
February 22, 2000

- 10S Certify and Make Findings on Initial Study/
Mitigated Negative Declaration and Approve Plans
and Specifications for Reconstruction of Apron
Southeast of Building L-820, North Airport, OIA.
(Resolution)
- 11S Approval to Execute a Reimbursable Agreement with
the City of San Leandro for Port Surveying
Services. (Resolution)

COMMERCIAL REAL ESTATE

- 12 Recommendation that the Board Request City Council
Amendment of Port Area Line for Portions of the
Port Area within the Estuary Plan Boundary.
(Resolution)
- 13 Authorization to Co-Sponsor a Grant Application
with the Artship Foundation and to Provide In-Kind
Matching Services. (Resolution)

MARITIME

- 21 Approval of Agreement for the Publication of an
Illustrated History of the Port in Compliance with
the Mitigated Environmental Impact Report for
Howard Terminal Wharf Extension. (Resolution)

OPERATIONS

- 31 Personnel Items: Creation of Additional Position.
(Ordinance)
- 32 Resolution Concerning Dioxin Compounds in the
Local Environment. (Resolution)
- 33 Approval of Supplemental Agreement with H. Lee
Halterman for Community and Governmental Services.
(Resolution)
- 34 Approval of Consultant Agreement with Cordoba
Corporation. (Resolution)
- 35 Approval of a Supplemental Agreement with Amistad
Associates to Provide Diversity Training to Staff
in Engineering/Harbor Facilities. (Resolution)
- 36 The Hawkins Company - Executive Search Firm
Consultant Contract. (Resolution)
- 37 This number not used.
- 38S Travel Authorization. (Resolution)

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

LEGAL

41 Public Works Contracts Consultant. (Resolution)

BUILDING PERMIT APPLICATION: (S)

Rolls-Royce Engineer Services, replacement of the damaged main telephone cable serving Rolls-Royce Engineering Services.

Vote on the following resolutions except Number 28:

Ayes: Commissioners Harris, Kiang, Kramer, Neal,
Taylor and President Loh - 6
Noes: None
Absent: Commissioner Uribe - 1

Vote on Number 28:

Ayes: Commissioners Harris, Kiang, Kramer and
Taylor - 4
Noes: Commissioners Neal and President Loh - 2
Absent: Commissioner Uribe - 1

RESOLUTIONS:

- 20068 1 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENTS WITH FORD MOTOR COMPANY AND CERTAIN EXPENDITURES BY PORT IN CONNECTION THEREWITH. (Airport - 1)
- 20069 2 GRANTING AUTHORIZATION TO INCLUDE BUILDOUT OF AIR CARGO ROAD PARKING FACILITY, SOUTH 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport - 2)
- 20070 3 FINDING AND DETERMINING THAT A PROPOSED FOURTH 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 SAID SUPPLEMENTAL AGREEMENT. (Airport - 3)

Adjourned Regular Meeting
February 22, 2000

- 20071 4 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NORTHERN CALIFORNIA AIRPORT VALET & SHUTTLE SERVICE, A CALIFORNIA LLC DBA VALET PARKING SERVICE, FOR SHUTTLE BUS SERVICE AND AIRBART SHUTTLE SERVICE AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID AGREEMENT. (Airport - 4)
- 20072 5 CERTIFYING REVIEW AND CONSIDERATION OF ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR AIRPORT DEVELOPMENT PROGRAM, MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING CHANGES TO THE BURROWING OWL MITIGATION PROVISIONS FOR THE AIRPORT DEVELOPMENT PROGRAM ADOPTING A REVISED BURROWING OWL MITIGATION MEASURE AND AUTHORIZING THE DIRECTOR OF AVIATION TO NEGOTIATE AN AGREEMENT TO PURCHASE APPROXIMATELY 70 ACRES OF REAL PROPERTY. (Airport - 5)
- 20073 6 AUTHORIZING A REQUEST FOR AN EXTENSION OF TIME TO FILE A USE APPLICATION FOR FUNDS CONTAINED IN PASSENGER FACILITY CHARGE 7 AT THE METROPOLITAN OAKLAND INTERNATIONAL AIRPORT. (Airport - 6S)
- 20074 7 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH ROLLS-ROYCE ENGINE SERVICES-OAKLAND. (Airport - 7S)
- 20075 8 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENT WITH TODAY'S AIRCRAFT MAINTENANCE CORPORATION. (Airport - 8S)
- 20076 9 APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH THE HERTZ CORPORATION. (Airport - 9S)
- 20077 10 CERTIFYING CONSIDERATION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR RECONSTRUCTION OF APRON SOUTHEAST OF BUILDING L-820, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE MITIGATED NEGATIVE DECLARATION, APPROVING PLANS AND SPECIFICATIONS FOR RECONSTRUCTION OF APRON SOUTHEAST OF BUILDING L-820, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, AND CALLING FOR BIDS THEREFOR. (Airport - 10S)
- 20078 11 AUTHORIZING EXECUTION OF A REIMBURSABLE AGREEMENT WITH THE CITY OF SAN LEANDRO FOR PORT SURVEYING SERVICES. (Airport - 11S)

Adjourned Regular Meeting
February 22, 2000

- 20079 12 AUTHORIZING CO-SPONSORSHIP OF AN EDA GRANT APPLICATION WITH THE ARTSHIP FOUNDATION AND APPROVING CONTRIBUTION OF AN IN-KIND GRANT MATCH. (Commercial Real Estate - 13)
- 20080 13 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MADISON STREET PRINTERS FOR PRINTING AND BINDING OF 5,500 COPIES OF "PACIFIC GATEWAY: AN ILLUSTRATED HISTORY OF THE PORT OF OAKLAND" CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime - 21)
- 20081 14 CONCERNING DIOXIN COMPOUNDS. (Operations - 32)
- 20082 15 FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH H. LEE HALTERMAN, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Operations - 33)
- 20083 16 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CORDOBA CORPORATION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 34)
- 20084 17 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH AMISTAD ASSOCIATES AND IN PARTNERSHIP, JOINTLY AND SEVERALLY, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Operations - 35)
- 20085 18 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH THE HAWKINS COMPANY FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 36)
- 20086 19 CONCERNING CERTAIN TRAVEL. (Operations - 38S)
- 20087 20 FINDING AND DETERMINING THAT A PROPOSED AMENDMENT AGREEMENT WITH WULFSBERG REESE & SYKES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID AMENDED AGREEMENT. (Legal - 41)

Adjourned Regular Meeting
February 22, 2000

- 20088 21 GRANTING ROLLS-ROYCE ENGINE SERVICES-OAKLAND
PERMISSION TO PERFORM CERTAIN WORK.
(Blanket Authority)
- 20089 22 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO A TOLLING AGREEMENT WITH J.C. PENNY
LIFE INSURANCE COMPANY, SUCCESSOR TO BENEFICIAL
FIRE & CASUALTY, CONCERNING CITY OF OAKLAND V.
KEEP ON TRUCKING COMPANY, INC. ET AL., UNITED
STATES DISTRICT COURT CASE NO. C-95-03721-CW AND
INSURANCE CLAIMS RELATED THERETO.
- 20090 23 APPROVING AND AUTHORIZING A SETTLEMENT AGREEMENT
WITH EAST BAY MUNICIPAL UTILITY DISTRICT (HARBOR
AREA HIGH VOLTAGE ELECTRICAL FACILITIES).
- 20091 24 AUTHORIZING THE PORT ATTORNEY TO NEGOTIATE A
SETTLEMENT WITH PITNEY BOWES WITH RESPECT TO
CERTAIN EQUIPMENT RENTAL AGREEMENTS.
- 20092 25 RATIFYING AND APPROVING EXECUTION OF SETTLEMENT
AGREEMENT WITH STERLING ENVIRONMENTAL, INC.
- 20093 26 AUTHORIZING AND APPROVING RETENTION OF SPECIAL
COUNSEL.
- 20094 27 APPROVING APPOINTMENT OF SPECIAL COUNSEL.
- 20095 28 REQUESTING THAT THE CITY COUNCIL AMEND THE PORT
AREA LINE IN CONNECTION WITH DEVELOPMENT OF THE
ESTUARY PLAN AREA. (Commercial Real Estate - 12)

Vote on the following ordinances:

Ayes: Commissioners Harris, Kiang, Kramer, Neal,
Taylor and President Loh - 6
Noes: None
Absent: Commissioner Uribe - 1

ORDINANCES

- 1 Port Ordinance No. 3564 being, "AN ORDINANCE
APPROVING AND AUTHORIZING THE EXECUTION OF
AGREEMENTS WITH BAY SHIP & YACHT CO. AND THE CITY
OF ALAMEDA REGARDING THE OAKLAND HARBOR NAVIGATION
IMPROVEMENT (-50 FOOT) PROJECT."

Final.
- 2 Port Ordinance No. 3566 being, "AN ORDINANCE
MAKING CERTAIN FINDINGS AND DETERMINATIONS IN
SUPPORT OF, AND AUTHORIZING EXECUTION OF A
PURCHASE AND SALE AGREEMENT WITH MORTENSON
DEVELOPMENT COMPANY, FOR THE PORT OF OAKLAND'S
SALE OF PROPERTY LOCATED AT THIRD AND BRUSH
STREETS."

Final.

Adjourned Regular Meeting
February 22, 2000

3 Port Ordinance No. _____ being, "AN ORDINANCE
AMENDING PORT ORDINANCE NO. 867, CREATING AN
ADDITIONAL POSITION OF AIRPORT SECURITY/ID
SPECIALIST."

Operations - 31 to print.

APPEARANCES: (Public comment on non-agenda items may be
received by the Board during this time. Please
fill out a speaker card and present it to the
Secretary of the Board.)

ADJOURNMENT: The next meeting will be an regular meeting held
on Tuesday, March 7, 2000 at 3:00 p.m.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to Execute Agreements with Ford Motor Company to accept 19 Compressed Natural Gas Vans and \$150,000 Towards Construction of a Compressed Natural Gas Fueling Station and to Fund \$70,000 in Associated Costs

Date: February 22, 1999

Item No 1

PROGRAM AREA

- Airport Operations (checked)
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port of Oakland, through approval of the Airport Development Program (ADP) Environmental Impact Report (EIR), is developing a program to reduce emissions of air pollutants from activities associated with Oakland International Airport.

Because of these commitments, Port staff pursued a grant program sponsored by Ford Motor Company. This program was negotiated by Ford with the U. S. Environmental Protection Agency and the Department of Justice to settle federal issues with certain Ford products.

Van Element

The van element consists of the Port owning 19 new Ford Econoline CNG vans and leasing them to ground transportation operators for use in transporting passengers to and from Oakland International Airport.

- Execute agreement with Ford
Identify candidate operators for 19 vans
Negotiate an operator agreement
Return to Board for approval of operator agreement and operator selection
Sign agreements and put vans into service
On-going element monitoring

RESOLUTION

- RESOLUTION (checked)
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20068 FEB 22 2000 BOARD ACTION TAKEN DATE

Sharon Kuppel (signature)

Assistant SECRETARY OF THE BOARD

**Authorization to Execute Agreements with Ford Motor Company
to accept 19 Compressed Natural Gas Vans and \$150,000 Towards
Construction of a Compressed Natural Gas Fueling Station and to
Fund \$70,000 in Associated Costs**

February 8, 2000

Page 2

Station Element

The station element provides \$150,000 towards the construction of a compressed natural gas station. The Port has committed to providing alternative fueling facilities through the EIR for the ADP. This grant would assist the Port in achieving that commitment. If authorized to proceed the following steps would then occur:

- Execute agreement with Ford
- Publish RFP for third party design/build/operate/maintain contract
- Evaluate proposals based on performance criteria and business terms offered to Port (e.g. cost of fuel to Port and profit sharing by Port)
- Return to Board for approval of recommended third party developer and proposed contract
- Issue notice to proceed with station construction
- Monitor on-going station performance

FINANCIAL ANALYSIS:

The Port would incur certain costs by accepting the Ford program. These costs include:

- Use tax on the vans (in-lieu of sales tax) - approximately \$47,000 total for all vans
- Insurance - approximately \$19,000 total for all vans assuming Port owns vans for two years

In addition, the Port will incur staff time administrative costs for managing the program and contracts with the door-to-door operators. It is estimated that the costs associated with the program can be recovered by the lease fee to the operators and the sales proceeds after the vans obtained 120,000 miles. However, the lease fees will reflect an attractive price to encourage van usage even if that fee cannot cover all of the Port's costs. If the lease and sales fees result in a "profit" to the Port, in excess of all costs, the Port would be committed to spending those funds on additional alternative fuel vehicles.

Costs associated with the CNG fueling station are presumed to occur whether or not the Port accepts the \$150,000 grant because the port has committed to providing such a station through ADP EIR mitigations.

OPTIONS:

1. Decline to enter into the agreements negotiated with Ford Motor Company.
2. Enter into agreements negotiated with Ford Motor Company.

ANALYSIS:

Not entering into these agreements would cause the Port to lose the opportunity to receive the 19 vans or the \$150,000 grant from Ford. The Port would still be required to meet its mitigation commitments by providing alternative fueling facilities and by encouraging ground transportation providers to convert to alternative fuel vehicles. These programs would need to be funded without the Ford grant money or vans.

Accepting the grant programs would commit the Port to working with ground transportation service providers over the next several months to place the vans in service and coordinate with the operators to ensure that each van obtains 120,000 miles as soon as possible. It would also commit the Port to constructing a CNG station as soon as possible. Although there are some tax, insurance and administrative costs, the grant program allows the Port to make contributions to air quality improvement and achieve some of our mitigation commitments for a relatively low cost. In addition, it is likely that the program will partially or completely cover Port costs through the leasing and sales charges.

RECOMMENDATION:

Authorize the execution of agreements with Ford Motor Company to accept 19 Compressed Natural Gas Vans and \$150,000 Towards Construction of a Compressed Natural Gas Fueling Station and to fund associated tax and insurance costs up to \$70,000.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to Include the Buildout of Air Cargo Road Parking Facility South Field, OIA, in the Port's Small Business Program

Date: February 22, 2000

Item No. 2

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

In 1995, a 500-stall overflow parking facility was constructed at the intersection of Air Cargo Road and Airport Drive. The facility was initially used only during peak holiday seasons; however, due to the increase in air passenger traffic in recent years, the facility is being used on a regular basis. In 1998, an adjacent area was paved, fenced and lighting installed. The adjacent area was constructed to provide an additional 1,500 parking stalls to be used either as a ready-return rental car facility, additional public or employee parking, or a combination thereof. As the need for additional public parking increased, it has been decided that the additional 1,500 stalls should be added to the existing overflow lot and used for public parking. The project will consist of the placement of pavement markings, increasing the number of exit and entrance lanes, installation of a revenue control system, shuttle bus shelters and break trailer.

Plans and specifications are being prepared for the project, **Buildout of Air Cargo Road Parking Facility, South Field, OIA**. The estimated proposal amount is \$500,000.

ANALYSIS:

The project is reviewed in the Final Environmental Impact Report (EIR) of the Airport Development Program (ADP). This project is part of Project B.4., Replacement Parking Lots, in the final EIR. The final EIR evaluates the impacts associated with this project and provides mitigation measures to be implemented with this project. The Board of Port Commissioners certified the final EIR in 1997 and in 1999. The ADP was approved at the same time. In addition, a Notice of Determination was filed on this project component on January 12, 1998.

It is believed to be in the best interest of the Port to include this project in the Port's Small Business Program. This program allows small local contractors to attain experience in public sector work. It is also believed that in order to insure small local business participation in this work, it will be necessary to remove this project from the formal bidding procedure, and instead, engage in an outreach program by soliciting proposals only from small local contractors. If this attempt is unsuccessful, the Port will then solicit proposals from other qualified contractors.

Approved by Resolution

No. 20069 **DATE** FEB 22 2000
BOARD ACTION TAKEN **DATE**

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

[Signature]
Assistant **SECRETARY OF THE BOARD**

Authorization to Include the Buildout
of Air Cargo Road Parking Facility,
South Field, OIA, in the Port's Small
Business Program

February 22, 1999
Page 2

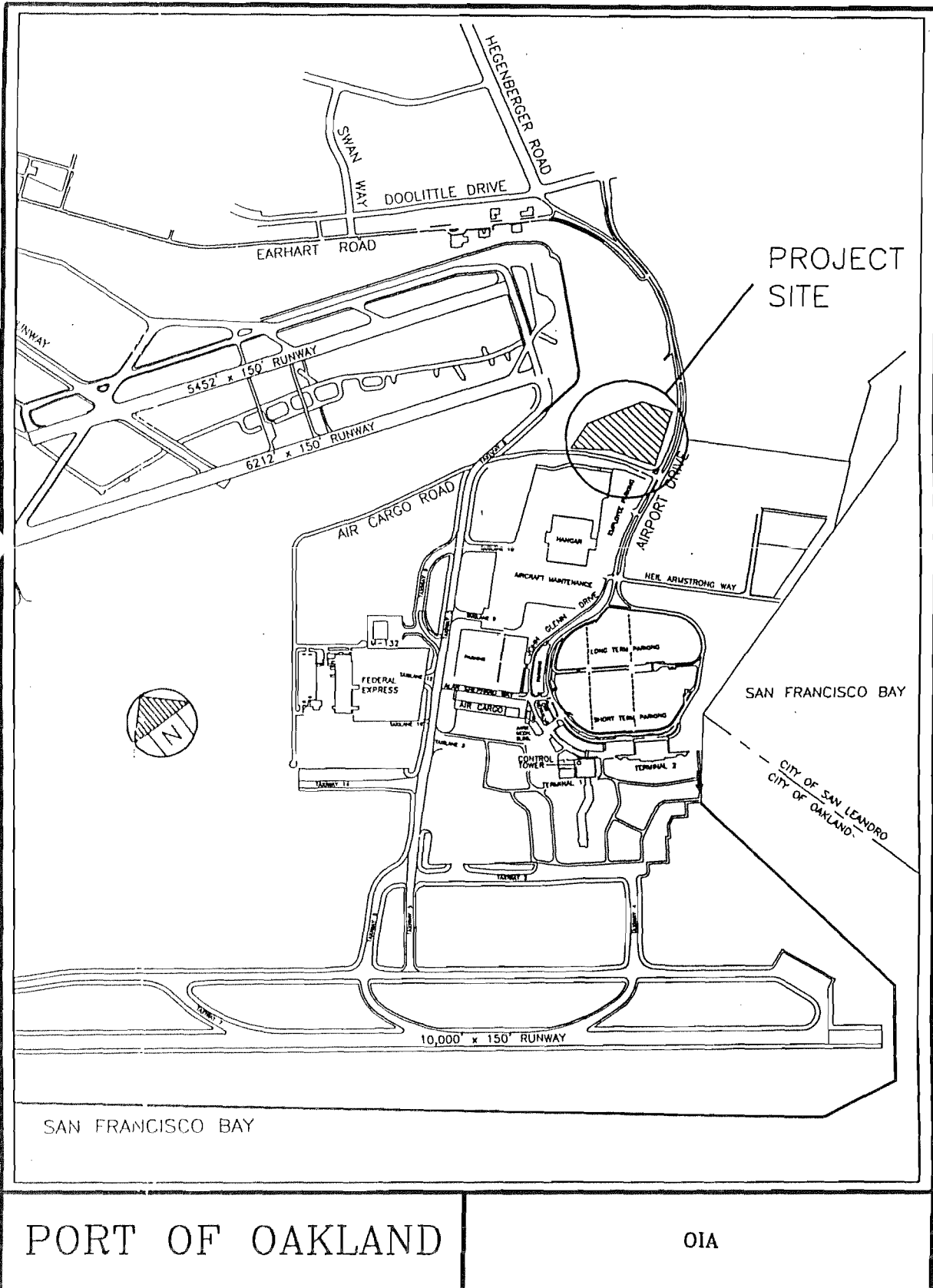
The Capital Budget for Fiscal Year 1999 provides for this work under CIP No. A2.00806.02. The funding source is Port cash.

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

RECOMMENDATION:

It is recommended that the project, Buildout of Air Cargo Road Parking Facility, be included in the Port's Small Business Program, and that it be found to be in the best interest of the Port to dispense with formal bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor, who submits an acceptable proposal.

It is further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on informal competitive proposals, if the attempt to secure an acceptable proposal from a small local contractor is not successful.



Agenda Sheet

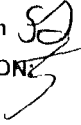

SUBJECT: Authorization to Increase Consultant Fee to Provide for Additional Financial Information to Airlines on the Airport Development Program

Date: February 22, 2000

Item No. 3

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Board has previously approved awarding a feasibility study contract to Ricondo & Associates to prepare feasibility studies to support the issuance of the 1997 Port Revenue Bond issues, for a term of three years.

As the Port moves forward with the feasibility study relating to the Airport Development Program (ADP) and the costs and time frames associated with this development become clearer, there is a need to communicate the information to the Airline Airport Affairs Committee (AAAF). The AAAFC has contracted with Aviation and Airport Professionals (AvAir) to represent them in this regard. The AAAFC, through their consultant, AvAir, has requested that Ricondo & Associates supply them with various projections and supporting documentation regarding the ADP.

OPTIONS:

(1) Contract with Ricondo and Associates; (2) Contract with another consulting firm; (3) Designate staff within the Port to respond to requests made by the AAAFC through their consultant, AvAir, on all aspects of the ADP.

ANALYSIS:

The time Ricondo and Associates will spend in providing the information requested by AvAir is not possible to determine at this time. However, the additional effort has not been provided for in the current contract with Ricondo and Associates.

It is anticipated that Ricondo and Associates' role in this additional effort will be to assist Aviation by preparing analyses in more detail than for the Feasibility Report for the Official Statement. It will include working with Aviation Finance to include the ADP in the annual calculation of airline rates and charges, attending the airline technical committee meetings, continually revising numbers as the program is refined as construction begins, assisting Aviation with issues raised by AvAir and the airlines and discussing Ricondo and Associates numbers first hand with the carriers and responding directly to questions. Ricondo and Associates will retain AVK consulting, an Oakland based woman owned firm as a sub-consultant to do approximately 20% of the expected work.

RECOMMENDATION:

It is recommended that the Board approve an additional \$100,000 on the existing contract with Ricondo and Associates to provide the airlines serving Oakland, information required for full disclosure of all the costs associated with the Airport Development.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20070 FEB 22 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Contract with Northern California Airport Valet & Shuttle Service, a California LLC d.b.a. Valet Parking Service

Date: February 22, 2000

Item No. 4

PROGRAM AREA

- Airport Operations C.I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND

The Aviation Division is requesting approval of a Contract with Northern California Airport Valet & Shuttle Service, a California LLC d.b.a. Valet Parking Service to provide shuttle bus service at the Oakland International Airport for airport parking lots and for AirBART service between the Airport and the Oakland Coliseum BART Station.

ANALYSIS

The current interim agreement for shuttle bus operations between the Port and Valet Parking Service, Inc. is dated August 1, 1998 and had an initial term of five (5) months. The agreement has been extended on a month to month basis at the option of the Port.

After the contract was executed, it was discovered that a provision to reimburse Valet Parking Service, Inc. for workers compensation insurance was omitted although it was the intention of the parties that workers compensation insurance be a component of expense recovery for the contractor. This omission was not discovered until several payments for workers compensation had been made based upon billings submitted by Valet Parking Service, Inc. Subsequently, the Port recovered these payments by reducing approved amounts owed to Valet Parking Service, Inc.

In the course of attempting to repair the contract deficiency, Valet Parking Service, Inc. declined to submit a workers compensation insurance policy that was acceptable to the Port. It was then determined that to facilitate resolution of the workers compensation issues, the Port would enter into a new agreement for six (6) months with Northern California Airport Valet & Shuttle Service, a California LLC d.b.a. Valet Parking Service. This company is an Oakland based company that can provide a stand alone workers compensation insurance policy for the Airport operation. This new contract would be for the same management fee of \$9,583.50 and would contain provisions that were more comprehensive than the previous document, thus remedying the deficiencies previously identified. The Port would pay \$142,315.88 to cover actual worker's compensation expenses incurred since August 1998 and other start-up costs of the new company, as provided by a memorandum of understanding.

It is expected this contract will be put out to bid for a five (5) year term in the fall of this current year.

OPTIONS

The following options were considered: (1) terminate the contract with Valet Parking Service, Inc. and find another operator thus risking an interruption in service and requiring bus drivers to reapply for positions; (2) attempt to work out contract deficiencies with Valet Parking Service, Inc. and (3) propose a new contract to Northern California Airport Valet & Shuttle Service, a California LLC d.b.a. Valet Parking Service that is transparent with regard to the current relationship between the Port and Valet Parking Service, Inc.

RECOMMENDATION

It is recommended that the Board pass a resolution approving a six (6) months contract with Northern California Airport Valet & Shuttle Service, a California LLC d.b.a. Valet Parking.

MOTION

RESOLUTION

ORDINANCE

INFORMATION ONLY

Approved by Resolution

No. 20071

FEB 22 2000

BOARD ACTION TAKEN

DATE

Assistant SECRETARY OF THE BOARD

Agenda Sheet


Date: February 22, 2000

Item No. 5

SUBJECT: Recommendation to Approve Modification of Airport Development Program, Burrowing Owl Mitigation Measure.

PROGRAM AREA

- Airport Operations
- Commercial Real Estat
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

Factual Background

In 1997 and 1999, the Board certified the environmental impact report and supplement to the environmental impact report (collectively "the EIR") for the Airport Development Program (ADP). At the same time, the Board approved a Mitigation Monitoring and Reporting Program (MMRP). Both the EIR and the MMRP identified five mitigation measures for the ADP's expected significant impacts on the burrowing owl, which is designated as a Species of Special Concern by the California Department of Fish & Game (DFG) and the U.S. Fish & Wildlife Service. Two ADP projects have the potential to impact burrowing owls: (1) the Airport Roadway Project, which began construction in February 2000; and (2) the Replacement T-Hangar Facilities.

On January 4, 2000 the Board adopted Resolution No. 20003 regarding burrowing owl mitigation at the Airport. The resolution contained the following parts: approval of an addendum to the MMRP; revision of mitigation measures in the MMRP; authorization to execute a Mitigation Agreement (Agreement) with DFG; and, authorization to acquire conservation bank credits. Subsequently the Port entered into an Agreement with DFG. The Agreement with DFG allows the Port to either acquire conservation bank credits or to acquire and preserve habitat lands. After the Board action a land parcel became available for acquisition that would enhance burrowing owl habitat values plus provide a more cost effective acquisition compared to the credits referred to in the January resolution. The Port consulted with DFG and conducted a habitat assessment on the available land parcel. The assessment concludes that the land is suitable habitat for burrowing owls. As a result of discussions with DFG regarding the burrowing owl mitigation, the Port now proposes one revision to the mitigation measure described in the EIR and the MMRP, as previously revised in January 2000.

Description of Proposed Revision to the Burrowing Owl Mitigation Measures

The January 2000 Board action reflects DFG's recommendation that rather than set aside land on the Airport for burrowing owl habitat, the Port conserve existing burrowing owl habitat in a non-urban location. Such off-site conservation measures are part of an established DFG program for mitigating burrowing owl impacts. In January 2000, the Board approved achieving this goal by revising Burrowing Owl Mitigation Measure No. 3 to provide for the purchase of burrowing owl mitigation credits from a mitigation bank to be established near Byron, California.

Because mitigation property has become available near Christensen Road in Eastern Alameda County that would provide burrowing owl habitat benefits equivalent to those provided by the proposed Byron mitigation bank, on a more cost-effective basis, it is proposed that the burrowing owl Mitigation Measure No. 3 be revised to include acquisition and preservation of approximately 40 to 50 acres of the Christensen Road site as an option.

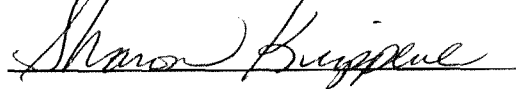
The revised mitigation measure would be consistent with the Agreement with DFG and with the January Board action. The precise language of the existing mitigation measures and of the proposed revised language for the mitigation measures is provided in the February Addendum to the Environmental Impact Report/Burrowing Owl Mitigation for Airport Development Program (Addendum), submitted to the Board under separate cover.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20072 FEB 22 2000

BOARD ACTION TAKEN



Assistant SECRETARY OF THE BOARD

Analysis

As is stated above, and discussed in greater detail in the February Addendum, the proposed change in the Port's burrowing owl mitigation plan is to include purchase and preservation of approximately 40 to 50 acres of habitat land at Christensen Road as an option. Like the option of purchasing mitigation bank credits, the purchase and preservation of habitat land on the Christensen Road site is preferable to the creation of new burrowing owl habitat areas on Airport property, as was explained in the January 2000 Addendum.

Options

The following options are feasible:

1. Revise the burrowing owl mitigation plan as described above to include acquiring and preserving approximately 40 to 50 acres of habitat land by Christensen Road in eastern Alameda County as an option.
2. Use the existing mitigation proposal analyzed in the EIR and January Addendum to purchase conservation bank credits (Board of Port Commissioners Resolution No. 20003).

CEQA

The California Environmental Quality Act (CEQA) provides for the preparation of an addendum to a previously certified EIR if changes or additions to the project are necessary, but none of the conditions requiring a subsequent or supplemental EIR have occurred. As the February Addendum and the analysis explain, if the Board approves the proposed revisions in the Port's burrowing owl mitigation measures, those measures will be equal to or better than the measures currently in effect. Therefore, the changes will not cause any new significant environmental effect or substantial increase in the severity of previously identified significant effects. Thus the February Addendum, rather than a subsequent or supplemental EIR, is the proper CEQA documentation for the proposed mitigation changes.

Recommendation

It is recommended that the Board adopt a resolution,

Approving the following changes to the Burrowing Owl Mitigation Measures described in the ADP EIR:

Revise Burrowing Owl Mitigation Measure No. 3, to include the purchase and preservation of approximately 40 to 50 acres of habitat land at a location by Christensen Road in eastern Alameda County as an option.

It is recommended that the Board approve an ordinance authorizing the Director of Aviation to:

Negotiate and to acquire approximately 70 acres, preserving approximately 40 to 50 acres for use as mitigation for burrowing owls impacts, and use and/ or dispose of the excess acres in accord with Aviation Division goals.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Recommendation that the Board Request City Council Amendment of Port Area Line for Portions of the Port Area Within the Estuary Plan Boundary

Date: February 22, 2000

Item No. 12

SUBMITTED BY: John Glover

PROGRAM AREA

- Airport Operations
Commercial Real Estate C.I.
Maritime Operations
Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

The Board of Port Commissioners adopted the Estuary Plan on February 10, 1999. On June 8, 1999, the Oakland City Council Incorporated the Estuary Plan into the Oakland General Plan. Jointly developed by the Port and the City with broad participation from citizens and interest groups, the Estuary Plan establishes a vision, policies, and standards for the development of the Oakland waterfront between Adeline Street and 66th Avenue, and extending from the shoreline eastward to the I-880 freeway.

The completion of this planning effort was accomplished through unprecedented levels of cooperation and collaboration among Port and City staffs and the public, as well as among the Board of Port Commissioners, the Planning Commission, and the City Council. At the conclusion of the Estuary Plan the only substantive issue left unresolved was the exercise of jurisdiction over development in the portion of the Estuary Plan area that is within the Port Area.

Concern was expressed that, though the planning for the area was accomplished collaboratively, the realization of the plan would only be assured through continuity of regulatory control over the development approval process throughout the Estuary Plan area, including both City and Port areas of jurisdiction. The most efficient means to accomplish such continuity would be to assign the Planning Commission the authority to approve development projects in the entire area, with City Council review of appeals, which is the approval process currently in place outside the Port Area. The Oakland City Charter presents a problem with this approach, however, because among the exclusive powers and duties assigned to the Board of Port Commissioners by the Charter is regulatory jurisdiction over development approvals within the Port Area.

It appears to Port staff that the Port's objective should be to facilitate development within the Estuary Plan area to take advantage of the current real estate market. Therefore, staff is recommending that the Board initiate steps to amend the Port Area so as to remove Port regulatory jurisdiction from all areas within the Estuary Plan boundary. This action would allow the City to exercise planning approvals over projects in the entire Estuary Plan area. The recommended action includes provisions to subsequently return the Port Area Line to its present location after development is complete. The Port would retain its current ownership of properties in the affected area and would continue to pursue its development objectives as the landowner.

This proposal has been presented to the City/Port Liaison Committee, and after discussion was endorsed by the Committee at its January 7, 2000 meeting.

Port and City staff have jointly prepared the following provisions to be included in the Port Resolution requesting the Port Area Line amendment and in a City Ordinance amending the Port Area Line to remove the Estuary Plan districts from the Port Area pending development of the districts:

- 1. There will be no change in the Port's existing ownership or landlord role of any properties within the area transferred to the City's jurisdiction pursuant to the Port Area line change, nor will there be any change in the Port's proprietary role or fiduciary obligations as owner and/or developer of such properties. The properties within the area subject to the Port Area line change will become subject to the City's land use regulatory powers.
2. The geographic boundaries of the area which will be subject to the Port Area line change are the following three districts in the Estuary Plan area: the Jack London District, which extends from Adeline Street to Oak Street; the Oak-to-9th Avenue district; and the San Antonio-Fruitvale District, encompassing the area between 9th Avenue and 66th Avenue. These districts are identified on the attached map.

Approved by Resolution

No. 20095

FEB 22 2000

BOARD ACTION REQUIRED:

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

BOARD ACTION TAKEN

DATE

Abstained:
Comm. Neal
President Joh

[Signature]
Assistant SECRETARY OF THE BOARD

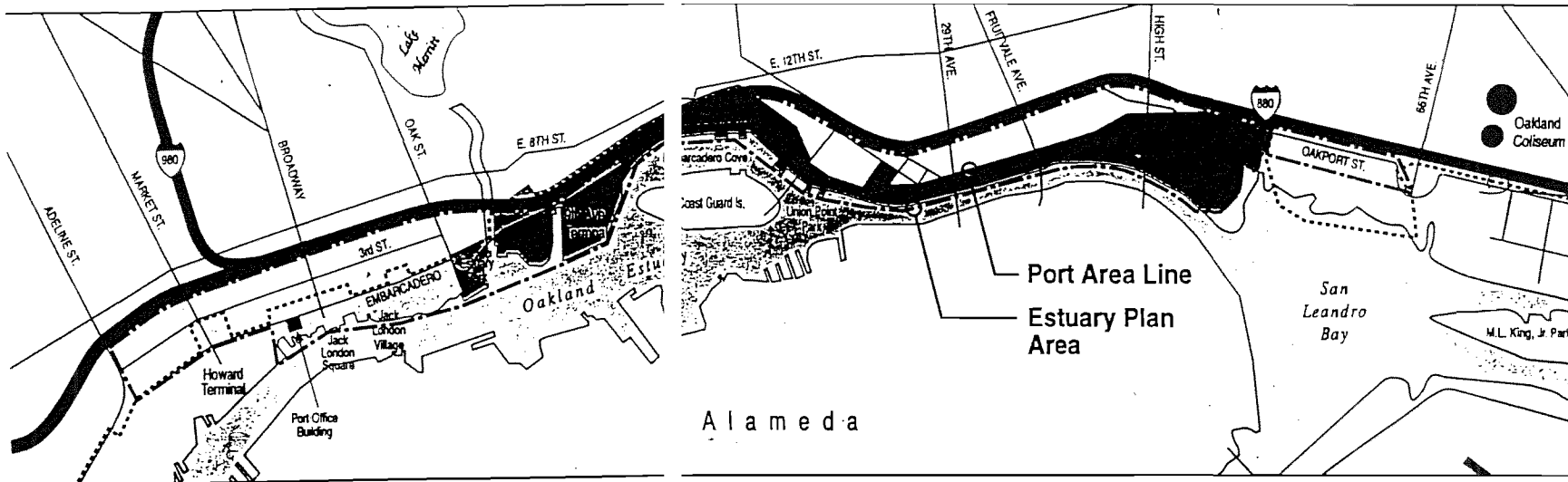
3. The Port area line change authorized pursuant to the Board Resolution and the City Ordinance will remain with respect to a district until development in the district is complete. For the purposes of the Port Area line change, completion of development shall be defined as follows:
 - (A) All vacant parcels within a district of 30,000 square feet or greater have been developed and such developments have received Certificates of Occupancy; and
 - (B) There are no remaining individual developed parcels within the district of more than 30,000 square feet, excluding open space, which either (i) have improvements with less than one-half of the maximum allowable density or Floor Area Ratio; or (ii) have not been renovated with improvements in an amount equal or greater than ten percent (10%) of the assessed value of such parcel within the preceding twenty (20) years.
4. Five (5) years after the date of adoption of the City Council's Ordinance amending the Port Area line to remove the Estuary Plan area from the Port Area, and every five years thereafter, the Port may conduct a review of the progress of development and implementation of the goals of the Port Area line change and forward a request for a revision of the Port Area lines to the City.
5. The Port Area line will revert to its current position with respect to a specific District, returning such District to the Port's jurisdiction upon the mutual agreement of the Port and the City, evidenced by Port and Council resolutions, that development with respect to such District is complete or, in the alternative, upon the determination of an impartial arbitrator jointly selected by the Port and the City.
6. The Port Area line adjustment is not intended to, and will not change the existing structure relating to property taxation or payment for municipal services, though such changes may be discussed and agreed upon by separate action of the Board and the Council.
7. Certain specified projects which are already substantially underway will be excluded from project review and approval under the City's processes, and the Port will retain project review and approval for such projects, provided that final action by the Board approving the project and related environmental review documents occurs within twelve (12) months of the effective date of the Ordinance adopted by the City to adjust the Port Area line. These projects are:
 - Jack London Cinema Expansion and Parking Structure Expansion
 - Waterfront Hotel Expansion Project
 - Embarcadero Executive Inn Expansion Project
 - Hawthorne Suites Development
 - Jack London Village Acquisition/Demolition
 - Union Point Park
 - Historic Ship Berthing and Public Access Improvements Project

Any project for which an application is submitted on or after April 15, 2000 will be decided under the City's jurisdiction. Any project for which an application is submitted between February 1, 2000 and April 15, 2000 may be referred by the Port to the City for action.

The Port will agree to pay the City \$240,000 annually to reimburse the City for the additional cost of providing expedited review of projects within the portions of the current Port Area which are within the Estuary Plan area.




RECOMMENDATION:

It is recommended that the Board pass a resolution requesting that the City Council amend the Port Area Line in accordance with the foregoing.



Oakland Estuary Plan Area

Port Area to be Transferred

-  Jack London District
-  Oak to Ninth Ave. District
-  San Antonio/Fruitvale District

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Authorization to Co-Sponsor a Grant Application
with the Artship Foundation and to Provide
In-Kind Matching Services

Date: February 22, 2000

Item No. 13

SUBMITTED BY: Tay Yoshitani

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Artship Foundation has an opportunity to apply for a \$150,000 grant from the Department of Commerce Economic Development Administration (EDA) for planning and design of restoration work on the ship. It is assumed that the Artship Foundation would subsequently apply for a grant to conduct the actual restoration once the preparatory work under this initial grant is completed.

The EDA has advised the Artship Foundation that taking the Port as a project co-sponsor would enhance the likelihood of receiving the grant. As a co-sponsor, the Port would be expected to contribute to the local match to the grant. Said match may be in the form of providing in-kind services. The Port proposes to continue providing berthing for the Artship at no cost to the Artship Foundation. The current value of the berthing, per Port tariffs, is \$1,016,525 per year. Additionally, the Port provides a limited utilities hookup to the ship.

Should this grant application be successful and other preconditions be met, it is the intent of the Port to enter into a discussions to draft a long-term agreement with the Artship Foundation. Such an agreement would clearly delineate the extent to which the Port would accept liability, financial or otherwise, for this restoration project. It is the Port's Intent at this time to minimize its exposure beyond provision of berthing.

Options:

1. Decline to co-sponsor the grant application.
2. Forward the application to EDA with the Port as a co-sponsor.

Analysis:

The Artship Foundation has not been able to identify another feasible co-sponsor for this grant. Without a co-sponsor that can contribute significantly to a local match, the Artship Foundation will likely not receive the grant and work on the ship will probably not proceed, at least at a discernable pace.

If we agree to co-sponsor the grant application, the opportunity for receiving the grant is greatly enhanced. Receipt of the grant would allow the preparation for restoration work to proceed, which could result in having a waterfront asset in Oakland that we can all be proud of.

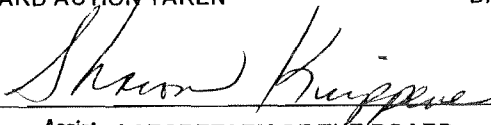
RECOMMENDATION:

Agree to co-sponsor this planning and design project with the Artship Foundation and to contribute, as the Port's share of the local match, the value of berthing the ship (\$1,016,525/year) for the duration of the work funded by this grant, provided EDA awards the grant to the Artship Foundation and the Port.

Approved by Resolution

No. 20079 FEB 22 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: **Approval of Agreement for the Publication of an Illustrated History of the Port in Compliance with the Mitigated Environmental Impact Report for Howard Terminal Wharf Extension.**

Date: February 22, 2000

Item No. 21

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: **Raymond A. Boyle** *RAB*

EXECUTIVE OFFICE RECOMMENDATION: *S*

FACTUAL BACKGROUND:

On October 18, 1994, the Board of Port Commissioners passed Resolution 94403, certifying the Final Environmental Impact Report for the Howard Terminal Wharf Extension Project and adopting mitigation measures and a Mitigation Monitoring Program. Mitigation was required because the project included the demolition of Building E407A (Grove Street Pier), a structure that was determined eligible for inclusion in the National Register of Historic Places. The building was significant for three reasons: its construction was one of the first acts of the newly-created Board of Port Commissioners in 1927, it served as the home of the Port administration over a 30-year period, and its embellished façade was a fine example of the once-widespread practice of beautifying utilitarian/industrial buildings. The mitigation measure associated with the demolition of Building 407A reads:

"The Port should assemble an archive of Port materials and publish a book-length illustrated history of the Port."

In adopting this mitigation measure, the Port committed to publication of the book within three years after the demolition of the building. Building E407A was demolished in March 1995, following successful completion and acceptance of documentation of the building for the Historic American Building Survey.

In October 1996, the Board of Port Commissioners passed Resolution 96364, which authorized the execution of an agreement with Woodruff C. Minor for researching, writing and developing graphic delineation of an illustrated history of the Port. The agreement was executed in January 1997. Maximum compensation was set as \$43,000, unless additional work, up to an additional cost not to exceed \$20,000, was approved by the Executive Director. In May 1998, The Executive Director approved additional work, at a cost of \$5,000, and in October 1998, an additional \$15,000 was approved, bringing the maximum compensation for Mr. Minor's contract to \$63,000. In addition the Port secured the services of a well-known graphic designer, under a purchase order, to work with Mr. Minor to design and prepare press-ready graphics. Terry Lim, an Oakland based, MBE was hired to provide these services at a maximum cost of \$15,000.

The book, *Pacific Gateway: An Illustrated History of the Port of Oakland*, is a scholarly history, richly illustrated with historic photographs, maps and charts that Mr. Minor has gathered (from the Port and a variety of other sources) in the course of his research. The text of the chapters has been circulated to Port staff for comments. The Administrative Draft of the book, complete with illustrations, has been reviewed and approved by Port staff and members of the Oakland Heritage Alliance and the City of Oakland Landmarks Advisory Board.

Port procurement procedures provide for open market, negotiated professional services under circumstances that are in the best interest of the Port. After consulting with the Port's Art Director, the book's graphic designer and the Port's Purchasing Manager, it was determined that a negotiated procurement of printing services was in the best interest of the Port because:

Approved by Resolution

BOARD ACTION REQUIRED

No. 20080 FEB 22 2000

BOARD ACTION TAKEN DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Sharon Kruppel
Assistant SECRETARY OF THE BOARD

The highly complex nature of compiling a book for publication makes writing bid specifications difficult and costly,

Printing services for book publishing is very technical, highly specialized and professional in nature,

Publishing a book is a collaborative process between the designer and the printer where flexibility is required to contain cost and produce the necessary quality book,

The Port's Art Director and the book's graphic designer canvassed local printing firms for proposals to print and publish the 500 case-bound copies of the book and 5000 softcover books. The Port received 7 proposals. Based upon the ability of the printer to best perform the work at the lowest cost, and conforming to the Port's local business policy, the Port Purchasing Manager has negotiated a price of \$97,406 with Madison Street Printers. Madison Street Printers is an Oakland, MBE firm.

A large number of these books will be donated to libraries and educational institutions and for promotional gifts from the Port. However, there is also an opportunity to recoup a substantial amount of the publication costs through retail sale of the book. *Pacific Gateway* will be valued by local and regional history buffs and will have a wider appeal among readers of maritime, aviation, and architectural history. Initial distribution will be handled by a consultant and will target local and regional bookstores and museums. Continuing distribution will be handled through the Communications department on the Port's website.

The publication of this book is in the Capital Budget for Fiscal Year 1999 and is provided for under CIP Item M4.00372.08 established for the Wharf Extension of Howard Terminal. The funding source is Port cash and debt.

The proposed printing contractor, Madison Street Printers meets Port criteria for LIA and LBA participation.

RECOMMENDATION:

It is recommended that the Board:

1. Find and determine that the above described services are professional services and that a negotiated procurement is in the best interest of the Port;
2. Authorize preparation and execution of an agreement with Madison Street Printers to print and bind **5,500** copies of *Pacific Gateway: An Illustrated History of the Port of Oakland* for a total compensation not to exceed \$97,406.
3. Authorize the Executive Director to approve up to \$5,000 for change-of-scope work

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: February 22, 2000

- Creation of Additional Position

Item No. 31

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

FACTUAL BACKGROUND:

I. CREATION OF ADDITIONAL POSITION—Ordinance (2 Readings)

A. It is requested that the Board Create one additional position of the classification of **Airport Security/ID Specialist**, in the ID/Security Office in the Aviation Division to implement the recommendation of a desk audit conducted by Mandalay Associates to reclassify an Intermediate Typist Clerk position and redesignate the incumbent. Previously, as a result of the desk audit conducted by Mandalay Associates, the Board approved the creation this classification and the creation of one position on January 4, 2000, to reclassify a similar position and redesignate the incumbent. The reclassification of all the positions (4) in the Airport Security/ID Unit was approved in the FY 99-00 Staffing Plan.

PRESENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 2/16/99	AS OF 1/18/00	AS OF 2/22/00
Full-Time Employees	612.00 FTE	553.00 FTE	554.00 FTE	554.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators		3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)	11.00 FTE*	8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	566.40 FTE	567.40 FTE	567.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Two separations and two appointments yielded the same count.

BOARD ACTION REQUIRED:

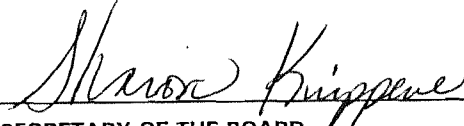
Approved by Ordinance
passed to print

FEB 22 2000

BOARD ACTION TAKEN

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY



Assistant SECRETARY OF THE BOARD

TEMPORARY AGENCY WORKER COUNT AS OF 2/4/00

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	10	9	1	7	0	0	27
* CIP	0	0	11	6	0	0	17
LEAVE BACKFILL (NON MEDICAL)	1	0	0	0	0	0	1
MEDICAL BACKFILL	6	3	0	0	0	0	9
* SPECIAL PROJECT	3	0	0	10	1	0	14
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
T O T A L S	20	14	12	23	1	0	70

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	11/2/99	12/22/99	1/7/00	2/4/00
BACKFILL	27	34	33	32	27
* CIP	18	16	16	15	17
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	6	1	1	1
MEDICAL BACKFILL	4	5	7	7	9
* SPECIAL PROJECTS	11	14	17	16	14
WORKER'S COMP BACKFILL	3	5	4	5	2
T O T A L S	63	80	78	76	70

COUNT SUMMARY

CURRENT FTE COUNT	567.40
CURRENT TEMPORARY AGENCY BACKFILLS	27.00
VACANT POSITIONS	<u>21.00</u>
T O T A L	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of additional position.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Resolution Concerning Dioxin Compounds
in the Local Environment

Date: February 22, 2000

Item No. 32

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

^{TD}
SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *S*

FACTUAL BACKGROUND:

On February 2, 1999, the Oakland City Council passed Resolution No.74773 C.M.S. Establishing A Regional Task Force and Policy On Dioxin, Public Health and the Environment. The City's Resolution encourages the elimination of dioxin emissions and directs staff to work with other local governments to create a regional task force to identify and quantify sources of regional dioxin pollution and develop pollution prevention strategies. At its July 27, 1999, meeting, the Oakland City Council unanimously voted to request that the Association of Bay Area Governments (ABAG) consider passage of a dioxin elimination resolution and seek financial contributions from member agencies to fund a regional task force. A formal request by the City of Oakland was forwarded to ABAG on August 13, 1999.

The ABAG Executive Board discussed the request from the City of Oakland at its meeting on September 16, 1999, and adopted Resolution 17-99 which: a) Urged regional, state, and federal regulatory agencies to increase their efforts to understand and prevent dioxins in the Bay Area; and b) Authorized ABAG staff to work with Oakland, San Francisco, Berkeley, Alameda County and other local governments to convene and assemble the appropriate regulatory agencies. This assembled group would review issues related to dioxin in the environment, develop a scope of research/analysis into a work plan, and work to secure funding to undertake the work plan.

On March 22, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 246-99 Establishing Dioxin Pollution As A High Priority For Immediate Action for the City and County of San Francisco In Order to Restore Water, Air, and Total Environmental Quality. Similarly, on September 14, 1999, the Council of the City of Berkeley adopted Resolution No. 60,196-N.S. To Establish Goals To Eliminate Anthropogenic Sources of Dioxin Pollution and Support Participation In A Regional Task Force.

ABAG staff convened a meeting of city, county and regulatory agency staff on October 29, 1999 to develop a work plan and funding strategy.

The City of Oakland Resolution specifically encouraged the Port of Oakland to adopt a Resolution similar to the City's Resolution. In addition, on December 1, 1999, the Oakland City Manager wrote to the Port's Executive Director asking for support on this matter. Port staff met with City staff on December 15, 1999 to learn more about the City's request. At that meeting, City staff urged the Port to contribute funding in the amount of \$10,000 for the task force effort.

The funding source is Port cash. The cost will be charged against Liability Account No. 7361, which was created for miscellaneous environmental liabilities.

RECOMMENDATION:

It is recommended that the Board authorize the funding of the above-referenced task force in the amount of \$10,000, and authorize the Director of Engineering, or his designee, to participate on the task force.

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BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20081 FEB 22 2000
BOARD ACTION TAKEN DATE

Shawn Krupp
Assistant SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT:


Date: February 22, 2000

Item No. 33

APPROVAL OF SECOND SUPPLEMENTAL AGREEMENT WITH H. LEE HALTERMAN FOR COMMUNITY AND GOVERNMENTAL SERVICES.

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Harold Jones 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

The Port has a professional services agreement with H. Lee Halterman and is requesting approval of a Second Supplemental Agreement. Mr. Halterman is an Oakland-based community affairs and governmental affairs consultant who specializes in assisting organizations in their efforts to reach consensus with targeted constituencies. The Board approved the original agreement on April 21, 1998. It provided for a maximum compensation of \$60,000. The Board approved a First Supplemental Agreement on January 5, 1999. It provided for a maximum compensation of \$70,000. The terms of these agreements have been fulfilled.

ANALYSIS:

Approval for a Second Supplemental Agreement is requested herein. It is proposed that Mr. Halterman continue his liaison work with various Port stakeholders with special emphasis on gaining the support of the labor and environmental communities for on-going Port operations. His work will include seeking resolution of air quality and environmental issues surrounding the Vision 2000 program. He will also assist in framing a Memorandum of Understanding with the City of Alameda relative to issues related to the -50 ft. harbor-deepening project. He will be coordinating additional support at the federal level for the Water Resources Development Act and will be facilitating discussion with Labor interests regarding the proposed Joint Intermodal Terminal.

The additional work and level of effort described herein will require compensation of \$60,000. It is also requested that the Board of Port Commissioners grant the Executive Director authority to approve up to \$10,000 for additional unforeseen work.

DESCRIPTION	DATE	AUTHORIZED	PROPOSED
Original Agreement:	4/21/98		
Maximum Allowable Compensation:		\$50,000	
Allowable increase with Executive Director Approval		\$10,000	
First Supplemental Agreement:	1/05/99	\$60,000	
Allowable Increase with Executive Director Approval		\$10,000	
Second Supplemental Agreement			\$60,000
Allowable Increase with Executive Director Approval			\$10,000

Approved by Resolution


No. 20082 FEB 22 2000

BOARD ACTION REQUIRED

BOARD ACTION TAKEN

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY


 Assistant SECRETARY OF THE BOARD

APPROVAL OF SECOND SUPPLEMENTAL AGREEMENT WITH
H. LEE HALTERMAN FOR COMMUNITY AND GOVERNMENTAL
SERVICES.
FEBRUARY 22, 2000
PAGE 2

BUDGET STATUS:

The current budget for this activity has sufficient funds to cover the FY 99-2000 costs of this Agreement. The work is budgeted under CP00 (Communications).

RECOMMENDATION:

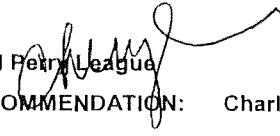
It is recommended that the Board authorize the preparation and execution of a Second Supplemental Agreement with H. Lee Halterman with the total maximum compensation of \$70,000.

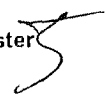
Agenda Sheet

SUBJECT: Approval of Consultant Agreement
With Cordoba Corporation

Date: February 22, 2000

Item No. 34

SUBMITTED BY: Cheryl Peirce 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

In November of 1999, the Office of Equal Opportunity formed a Certification Unit to specifically handle DBE, MBE, WBE, LIABE, LBABE and SBE certifications. Cordoba Corporation was contracted to assist in developing an internal procedure for certification; eliminating the backlog of certifications and re-certifications; and training the Certification Unit on the process of reviewing and interpreting supporting documents to determine their validity. Cordoba was chosen because they possess over twelve years of extensive experience in the certification field. They have processed DBE certifications for a number of public offices including the BART Office of Civil Rights and the California Public Utilities Commission's WBME Clearinghouse Project. Additionally, Cordoba Corporation is an Oakland-based, minority-owned company. To date, the Office of Equal Opportunity has spent \$15,000 as delineated in the original Purchase Order contract.

The Office of Equal Opportunity wishes to extend its engagement with Cordoba Corporation until April 15, 2000 for a cost of \$20,000. This would enable Cordoba to provide the Office with continued services in support of the Port's Non-Discrimination and Small Local Business Utilization Policy by focussing on outstanding applications for DBE certifications and conducting an administrative assessment of approximately 2,000 completed/closed files to ensure their consistency with the established procedures. Cordoba would provide two individuals to staff this additional work.

RECOMMENDATION:

It is recommended that the Executive Director be authorized to engage Cordoba Corporation for an amount not to exceed \$20,000.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20083

FEB 22 2000

BOARD ACTION TAKEN

DATE


 Assistant SECRETARY OF THE BOARD

Agenda Sheet

SUBJECT: Approval of a Supplemental Agreement with Amistad Associates to Provide Diversity Training to Staff in Engineering/Harbor Facilities

Date: February 22, 2000

Item No. 35

SUBMITTED BY: Cheryl Perry League

EXECUTIVE OFFICE RECOMMENDATION:

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

On June 23, 1998, the Board approved a request to negotiate a professional services agreement with Amistad Associates and InPartnership to provide diversity training for the Aviation Division. Amistad was chosen for the program, on the basis of its written proposal and an interview, as the best of all the respondents to the RFP issued at that time. The Aviation Division was pleased with the improvement of employee relationships that this training had effected.

Because of the Port's continuing interest in good employee relationships among all its people, the Harbor Facilities Department of the Engineering Division requested assistance from the Port's Office of Equal Opportunity to provide similar training to their employees. Recognizing the excellent service provided by Amistad Associates in the diversity training program at the airport, staff from Human Resources and Equal Opportunity, along with the Manager of Harbor Facilities, interviewed the principal who will be doing the training. Staff found that Amistad's proposed program would be effective at the Harbor.

Their EEO1 Workforce Report/Professional Questionnaire is on file.

RECOMMENDATION:

Therefore, staff recommends that a supplemental agreement be negotiated with Amistad Associates to provide diversity training to the staff in Harbor Facilities. The fee for the service will not exceed \$20,000, which is covered by the Office of Equal Opportunity budget.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20084

FEB 22 2000

BOARD ACTION TAKEN

DATE

Assistant

SECRETARY OF THE BOARD

**Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet**

SUBJECT: The Hawkins Company – Executive Search Firm
Consultant Contract

Date: February 22, 2000

Item No. 36

SUBMITTED BY: Robert Martinez *RM*

EXECUTIVE OFFICE RECOMMENDATION: *5*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

Board approval is being requested to enter into a consultant agreement with **The Hawkins Company**, an executive search firm to recruit for the **Facilities Support Supervisor** position for a total not to exceed **\$25,000**.

FACTUAL BACKGROUND:

The Hawkins Company is a minority owned company, established in 1984 and is located in Los Angeles, California. The Hawkins Company is being recommended to the Board for the following reasons: they have extensive experience in recruiting Facilities Maintenance candidates for the public sector. They have conducted searches for the following public agencies: **City of Compton**, Director, Public Works, **Oakland Public Works Agency**, Assistant Director, Public Works, Building Services Manager and Equipment Services Manager, **San Francisco Public Utilities Commission**, Manager, Utilities Engineering Bureau and the **City of San Jose**, General Services Director. Additionally, The Hawkins Company just recently completed the search for the **Port's Harbor Facilities Maintenance Manager**, which resulted in the selection of Juan Valerio.

The Hawkins Company utilizes six steps in their recruitment process: 1) develop a thorough understanding and assessment of the client by meeting with key executives from the client organization, 2) develop a comprehensive understanding of the position, 3) develop a search strategy aimed at attracting the most qualified candidates, both from the Port's internal applicant/promotional pool and external applicants, 4) evaluate potential candidates, 5) present the final candidates/assessment center and 6) candidate and client follow-up.

THE SCHEDULE

The fee structure for this search assignment is 25% of the first year's cash compensation plus expenses. The salary scheduled for the classification of Management Assistant (Facilities Support Supervisor) is \$5,310.00 - \$6,578.00. Should we elect to conduct an assessment center, the fee for developing and facilitating the assessment center is \$7,500.

The fee will be billed in three (3) equal monthly installments as follows:

The initial bill for 1/3 will be billed upon completion of phase I.

1. Meet with client to develop profile
2. Develop and place advertisements as needed.
3. Finalize time schedule.

The second bill for 1/3 will be billed upon completion of phase II.

1. Recruit candidates
2. Prepare and deliver recruitment report

The third bill for 1/3 will be billed upon completion of phase III.

1. Candidate evaluations.
2. Submission of report on final candidates

The \$7,500 fee for the assessment center will be billed at the conclusion of the assessment center.

The billings will include reimbursable expenses on the assignment, as incurred.

RECOMMENDATION

For the aforementioned reasons, Board approval is requested to enter into a contract with The Hawkins Company not to exceed \$25,000 to provide executive recruitment services for the Facilities Support Supervisor.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. *20085*

FEB 22 2000

BOARD ACTION TAKEN

DATE

Sharon Briggance

Assistant SECRETARY OF THE BOARD

Agenda Sheet

SUBJECT: CLOSED SESSION

Date: March 22, 2000

Item No. 40

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *CCM*

EXECUTIVE OFFICE RECOMMENDATION *3*

FACTUAL BACKGROUND:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.
Name of Case:

City of Oakland v. Keep On Trucking Company, Inc. et al.,
United States District Court Case No. C-95-03721-CRB ("Ninth Avenue Terminal Environmental Litigation") and the Insurance Matter Related Thereto.

City of Oakland v. Syufy Enterprises, LP, Alameda County Superior Court Case No. 806792

In the Matter of the Application for Reclassification Membership Made on Behalf of Oakland Airport Servicemen by United Public Employees' Local 790, SEIU, AFL-CIO, Petitioners and The City of Oakland, Respondents, Before the Board of Administration of the State of California Public Employees' Retirement System, OAH Case No. N9704107

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 4 *cases matters*

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

Property:	Jack London Square Oakland, CA 94607
Negotiating Parties:	Port and Oakland Portside Associates
Under Negotiation:	Price and Terms of Payment
Property:	7711 Oakport
Negotiating Parties:	Interested Parties in Response to RFP
Under Negotiation:	Price and Terms of Agreement

Approved by Resolution

No. 20089, 20090, 20091, 20092, 20093 & 20094 FEB 22 2000

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
26052
- INFORMATION ONLY

BOARD ACTION TAKEN DATE

Sharon King

Assistant SECRETARY OF THE BOARD

Assistant

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607

TELEPHONE (510) 272-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

COMMISSIONERS

JOHN LOH
President

ROBERT HARRIS
First Vice President

KATHY NEAL
Second Vice President

FRANK KIANG
DAVID KRAMER
BECKY L. TAYLOR
PETER URIBE

February 22, 2000

Legal-41

Board of Port Commissioners
of the City of Oakland
Oakland, California 94607

John Loh, President
Robert Harris, First Vice President
Kathy Neal, Second Vice President
Frank Kiang
David Kramer
Becky L. Taylor
Peter Uribe

Re: Public Works Contracts Consultant

Dear Commissioners:

The Port has embarked on several very large development projects including the Oakland Airport Development Program ("ADP"), the Airport Roadway Project and the Vision 2000 Maritime development. The Port Attorney's Office and the Engineering Division have been coordinating an approach to restructure public works contracts administration at the Port.

This restructuring is critical to the success of these major capital improvement programs ("CIP"), both due to changes in state law regarding public works contracts, and the unprecedented number of construction and design contracts for such programs as well as their time schedules. In addition, creation of less complex, public works contract forms for the Port's Small and Local Business Program will help to ensure a broader base of contractors for the Port's CIP.

In December 1998, the Port retained (with an initial budget of \$250,000) the Oakland-based law firm of Wulfsberg, Reese, Ferris & Sykes (now renamed as Wulfsberg, Reese & Sykes) to provide a number of services to the Port including in-house training in contract administration for the Engineering Division and paralegals as well as development of standardized policies and procedures on such matters as bidding, bid protests, development of specifications, and technology procurement. In August 1999, Wulfsberg's budget was increased to \$750,000, to provide continued services to the Port.

We have been very pleased with the services provided to date by the Wulfsberg firm. The Wulfsberg firm has worked with Port staff in preparing standard forms of design, construction and construction management contracts, and has assisted in their bidding and/or negotiation, for all of the Port's major design, construction and construction management contracts during calendar year 1999 and anticipated through year 2000. This work includes all of the Vision 2000 construction and construction management contracts, the Master Architect Contract for the ADP, the Airport Roadway Project construction

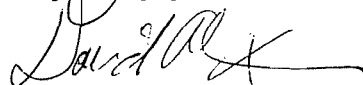
and construction management contracts, and the Wharf Embankment Strengthening Program design contracts.

The Wulfsberg firm has completed the master forms of construction contracts for larger projects and purchase orders. In addition, the Wulfsberg firm has completed a master form of construction management agreement and the program controls consultant's agreement. Future proposed work and work in progress include master negotiation forms for specialized contracts such as programming and geotechnical services contracts as well as preparation of a shorter form construction contract for limited scope projects.

The Wulfsberg firm has also assisted Port staff with bid protests, developing and implementing bidding and procurement methods, implementing the Project Labor Agreement and Owner Controlled Insurance Program, contractor pre-qualification methods and administration, environmental permit compliance methods and administration, and prepared model specifications for bid protest administration. Through December 31, 1999, the Wulfsberg firm has invoiced the Port \$744,427.30 for the various assigned projects. We wish to continue using the services of the Wulfsberg firm on the projects outlined above and on an as-needed basis.

I recommend that the Board pass a resolution at the February 22, 2000, Board meeting authorizing an increase in the Wulfsberg budget of \$350,000 for public works related services outlined above for the next calendar year. These funds will come out of the CIP budget. We will continue to provide reports to you on the status of this matter.

Very truly yours,



DAVID L. ALEXANDER
Port Attorney

cc: Charles Foster
Tay Yoshitani
Michele Heffes

SUMMARY AGENDA OF BOARD CALENDAR
February 22, 1999

AIRPORT

- 6S Request for an Extension of Deadline by which to Submit to the FAA an Application for the Use of PFC Revenue. (Resolution)
- Recommends approval of the request to extend the time period for use of certain PFC revenue.
- 7S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Rolls-Royce Engine Services-Oakland (7389 Cessna Street, North Airport). (Resolution)
- Recommends approval of the ROE for a storage shed on the North Airport.
- 8S Approval of License and Concession Agreement with Today's Aircraft Maintenance Corporation (7683 Earhart Road, North Airport). (Resolution)
- Recommends approval of the agreement which provides for their occupying of space in Hangar 9.
- 9S Approval of License and Concession Agreement with The Hertz Corporation (Vicinity of 1020 Wright Street, North Airport). (Resolution)
- Recommends approval of the agreement to cover their use of land for automobile storage on the North Airport.
- 10S Certify and Make Findings on Initial Study/ Mitigated Negative Declaration and Approve Plans and Specifications for Reconstruction of Apron Southeast of Building L-820, North Airport, OIA. (Resolution)
- Recommends their approval and authority to advertise for bids and approval of the appropriate environmental document.
- 11S Approval to Execute a Reimbursable Agreement with the City of San Leandro for Port Surveying Services. (Resolution)
- Recommends approval of an agreement for the Port to provide surveying services along Doolittle Drive with San Leandro reimbursing the Port for the costs.

OPERATIONS

36S Travel Authorization. (Resolution)

Recommends approval for the travel of two Aviation Marketing staff to Europe.

ORDINANCES

Port Ordinance No. 3564 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENTS WITH BAY SHIP & YACHT CO. AND THE CITY OF ALAMEDA REGARDING THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT."

Provides for approving the agreements with Bay Ship & Yacht Co. and the City of Alameda regarding the Oakland Harbor Navigation Improvement Project.

Port Ordinance No. 3566 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH MORTENSON DEVELOPMENT COMPANY, FOR THE PORT OF OAKLAND'S SALE OF PROPERTY LOCATED AT THIRD AND BRUSH STREETS."

Provides for authorizing a Purchase and Sale Agreement with Mortenson Development Company for the Port of Oakland's sale of property located at Third and Brush Streets.

Agenda Sheet

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Mortenson Development Company for the Property Located at Third and Brush Streets

Date: February 1, 2000

Item No. 13

PROGRAM AREA

- Airport Operations
- Commercial Real Estate C. I.
- Maritime Operations
- Overall Operations

SUBMITTED BY: *Bm* Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

DUPLICATE OF PRIOR CALENDAR MEMO

FACTUAL BACKGROUND:

The Port currently owns a 40,000 square foot site bounded by Brush, Castro, Second and Thirds Streets which is used by the Harbor Facilities Group. We have received an offer from Mortenson Development Company to purchase the property. Mortenson has secured an option on the adjoining 20,000 square foot privately owned parcel, and intends to demolish the improvements on both parcels and construct a 120,000 square foot building to house Internet service provider companies.

Mortenson refers to the Port's parcel as "ground zero" for their type of use. As telecom construction experts, they build over \$1 billion in construction projects annually. Their search for an Oakland location targeted the Port's site because of its existing infrastructure: accessibility to multiple fiber optic carriers in the street, the proximity of PG&E Substation C which provides electrical redundancy, and the short distance to the Pac Bell Tandem Switch.

Mortenson has noted that the transformation of the South of Market area in San Francisco, now known as Media Gulch, was fueled to a great degree by a similar facility located at 274 Brannan Street. They believe that the ability to rapidly access the necessary infrastructure to be located in their building will attract and retain a diverse grouping of business to the surrounding area.

The Port's Facilities Group is currently operating out of the FISC property, and a study is underway to determine requirements for a permanent facility. It is highly unlikely that the operation will move back to this area, since the property values dictate a higher and better use. It may be possible to locate Port property in the Harbor area suitable for the relocation.

The facility, which will run a 24-hour operation, will include approximately 90 employees.

ECONOMIC TERMS:

Price: \$80.00/square foot
\$3,200,000

Closing, Contingency Period: The closing of this transaction is contingent upon Buyer completing all due diligence Buyer deems necessary and obtaining all approvals Buyer deems necessary to construct the proposed Telecommunications Access Center. Buyer will have 9 months from the execution of the Purchase Agreement to complete the due diligence, and will be provided reasonable access to the property during this period. This transaction is to close within 30 days following Buyer's contingency period.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN	DATE

SECRETARY OF THE BOARD

Sellers Obligations:

- Provide, within 14 days of execution of purchase agreement, current title report.
- Reimburse Buyer up to \$9,800 for "Phase One" and "Phase Two" environmental reports certified to Buyer verifying environmental condition of site acceptable to Buyer.
- Pay at closing 50% of any transfer taxes due.

Buyer Obligation:

- Pay market rate real estate brokerage commission due CB Commercial Real Estate Group Inc.

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15061(b)(3) (General Rule Exclusion.) The General Rule Exclusion applies to those activities where it can be seen with certainty that there is no possibility for the activity in question to have a significant effect on the environment. The General Rule Exclusion does not apply to the final sale of the property or to construction and operation of the telecom building. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture). The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

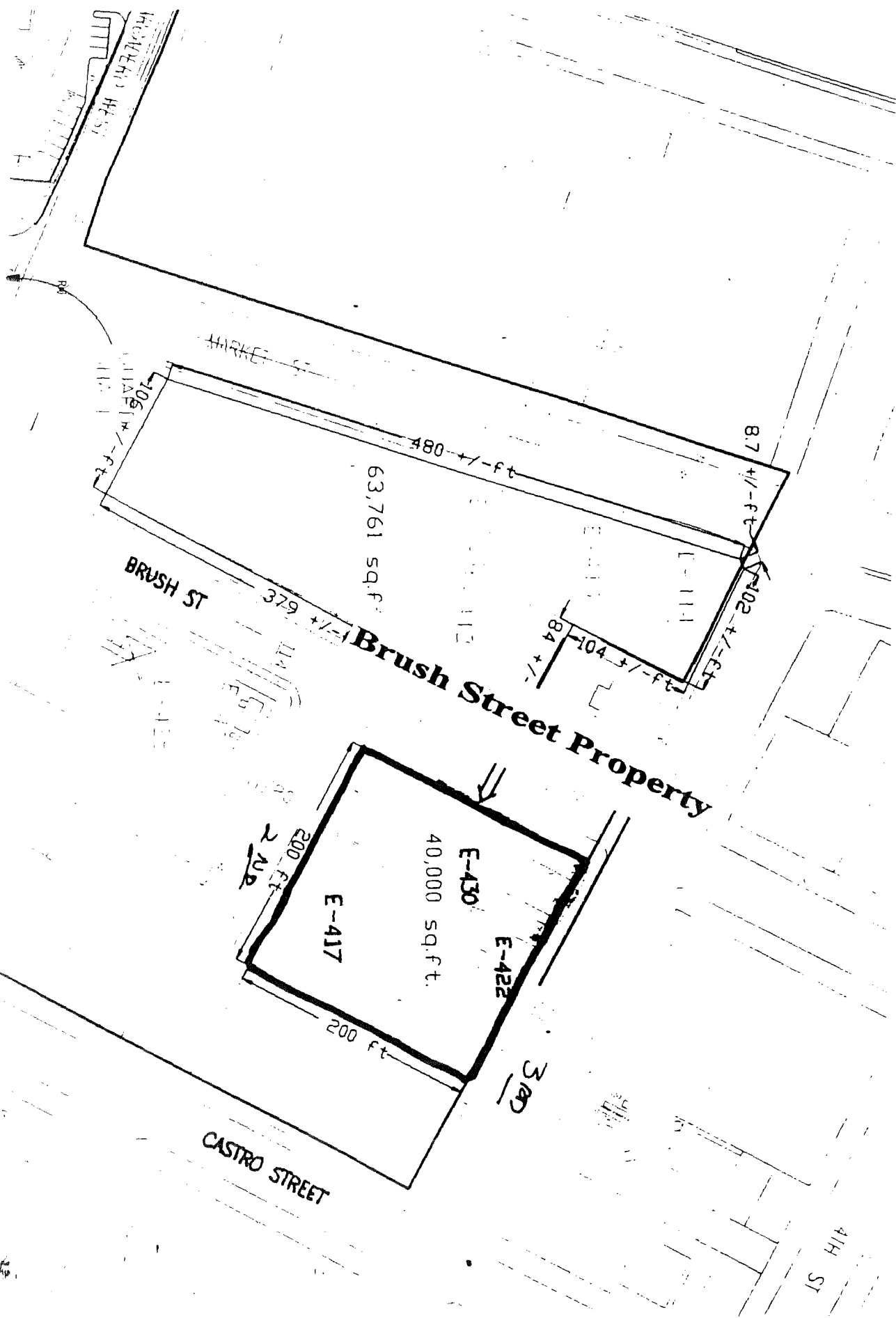
This matter has been discussed at a number of Commercial Real Estate Committee meetings.

OPTIONS:

1. Do not sell.
2. Put the parcel on the open market.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Mortenson Development Company for the purchase of the Brush Street parcel in the amount of \$3,200,000.




Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Request for an Extension of Deadline by which to Submit
To the FAA an Application for the Use of PFC Revenue

Date: February 22, 2000

Item No. 6S

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION 

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

Air carriers serving Oakland International Airport began collection of a \$3 PFC on September 1, 1992 as authorized by the Federal Aviation Administration. Since that time, the FAA has approved nine applications and authorized the collection of approximately \$98 million in PFC revenues to fund capital projects at the airport.

Application number seven contained an authorization for the collection of \$30 million to fund a project known as "Construct Remote Overnight Parking Apron". The authorization was for imposition only, with a requirement for the Port to file an application to obtain authorization for the use of the revenue when appropriate environmental certifications were received.

ANALYSIS:

Federal Aviation Regulations require the submission of an application to use PFC revenue no later than July 2000 (three years after the subject projects charge effective date) or its authority to impose a PFC will automatically expire. The FAA must publish a Record of Decision on an Environmental Impact Statement (EIS) prior to the Port's being able to submit the Use Application. As the FAA has yet to publish the Record of Decision and there is no definite schedule of such, it is necessary for the Port to seek an extension. The Port will seek an extension of the maximum allowable time (2 years) in which to submit the application for the use of PFC revenue.

OPTIONS:

1. File the request for extension. This option allows the funds to be used as stated in the application and as agreed to with the air carriers. It allows the Port to continue with the collection and imposition of the PFC program which provides economic benefit to the airport, its users and tenants.
2. Do not request an extension. It is possible, but highly unlikely that the environmental certification will be published prior to the use application deadline. If an application is not filed, then the Port's authority to impose the PFC will expire. The Port could file a Use application if the FAA published the Record of Decision by July 2000.

RECOMMENDATION:

It is recommended that the Executive Director be authorized to submit to the FAA a request for an extension of time in which to submit a Use Application for funds contained in PFC 7.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 2007B

FEB 22 2000

BOARD ACTION TAKEN

DATE



Assistant

SECRETARY OF THE BOARD



Agenda Sheet

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Rolls-Royce Engine Services-Oakland (7389 Cessna Street, North Airport)

Date: February 22, 2000
Item No. 75

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Rolls-Royce Engine Services-Oakland ("Rolls-Royce") is currently under a 45-day Right-of-Entry and Indemnity Agreement ("Right-of-Entry") which provides for occupancy of approximately 8,000sf of office and shop space in Building L-819 on the North Airport for the purpose of storage of engines and engine parts. The Right-of-Entry was effective January 7, 2000; rent is \$2,844.24 per month.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend Rolls-Royce's occupancy of the same premises (commencing February 21, 2000 and ending June 20, 2000). Monthly rent would remain the same. This additional time is requested in order to allow adequate time in which to negotiate and prepare a multi-year lease.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend Right-of-Entry and Indemnity Agreement with Rolls-Royce Engine Services-Oakland.

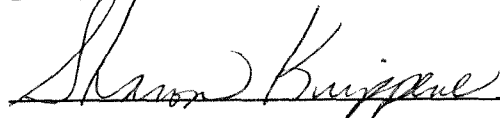
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BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20074 FEB 22 2000

BOARD ACTION TAKEN DATE

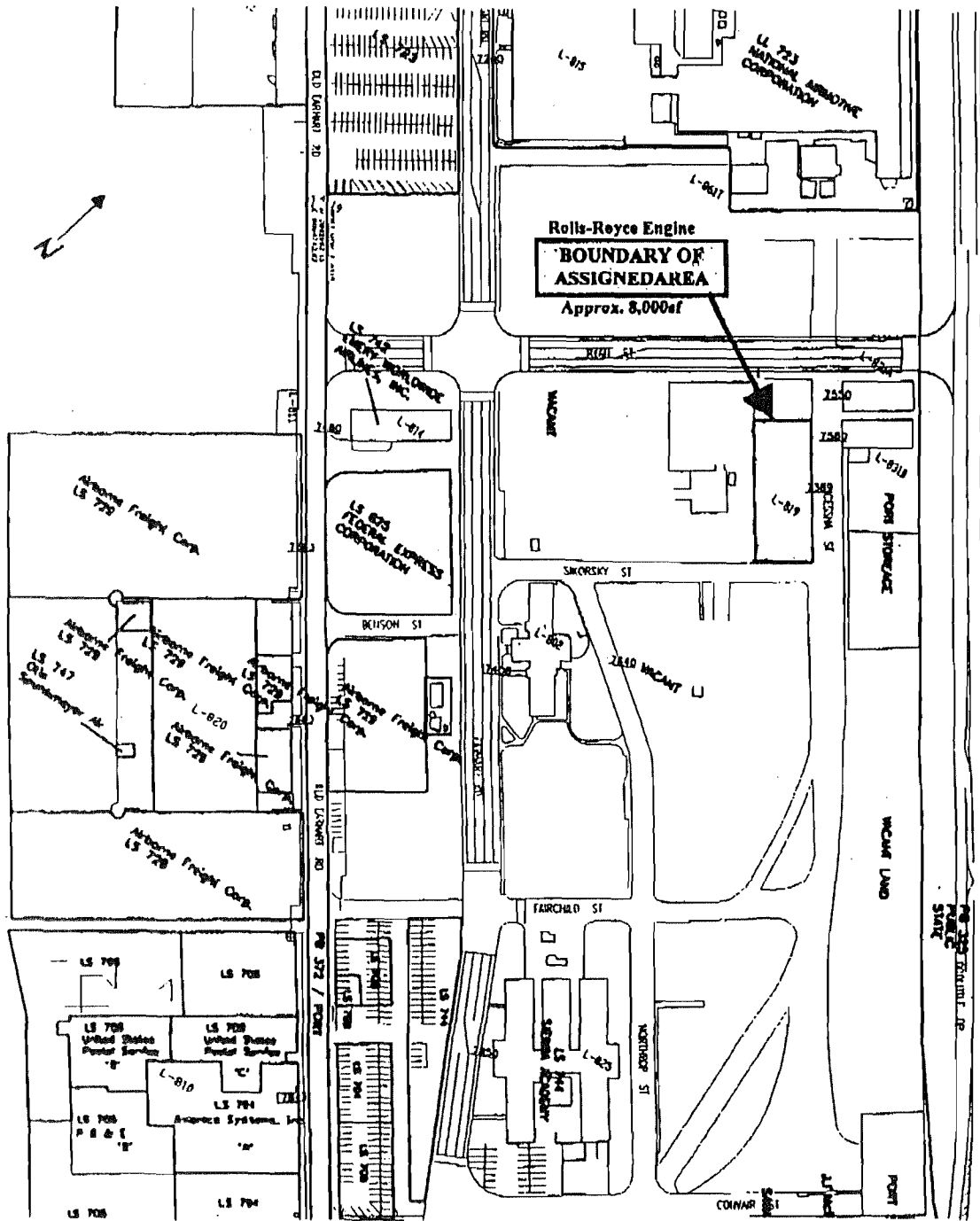


Assistant SECRETARY OF THE BOARD

Board of Port Commissioners

Calendar Item

Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Rolls-Royce Engine Services-Oakland (7389 Cessna, North Airport)



Airport Properties



Oakland International Airport North Airport

Map Not to Scale

Agenda Sheet


SUBJECT: Approval of License and Concession Agreement with Today's Aircraft Maintenance Corporation (7683 Earhart Road, North Airport)

Date: February 22, 2000

Item No. 8S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

Today's Aircraft Maintenance Corporation ("Today's Aircraft") is currently under a 45-day Right-of-Entry and Indemnity Agreement ("Right-of-Entry") granting occupancy of approximately 231sf of office space in Hangar 9, (Building L-820) on the North Airport. Today's Aircraft will use the premises to support its aircraft maintenance operations on the North Airport. The Right-of-Entry commenced December 1, 1999; rent is \$250.00 per month plus 10% of Gross Revenues.

ANALYSIS:

The proposed License and Concession Agreement ("Agreement") would extend occupancy of the same premises through November 30, 2000. Monthly rent and use would remain the same.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with Today's Aircraft Maintenance Corporation.

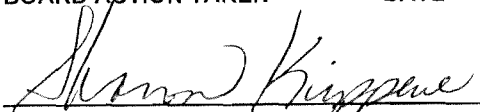
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BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution 20075 FEB 22 2000
No. _____

BOARD ACTION TAKEN DATE


Assistant SECRETARY OF THE BOARD

Calendar Item

Approval of License and Concession Agreement
With Today's Aircraft Maintenance Corporation
(7683 Earhart Road, North Airport)

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT

LS 742
Emery Worldwide
Airlines, Inc.

EARHART ROAD

L-814

LS 825
Federal Express
Corp.

BENSON ST

LS 729
Airborne
Freight Corp.

OLD EARHART ROAD

L-811

LS 729

LS 729

L-820

Airborne
Freight Corp.

LS 729

Sentimental
Journeys

Kitty Hawk
Aircargo, Inc.

TODAY'S AIRCRAFT
BOUNDARY OF
ASSIGNED AREA
Approx. 231sf



Airport Properties

Port of Oakland

Oakland
International Airport
North Airport

Map Not to Scale

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with The Hertz Corporation (Vicinity of 1020 Wright Street, North Airport)

Date: February 22, 2000

Item No. 9S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *SJG*

EXECUTIVE OFFICE RECOMMENDATION *SJG*

FACTUAL BACKGROUND:

The Hertz Corporation ("Hertz") is currently under a 45-day Right-of-Entry and Indemnity Agreement ("Right-of-Entry") which provides for occupancy of approximately 26,250sf of unimproved land in the vicinity of Building L-719 on the North Airport. The premises are used for the storage of rental cars. The Right-of-Entry commenced November 8, 1999; rent is \$2,111.58 per month.

ANALYSIS:

The proposed License and Concession Agreement ("Agreement") would extend Hertz' occupancy of the same premises through October 31, 2000. Monthly rent and use would remain the same. Hertz previously occupied these premises for the period May 28, 1991 through May 7, 1999. They are returning to this location in order to minimize trip time and provide better customer service.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with The Hertz Corporation.

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BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution FEB 22 2000
No. 20076

BOARD ACTION TAKEN DATE

Sharon Kruppner

Assistant SECRETARY OF THE BOARD

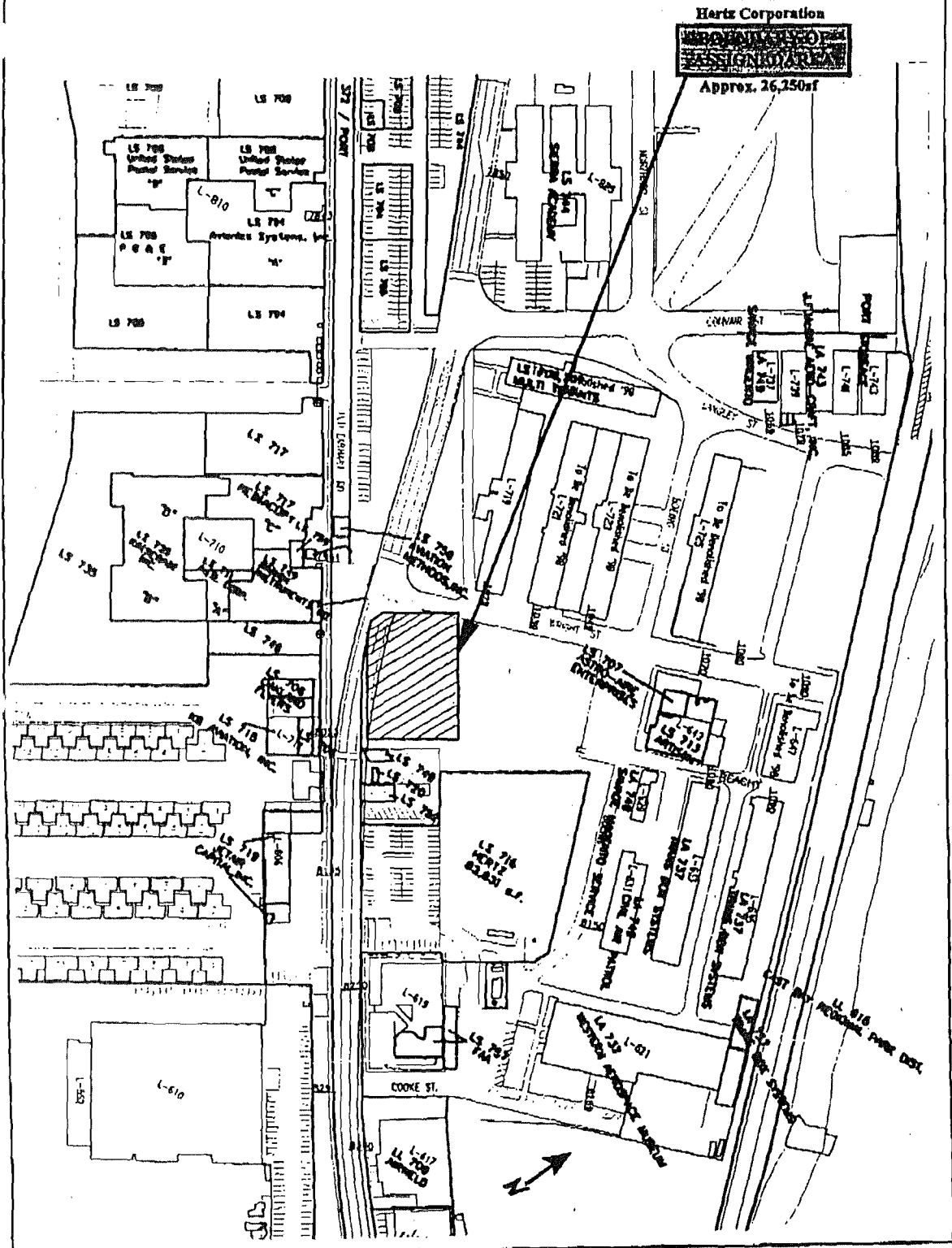
Board of Port Commissioners

Calendar Item

Approval of License and Concession Agreement

With The Hertz Corporation

(Vicinity of 1020 Wright Way, North Airport)



Airport Properties



Oakland International Airport
North Airport

Map Not to Scale

Agenda Sheet

T.D.
SUBJECT: Certify and Make Findings on Initial Study/
Mitigated Negative Declaration and Approve
Plans and Specifications for Reconstruction
of Apron Southeast of Building L-820, North
Field, OIA

Date: February 22, 2000

Item No. 105

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*
EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Plans and Specifications have been prepared for RECONSTRUCTION OF APRON SOUTHEAST OF BUILDING L-820, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, and are submitted for approval and authorization to advertise for bids.

The scope of work consists of two parts. Part one consists of reconstructing approximately 11,750 square yards of concrete apron and constructing approximately 10,000 square yards of asphalt concrete overlay; installing a 10-inch fire water line, storm drainage system, and ground rods; modifying existing utilities; pavement striping and markings. Part two consists of installing a 12-inch sanitary sewer line, four 4-inch control cable conduits, four 4-inch telecommunication cable conduits, and five 6-inch power conduits. Part two utilities are a part of utility upgrades and are being constructed at this time because they are located within the project site.

Part one work is budgeted under CIP A1.00626.02 and funded by the FAA under Airport Improvement Program (AIP) No. 3-06-0170-21 and PFC's. Part two work is budgeted under CIP A1.00485.01 and funded by port cash.

The FAA has approved the plans and specifications for the project.

The project is subject to an Initial Study under the California Environmental Quality Act (CEQA) and the Port's CEQA Guidelines. The project is a reconstruction project with independent utility. The project is separate from and independent of the Airport Development Program. The Port's Environmental Planning Department recommends approval of a Mitigated Negative Declaration.

The Initial Study was circulated to the public. Proposed mitigation measures include: 1) A Health and Safety Plan and the transport and disposal of hazardous materials to comply with regulations; 2) Implementing Best Management Practices to reduce air quality impacts during construction including sweeping dirt from airport streets; 3) Use of a Flag Person to facilitate traffic along the proposed truck route at the airport; and, 4) Use of phased construction to reduce impacts on operations and tenants. The Airport will keep tenants informed about the work plans and schedule.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution	FEB 22 2000
No. <u>20077</u>	
BOARD ACTION TAKEN	DATE

[Signature]
Assistant SECRETARY OF THE BOARD

Certify and Make Findings on Initial Study/
Mitigated Negative Declaration and Approve
Plans and Specifications for Reconstruction
of Apron Southeast of Building L-820, North
Field, OIA

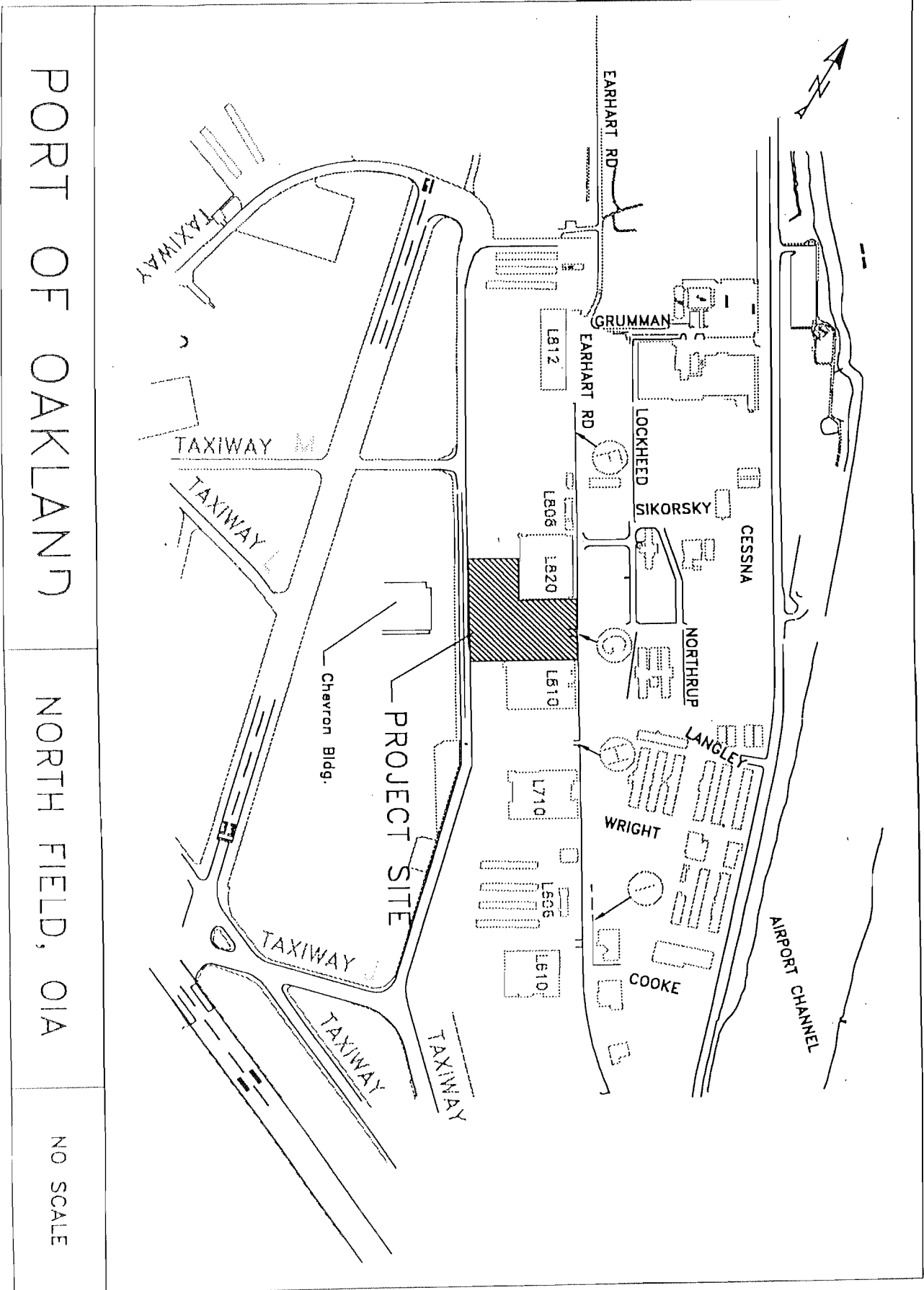
February 22, 2000
Page 2

The Port received a comment letter from a tenant, Chevron Corporation, concerning potential construction activity impacts such as; public utility interruption, security obligations, construction updates and consultations, alternate access to facilities during construction, and blockage of access routes to the Chevron facility due to placement of construction equipment. The Port met with the Chevron Corporation and then responded by letter. The Port's letter restated that mitigation measures proposed in the initial study would reduce impacts to a less than significant level. Construction bulletins will be provided and Chevron will be notified regarding consultations that may take place during construction and prior to commencement of any activity which will directly impact the Chevron facility and its related aircraft operations. Project plans and specifications typically provide measures to minimize disruption due to construction activities. For this project, such measures will cover: security facilities and obligations, public utilities, gate access, and airplane and vehicular access to the leased premises. Copies of the Initial Study, the Chevron letter and Port response are provided to the Board under separate cover.

RECOMMENDATION:

It is recommended that the Board adopt a resolution with the following findings and determination that: 1) It has considered the Initial Study and Mitigated Negative Declaration and the comments received during the public review process; 2) It adopts the mitigation measures as identified above, and further defined in the Initial Study, as conditions of project approval in order to avoid significant effects on the environment; 3) On the basis of the Initial Study, and the comment received and response to the comment, there is no substantial evidence that the project will have a significant effect on the environment; 4) The Board adopts and approves the Mitigated Negative Declaration; 5) The Mitigated Negative Declaration reflects the independent judgment of the Board.

It is also recommended that the Board approve the plans and specifications and provide authorization to advertise for bids to be received on March 29, 2000.



PORT OF OAKLAND

NORTH FIELD, OIA

NO SCALE

Agenda Sheet

TD
SUBJECT: Approval to Execute a Reimbursable Agreement with the City of San Leandro for Port Surveying Services

Date: February 22, 2000

Item No. 11S

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

In April 1998, the Board of Port Commissioners adopted a resolution authorizing the execution of a Memorandum of Understanding among the Port, the City of San Leandro, the City of Oakland, and the Alameda County Transportation Authority (ACTA), to undertake the Airport Gateway Design Project. The Oakland/San Leandro Ad-Hoc Liaison Subcommittee, comprising the Mayors of Oakland and San Leandro, two council members of each City, and one Port Commissioner, approved the Design Concept and directed staff to pursue implementation and funding.

The final version of the Airport Gateway Area Urban Design Concept was completed in February 1999. The design and construction of the 98th Avenue Gateway improvements are currently underway. The Hegenberger Gateway design has started with the City of Oakland and the Port closely collaborating on the design. The City of San Leandro is expected to begin the design for the Doolittle Drive area within their jurisdiction shortly. The City of San Leandro desires the Port's surveying services along Doolittle Drive from the Oakland/San Leandro City boundary to Davis Street in San Leandro.

ANALYSIS:

The City of San Leandro has requested that the Port perform the surveying along Doolittle Drive, based upon the Port Surveyor's familiarity with the area and the competitive cost for performing the services. In addition, any future survey work desired by the City of San Leandro could readily be performed by the Port. The estimated cost to provide the surveying services is approximately \$20,000. The agreement will allow an increase of 25 percent to this amount for increases in the scope of work without further City of San Leandro Council's approval. The City of San Leandro desires to reimburse the Port for the costs incurred.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to enter into an agreement with the City of San Leandro to recover the costs expended in providing the surveying services described above.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

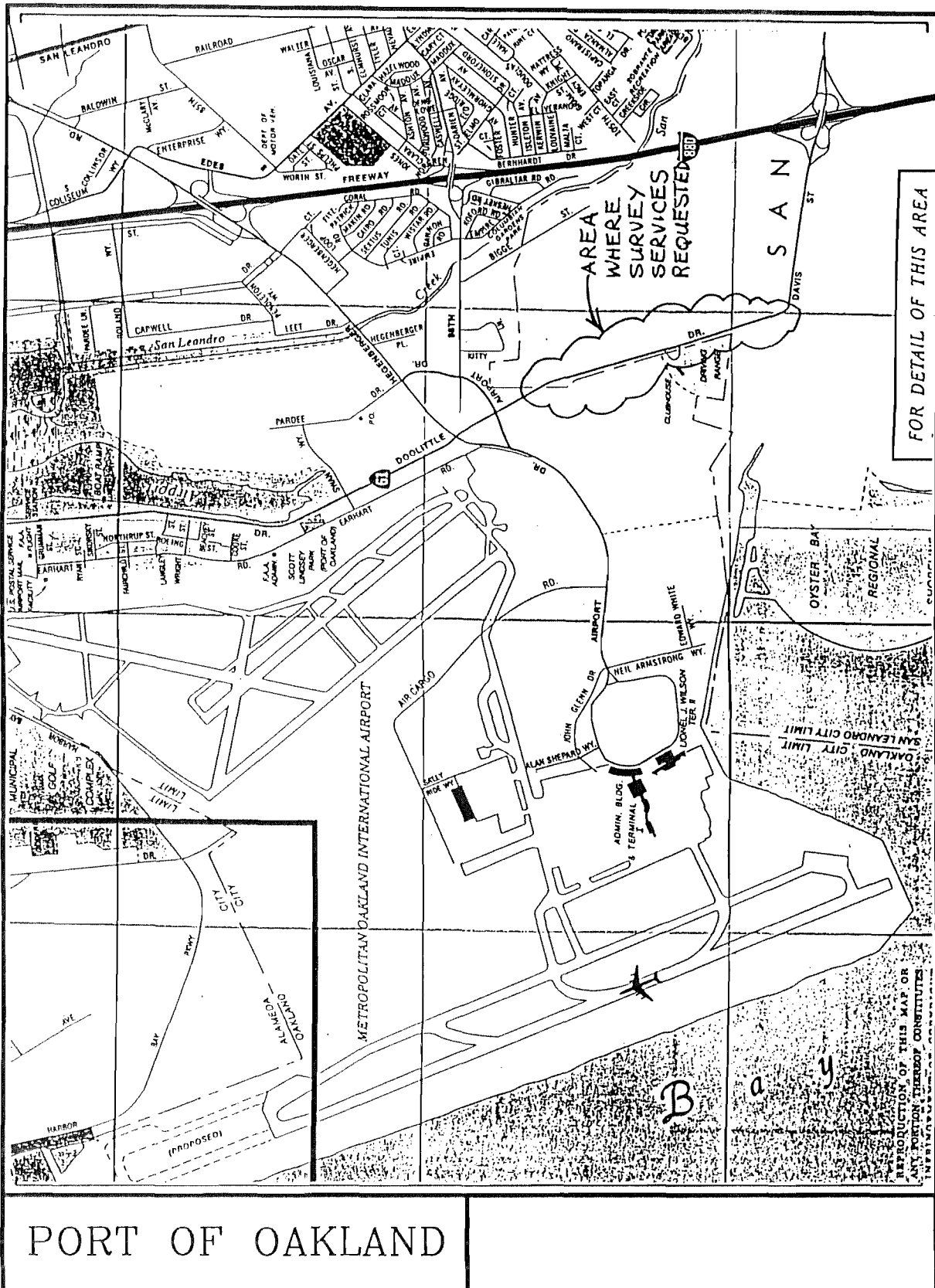
No. 20078

FEB 22 2000

BOARD ACTION TAKEN

DATE

[Signature]
Assistant SECRETARY OF THE BOARD



FOR DETAIL OF THIS AREA

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PORT OF OAKLAND

Agenda Sheet

SUBJECT: Travel Authorization

Date: March 22, 2000

Item No. 385

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *CCM*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

As provided for in the Port's Administrative Manual, it is recommended that the Board approve the travel of George Turner, Manager, Aviation Marketing and Communications to Berlin, Germany and other European Cities, on or about the period of March 6 – 18, 2000, to attend the International Tourism Board Conference, and to meet with key European passenger carriers to discuss the possibility of future service to OAK.

Further travel of Karen Stevenson Commercial Representative III, Aviation Marketing, Berlin, Germany, on or about the period of March 10 – 17, 2000, to attend the International Tourism Board Conference, OAK will be a participant with the State of California delegation.

RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution **FEB 22 2000**
 No. 20086

BOARD ACTION TAKEN DATE

[Signature]

Assistant SECRETARY OF THE BOARD

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607
TELEPHONE (510) 272-1100

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Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R
Regular Meeting of the Board of Port Commissioners
Tuesday, March 7, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh

READING OF THE MINUTES:

Regular meeting of November 2, 1999; special
meeting of November 9, 1999; regular meeting of
November 16, 1999; and regular meeting of December
7, 1999.

Deferred - January 4, 2000; January 18, 2000;
February 1, 2000; and February 22, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Aviation

Budget and Finance

Commercial Real Estate

Maritime

Regular Meeting
March 7, 2000

READING OF SUMMARY ITEMS: (Marked "S")

14 items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 First Reading of Ordinance Approving License and Concession Agreement with Laptop Lane Limited for the Provision of Passenger Business Services at the Oakland International Airport (#1 Airport Drive, South Airport). (Ordinance)
- 2 Approval to Make Certain Payments Under the Lease and to Purchase Goods and Services Required to Establish the Management Offices for the Airport Terminal Expansion Program. (Resolution)
- 3 Approval to Execute a Memorandum of Understanding with the City of Oakland for Reimbursement of 98th Avenue Gateway Improvements. (Resolution)
- 4S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Kitty Hawk Aircargo, Inc. (7683 Earhart Road, North Airport). (Resolution)
- 5S Approval of Agreement to Extend and Modify Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc. (vicinity of Langley, Wright and Beachy Streets, North Airport). (Resolution)
- 6S Proposed 2000 Airline Landing Fees and Tenant Terminal Space Rentals. (Ordinance)

Regular Meeting
March 7, 2000

- 7S Ratify Addendum and Award of Contract for Removal of Rubber Deposits and Runways for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, OIA. (Resolution)
- 8S Ratify Addendum and Award of Contact for Runway Painting for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 11 Approval of Consultant Agreement for Engineering Design Services for the Construction of Two Additional Floors on the Washington Street Garage, Jack London Square. (Resolution)
- 12S Approval of Professional Services Contract with Bedrock Media, Inc., a California Corporation. (Resolution)
- 13S Revision of Loan Document for Loan with the Department of Boating and Waterways for Jack London Square Marina Project. (Resolution)
- 14S Approval of a Final Map for Condominiums at Phoenix Lofts Horizons Property (Owner), 727 - 2nd Street. (Resolution)

MARITIME

- 21 Request Lease Agreement with Level 3 Communications, Inc. for Premises Located on a Portion of 7th Street Extending to the Port's Jurisdictional Line in the Bay, and Extension of Right of Entry and Indemnity Agreement and a Building Permit. (Resolutions & Ordinance)
- 22 Approval of Supplemental Agreements for Laboratory Services with Curtis & Tompkins, Ltd. and Sequoia Analytical Laboratory, Inc. for Soil Testing at Berths 55/56. (Resolutions)

Regular Meeting
March 7, 2000

- 23 Authorizing to Enter into Agreement with the East Bay Municipal Utility District and the City of Alameda for Construction of the Proposed Relocation of the Navy's Sewer Main that Services the Former Alameda Naval Air Station and to Enter into a Section 204(e) Agreement with U.S. Corps of Engineers. (Resolution)
- 24S Approval of Specifications for Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing May 1, 2000 and Ending April 30, 2001, 2002 or 2003. (Resolution)
- 25S This item not used.
- 26S First Reading of an Ordinance Granting Pacific Gas and Electric (PG&E) Two (2) Relocated Easements and One (1) New Easement for Utility Lines Along Middle Harbor Road, Realigned 7th Street and New Road. (Ordinance)

OPERATIONS

- 31 Personnel Items: Title Change; and Amendment of Appointment Salary. (Resolution & Ordinance)
- 32 Approval of Issuance of Port of Oakland Revenue Bonds, Series 2000 K and L and Certain Related Actions. (Resolution - requires 5 affirmative votes.)
- 33 Approval of Agreement with the Gualco Group to Provide State Legislative Advocacy Services. (Resolution)
- 34 Amendments to the Non-Discrimination and Small Local Business Utilization Policy. (Resolution)
- 35 This item not used.
- 36S Approval to Exercise Renewal Option to Franklin Covey Contract. (Resolution)
- 37S Contract with U.C. Berkeley Extension to Deliver Port-wide Training. (Resolution)

Regular Meeting
March 7, 2000

38S This item not used.

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

BUILDING PERMIT APPLICATION: (S)

Federal Express, installation of two leased modular buildings and one modular double wide trailer at the FedEx Heavyweight Area.

Maersk SeaLand, installation of two new directional signs to indicate the location of the berths operated by Maersk Sealand.

Vote on the following resolutions:

Ayes: Commissioners Harris, Kiang, Kramer, Neal, Taylor, Uribe and President Loh - 7

Noes: None

Absent: None

RESOLUTIONS:

- 20096 1 APPROVING CERTAIN PAYMENTS UNDER THE LEASE OF 80 SWAN WAY, OAKLAND, CALIFORNIA; AND FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR THE PURCHASE OF OFFICE FURNITURE AND OFFICE PARTITIONS; AND PURCHASE, INSTALLATION AND MAINTENANCE OF A TELEPHONE SYSTEM FOR THE MANAGEMENT OFFICES FOR THE AIRPORT TERMINAL EXPANSION PROGRAM WITHOUT COMPETITIVE BIDDING FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport - 2)
- 20097 2 APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF OAKLAND FOR REIMBURSEMENT OF 98TH AVENUE GATEWAY IMPROVEMENTS. (Airport - 3)
- 20098 3 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH KITTY HAWK AIRCARGO, INC. (Airport - 4S)

Regular Meeting
March 7, 2000

- 20099 4 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH DOLLAR RENT A CAR SYSTEMS, INC. (Airport - 5S)
- 20100 5 RATIFYING AND APPROVING ADDENDUM TO PLANS AND SPECIFICATIONS FOR RUNWAY PAINTING FOR THE PERIOD COMMENCING MARCH 1, 2000 AND ENDING FEBRUARY 28, 2001, 2002 OR 2003, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND AWARING CONTRACT TO AIRPORT PAVEMENT MARKINGS, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Airport - 8S)
- 20101 6 RATIFYING AND APPROVING ADDENDUM TO PLANS AND SPECIFICATIONS FOR REMOVAL OF RUBBER DEPOSITS FROM RUNWAYS FOR THE PERIOD COMMENCING MARCH 1, 2000 AND ENDING FEBRUARY 28, 2001, 2002 OR 2003, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND AWARING CONTRACT TO CYCLONE SURFACE CLEANING, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Airport - 9S)
- 20102 7 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH INTERNATIONAL PARKING DESIGN, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Commercial Real Estate - 11)
- 20103 8 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH BEDROCK MEDIA, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Commercial Real Estate - 12S)
- 20104 9 APPROVING AND AUTHORIZING AN AMENDMENT TO THE LOAN DOCUMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS FOR JACK LONDON SQUARE MARINA PROJECT. (Commercial Real Estate - 13S)

Regular Meeting
March 7, 2000

- 20105 10 APPROVING FINAL MAP FOR CONDOMINIUMS AT PHOENIX LOFTS HORIZONS PROPERTY.
(Commercial Real Estate - 14S)
- 20106 11 APPROVING AND AUTHORIZING EXTENSION OF A RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH LEVEL 3 COMMUNICATIONS, INC. FOR THE 7TH STREET REALIGNMENT PROJECT, OAKLAND, CALIFORNIA.
(Maritime - 21)
- 20107 12 GRANTING LEVEL 3 COMMUNICATIONS, INC., PERMISSION TO PERFORM CERTAIN WORK. (Maritime - 21)
- 20108 13 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH CURTIS & TOMPKINS, 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. (Maritime - 22)
- 20109 14 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH SEQUOIA ANALYTICAL LABORATORY FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Maritime - 22)
- 20110 15 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT AND THE CITY OF ALAMEDA FOR CONSTRUCTION OF THE PROPOSED RELOCATION OF THE NAVY'S SEWER MAIN THAT SERVES THE FORMER ALAMEDA NAVAL AIR STATION AND TO ENTER INTO A SECTION 204(e) AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS. (Maritime - 23)
- 20111 16 APPROVING PLANS AND SPECIFICATIONS FOR FURNISHING PILE DRIVER CREW FOR REPAIRS TO PORT OF OAKLAND DOCKS AND WATERFRONT FACILITIES FOR THE PERIOD COMMENCING MAY 1, 2000, AND ENDING APRIL 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Maritime - 24S)
- 20112 17 AMENDING PORT RESOLUTION NO. 99358 CONCERNING CERTAIN APPOINTMENTS. (Operations - 31)

Regular Meeting
March 7, 2000

- 20113 18 AUTHORIZING THE ISSUANCE OF PORT OF OAKLAND, CALIFORNIA REVENUE BONDS, 2000 SERIES K (AMT) AND 2000 SERIES L (NON-AMT) IN THE COMBINED AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$400,000,000; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS. (Operations - 32)
- 20114 19 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GUALCO 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. (Operations - 33)
- 20115 20 APPROVING AMENDMENTS TO POLICY ON NON-DISCRIMINATION AND SMALL LOCAL BUSINESS UTILIZATION IN PORT PROFESSIONAL SERVICE CONSULT CONTRACTS AND CONSTRUCTION CONTRACTS. (Operations - 34)
- 20116 21 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH FRANKLIN COVEY CLIENT SALES, 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. (Operations - 36S)
- 20117 22 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Operations - 37S)
- 20118 23 GRANTING FEDERAL EXPRESS CORPORATION, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20119 24 GRANTING MAERSK SEALAND PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20120 25 AUTHORIZING PAYMENT OF CERTAIN AMOUNTS TO FEMA AND OES. (Closed Session - 40)

Regular Meeting
March 7, 2000

Vote on the following ordinances:

Ayes: Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh - 7
Noes: None
Absent: None

ORDINANCES :

1 Port Ordinance No. 3567 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING AN ADDITIONAL POSITION OF AIRPORT SECURITY/ID SPECIALIST."

Final.

2 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH LAPTOP LANE LIMITED, AND DIRECTING RECORDATION THEREOF."

Airport - 1 to print.

3 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING PORT ORDINANCE 1149 RELATING TO LANDING AND TENANT TERMINAL SPACE RENTAL FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Airport - 6S to print.

4 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH LEVEL 3 COMMUNICATIONS, LLC."

Maritime - 21 to print.

5 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC (PG&E) FOR UTILITY LINES ALONG MIDDLE HARBOR ROAD, REALIGNED 7TH STREET AND NEW ROAD."

Maritime - 26S to print.

Regular Meeting
March 7, 2000

6 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO RETITLE THE POSITION OF PORT INTERNAL AUDITOR TO PORT AUDITOR."

Operations - 31 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: IN HONOR OF AND OUT OF RESPECT TO THE MEMORY OF THE LATE EMMETT KILPATRICK (1963-1969, PORT COMMISSIONER)

The next meeting will be an regular meeting held on Tuesday, March 21, 2000 at 3:00 p.m.

Agenda Sheet



DATE: March 7, 2000

ITEM NO: 1

SUBJECT: First Reading of Ordinance Approving License and Concession Agreement with Laptop Lane Limited for the Provision of Passenger Business Services at the Oakland International Airport (#1 Airport Drive, South Airport)

PROGRAM AREA: =

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

In its ongoing efforts to enhance services for Airport passengers, the Oakland International Airport has identified a need to provide business services to its travelers. These services include photocopying, sending and receiving facsimiles and providing access to the Internet. In December 1999, a RFQ was advertised and distributed to identify a provider for these services.

After review of the responses to the RFQ, staff recommends that Laptop Lane Limited (Laptop Lane) be awarded a License and Concession Agreement (L&C) to provide business services at the Airport.

ANALYSIS:

Market research has shown that between 60-65% of outbound passengers are traveling on business. These business travelers have an average annual income of over \$100,000, and have high expectations of all passenger services provided. In order to meet these expectations, criteria was established for the operation of the business services center, reflecting the high expectations of the business traveler. It was determined that each site should provide at a minimum photocopying, facsimile and personal computer services. It was further determined that the business centers be staffed during hours of operation.

Laptop Lane Limited, based in Bellevue, Washington, currently operates business centers in nine airports in the United States. Laptop Lane has demonstrated a satisfactory credit history and that it has the financial resources to support any financial obligations assumed as well as access to working capital for the operational start-up period. Laptop Lane also has significant operating experience in the airport environment and can provide the high level of service expected by the Oakland business traveler.

Laptop Lane provides individual private "office" areas, containing a computer, a laptop hookup, printer and telephone. Internet connections are made via a T1 line, installed and maintained by Laptop Lane. Each customer is greeted by a "cyber-concierge" who directs the passenger to a workstation and shows how to operate the equipment. In addition, the cyber-concierge will provide color or black and white photocopies, color printing, notary public services, shredding, overnight mail service drop boxes and sale of computer related products, such as laptop computer batteries. Passengers pay for use of the workstation based on the amount of time used.

The proposed L&C will have a term of three years with a 30-day mutual termination provision, commencing on the date that the business centers open for passenger use. Two locations are contemplated, approximately 600 – 900 square feet in Terminal I, near Gate 10 and approximately 600 square feet at the Terminal II end of the connector ramp, just past Gate 20. Laptop Lane will pay rent to the Port equal to 15% of gross sales, with a minimum guaranty of \$500.00 per location per month. It will also contain other standard Port provisions.

Laptop Lane will provide and install its workstations and will pay for the installation of its telephone and telecommunications lines. Electrical service will be provided to the leaseline of the premises by the Port.


This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAR 7 2000

DATE

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

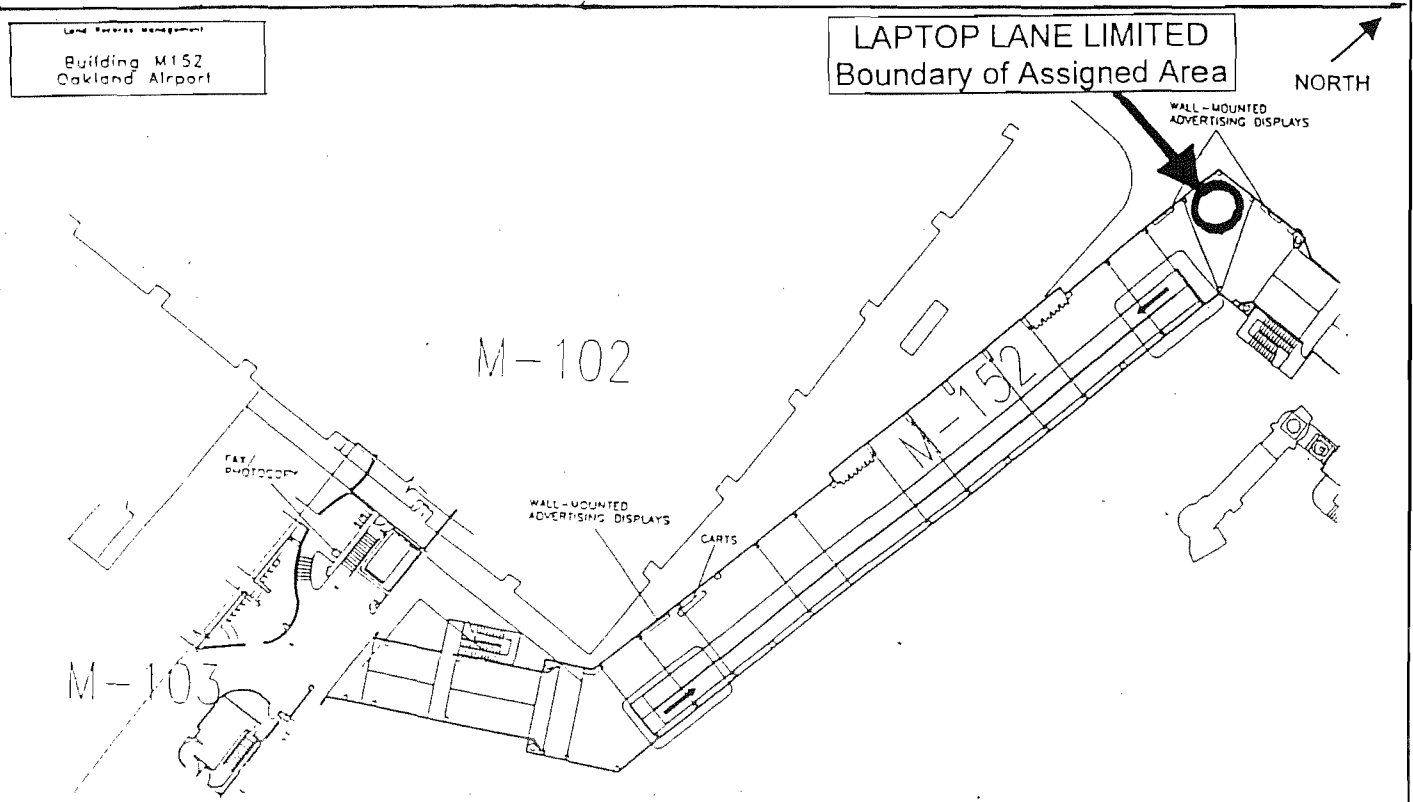
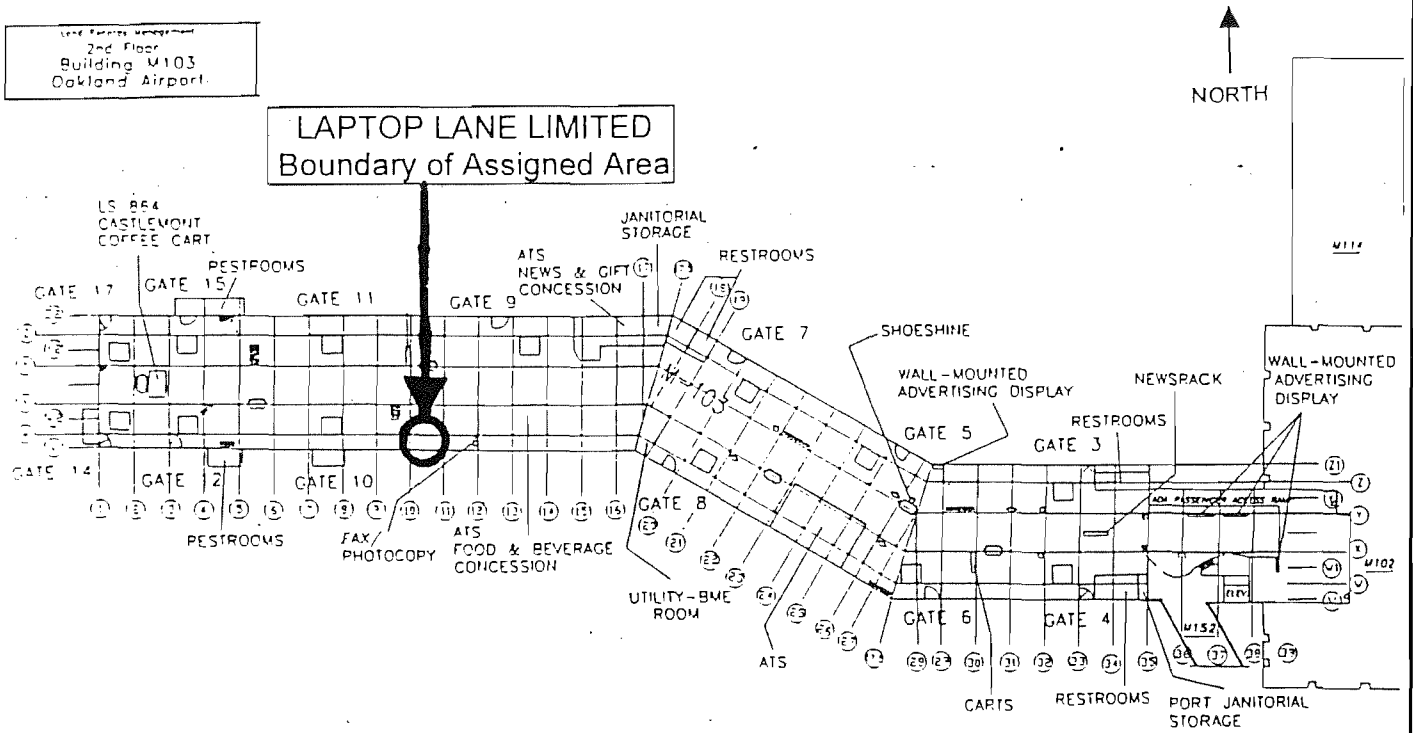
1. Provide an unstaffed self-service business center. While this option has the lowest cost overhead of all alternatives considered, the lack of staffing could result in a significant amount of down time for the business center and high passenger dissatisfaction. If operated by an outside vendor, maintenance personnel would need to be dispatched to the Airport for such menial tasks as clearing a paper jam, or replenishing paper. If operated by the Airport, additional staff would be required.
2. Request that an existing concessionaire offer business services. Existing operators were approached to provide business services. Some operators did preliminary research, but determined that the addition of business services would not benefit their existing operations.
3. Continue to search for an alternate provider for business services. The Laptop Lane proposal demonstrated that it has the most experience and is the most qualified to operate business services at the Airport.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance approving and authorizing execution of the Subject License and Concession Agreement with Laptop Lane Limited as described above.

Board of Port Commissioners
Calendar Item

First Reading of Ordinance Approving License and Concession Agreement with Laptop Lane Limited for the Provision of Passenger Business Services at the Oakland International Airport (#1 Airport Drive, South Airport)



Airport Properties



Oakland
 International Airport
 South Airport

Agenda Sheet

DATE: March 7, 2000

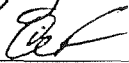
ITEM NO: 2

SUBJECT: Approval to Make Certain Payments Under the Lease and To Purchase Goods and Services Required To Establish the Management Offices For The Airport Terminal Expansion Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND

The Board is asked to approve 1) making certain payments under the lease of 80 Swan Way, 2) the purchase and installation of office furniture and partitions, and 3) the lease or purchase, installation and maintenance of a telephone system, all required to establish the management offices for the Airport Terminal Expansion Program.

The Airport Terminal Expansion (TEEx) program will be growing from 11 to more than 20 staff members by the end of July 2000. The TEEx program allocated funds and a process for establishing the program management offices. The first step was to determine a cost-effective location for the offices. This was done at the January 18, 2000 meeting, when the Board approved the lease of office space at #80 Swan Way to house the TEEx staff for 3 to 6 years. The next step is to authorize certain payments under the lease to refurbish the office space to fit the TEEx management functions, furnish the space with office work surfaces, partitions and desks, a telephone system and computer equipment.

ANALYSIS:

The following table details anticipated expenditures related to establishing the TEEx Program Management offices.

	<i>Initial Near Term</i>	<i>Long Term (3+ years)</i>	<i>Sub-total</i>	<i>Add'l 10% Subject to Ex. Dir. Approval</i>	<i>Total Cost</i>
Rent Under Lease Previously Approved by the Board – Estimated 6-year total			\$704,000	N/A	\$704,000
1) Making payments under the lease for refurbishing costs in excess of Landlord's \$10/sq.ft. allowance	\$40,000	\$25,000	\$65,000	\$6,500	NTE \$71,500
2) Furniture and office partitions	\$200,000	\$200,000	\$400,000	\$40,000	NTE \$440,000
3) Telephone System	\$120,000	see comment below	see comment below	\$12,000	NTE \$132,000
Computer Equipment (for future consideration by the Board)	\$100,000 see comment below	\$200,000 see comment below	\$300,000 see comment below	\$30,000 see comment below	\$330,000
Total					\$1,677,500

The total projected \$1.67 million cost would be within the \$1.774 million allocated in the budget's CIP No. A2.830 (Program Management office space and capital equipment). Procurement would be according to the Port's purchasing policies and procedures.

- 1) Making payments under the lease for refurbishment costs: Modifying the existing floor plan to optimize the available space for the TEEx occupancy has resulted in the tenant improvement costs to exceed the \$10 allowance provided by

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20096

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

MAR 7 2000

DATE

Subject: Approval to Make Certain Payments Under
The Lease and Purchase Goods and Services
Required to Establish the Management Offices for
The Airport Terminal Expansion Program

the landlord. An additional \$6 per square foot (approximately \$40,000) will be needed for the tenant improvements. The lease provides that tenant improvements, in excess of the landlord's allowance, can be paid by the tenant under the lease. Authorization is requested to make such payments under the lease. If not authorized, the Port would have to perform the additional work with its own forces or retain a contractor to perform the work. Coordinating the renovation work between the different parties would result in delaying the TEx move to the leased facilities.

- 2) Office furniture and partitions: The purchase and installation of furniture and office partitions for the TEx management staff at peak staffing is estimated at \$400,000; near term needs are \$200,000. Authorization is requested to purchase and install the furniture and office partitions.
- 3) Telephone System to serve the Program's Near Term Needs: Initial near-term telephone system needs are anticipated to cost \$120,000. Since the telephone technology is evolving and TEx long term telephone system needs are not yet defined, the near term telephone system proposed would serve only TEx Program Management staff with capacity to expand at a later date. [Expansion of the telephone system to accommodate architectural and engineering consultants, construction management firms, and related contractors later in the Program would be evaluated; and if determined to be appropriate, TEx staff will ask the Board to consider expansion of the system at a later date. Authorization is requested for the lease or purchase and installation of a telephone system to accommodate near term needs plus 3-year maintenance agreement.

Computer equipment requirements are currently under development. Authorization for computer equipment lease or purchase, installation and service will be addressed separately at a later date.

Options:

- a) The Port could prepare specifications and issue a formal request for bid for each of the items. This would significantly extend the time and administrative expense in obtaining this equipment and services.
- b) The Port could retain the services of individual consultants to develop the specifications, issue a request for bid and manage the contractor's installation of the improvements, goods and services. This would significantly extend the time and administrative expense, as well as provide less control over the project.
- c) The Port could approve and authorize payment of the additional tenant improvement expenses, waive competitive bidding, authorize purchase and authorize contracts as necessary for the furniture and telephone system.

Recommendation:

It is recommended that the Board:

- 1) Authorize payment of up to \$65,000 for certain tenant improvement under the lease, and authorize the Executive Director to approve up to an additional \$6,500 for changes in scope, for a total amount not to exceed \$71,500.
- 2) Waive competitive bidding, obtain on an informal basis quotes from LIA/LBA vendors, and authorize purchase according to the Port's purchasing policies and authorize contracts as necessary for the purchase and installation of furniture and office partitions up to an amount of \$400,000, and authorize the Executive Director to approve up to an additional \$40,000 for changes in scope, for a total amount not to exceed \$440,000.
- 3) Waive competitive bidding, obtain on an informal basis quotes from LIA/LBA vendors, and authorize purchase according to the Port's purchasing policies and authorize contracts as necessary for the lease or purchase, installation and a 3-year maintenance agreement for a telephone system up to an amount of \$120,000, and authorize the Executive Director to approve an additional \$12,000 for changes in scope, for a total amount not to exceed \$132,000.

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 3

SUBJECT: Approval to Execute a Memorandum of Understanding with the City of Oakland for Reimbursement of 98th Avenue Gateway Improvements

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

In April 1998, the Board of Port Commissioners adopted a resolution authorizing the execution of a Memorandum of Understanding among the Port, the City of San Leandro, the City of Oakland, and the Alameda County Transportation Authority (ACTA), to undertake the Airport Gateway Design Project. The Oakland/San Leandro Ad-Hoc Liaison Subcommittee, comprising the Mayors of Oakland and San Leandro, two council members of each City, and one Port Commissioner, approved the Design Concept and directed staff to pursue implementation and funding. The final version of the Airport Gateway Area Urban Design Concept was completed in February 1999. The design and construction of the 98th Avenue Gateway improvements are currently underway. The Hegenberger Gateway design has started with the City of Oakland and the Port closely collaborating on the design. The City of San Leandro is expected to begin the design for the Doolittle Drive area within their jurisdiction shortly.

The Port of Oakland is currently administering the construction of "Widening of 98th Avenue West of I-880" as part of the Airport Roadway Project (ARP.) The ARP is one of the capital improvement projects approved by Alameda County voters with the passage of Measure B in 1986. The ARP will build an arterial roadway from the I-880/98th Avenue interchange in the City of Oakland to the Oakland International Airport, and then to Bay Farm Island in the City of Alameda. The Port of Oakland is the project sponsor listed in Measure B's 1986 Expenditure Plan.

The City of Oakland has requested that the 98th Avenue Gateway Improvements be designed and constructed concurrently with the Widening of 98th Avenue West of I-880. The ARP will need to be reimbursed for all the additional costs incurred in designing and constructing the aesthetic features for the sidewalks; the light poles and light fixtures; the San Leandro Creek bridge railings and light fixtures; and the proposed median islands for 98th Avenue. It is proposed that a Memorandum of Understanding be the mechanism for the City of Oakland to reimburse the Port for the additional costs incurred in providing the 98th Avenue Gateway improvements as part of the ARP.

ANALYSIS:

The 98th Avenue Gateway improvements can be readily incorporated into the design and construction of the ARP's widening of 98th Avenue West of I-880. It is more practical to design and construct these improvements together than as individual projects, thereby lessening the disruptions to the businesses along 98th Avenue and to the passengers transiting to and from Oakland International Airport.

The Gateway improvements are consistent with the Coliseum Area Redevelopment Plan. The Coliseum Area Redevelopment Plan was adopted by the City Council (Ordinance No. 11824 C.M.S.) and the Redevelopment Agency (Resolution No. 95-54 C.M.S.) on July 25, 1995, for the purpose of relieving blight and blighting influences in the Coliseum area. The City of Oakland has allocated funding for the Gateway improvements under this Plan, and desires to reimburse the Port for the additional costs incurred. The total estimated reimbursable cost is approximately \$1,000,000.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to negotiate and enter into a Memorandum of Understanding with the City of Oakland to recover the costs expended in implementing the 98th Avenue Gateway concept described above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No.

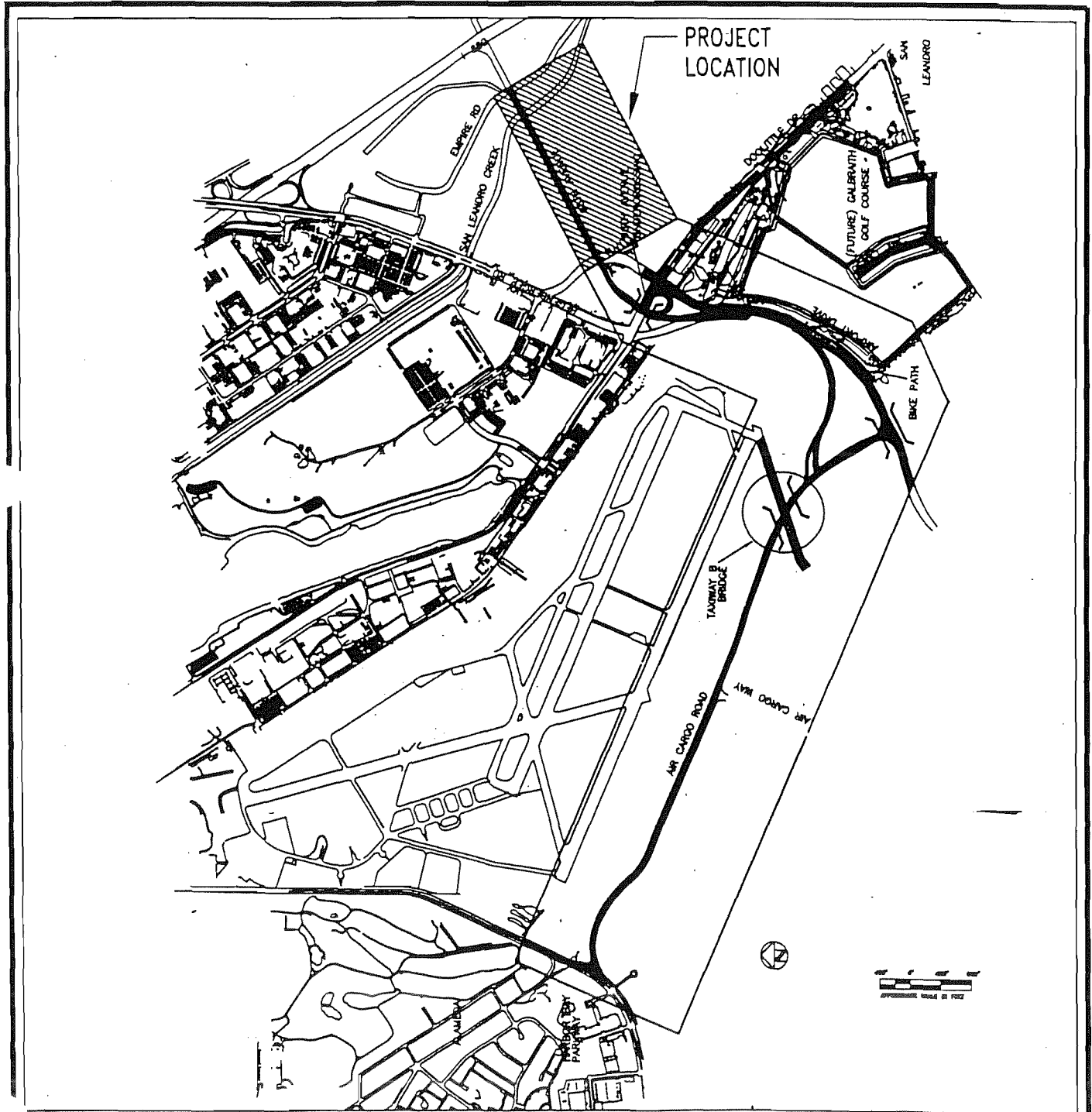
20097
BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAR 7 2000

DATE



PORT OF OAKLAND

AIRPORT ROADWAY
PROJECT

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

JWP
SUBJECT: Approval of Consultant Agreement for Engineering Design Services for the Construction of Two Additional Floors on the Washington Street Garage, Jack London Square

DATE: March 7, 2000

ITEM NO: 11

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: *on*

EXECUTIVE OFFICE RECOMMENDATION: *Def*

FACTUAL BACKGROUND:

At the request of the Commercial Real Estate Division, a study was conducted to determine the feasibility of constructing additional floors on the Washington Street Garage (F-601) to serve as either additional parking supply associated with the development at Jack London Square, or as potential mitigation for parking impacts resulting from such development, including Site "A" and the Broadway/Embarcadero site. The study prepared by Liftech Consultants, Inc. (Liftech) revealed that by using steel in lieu of concrete, the existing foundation and building would support two additional floors with minimal structural modifications.

BASIS OF SELECTION:

In order to provide additional parking in conjunction with the proposed Jack London Cinema expansion, it is imperative that we hire a consultant as soon as possible to begin the design. We have been working with the cinema operator on the revised design of the theater since November. The complexities of the project include coordinating continued operation of the cinema during construction, working on a site that required extensive remediation during the initial construction, and creating a comprehensive traffic and circulation analysis of the proposed addition. It is also critical that we bring a consultant on board as soon as possible to provide input to the Jack London District Transportation Improvement Study. In lieu of our normal selection procedure, Oakland-based International Parking Design, Inc. (IPD) was asked to prepare a proposal, with Liftech as the structural subconsultant.

IPD, an architectural firm specializing in parking facilities design and the consultant for the Port's Underground Garage (F-111), was selected by Port staff to lead the consultant team because they are thoroughly familiar with Jack London Square parking issues. Liftech has first-hand structural knowledge of the existing structure, having performed the structural analysis for the additional floors in the feasibility study and also the seismic studies of the Washington Street Garage in response to the Grand Jury questions in 1991.

The design team will also include Harza Engineering (Harza). Harza performed the original geotechnical study and pile design for the construction of the garage, and also reviewed the pile driving records for the feasibility study.

The Port's Office of Equal Opportunity concurs with the selection.

The following table shows the design team members, their roles, and their approximate shares of the work. Firms in Oakland will be performing approximately 92% of the work.

TEAM MEMBER	ROLE	TARGET % OF WORK*	OEO STATUS**
International Parking Design, Inc.	Prime Firm, Architecture	49.1%	LIA
Liftech Consultants Inc.	Structural Design	29.6%	LIA
<u>Structural Subconsultants</u>			
A. Bello Vennari Engineers		6.3%	LIA/WBE
B. Jordan Woodman Dobson		5.8%	LIA/MBE
WHM, Inc.	Electrical Engineering	3.7%	
Thompson Transportation Engineers, Inc.	Traffic Engineering	2.5%	WBE
Harza Engineering	Geotechnical Engineering	1.5%	LIA
Montgomery & Roberts	Mechanical Engineering	1.1%	
HKA, Inc.	Elevator Design	0.4%	

*The above target percentages are approximate only and may vary depending on the final agreed upon scope of work.

**E= Minority Business Enterprise, WBE= Women Business Enterprise, LIA= Local Impact Area, LBA= Local Business Area

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20102

BOARD ACTION TAKEN

Michael Krupp
Assistant SECRETARY OF THE BOARD

MAR 7 2000

DATE

Staff has developed a scope of work with IPD and has begun negotiating a fee. It is anticipated that the maximum compensation for these services will not exceed \$350,000. It is recommended that the Executive Director be authorized to approve up to an additional \$100,000 for potential changes in scope. It is also recommended that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations.

The work is budgeted under proposed CIP Element No. P1.00600.01. The proposed funding source is Port cash. The EEO-1 Work Force Report/Professional Services Questionnaire form is on file.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the engineering services described above are professional services; and
2. Authorize the preparation and execution of an agreement with International Parking Design, Inc. in accordance with the above provisions.

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 21

SUBJECT: Request Lease Agreement with Level 3 Communications, Inc. for Premises Located on a Portion of 7th Street Extending to the Port's Jurisdictional Line in the Bay, and Extension of Right of Entry and Indemnity Agreement and a Building Permit *See for*

SUBMITTED BY: Raymond A. Boyle

EXECUTIVE OFFICE RECOMMENDATION: *Ad*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

Level 3 Communications, Inc. is building a 15,000-mile underground fiber optic cable network linking customers from end-to-end across the United States. As part of this nationwide system, Level 3 will ultimately construct local city networks in 50 cities combining both local and long distance connections. The entire system will be operational in 2001. Level 3 believes it will have a positive impact on the communities it serves by providing cost-effective communications, new infrastructure, and local jobs. The company will offer a variety of services to enhance the user's internet access, phone calls, faxes, and other telecommunications needs.

Level 3 has targeted proposed routes in California as first priorities in its nationwide system linking major population centers. Level 3 will be laying cable from the Oregon border to San Diego. A portion of Level 3's project traverses Port property, therefore, Level 3 wishes to enter into a long-term agreement with the Port for premises accommodating the installation of from 30 to 70 fiber optic conduits.

There are two phases of construction. Phase One is the portion along 7th Street and Phase Two is the portion from 7th Street to the Port's jurisdictional boundary in the Bay.

The Board, on February 1, 2000 approved a separate building permit for the cable installation along 7th Street. The permit was granted to Gallagher and Burk, Inc., the Port's contractor, to install the cable for Level 3.

ANALYSIS:

Since the Port's 7th Street Realignment Project is underway, Level 3 contracted with the Port's contractor, Gallagher and Burk, Inc., to install Level 3's cable in a joint trench in 7th Street as the first stage of construction. In order to meet the Port's construction schedule, Level 3 acquired a right of entry from the Port. The existing 45-day right of entry expires on April 12, 2000.

Level 3 also wishes to enter into a lease agreement with the Port. Therefore, staff requests the Board to consider the lease terms listed below and to approve execution of an Extension of Right of Entry and Indemnity Agreement to extend the termination date to the earlier of July 1, 2000 or upon execution of a lease agreement.

Negotiations have been finalized for key terms and conditions of the lease agreement with one exception, the alignment. The portion of Level 3's project in 7th Street has been delineated. However, the remainder of the alignment has not been finalized as to location of the transition from 7th Street to the boundary of the Port's jurisdiction in the Bay. Port engineering staff is satisfied that Level 3's project will not interfere with any of the various Maritime construction projects both underway and/or planned.

The key lease terms and conditions are illustrated in the following table:

Approved by Ordinance
passed to print

Approved by Resolution

No. 20106 & 20107

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

Sharon Kuppel

MAR 7 2000

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Subject: Request Lease Agreement with Level 3 Communications, Inc. for Premises Located on a Portion of 7th Street Extending to the Port's Jurisdictional Line in the Bay, and Extension of Right of Entry and Indemnity Agreement and a Building Permit

Page 2 of 3

Term:	20-years
Options:	Two 10-year options
Conduits:	30 – 70
Area:	Approximately 5,083 linear feet land along 7 th Street and from 7 th Street to the water. Approximately 2,000 linear feet below water
Premises:	From 7 th Street to Port's jurisdictional boundary in the Bay (see attached map)
Annual Rent:*	Land based on 10% of tariff land value (\$11.50) or \$1.15 per linear foot, <u>per conduit</u> . Submerged land based on 10% of 50% of tariff land value (\$5.75) or \$0.58 per linear foot <u>per conduit</u> ; based on approximate linear feet and assuming between 30 and 70 conduits the rental range is \$210,164 annual (\$17,514 per month) to \$490,382 annual (\$40,865).
Rental Adjustments:	Every two years based on the change in percentage of the Consumer Price Index but not less than 5%.
Document Preparation Fee:	\$6,000
Insurance:	Endorsement filed with Port Risk Management Department
Relocation:	At Port's discretion and at Level 3's sole responsibility and cost
Contamination:	Level 3's sole responsibility

*Actual rent will be calculated once the alignment is finalized and staff has accurate linear footage and a finite number of conduits.

In addition to generating a new income stream, the installation of fiber optics provides local businesses and the community at large access to better service. Oakland is a key factor in the global linkage planned by Level 3.

Staff believes this is a fair market transaction.

FINANCIAL IMPACT TO THE PORT:

A new annual revenue stream, as reflected in the above table of key terms.

ALTERNATIVES:

None.

The items proposed herein were reviewed pursuant to requirements of the California Environmental Quality Act ("CEQA") and Port CEQA guidelines and was determined to be Categorical Exempt per Section 15301 (p). Pursuant to Section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

Subject: Request Lease Agreement with Level 3 Communications, Inc. for Premises Located on a Portion of 7th Street Extending to the Port's Jurisdictional Line in the Bay, and Extension of Right of Entry and Indemnity Agreement and a Building Permit

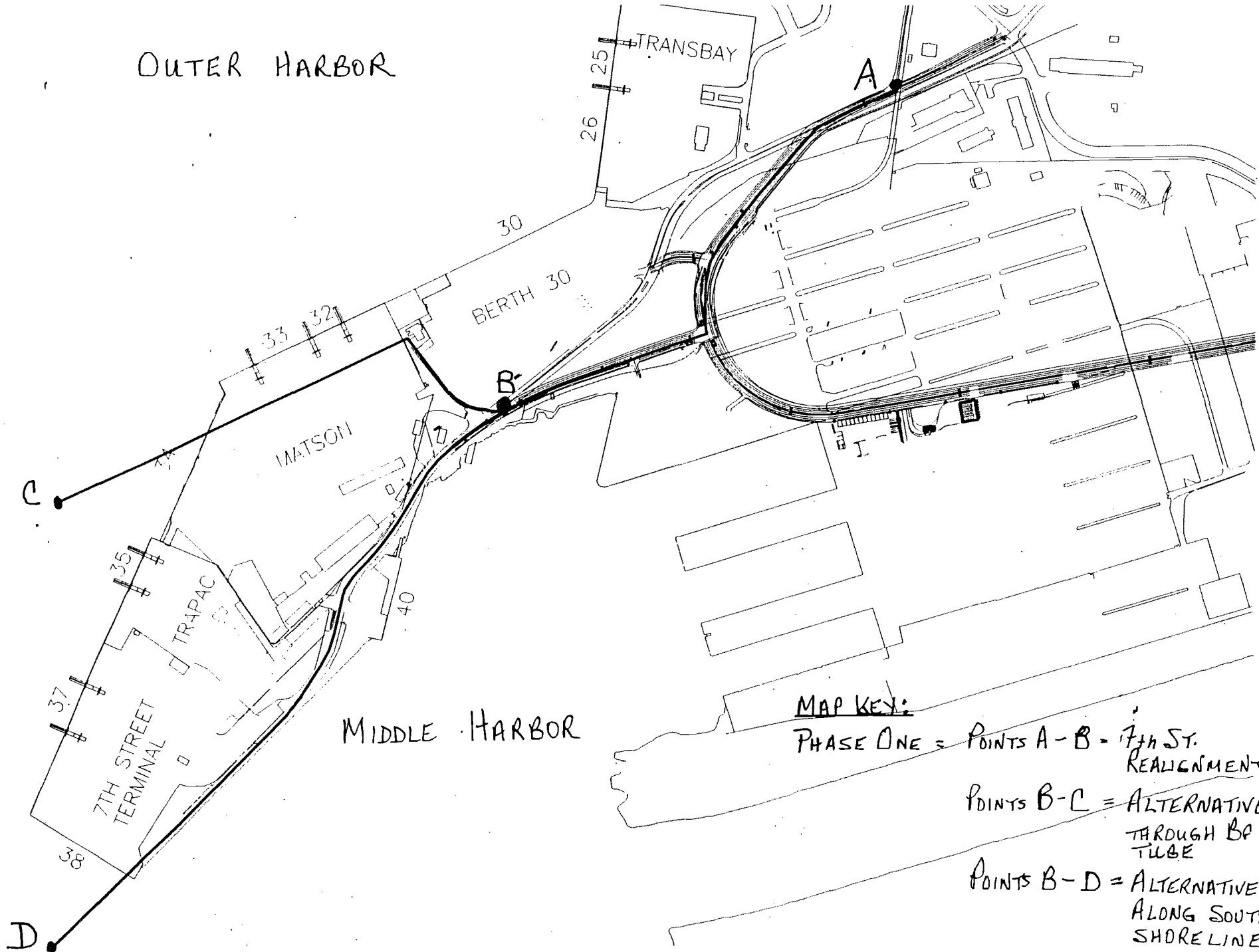
Page 3 of 3

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

RECOMMENDATION:

It is recommended that the Board grant an ordinance authorizing execution of lease agreement with Level 3, pass a resolution approving Extension of Right of Entry and Indemnity Agreement, and adopt a resolution approving a building permit to install cable from the Port jurisdictional line in the Bay to the 7th Street realignment project.

OUTER HARBOR



MIDDLE HARBOR

MAP KEY:

- PHASE ONE = POINTS A-B - 7th ST. REALIGNMENT
- POINTS B-C = ALTERNATIVE THROUGH BPT TUBE
- POINTS B-D = ALTERNATIVE ALONG SOUTH SHORELINE

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 22

SUBJECT: Approval of Supplemental Agreements for Laboratory Services with Curtis & Tompkins, Ltd. and Sequoia Analytical Laboratory, Inc. for Soil Testing at Berths 55/56

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Board passed resolutions on January 6, 1998, authorizing separate professional service agreements with Curtis & Tompkins, Ltd. and Sequoia Analytical Laboratory, Inc. to provide the Port with as-needed analytical laboratory services for an amount not to exceed \$500,000 per contract. The Regional Water Quality Control Board permits for the Vision 2000 project, which were finalized on December 24, 1999, require extensive testing of soils excavated from the old Union Pacific rail yard. The required laboratory analysis of soil and water will exhaust available funds before new agreements can be established through the normal Request-for-Proposal (RFP) process for professional services agreements.

Both Curtis & Tompkins and Sequoia are State-certified analytical laboratories. The Environmental Health and Safety Compliance (EH&SC) Department staff have found the laboratories' services to be reliable. Reliable analysis of groundwater, wastewater, stormwater and soil is required for regulatory compliance under various regulations and permits. The soil and water testing requirements associated with the Vision 2000 projects, most notably the Berths 55/56 Wharf and Yard, require analytical services in excess of what was anticipated when these contracts were originally let. Failure to conduct soils and water analysis in a timely fashion, relative to construction schedules, will effectively stop critical aspects of these projects.

To meet the Port's short-term analytical laboratory needs, it is proposed to enter into a supplemental agreement with each laboratory, which would increase each contract's maximum compensation by \$250,000. This amount is necessary to continue uninterrupted services until EH&SC has completed the RFP process for new agreements. *Please note that this RFP*

The following table summarizes the original agreements and the proposed first supplemental agreements:

FIRM	PROJECT ROLE	OEO STATUS	ORIGINAL AGREEMENT	ORIGINAL PLUS FIRST SUPPLEMENTAL AGREEMENT
Curtis & Tompkins, Ltd.	Analytical Lab	LBA	\$500,000 (100%)	\$750,000 (100%)
Sequoia Analytical Laboratory, Inc.	Analytical Lab	LBA	\$500,000 (100%)	\$750,000 (100%)

The original agreements with Curtis and Tompkins and Sequoia both specify subconsultant contracts with mobile laboratories to provide on-site testing services in the event these services are needed. Laboratory services to date under both original agreements have not required the services of a mobile laboratory. In the event that on-site testing services are necessary, the proposed supplemental agreements with Curtis and Tompkins and Sequoia will extend the current subconsultant contracts for mobile testing services.

The Port's Environmental Liability Account 7365 (UP Buyout Remediation) provides for this work. The funding source is Port cash.

Curtis & Tompkins is located in Berkeley. Sequoia Analytical is located in Walnut Creek. Thus, both are located in the Port's Local Business Area. The Port's Office of Equal Opportunity has their current workforce reports on file. There are no State-certified environmental laboratories located in Oakland.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 201084 20109

BOARD ACTION TAKEN



Assistant SECRETARY OF THE BOARD

MAR 7 2000

DATE

th laboratories have provided written commitments that they will attempt to identify local, small business enterprises with the help of the Port's Office of Equal Opportunity. Where feasible, portions of the additional work will be offered to identified local, small businesses, with a goal of 25% of the value of each Supplemental Agreement.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to execute supplemental agreements with Curtis & Tompkins, Ltd. and with Sequoia Analytical Laboratory, Inc. in accordance with the above conditions, in order to keep the Berths 55-56 construction work on schedule.

7/24

Board of Port Commissioners - PORT OF OAKLAND Agenda Sheet

SUBJECT: Approval To Hire Laboratories To Provide Analytical Testing Services

Date: January 6, 1998
Item No. 43S

SUBMITTED BY: Joseph K. Wong *JKW*
EXECUTIVE OFFICE RECOMMENDATION: *AK*

- PROGRAM AREA**
- Airport Operations
 - Commercial Real Estate
 - Maritime Operations
 - Overall Operations

FACTUAL BACKGROUND:

Environmental samples must be collected and analyzed by qualified laboratories for numerous Port activities. Materials that are routinely sampled and analyzed include soil, groundwater, and dredged sediment samples.

Accurate and credible sampling and testing is essential to regulatory compliance and sound decisions. Port staff believes that contracting directly with analytical laboratories for laboratory services should improve quality control and reduce costs.

A Request for Proposal for Laboratory Services was issued on October 10, 1997. Out of nineteen proposals that were sent out, ten proposals were received and reviewed. Four firms were short-listed. After interviewing the finalists, the staff selected two firms, Curtis & Tompkins, Ltd. and Sequoia Analytical Laboratory as the laboratories best suited to provide the Port with laboratory services. Staff is recommending two laboratories be selected in order to give the Port greater flexibility and to account for instances where one laboratory might be unable to meet a deadline for the Port. No environmental laboratories are located in the city of Oakland.

FOR INFORMATION ONLY

Firm	Role	Location	LIA/LBA	MWBE
Curtis & Tompkins, Ltd.	Analytical Lab	Berkeley	LBA	
Sub: K-Prime	Mobile Lab	Richmond	LBA	MWBE
Sequoia Analytical	Analytical Lab	Walnut Creek	LBA	
Sub: Onsite Environmental	Mobile Lab	Fremont	LBA	MWBE

The Port's Office of Equal Opportunity (OEO) has current EEO-1 Work Force Report/Professional Services Questionnaires on file for both Curtis & Tompkins and Sequoia Analytical and has determined the firms to be responsive to the Port's Non-Discrimination and Small Local Business Utilization Policy.

Each laboratory will be tasked on an as-needed basis, but in no case will the cumulative contract amount exceed \$500,000 per firm. The \$1,000,000 total for both contracts will cover approximately two years or until funds are exhausted. This amount is consistent with the current level of testing activity and is covered by the environmental liability accounts, operating budget and capitalized budget line items established for such work.

FOR INFORMATION ONLY

RECOMMENDATION:

It is recommended that the Board: (1) Determine that laboratory services are professional services; and (2) authorize the staff to prepare and the Executive Director to execute agreements with Curtis & Tompkins, and Sequoia Analytical, in accordance with the above discussion.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN **DATE**

SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 23

SUBJECT: Authorization to Enter into Agreement with the East Bay Municipal Utility District and the City of Alameda for Construction of the Proposed Relocation of the Navy's Sewer Main that Serves the Former Alameda Naval Air Station and to Enter Into a Section 204(e) Agreement with U.S. Corps of Engineers

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong
EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

On June 15, 1999, the Navy conveyed approximately 531 acres of land located at the former Fleet and Industrial Supply Center, Oakland, ("FISCO") to the Port of Oakland. The Port is now moving forward with its Vision 2000 Program on the site, which is encumbered with an existing Navy-owned sanitary sewer that primarily serves the former Alameda Naval Air Station ("Alameda NAS").

On May 4, 1999, the Board authorized the execution of a 3-party design agreement among the Port, the East Bay Municipal Utility District ("EBMUD"), and the City of Alameda ("Alameda") to plan and design an alternative alignment that would bypass FISCO by relocating the pipeline along Alameda's northern waterfront.

On December 7, 1999, the Board authorized the Executive Director to negotiate and enter into a Construction Agreement for the project, as well as approving the first reading of an Ordinance to grant an easement to EBMUD for said channel crossing at Alice Street.

On January 4, 2000, the Board approved the granting of said easement for the easterly crossing by way of the required second reading and subsequent passing of Ordinance No. 3557.

ANALYSIS AND OPTIONS:

The Port has the option of relocating the sewer line on FISCO property and deeper in the Inner Harbor Channel in its existing location, or relocating it offsite. After analyzing the alternatives, it has been determined that it would be preferable to relocate it outside of the Vision 2000 area and east of the deep draft sections of the Inner Harbor so that future operations and maintenance ("O&M") of the sewer by Alameda would not interfere with planned marine terminal operations, and so that potential future conflicts with containership operations can be avoided.

DESIGN, CONSTRUCTION AND SCHEDULE:

EBMUD and its consultants completed the design of the first of three phases of the relocation project (the discharge pipeline) and it is currently out to bid. EBMUD is currently completing the design for the remaining two phases (the gravity siphon easterly crossing and the pump-station rehabilitation). Under the subject Construction Agreement, EBMUD will be responsible for the construction, administration, inspection, etc. of the entire easterly alignment and will subsequently own, operate and maintain the system after it is approved by EBMUD as operationally complete.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20110

Assistant Secretary of the Board signature

MAR 7 2000 DATE

BOARD ACTION TAKEN

Assistant Secretary of the Board

COSTS AND FUNDING:

EBMUD has agreed to pay for any increase in the size of the submerged gravity siphon for the easterly alignment where it crosses the channel (over and above the size needed to handle actual design flows). This increase in the proposed size of the crossing would not be to increase capacity, but to provide EBMUD with operational redundancy, allowing it to redirect flows between the new line and two other existing adjacent channel crossings for maintenance purposes. Cost sharing amounts and percentages between EBMUD, Alameda and the Port are estimated as shown in the tables below:

In addition, the Port is seeking the Federal Government's agreement to credit certain costs associated with the relocation of portions of the Navy sewer line in advance of the Port's Oakland Navigation Improvement (-50 Foot) Dredging Project through a 204(e) Agreement under Section 204(e) of Public Law 99-662 (33 U.S.C. Section 2232(e)). This law authorizes the Secretary of the Army to enter into an agreement to credit the costs of certain work accomplished by local interests which is, or is later to be, incorporated into, the "Authorized Project", when it is determined that such credit is in the public interest. It is anticipated that a portion of the Port's costs shown in Tables 1 and 2 will be credited by the Federal Government.

In order to meet the Port's schedule, construction of the easterly alignment will need to commence immediately. To commence construction, the Port and Alameda must agree to reimburse EBMUD for all aforementioned construction related costs. The Port's portion of the project costs is covered under CIP element Nos. M6.00545.03 and MA.02871.12.

TABLE 1 CONSTRUCTION COST SHARING BY CONTRACT AND BY AGENCY (in millions \$)								
Component Contracts	Alameda		EBMUD		Port		Total Share	
Discharge Pipeline*	1.542	39%	0*	0%*	2.358	61%	3.900	100%
Siphon	0	0%	0.119	5.1%	2.194	94.9%	2.313	100%
Pump Station Rehab.	2.015	100%	0	0%	0	0%	2.015	100%
TOTAL	3.557		0.119		4.552		\$8.228	

Based on cost estimates from the EBMUD's consultants, the following Table 2 sets forth the Project costs (including Design Costs) by cost category:

Component	CONSTRUCTION CONTRACT			ROW (d)	CM (e)	CONST COST ⁱⁱ (f)	DESIGN NIC [*] (g)	PROJECT COST (h)
	Base ⁱ (a)	Haz. Mat. (b)	Subtotal (c)					
New Discharge Pipeline	3.069	0.040	3.109	0.281	0.510	3.900	0.407	4.307
Siphon (Easterly Crossing)	1.942	0.010	1.952	0.040	0.321	2.313	0.346	2.659
Pump Station Rehab.	1.674	0	1.674	0	0.341	2.015	0.227	2.242
TOTAL	6.685	0.050	6.735	0.321	1.172	8.228	0.980	9.208

i Including contingency and 10% for change orders.

ii Includes all capital construction, EBMUD administration including overhead, engineering, CM, and contingency.

*NIC – Not in contract (Cost covered in Design Agreement)

Table 2 Formulas: Const. Cost: (f) = (a) + (b) + (d) + (e)

Project Cost: (h) = (a) + (b) + (d) + (e) + (g)

Note: Construction costs include right-of-way acquisition, escalation to midpoint of construction, 10% allowance for change orders, 20% contingency, construction administration, inspection and testing.

ENVIRONMENTAL DOCUMENTATION:

Alameda is the lead agency for this project. EBMUD and the Port are "responsible agencies" as defined in the California Environmental Quality Act (CEQA). The Initial Study (and Mitigated Negative Declaration) dated October 22, 1999, entitled "Naval Air Station Alameda, Replacement Wastewater Interceptor System Project," was approved by the Alameda City Council as Lead Agency on December 6, 1999. Said Initial Study and Mitigated Negative Declaration were subsequently approved by resolution by the District and the Port on December 14, 1999, and December 7, 1999, respectively.

The Navy has agreed to grant easements to Alameda over currently-owned Navy lands in Alameda for the project. These easements are covered by a Categorical Exclusion under the National Environmental Policy Act (NEPA) as executed by the Navy on January 24, 2000. The proposed pipeline realignment, or portions thereof, is also generally described in the Port's EIR for the Berths 55-59 Vision 2000 Project, in the Oakland Navigation Improvement (-50 Foot) Dredging Project and is anticipated to be generally described in the Navy's programmatic EIR/EIS for Base Closure and Reuse of the Alameda Naval Air Station.

RECOMMENDATION:

It is recommended that: the Board authorize the Executive Director to enter into:

1. An agreement with the East Bay Municipal Utility District and the City of Alameda for the construction of relocation of the Navy's existing sewer main to the proposed easterly alignment in accordance with the pro rata estimated cost sharing shown in the above tables; and
2. A 204(e) Agreement with the U.S. Army Corps of Engineers to credit the Port for costs of certain work which is, or is later to be, incorporated into the Oakland Navigation Improvement (-50 Foot) Dredging Project.

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS
 - Title Change
 Amendment of Appointment Salary

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez *RJM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *cf*

FACTUAL BACKGROUND:

I. TITLE CHANGE—Ordinance (2 Readings)

A) It is requested that the Board approve the classification title change of **Port Internal Auditor** to **Port Auditor** (Unit H, Salary Grade 15). This is a title change only and the salary grade assignment remains the same. This change is necessary to reflect the addition of field audit functions.

II. AMENDMENT OF APPOINTMENT SALARY—Resolution (1 Reading)

A) It is requested that the Board approve the amendment of appointment salary for **Douglas Waring**, who was appointed to the position of **Port Internal Auditor** (soon to be changed to **Port Auditor**) effective September 1, 1999, from salary \$8,375 per month to **\$9,213 per month** within Salary Grade 15.

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 3/2/99	AS OF 2/22/00	AS OF 3/7/00
Full-Time Employees	612.00 FTE	551.00 FTE	553.00 FTE	555.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators		3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)	11.00 FTE*	8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	564.40 FTE	566.40 FTE***	568.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** One separation and three appointments resulted in an increase in count.

*** Corrected Count

Approved by Ordinance
 passed to print

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20112

BOARD ACTION TAKEN

Assistant

Sharon Kuppene
 SECRETARY OF THE BOARD

MAR 7 2000

DATE

TEMPORARY AGENCY WORKER COUNT AS OF 2/23/00

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	13	8	1	8	0	0	30
* CIP	0	0	12	6	0	0	18
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	5	3	0	0	0	0	8
* SPECIAL PROJECT	2	0	0	11	1	0	14
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
T O T A L S	20	13	13	25	1	0	72

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	12/22/99	1/7/00	2/4/00	2/23/00
BACKFILL	27	33	32	27	30
* CIP	18	16	15	17	18
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	1	1	1	0
MEDICAL BACKFILL	4	7	7	9	8
SPECIAL PROJECTS	11	17	16	14	14
WORKER'S COMP BACKFILL	3	4	5	2	2
T O T A L S	63	78	76	70	72

COUNT SUMMARY

CURRENT FTE COUNT	568.40
CURRENT TEMPORARY AGENCY BACKFILLS	30.00
VACANT POSITIONS	17.00
T O T A L	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding title change and amendment of appointment salary.

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 32

SUBJECT: Approval of Issuance of Port of Oakland Revenue Bonds, 2000 Series K and L and Certain Related Actions

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Fred W. Rickert

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

It is recommended that the Board authorize the issuance of Port of Oakland Revenue Bonds, 2000 Series K and 2000 Series L (the "2000 Bonds") in an aggregate principal amount not to exceed \$400 million. This principal amount will be reduced by approximately \$50 million for capitalized interest and any cash deposited to the debt service reserve fund.

The proposed bonds would be issued pursuant to a plan of financing to fund or reimburse the Port for various capital improvements for the maritime, aviation, and commercial real estate business lines and other Port operations; to finance capitalized interest; to fund debt service reserve requirements; and to pay the costs of issuing the bonds.

As part of the marketing and sales effort for the bonds, the Port's underwriters will circulate a Preliminary Official Statement (POS), including the preliminary Feasibility Study of the Port. The final Official Statement, which will reflect the final size, structure, and interest rates, will be delivered to the actual purchasers of the Bonds. In order for this sales effort to proceed, the Board will need to approve the POS including the preliminary Feasibility Study, and authorize preparation of and delegate authority to approve the final Official Statement including the final Feasibility Study in substantially final form and authorize the distribution of these documents by the underwriters.

In addition to authorizing the Tenth Supplemental Indenture described below, the Port will enter into a Tax Regulatory Agreement (to comply with the provisions of the Internal Revenue Code), a Continuing Disclosure Certificate (to comply with the Securities and Exchange Commission disclosure laws), a Bond Purchase Agreement with the underwriters (Goldman, Sachs & Co.; Paine Webber Incorporated; Morgan Stanley & Co., Incorporated; Ramirez & Co., Inc.; and Henderson Capital Partners, Inc.) setting the terms of the purchase and sale of the bonds and certain other related agreements. All bond financing documents were mailed to the members of the Board on Tuesday, February 29, 2000.

The current financing schedule anticipates mailing the Preliminary Official Statement to potential investors on March 13, 2000, pricing the Bonds on March 29, 2000 with the pre-closing and closing currently scheduled for April 17, 2000 and April 18, 2000, respectively.

If economic conditions dictate the purchase of bond insurance or surety premiums (in order to fund the debt service reserve fund with a surety bond rather than bond proceeds) at the time of sale, the Port will also enter into a credit agreement with a bond insurer and/or surety provider and the Tenth Supplemental Indenture will be appropriately revised to incorporate bond insurance and/or surety premium provisions. At this time, it is anticipated that the Port will purchase both bond insurance and a surety bond for the Debt Service Reserve Fund.

The Board is asked to authorize the financing for a total interest cost (TIC), including all fees and costs, for an amount not to exceed 7.25%. It is anticipated, however, given current market conditions, that the TIC will be lower. For example, on February 24, 2000, the TIC would have been approximately 6.10%. However, tax-exempt bond interest rates have fluctuated significantly over the past six months, and it is prudent to authorize a higher limit given the Port's need for funds.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20113

BOARD ACTION TAKEN

Assistant

Sharon Kuppene
SECRETARY OF THE BOARD

MAR 7 2000

DATE

The Trustee for the Bonds will be U.S. Bank. The trustee was appointed by the Board in 1994 to represent the bondholder's interests in enforcing U.S. Bank's predecessors, the requirements under the Trust Indentures. The terms and fees in the contract already executed between the Port and First Trust California as approved by the Board in 1994 for trustee services will not change for this financing.

RECOMMENDATION:

It is recommended that the Board adopt a resolution authorizing the issuance and sale of the Port of Oakland Revenue Bonds, 2000 Series K and 2000 Series L in accordance with the parameters set forth above, authorizing the payment of costs of issuance (which will include the underwriters' discount, underwriting fee, feasibility consultants, financial advisory fees, costs of counsel, rating agency fees, insurance and surety provisions (if any) from the Bond proceeds, authorizing entering into any bond insurance and/or surety agreements, and all other actions and agreements necessary to complete the sale and issuance of the 2000 Series K and 2000 Series L bonds. It is also recommended that the Board authorize the President and any Vice President of the Board, the Executive Director, Deputy Executive Director, Chief Financial Officer, Secretary, and Port Attorney to execute the bonds, the Preliminary Official Statement, the official Statement, and enter into the Tenth Supplemental Indenture, the Bond Purchase Agreement, the Tax Regulatory Agreement, and all other documents necessary to accomplish the issuance of the Bonds, including execution of any certificates and representatives on the part of the Board.

The Port currently expects to issue approximately \$360 million aggregate initial principal amount of bonds. The parameters set forth below are not-to-exceed amounts, and final costs of issuance and underwriting discount should be less, following various negotiations currently underway:

- the principal amount of the Bonds does not exceed \$400 million;
- the true interest cost on each series of bonds does not exceed 7.25% (including costs of issuance, original issue discount (if any), accrued interest, underwriting fee, insurance and surety premiums, if any);
- the costs of issuance do not exceed 2% of the aggregate principal amount of the bonds (including feasibility consultants and financial advisory fees); and
- The underwriting fee and/or discount does not exceed \$7.50 per \$1,000 bond or .75% of the aggregate principal amount of the bonds (which includes the takedown or sales commission per bond, reimbursement of underwriting syndicate expenses, and management fee).

Agenda Sheet

DATE: March 7, 2000


ITEM NO: 33

SUBJECT:

APPROVAL OF AGREEMENT WITH THE GUALCO GROUP TO PROVIDE STATE LEGISLATIVE ADVOCACY SERVICES.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Harold Jones 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

The Governmental Affairs Department contracts on an annual basis for legislative advocacy and lobbying services performed at the State level. The contract for such services expired January 31, 2000. The scope of work and competencies required for this service is specifically outlined in the attached document (See Attachment A).

A Port Review Panel was formed by the Administrative Committee to interview and select for recommendation a firm to represent the Port of Oakland at the state level providing legislative advocacy services.

ANALYSIS:

The panel interviewed two firms, Aperia & Co. and the Gualco Group. Each of the firms interviewed demonstrated excellent qualifications and significant interest in working with the Port.

It was recommended by the Administrative Committee at its meeting on February 22, 2000, that the Gualco Group be selected to perform the required services. The selection of the Gualco Group was based on their proposal, oral presentation, qualifications of team members, legislative advocacy experience, and overall interest, enthusiasm, and responsiveness.

It is recommended that the annual amount of the contract shall be \$75,000, which will include ancillary expenses such as, faxes, in-house copying, postage, telephone, and travel. The term of the agreement will be from March 7, 2000 through February 28, 2001 with authorization for the Executive Director to extend the agreement for one additional year if it is determined that the consultant has demonstrated satisfactory performance. It is also requested that the Board grant the Executive Director authority to approve up to an additional \$10,000, if necessary, for unforeseen work.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to enter into an agreement with the Gualco Group as set forth above and that the Board further authorize the Executive Director to extend the Agreement for one additional year if it is determined that the consultant has demonstrated satisfactory performance.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20114

BOARD ACTION TAKEN


SECRETARY OF THE BOARD

Assistant

MAR 7 2000

DATE

**SCOPE OF WORK AND COMPETENCIES
FOR STATE LEGISLATIVE
ADVOCACY AND CONSULTING SERVICES**

**PORT OF OAKLAND
February 10, 2000**

PORT OF OAKLAND PROFILE

The Port of Oakland is a world class container port, fourth largest in the United States, and one of the largest in the world. It is a major economic catalyst in the San Francisco Bay Area and has a significant impact on the economy and well-being of all Californians.

The Port, established in 1927, is an independent, self-supporting department of the City of Oakland. Under the governance of a seven-member Board of Port Commissioners appointed by the Mayor, the Executive Director and Port staff operate three revenue-generating divisions.

The three revenue divisions represent significant business enterprises: its container seaport and intermodal cargo operations, (Port of Oakland), a passenger, cargo, and general aviation airport (Metropolitan Oakland International Airport), and a variety of commercial real estate developments, including Jack London Square and management of more than 19 miles of waterfront property for commercial and recreational purposes..

PORT OF OAKLAND MISSION

The Port of Oakland invests its resources in quality facilities and services for its airport, real estate and seaport tenants and customers, so that through their activities, the Port can create economic vitality, jobs, and waterfront enjoyment for Oakland and the region, while generating earnings to reinvest in Port activities.

PORT OF OAKLAND OBJECTIVES:

The Port's Governmental Affairs Department is responsible for the management and coordination of the Port's relations with local, regional, state, and federal governments. This office manages the contract activities of the Port's state and federal representatives and maintains frequent contacts with the local city councils, board of supervisors, and their respective staffs. The Department works with other Port departments to develop legislative, regulatory, and advocacy strategies and to determine the Port's position on legislative and regulatory proposals.

SCOPE OF SERVICES

A legislative consultant will act as the Sacramento advocate and perform the following qualified services:

- Perform as the Sacramento advocate for the Port of Oakland. Serve as liaison between the Port of Oakland and the State Legislature, the executive branch and other officials in state government as directed by the Port. Proactive communication between the Port and advocate will be accomplished through the Port's Manager of Governmental Affairs.
- With the assistance of the Manager of Governmental Affairs, the advocate/consultant will provide input on specific goals and objectives for the Port's advocacy program for the coming legislative session along with development of strategies necessary for their accomplishment.
- On a limited basis, the consultant/advocate will provide copies of bills; amendments; committee reports and analyses; regulations; or other information reasonably available, which may be pertinent to the Port's interests.
- The consultant will provide information, from time to time, on emerging issues that could have a significant impact on Port policy and practices. The consultant will review and provide ongoing reports and input on key state legislation that is being tracked.

Continued...

This will be done in a format that will enable the Manager of Governmental Affairs to monitor legislation affecting the Port and any of its operations.

- The consultant may on occasion be asked to attend a Port Commission meeting or periodic management and staff briefings when deemed necessary.
- Prepare briefing materials. Arrange appointments with members of the Legislature or Administration for Port Commissioners and Port staff when they travel to Sacramento in furtherance of the Port's advocacy program. When necessary, to testify before legislative committees on behalf of the Port.
- Develop strategic coalitions with associations and governmental organizations in furtherance of the Port's legislative agenda
- On behalf of the Port, the Consultant/advocate will register with the necessary State officers and agencies and comply with all reporting requirements mandated by the Fair Political Practices Commission (FPPC).

EXPECTED COMPETENCIES

- Capability of providing regular and ongoing legislative alerts and notice of legislation which may impact the Port of Oakland and its areas of interest;
- Contacts/Relationships with legislators and key members of both houses as well as both sides of the aisle;
- Contacts/Relationships with members of the Administration that will be beneficial to the Port and its agenda; State, agencies, departments & commissions;
- Ability to respond in a timely manner to Port requests;
- Ability to recommend and suggest strategies for achieving the Port's legislative goals and objectives;

- Ability, when required, to draft legislation and amendments.
- Basic familiarity with the Port's three lines of business - maritime, aviation, and commercial real estate - as well as those related areas of concern;
- Ability to recognize trends and political climate and how such may impact the Port's position and activity;
- Client base profile that is compatible with Port interests;
- Proven track record of effective legislative advocacy in Sacramento;
- Integrity and honesty;
- Knowledge of Oakland and area issues;
- Adequate staff and diversity;
- Local contacts;

Agenda Sheet

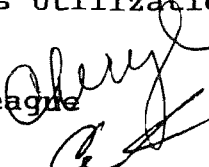
DATE: March 7, 2000

ITEM NO: 34

SUBJECT: Amendments to the Non-Discrimination and Small Local Business Utilization Policy.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

SUBMITTED BY: Cheryl Perry League 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

On October 7, 1997 the Board of Port Commissioners adopted the Non-Discrimination and Small Local Business Utilization Policy ("the Policy"). The intent of this policy was to ensure non-discrimination and utilization of small and local businesses in Port procurement. Approximately six months after the adoption of the Policy, Engineering and Equal Opportunity Division staff members formed a review committee. They were asked to review the Policy and propose recommendations that would provide for its most efficacious implementation. The review has allowed the committee to see what portions of the policy have been working as planned and what portions needed clarifications or adjustments.

ANALYSIS:

While local business participation has been robust and we have been able to ensure non-discrimination in our contracting since the Policy was implemented, the committee noted the necessity for a few changes. Most changes that the committee recommends to the Board are clarifications to ensure the consistent application of the Policy through its regulations and actual implementation procedures. To highlight the more significant recommended changes, the committee is suggesting the following:

- Remove workforce evaluation as a method for passing the non-discrimination in construction in both the policy and regulations sections. Currently there is a separate workforce policy in the bid specifications.
- Delineate one set of good faith effort instructions for projects \$500,000 and over and another for projects under \$500,000 in the regulations section. This would serve to encourage small local bidders to participate in the smaller projects because it alleviates the time and cost dedicated to outreach.
- Include a requirement that work be performed continuously in the local office used to establish certification in the definition of and regulations for LIABE/LBABE certification.
- Include a specific reference to the Surety and Bonding Program, which has already been established, in the Bonding Program policy and regulations.
- Insert a requirement that all companies who want to be certified as MBE, LBABE, etc. must submit their application and supporting documents at least ten business days before the bid or proposal due date in the regulations section.

Additionally, there are some changes being suggested for the Policy to provide a fiscally responsible way of applying preference points in construction projects that are over \$10,000,000 and to further encourage the utilization of local subcontractors in all projects.

- Modify the allotment of preference points in construction as follows:

Current	Proposed
5 points: location of prime and subcontractor	6 points: location of prime and subcontractor
3 points: location of prime contractor	2 points: location of prime contractor
2 points: duration of prime and subcontractor	2 points: duration of prime and subcontractor

- Modify the application of preference points in construction to apply only to contractors whose bid is within 10% or \$1,000,000, whichever is less, of the apparent low bidder in order to limit Port exposure to additional costs.

Lastly, to ensure utilization of our local truckers and other construction contractors we are proposing the following additional programs to be added to the Policy:


- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20115

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAR 7 2000

DATE

- Trucking brokers who are listed as subcontractors must utilize their available trucks first until exhausted. They must then seek to utilize all available truckers in the following hierarchical manner: Oakland truckers, then LIA truckers and then Local Business Areas truckers.
- All prime contractors bidding on Port Public Works must make a good faith effort to achieve a minimum level of local business participation. The suggested minimum threshold is 50% LBA 35% LIA and 25% Oakland firms.

It should be dually noted that during Fiscal Year 98-99 we spent \$1,200,092 with truckers in our Public Works Projects. Of that amount, \$1,061,392 or 87% of the truckers listed were local Oakland truckers. This Fiscal Year to date we have spent \$2,793,000 with truckers, of which \$2,495,000 or 90% has been awarded to local Oakland truckers. We have found the availability of Oakland truckers to be 34%, LIA truckers - 48% and LBA truckers -50%. As part of the new trucking program the Office of Equal Opportunity will actively monitor the actual usage of truckers through the submittal of daily rosters. If the participation of Oakland truckers drops below a threshold of 50%, we will recommend a minimum goal of Oakland trucking participation for Board approval.

RECOMMENDATION

It is recommended that the Board approve these changes for the revision of the Port's Non-Discrimination and Small Local Business Utilization Policy.

Agenda Sheet

SUBJECT: CLOSED SESSION

DATE: March 7, 2000

ITEM NO: 40

SUBMITTED BY: Christopher C. Marshall

EXECUTIVE OFFICE RECOMMENDATION:



PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
(Subdivision (a) of Section 54956.9):

Carol Fraizer vs. Port of Oakland

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of
Sections 54956.9: 3 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under
Government Code Section 54956.8, under negotiations:

Property:	Jack London Square Oakland, CA 94607
Negotiating Parties:	Port and Oakland Portside Associates
Under Negotiation:	Price and Terms of Payment

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No.

20120

BOARD ACTION TAKEN



Assistant

SECRETARY OF THE BOARD

MAR 7 2000

DATE

SUMMARY AGENDA OF BOARD CALENDAR
March 7, 2000

AIRPORT

4S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Kitty Hawk Aircargo, Inc. (7683 Earhart Road, North Airport). (Resolution)

Recommends approval to extend the agreement while a longer term agreement is negotiated.

5S Approval of Agreement to Extend and Modify Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc. (vicinity of Langley, Wright and Beachy Streets, North Airport). (Resolution)

Recommends approval to extend the agreement while an environmental analysis is being prepared prior to a long term agreement.

6S Proposed 2000 Airline Landing Fees and Tenant Terminal Space Rentals. (Ordinance)

Recommends approval to establish the annual fees for use of the Airport. Notes that 100% recovery of costs is expected.

7S Ratify Addendum and Award of Contract for Removal of Rubber Deposits and Runways for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, OIA. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

8S Ratify Addendum and Award of Contact for Runway Painting for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, OIA. (Resolution)

Notifies of the bids received and recommends award of the contract to the low proper bidder.

Summary Agenda of Board Calendar

March 7, 2000

Page 2

COMMERCIAL REAL ESTATE

12S Approval of Professional Services Contract with Bedrock Media, Inc., a California Corporation. (Resolution)

Recommends approval to retain the firm for the preparation of layouts and renderings for development potential.

13S Revision of Loan Document for Loan with the Department of Boating and Waterways for Jack London Square Marina Project. (Resolution)

Recommends approval of the revision which extends the time for completion and the start of loan payments.

14S Approval of a Final Map for Condominiums at Phoenix Lofts Horizons Property (Owner), 727 - 2nd Street. (Resolution)

Recommends approval of the final map for the condominium project on 2nd Street.

MARITIME

24S Approval of Specifications for Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing May 1, 2000 and Ending April 30, 2001, 2002 or 2003. (Resolution)

Recommends their approval and authority to advertise for bids for the dock repair work.

25S This item not used.

Summary Agenda of Board Calendar

March 7, 2000

Page 3

26S First Reading of an Ordinance Granting Pacific Gas and Electric (PG&E) Two (2) Relocated Easements and One (1) New Easement for Utility Lines Along Middle Harbor Road, Realigned 7th Street and New Road. (Ordinance)

Recommends approval of the easements which provide for PG&E utilities in the new construction areas.

OPERATIONS

36S Approval to Exercise Renewal Option to Franklin Covey Contract. (Resolution)

Recommends approval to continue the contract for training Port managers.

37S Contract with U.C. Berkeley Extension to Deliver Port-wide Training. (Resolution)

Recommends approval of the contract to provide further training for Port employees.

38S This item not used.

ORDINANCES:

Port Ordinance No. 3567 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING AN ADDITIONAL POSITION OF AIRPORT SECURITY/ID SPECIALIST."

Provides for creating an additional position of Airport Security/ID Specialist.

Agenda Sheet

SUBJECT: PERSONNEL ITEMS

Date: February 22, 2000

Creation of Additional Position

Item No. 31

PROGRAM AREA

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Robert C. Martinez

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

FACTUAL BACKGROUND:

I. CREATION OF ADDITIONAL POSITION – Ordinance (2 Readings)

- A. It is requested that the Board Create one additional position of the classification of **Airport Security/ID Specialist**, in the ID/Security Office in the Aviation Division to implement the recommendation of a desk audit conducted by Mandalay Associates to reclassify an Intermediate Typist Clerk position and redesignate the incumbent. Previously, as a result of the desk audit conducted by Mandalay Associates, the Board approved the creation this classification and the creation of one position on January 4, 2000, to reclassify a similar position and redesignate the incumbent. The reclassification of all the positions (4) in the Airport Security/ID Unit was approved in the FY. 99-00 Staffing Plan.

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 2/16/99	AS OF 1/18/00	AS OF 2/22/00
Full-Time Employees	612.00 FTE	553.00 FTE	554.00 FTE	554.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	566.40 FTE	567.40 FTE	567.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Two separations and two appointments yielded the same count.

BOARD ACTION REQUIRED:

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

BOARD ACTION TAKEN

DATE

SECRETARY OF THE BOARD

AGENDA SHEET, PERSONNEL ITEMS—FEBRUARY 1, 2000

TEMPORARY AGENCY WORKER COUNT AS OF 2/4/00

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	10	9	1	7	0	0	27
* CIP	0	0	11	6	0	0	17
LEAVE BACKFILL (NON MEDICAL)	1	0	0	0	0	0	1
MEDICAL BACKFILL	6	3	0	0	0	0	9
* SPECIAL PROJECT	3	0	0	10	1	0	14
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
TOTALS	20	14	12	23	1	0	70

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	11/2/99	12/22/99	1/7/00	2/4/00
BACKFILL	27	34	33	32	27
* CIP	18	16	16	15	17
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	6	1	1	1
MEDICAL BACKFILL	4	5	7	7	9
* SPECIAL PROJECTS	11	14	17	16	14
WORKER'S COMP BACKFILL	3	5	4	5	2
TOTALS	63	80	78	76	70

COUNT SUMMARY

CURRENT FTE COUNT	567.40
CURRENT TEMPORARY AGENCY BACKFILLS	27.00
VACANT POSITIONS	<u>21.00</u>
TOTAL	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of additional position.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Kitty Hawk Aircargo, Inc. (7683 Earhart Road, North Airport)

DATE: March 7, 2000

ITEM NO: 4S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Kitty Hawk Aircargo, Inc. (Kitty Hawk) is currently under a 45-day Right-of-Entry and Indemnity Agreement (Right-of-Entry) which provides for occupancy of approximately 1,275sf of office space in Building L-820 (Hangar 9) for use in support of its air cargo operations on the North Airport. The Right-of-Entry was effective October 1, 1999, and expired on November 14, 1999; rent is \$957.20 per month. Kitty Hawk did not send the Port a signed Agreement To Extend the Right-of-Entry until February 7, 2000.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend Kitty Hawk's occupancy of the same premises (commencing November 15, 1999 and ending March 13, 2000). Monthly rent would remain the same. This additional time is requested in order to allow adequate time for Kitty Hawk and the Port Attorney's Office to concur on language of the one-year License and Concession Agreement.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend Right-of-Entry and Indemnity Agreement with Kitty Hawk Aircargo, Inc.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20098

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

[Signature]

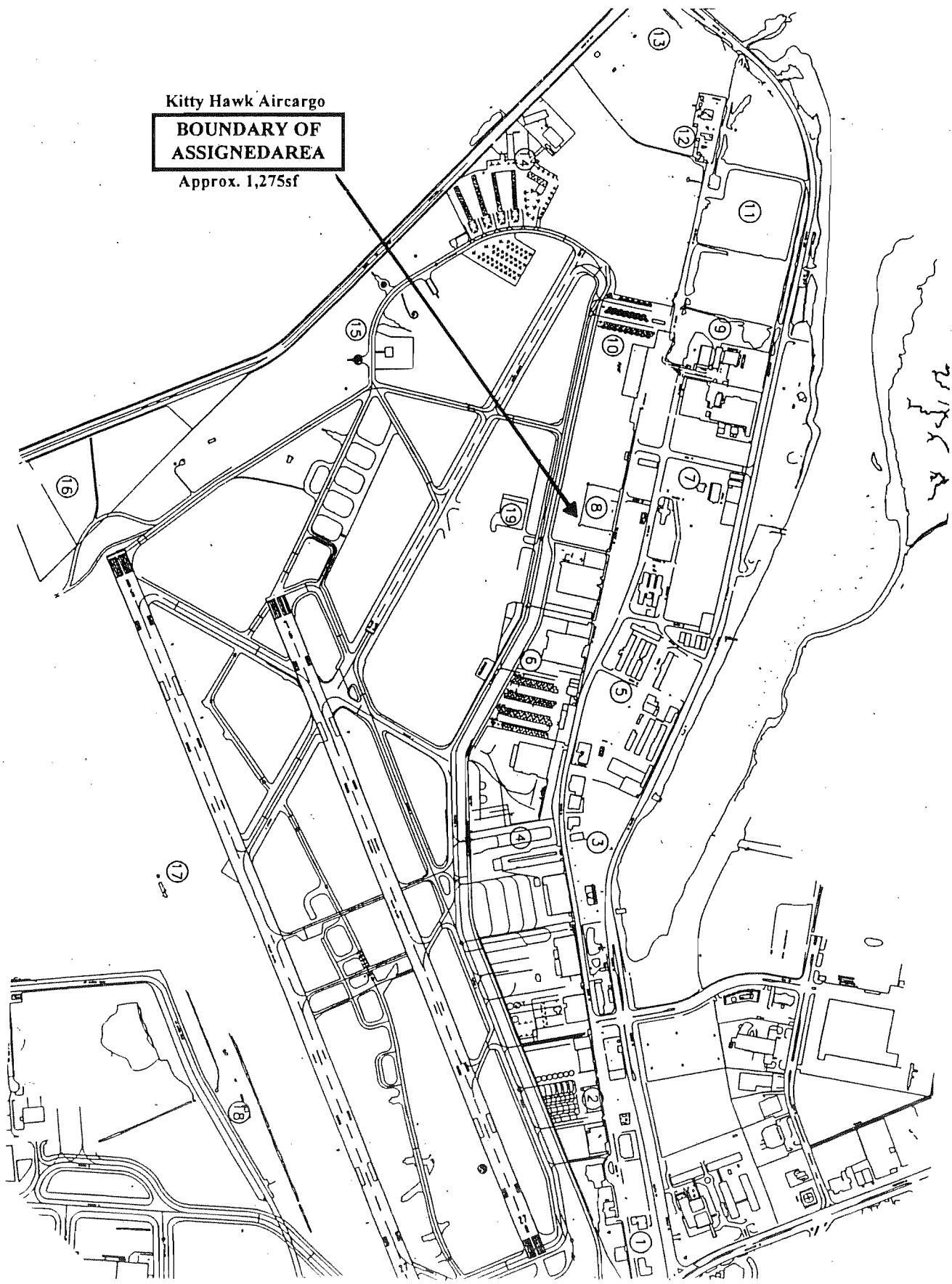
MAR. 7 2000

DATE

**Board Port Commissioners
Calendar Item**

**Approval of Agreement To Extend Right-of-Entry
and Indemnity Agreement with Kitty Hawk
Aircargo, Inc. (7683 Earhart Road, North Airport)**

**Oakland
International Airport
North Airport**



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Agreement To Extend And Modify Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc. (Vicinity of Langley, Wright and Beachy Streets, North Airport)

DATE: March 7, 2000

ITEM NO: 5S

PROGRAM AREA: =

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *SJG*

EXECUTIVE OFFICE RECOMMENDATION: *def*

FACTUAL BACKGROUND:

Dollar Rent A Car Systems, Inc. (Dollar) is currently under a Right-of-Entry and Indemnity Agreement (Right-of-Entry) which provides for occupancy of approximately 4.75 acres of unimproved land in the vicinity of Langley, Wright and Beachy Streets on the North Airport (bounded on the North by Doolittle Drive) for the purpose of conducting soil investigations. This is the proposed site for construction of the tenant's rental car facility under the Airport Development Plan. The Right-of-Entry term is January 19, 2000 through March 5, 2000. No rent is charged.

ANALYSIS:

The proposed Agreement To Extend And Modify Right-of-Entry and Indemnity Agreement would extend Dollar's occupancy of the same premises commencing March 6, 2000 and ending July 3, 2000. This additional time is requested in order to complete additional soil borings and ground water testing for the Phase I Environmental Analysis. No rent would be charged.

This aviation project conforms to establish aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend And Modify Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20099

BOARD ACTION TAKEN

Assistant

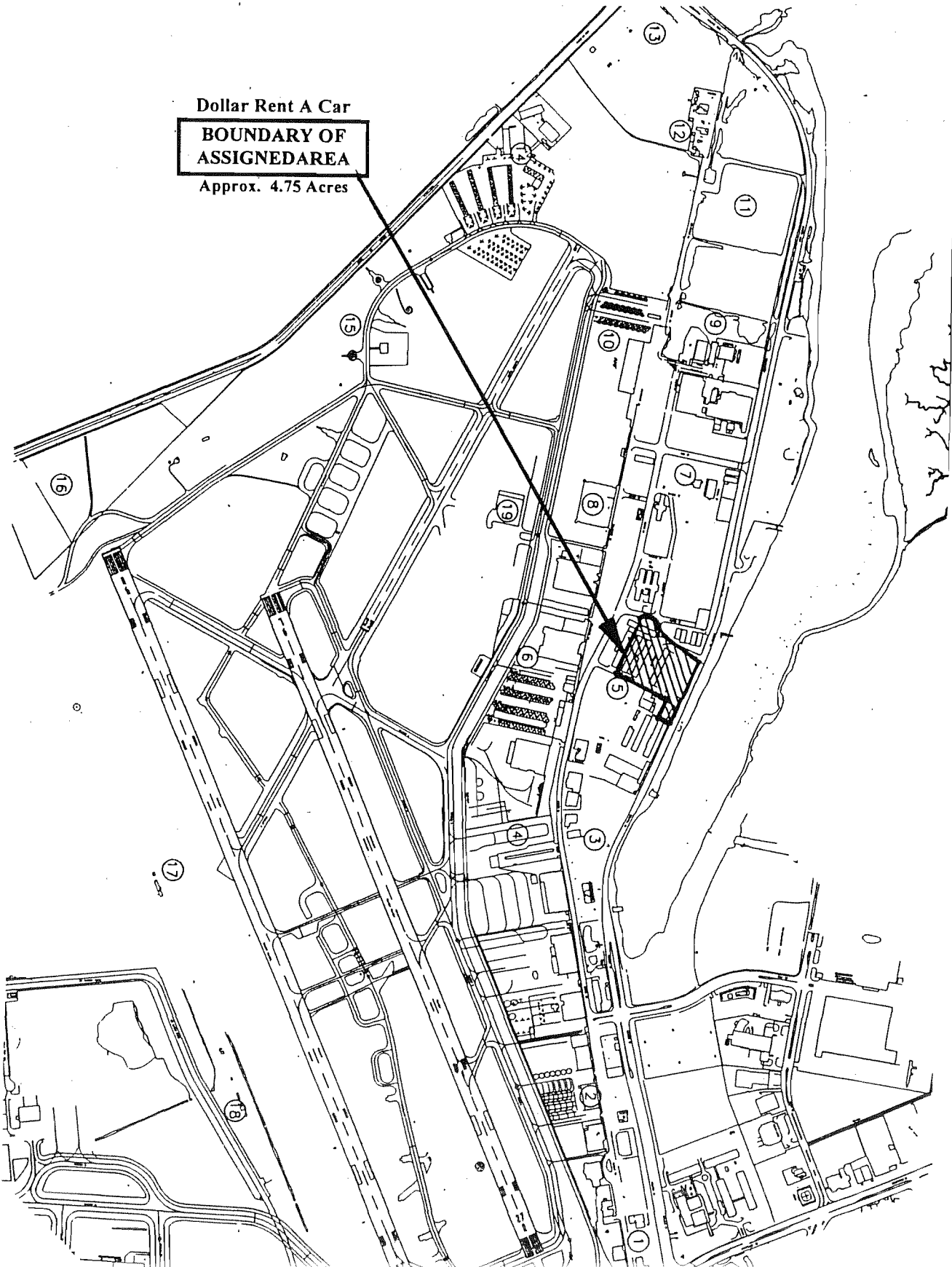
Sharon Krupp
SECRETARY OF THE BOARD

MAR 7 2000
DATE

Calendar Item

Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc. (Vicinity of Langley, Wright, & Beachy Streets, North Airport)

Oakland International Airport North Airport



Dollar Rent A Car
**BOUNDARY OF
ASSIGNED AREA**
Approx. 4.75 Acres

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Proposed 2000 Airline Landing Fees
and Tenant Terminal Space Rentals

DATE: March 7, 2000

ITEM NO: 6S

SUBMITTED BY: Steven J. Grossman *SJG*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

PROGRAM AREA:

- Airport Operations C.I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

After meeting with the Airline Affairs Committee, the following rates and charges are recommended for Calendar Year 2000:

<u>Landing Fees</u>	<u>Current Charges</u>	<u>Proposed</u>
Landing Fee	\$ 0.91	\$ 1.08
Training Landing Fee	0.46	0.54
Minimum Charge Per Landing	11.38	13.50
Non-Based Carrier Landing Fee	1.07	1.27
Non-Based Training Landing Fee	0.54	0.64
Non-Based Minimum Charge Per Landing	13.38	15.88
 <u>Terminal Space Rental</u>		
Type I – Ticketing Counter	5.198 psf/pm	6.692 psf/pm
Type II – Office Space	4.678 psf/pm	6.023 psf/pm
Type III – Baggage Claim	4.158 psf/pm	5.353 psf/pm
Type IV – Baggage Make-Up	3.638 psf/pm	4.684 psf/pm
 Holdroom, Loading Bridge	 13,103 per month	 15,979 per month
 Secondary Use, Based Airline with Holdroom	 91.00 per enplaning operation	 101.40 per enplaning operation
 Secondary Use, Based Airline without Holdroom	 0.70 per enplaning pax	 0.78 per enplaning pax
 Secondary Use, Affiliated Operator	 0.70 per enplaning pax	 0.78 per enplaning pax
 Secondary Use, Affiliated Operator Using Small Aircraft	 0.60 per enplaning pax	 0.71 per enplaning pax
 Secondary Use, Holdroom & Loading Bridge Non-Based Airline	 0.83 per enplaning pax	 0.92 per enplaning pax
 Baggage Claim Area, Non-Based Airline	 0.41 per deplaning pax	 0.52 per deplaning pax
 Security Fee Non-Based Airline	 40.00 per enplaning operation	 40.00 per enplaning operation
 Terminal Use Fee Non-Based Airline	 0.82 per enplaning pax	 1.01 per enplaning pax

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant *[Signature]* SECRETARY OF THE BOARD

MAR 7 2000

DATE

The same approach in setting fees has been used as in past years. With these rate changes, recovery of 100% of the field and ramp cost center and terminal cost center is expected. The effective date for the proposed charges for airlines that belong to the Airline Affairs Committee is retroactive to January 1, 2000. Current billings, whether higher or lower than the rates proposed, will be subject to an additional charge or credit offset following the effective date of the new ordinance rates. For non-based airlines, ground handlers and car rental companies, the effective date is scheduled to be April 1, 2000. Tenants having 30-day notice provisions in their agreements have been notified prior to March 1, 2000.

The Board of Port Commissioners hereby finds and determines that the imposition of the above changes pursuant to Section 1 of this ordinance is exempt from the requirements of the California Environmental Quality Act under California Public Resources Code Section 21080(b)(8) and Sections 15273 and 15061(b)(3) of Title 14 of the California Code of Regulations. The basis for the exemption under Sections 21080(b)(8) and 15273 is that the rates are established and imposed for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas. In addition, in view of the minor amount of the rate increase under Section 15061(b)(3) it can be seen with certainty that there is no possibility that imposition of the rates referenced herein will have a significant affect on the environment.

RECOMMENDATION:

It is recommended that the aforementioned rates and charges be approved.

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 7S

JHW
 SUBJECT: Ratify Addendum and Award of Contract for
 Removal of Rubber Deposits from Runways
 for the Period Commencing March 1, 2000
 and Ending February 28, 2001, 2002 or 2003,
 OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *af*

FACTUAL BACKGROUND:

Two (2) bids were received and opened on February 2, 2000, for Removal of Rubber Deposits from Runways for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, Oakland International Airport, Oakland, California.

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Cyclone Surface Cleaning, Inc.	Tempe, AZ					\$36,890.00
Rampart Construction Services, LP	Coraopolis, PA					\$112,000.00

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

Addendum No. 1 clarified the insurance requirements for the work. The addendum did not change the physical work of the contract.

ANALYSIS:

The difference in Total Bid Price between the Bidders has more to do with competition than any technical factors. Rampart, the current Contractor for this work, was the only bidder on the February 1997 Contract which is now ending. Their February 1997 bid price was approximately 15¢ per sq. ft. vs. the 18¢ per sq. ft. bid for this Contract. Cyclone Surface Cleaning, Inc. performed a rubber deposit removal demonstration for Aviation Facilities personnel in 1999 and the personnel were favorably impressed. Cyclone personnel stated that 4 to 6¢ per sq. ft., dependent upon quantity of work, is what they normally bid for runway rubber deposit removal contracts. Cyclone currently has the rubber removal contract with SFO and has two rubber removal trucks stationed in the East Bay. Rampart also bid on the SFO work but was only 2% higher than Cyclone for that work. Both Rampart and Cyclone bid approximately 4¢ per sq.ft for the rubber removal bid item.

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business locations of the bidders and their subcontractors, and the length of time at those locations. Since the bid of the low bidder, Cyclone Surface Cleaning, Inc., is more than 10% lower than the next closest bidder, this portion of the Policy does not apply. Therefore, Cyclone Surface Cleaning, Inc. remains the low bidder. Accordingly, it is recommended that Cyclone Surface Cleaning, Inc. be considered to be the lowest responsible bidder for the purposes of this Contract. The Port's Office of Equal Opportunity (OEO) analyzed the bids for compliance with the Policy, and concurs with this recommendation.

Cyclone Surface Cleaning, Inc. has not listed any subcontractors.

The expense budget for Fiscal Year 1999-2000 provides for this work under Aviation Facilities Maintenance.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20101

BOARD ACTION TAKEN

Sharon Kuppel
 SECRETARY OF THE BOARD

Assistant

MAR 7 2000

DATE

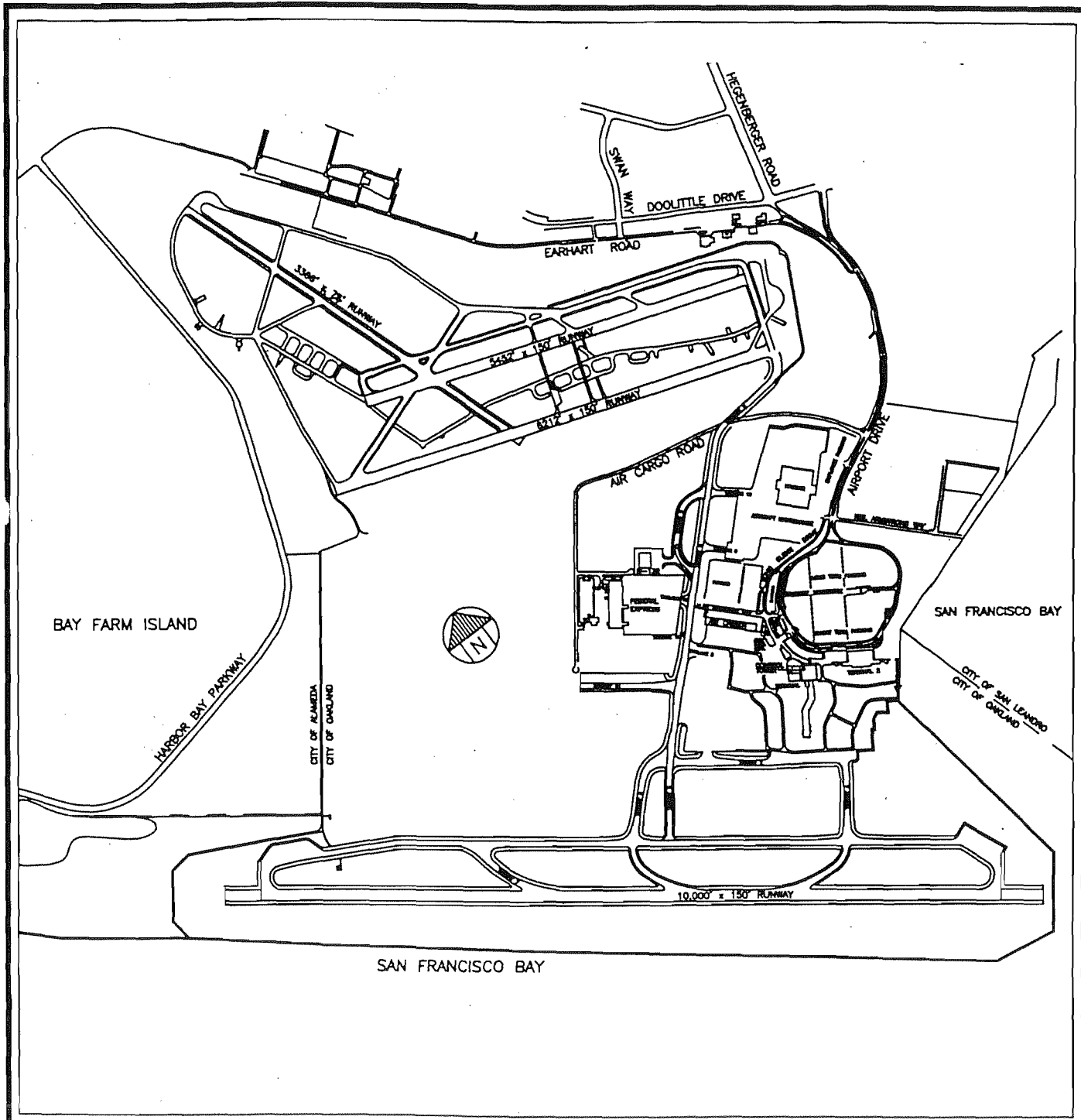
**Subject: Ratify Addendum and Award of Contract for
Removal of Rubber Deposits from Runways
For the Period Commencing March 1, 2000
And Ending February 28, 2001, 2002 or 2003,
OIA**

March 7, 2000

Page 2 of 2

RECOMMENDATION:

It is recommended that Cyclone Surface Cleaning, Inc. be found to be a responsible bidder, that Addendum No. 1 be ratified, that the contract for the above project be awarded to Cyclone Surface Cleaning, Inc. for the amount of its bid, and that the other bid be rejected and the bid security returned to the bidder.



PORT OF OAKLAND

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 8S

JHW

SUBJECT: Ratify Addendum and Award of Contract for Runway Painting for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Two (2) bids were received and opened on February 2, 2000, for Runway Painting for the Period Commencing March 1, 2000 and Ending February 28, 2001, 2002 or 2003, Oakland International Airport, Oakland, California.

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Airport Pavement Markings, Inc.	San Mateo, CA					\$42,500.00
Rampart Construction Services, LP	Coraopolis, PA					\$42,500.00

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

Addendum No. 1 clarified the project insurance requirements and changed the paint specification to agree with the latest FAA requirements. The Addendum did not change the physical work of the contract.

ANALYSIS:

Both bidders' contractor licenses were checked for validity with the Contractor's State License Board. It was determined that Rampart Construction Services, LP does not have either of the license options required by the specifications to do the work. Therefore, their bid is considered to be non-responsive. The license for Airport Pavement Markings, Inc. is current and active and meets the specifications for the work. Accordingly, it is recommended that Airport Pavement Markings, Inc. be considered to be the lowest responsible bidder for the purpose of this Contract. The Port's Office of Equal Opportunity (OEO) analyzed the bids for compliance with the Policy, and concurs with this recommendation.

Airport Pavement Markings, Inc. has not listed any subcontractors.

The expense budget for Fiscal Year 1999-2000 provides for this work under Aviation Facilities Maintenance.

RECOMMENDATION:

It is recommended that Airport Pavement Markings, Inc. be found to be a responsible bidder, that Addendum No. 1 be ratified, that the Contract be awarded to Airport Pavement Markings, Inc. for the amount of its bid, and that the other bid be rejected and the bid security returned to the bidder.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20100

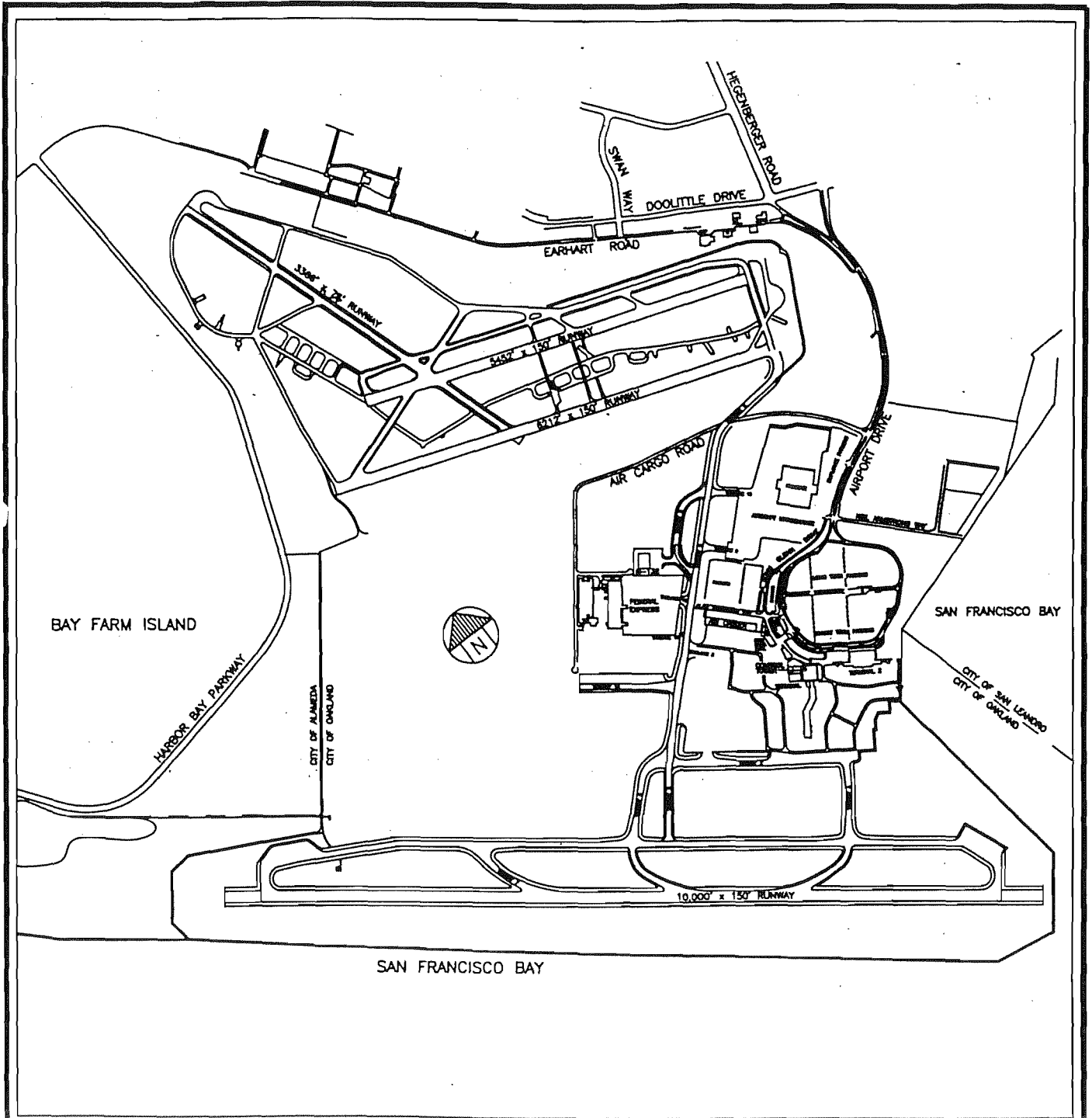
BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

[Signature]

MAR 7 2000
DATE



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Professional Services Contract with Bedrock Media, Inc., a California Corporation

DATE: March 7, 2000

ITEM NO: 12S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Bedrock Media, Inc. (Bedrock) is a conceptual design and visioning company that the Commercial Real Estate Division has used in the past under a purchase order for conceptual layouts and renderings. The principal, Steven J. Sue, has worked with the division on the Jack London Square project and it is proposed we use his services for additional conceptual presentations, including the 34-acre site in the Airport Business Park and the 9th Avenue terminal development area. It is anticipated that the maximum compensation for this contract will not exceed \$35,000 for this fiscal year.

The current fiscal year budget for these services has sufficient funds to cover the costs of this agreement. The work is budgeted under PBOO (Commercial Real Estate Division).

Steve Sue operates his business in Oakland and has been certified by the Office of Equal Opportunity as an LIA-MBE certified professional services contractor.

Analysis

Bedrock Media, Inc. has provided the Commercial Real Estate Division with a responsive and timely effort for the work previously completed. Bedrock has an understanding of both retail and commercial real estate development markets and has assisted in developing site layouts as well as visioning of development potential. Bedrock has developed base conceptual drawings that can be expanded upon for future scenarios.

RECOMMENDATION

It is recommended that the Executive Director be authorized to execute a Professional Services contract with Bedrock Media, Inc. a California Corporation, for an amount not to exceed \$35,000 for the current fiscal year.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20103

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

MAR 7 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Revision of Loan Document for Loan with the Department of Boating and Waterways for Jack London Square Marina Project

DATE: March 7, 2000

ITEM NO: 13S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

Project Background and General Status:

This letter is requesting Board action amending an earlier Board resolution regarding the loan with the State of California Department of Boating and Waterways for the construction and operation of the Jack London Square Marina.

The Jack London Square Marina Reconstruction project began back in 1991 with a planning study prepared by Creegan and D'Angelo, which was funded by a low interest loan from the State of California Department of Boating and Waterways (DBW). The study, completed in May of 1992, concluded that the proposed project would be financially feasible based on an estimated development cost of \$7,277,000. A total of \$7,176,000 in low-interest DBW loan funds was approved through three subsequent allocations from the Department of Boating and Waterways in 1994, 1995 and 1997. The loan is a 4.5 % loan, amortized for 30 years.

The Board approved the loan agreement with the State in 1994. It took three years for the DBW to fully fund the loan due to state budget constraints during that period. Until the loan was fully funded the Port did not commit to building the marina. The Port did however enter into a design contract for the marina with GKO Messenger in 1995. The construction contract for the marina was awarded in September 1998. The marina project is now 95% complete and is awaiting the completion of the Harbormaster's building and restrooms as well as some utility and ADA access ramps. The Marina was originally scheduled to be completed in November 1999, but change orders, weather delays, contractor delays and site constraints have affected this schedule.

Last year staff requested that the Department of Boating and Waterways amend the loan agreement with the Port to extend the completion date of the marina and to delay the commencement of loan payments for a period of one year from its original date. The language requiring Board approval modifying the original loan approval is as follows:

1. Modify the completion date for the Project to May 1, 2000.
2. Conform the Port's repayment obligations to reflect the current construction schedule with repayment commencing January 1, 2001.

Analysis:

Approving the loan amendment will allow the Port to ensure that all the marina project costs that are eligible for loan funds will be submitted prior to the project completion date in the loan agreement. In addition, extending the period for the commencement of loan payments until the marina is fully occupied and generating revenue will reduce the Port's operational costs. There are no adverse impacts in approving this amendment.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20104

BOARD ACTION TAKEN

Assistant

Handwritten signature of Sharon Kuppel

SECRETARY OF THE BOARD

MAR 7 2000

DATE

Alternatives:

Alternatively the Port would be subject to increased cost and inability to receive full reimbursement of the costs that are eligible for payment under low interest state loans.

RECOMMENDATION:

It is recommended that the Executive Director be given approval to execute the amended loan document with the Department of Boating and Waterways for the Jack London Square Marina loan to provide for the changes outlined above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of a Final Map for Condominiums
at Phoenix Lofts Horizons Property (owner),
727 - 2nd Street

DATE: March 7, 2000

ITEM NO: 14S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

On December 7, 1999, the Board of Port Commissioners approved the Tentative Map for New Horizons Properties. New Horizons has now submitted the Final Map for approval of their subdivision of property for the purpose of condominium sales. The existing building, on private property within the Port Area, is being converted from a vacant 4-story warehouse to approximately 28 live-work units. This work was previously approved by the Port under permit no's. 3864 and 4167. The number of units will depend on sales, as some units can be combined.

Port Ordinance No. 2124 ("the Ordinance") specified that the Board of Port Commissioners must act on any Final Map application in the Port Area, regardless of ownership.

The Port Permit Coordinator and Port Surveyor have reviewed the Final Map for compliance with the approved Tentative Map and Port Ordinance No. 2124, as amended. The Final Map is in compliance and applicable conditions have been met.

The project has been determined to be Categorically Exempt from CEQA under Section 15301(k).

Pursuant to section 727 of the City Charter, the project has been determined to conform to the land use designation for the site in the Oakland General Plan.

RECOMMENDATION:

It is recommended that the Board approve this Final Map.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20105

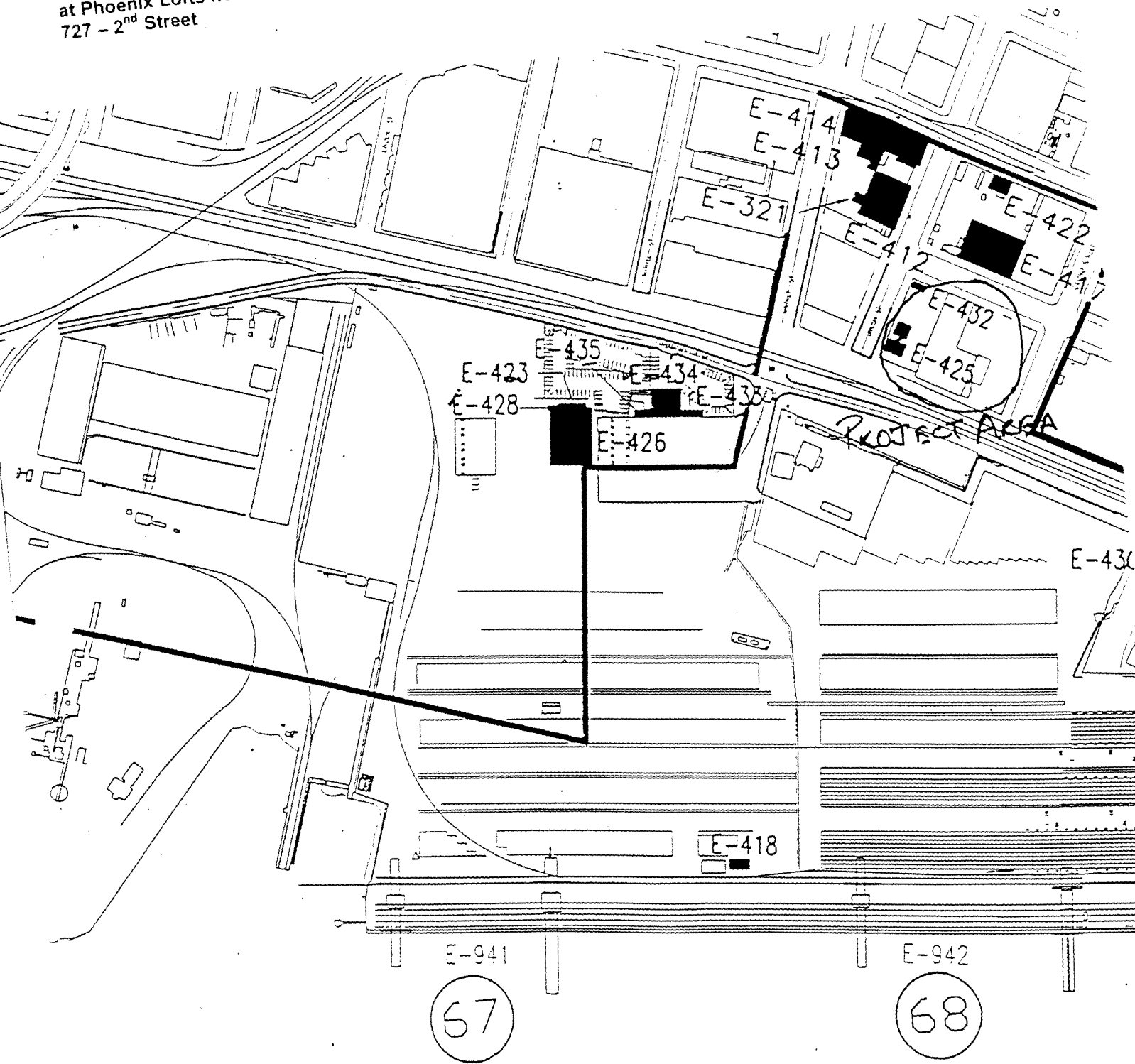
BOARD ACTION TAKEN

Assistant

Starr Kuyperne
SECRETARY OF THE BOARD

MAR 7 2000
DATE

Approval of a Final Map for Condominiums
at Phoenix Lofts horizons Property (owner),
727 - 2nd Street



Agenda Sheet

DATE: March 7, 2000

ITEM NO: 24S

SUBJECT: Approval of Specifications for Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing May 1, 2000 and Ending April 30, 2001, 2002 or 2003

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Specifications have been prepared for **Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing May 1, 2000 and Ending April 30, 2001, 2002 or 2003, Oakland, California**, and are hereby submitted for approval and authorization to advertise for bids.

The work of this annual contract consists, in general, of on-call furnishing of pile driver crew, materials and small hand, air and gasoline-powered tools to repair fender systems, wood and concrete piling and other parts of wharves, and performing work on or underwater to keep berths and wharves of the Port of Oakland in a safe and operating condition for the period indicated. The Port will pay for special pile driving and other equipment furnished by the contractor at a rental rate approved by the Engineer.

Currently, the Port is under contract with a pile driving contractor on an annual term contract. This contract will end on April 30, 2000, without any option for further renewal.

The specifications for this new contract include a provision allowing the Port to renew the contract in one-year increments through April 30, 2003. Renewal of a contract shall only occur if agreed to in writing by both the Executive Director of the Port and the contractor. Should the contract be renewed, all provisions of the specifications shall apply and the markup percentages shall be as on the Bid Sheet.

The expense budget for Fiscal Year 2000 provides for this work under Harbor Facilities Maintenance. 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 15301, Class 1, maintenance, involving no expansion of use beyond that previously existing.

RECOMMENDATION:

It is recommended that the specifications be approved and authorization be granted to advertise for bids to be received on April 5, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20111

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAR 7 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

JH

SUBJECT: First Reading of an Ordinance Granting Pacific Gas and Electric (PG&E) Two (2) Relocated Easements and One (1) New Easement for Utility Lines Along Middle Harbor Road, Realigned 7th Street and New Road

DATE: March 7, 2000

ITEM NO: 265

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

On December 7, 1999, the Board, by Resolution 99472, authorized the Executive Director to execute an agreement with PG&E to design, inspect, and construct a realignment of their 115kV overhead pole line which feeds the Port's Maritime Electric Substations, SS-C-50 and SS-C-51. The agreement was executed and PG&E is completing the design at the end of February 2000. Under the terms of the agreement, the Port will pay for the relocations and PG&E will retain ownership and maintenance responsibility.

Additionally, the Board, by Resolution 99473, authorized the Executive Director to execute an agreement with PG&E to design, inspect, and construct a realignment of their 12kV and natural gas facilities in realigned 7th Street, as well as construct new natural gas facilities in New Road. Under the terms of the agreement, the Port's Contractor will perform all trenching, backfill, and installation of electric manholes and conduit. PG&E will pull all underground cables, install underground equipment, do all overhead electric construction, as well as all gas construction. All material furnished and installed by the Port's Contractor will become property of PG&E.

Additional terms of the agreements with PG&E require the Port to grant PG&E a modification of existing easements and a new easement.

The 115kV relocation requires a modification to an easement along Middle Harbor Road that the Port obtained as a result of the Quitclaim Deed for the Fleet Industrial Center Oakland (FISCO). The easement modification will have the same term as the remaining portion of the original, 50-year easement. The portions of the easement being abandoned are quitclaimed back to the Port. Port obtained as a result of the Quitclaim Deed for the Fleet Industrial Center Oakland (FISCO). The easement modification will have the same term as the remaining portion of the original, 50-year easement. The portions of the easement being abandoned are quitclaimed back to the Port. The 12kV and natural gas realignment along 7th Street will require a modification to the remaining term of a 66 year easement along 7th Street in the vicinity of the FISCO property.

The new natural gas construction will require a new, 66-year, easement in the New Road alignment.

RECOMMENDATION:

It is recommended that the Board give a first reading to an Ordinance granting the aforementioned easement modifications and new easement to PG&E for the electric and natural gas lines required for the Port's development. It is further recommended that the Executive Director be authorized to execute the easement documents on behalf of the Port.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD



MAR 7 2000

DATE

Agenda Sheet


DATE: March 7, 2000

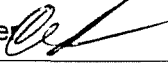
ITEM NO: 36S

SUBJECT: Approval to Exercise Renewal Option of Franklin Covey Contract

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

FACTUAL BACKGROUND:

The current Franklin Covey contract for \$35,000 dated June 25, 1999 is nearing completion. Board Resolution No. 99083 (attached) authorized the inclusion of a renewal option with the same terms and conditions to be included in said contract, subject to the approval of the Board of Port Commissioners to exercise the renewal option.

Franklin Covey's Triple Crown Program includes "What Matters Most" (time/life management and organization), "Managing Change" (managerial/interpersonal tools to manage change), and "Planning for Results" (project management/process mapping). These courses are linked to the Port's 7 Attributes and Performance Evaluation factors. Since November of 1998, we have a combined total of 175 "graduates" comprised of Port employees from various units. All courses have been well received, with an overwhelming majority rating them as "very good" to "excellent". (Please refer to attachments.)

Franklin Covey has an excellent reputation for offering top of the line business and professional development courses that extend far beyond stereotypical "time management and Franklin planner." Courses are now integrated with software. In a few months, "What Matters Most" and its planning/organization tools and techniques will be offered for Palm Pilots that can be synchronized with the Port's GroupWise calendaring and e-mail network system.

Franklin Covey also offers a well-received leadership course entitled "The 4 Roles of Leadership", in addition to standards, such as "7 Habits of Highly Effective People". All courses in our agreement with Franklin Covey are competitively priced, as as custom-tailored for the Port.

Upon approval to exercise the renewal option, Franklin Covey's Triple Crown Program and new courses will be scheduled through 2000 into 2001.

RECOMMENDATION:

Due to facts provided above and Franklin Covey's excellent record with the Port thus far, it is recommended that the Board of Port Commissioners approve to exercise the renewal option with the same terms and conditions, which stipulates a maximum of \$35,000, plus an additional \$12,500 for related services, additional participants and/or special courses to be authorized by the Executive Director.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20116

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAR 7 2000

DATE

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 99083

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH FRANKLIN COVEY COMPANY 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. 33, dated March 2, 1999 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with FRANKLIN COVEY COMPANY for time management workshops 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 FRANKLIN COVEY COMPANY 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 FRANKLIN COVEY COMPANY shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed \$35,000, unless additional work up to an additional amount of \$12,500 is approved in writing by the Executive Director, provided that a renewal option with the same terms and conditions shall be included in said contract subject to the approval of the Board of Port Commissioners to exercise said renewal; 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 2, 1999

Passed by the following vote:

Ayes: Commissioners Harris, Kiang, Kramer, Neal, Taylor, Uribe and President Loh - 7

Noes: None

Absent: None

R.M.

O.D. PORT-WIDE TRAINING SCHEDULE
Linkage to 7 Attributes and Performance Appraisal

ATTRIBUTE	PERFORMANCE FACTOR ON APPRAISAL FORM	U.C. & Franklin Covey TRAINING	STATUS
Customer Focus	Internal/External Customer Relations	UC - "Quality Service"	4th Q CY99; CY 2000 In Progress
Action Level Decision Making	Analysis and Decision Making Planning and Organization	UC - "Management Development"	U.C. Series-1997; revised series-CY2000?
		UC - "Process Improvement"	New U.C. Course: CY2000 onward
		FC - "What Matters Most"	Ongoing Franklin Covey course into 2000
		FC - "Palm Pilot for WMM"	New FC Course: CY2000 onward
Teamwork	Teamwork	FC-"Planning for Results" (Proj Mgt)	New In 4th Q CY99 into CY2000
		FC-"7 Habits of Highly Effective People"	New FC Course: CY2000 onward
		UC - "Team Building"	New in 4th Q CY99 , In Progress
Information Sharing	Communications	UC - "Management Development"	U.C. Series-1997; revised series-CY2000?
		FC - "4 Roles of Leadership"	New FC Course: CY200 and onward
		UC - "Communication Skills"	New in 4th Q CY99; In Progress
		UC - "Making Meetings Productive"	Current U.C. Course: 1998 - onward
Adapting to Ongoing Change	Planning and Organization Job Knowledge	UC - "Professional Writing Skills"	U.C. Course: 1997-8; repeat in CY2000?
		UC - "Grammar for Grownups"	U.C. Course: 1997-8; repeat in CY2000?
Learning from Mistakes	Performance Coaching	FC-"Planning for Results" (Proj Mgt)	New in 4th Q CY99; CY2000 Onward
Accountability	Job Knowledge	FC - "Managing Change"	Current Franklin Covey course - In progress
		UC - "Communications"	New in 4th Q CY99; In Progress
		UC - "Management Development"	U.C. Series-1997; revised series-CY2000?
All 7 Attributes	All Performance Factors above	Attribute of the Month Program	All Task Forces completed; Summary Report In progress

Franklin Covey

Course Title	# of Series	# of Graduates
What Matters Most <i>(1-Day Course)</i>	4 Series (108 Graduates Total)	
	Units A & B (Local 790)	16
	Unit C (WCE)	22
<i>November 6, 1998</i>	Unit D	26
<i>November 16, 1998</i>	Unit E	33
<i>June 25, 1999</i>	Unit F (IBEW)	3
<i>September 13, 1999</i>	Unit H	1
	Temporary Employees	7 (Includes 1 OPA)
Managing Change <i>(1-Day Course)</i>	2 Series (47 Graduates Total)	
	Units A & B (Local 790)	9
	Unit C (WCE)	12
<i>July 20, 1999</i>	Unit D	13
<i>October 15, 1999</i>	Unit E	12
	Unit F (IBEW)	0
	Temporary Employees	1
Planning For Results <i>(1 Day Course)</i>	1 Series (20 Graduates Total)	
	Units A & B (Local 790)	2
	Unit C (WCE)	5
<i>November 3, 1999</i>	Unit D	6
	Unit E	6
	Unit F (IBEW)	0
	Temporary Employees	1

Franklin Covey
 "What Matters Most"
 September 13, 1999
 Summary of Evaluations

How would you evaluate:	Workshop				
	Fair (1)	(2)	Average (3)	(4)	Excellent (5)
1. the overall workshop?	0	0	3 (11%)	9 (32%)	16 (57%)
2. your desire is to apply the workshop material?	0	1 (4%)	4 (14%)	18 (64%)	5 (18%)
3. the success of the course in increasing your knowledge?	0	0	6 (21%)	13 (46%)	9 (32%)
4. the success of the course in increasing your skills?	0	1 (4%)	6 (21%)	13 (46%)	8 (29%)
5. the workshop's effectiveness in helping you:					
~understand personal productivity concepts	0	0	5 (18%)	14 (50%)	9 (32%)
~develop your mission	0	0	7 (26%)	13 (48%)	7 (26%)
~develop your values	0	0	8 (29%)	12 (43%)	8 (29%)
~develop your goals	0	0	7 (25%)	12 (43%)	9 (32%)
~use the Franklin Planner	0	0	4 (14%)	13 (46%)	11 (39%)
~prepare to begin to align your choices with What Matters Most	0	0	4 (14%)	17 (61%)	7 (25%)
Please rate the workshop presenter on:	Presenter				
	Fair (1)	(2)	Average (3)	(4)	Excellent (5)
6. overall effectiveness.	0	0	1 (4%)	8 (30%)	18 (67%)
7. knowledge of the topic.	0	0	0	8 (30%)	19 (70%)
8. presentation skills.	0	0	0	7 (26%)	20 (74%)
9. ability to involve audience.	0	0	1 (4%)	8 (30%)	18 (67%)
10. use of relevant examples and stories.	0	0	3 (11%)	7 (26%)	17 (63%)
Evaluate how strongly you agree with the following:	Recommendation				
	Strongly Disagree (1)	(2)	(3)	(4)	Strongly Agree (5)
11. I would highly recommend this course to others.	0	0	6 (21%)	8 (29%)	14 (50%)
12. I would highly recommend the presenter to others.	0	0	2 (7%)	8 (29%)	18 (64%)
Total Number of Respondents: 28 Instructor: Kim Tate					

Franklin Covey
 "Managing Personal Change"
 July 20, 1999
 Summary of Evaluations

How would you evaluate:	Workshop				
	Fair (1)	(2)	Average (3)	(4)	Excellent (5)
1. the overall workshop?	0	0	2 (9%)	11 (48%)	10 (43%)
2. your desire is to apply the workshop material?	0	0	3 (13%)	11 (48%)	9 (39%)
3. the success of the course in increasing your knowledge?	0	1 (5%)	2 (9%)	13 (59%)	6 (27%)
4. the success of the course in increasing your skills?	0	1 (5%)	2 (9%)	14 (64%)	5 (23%)
5. the workshop's effectiveness in helping you:					
~understand how my belief window impacts my behavior, and therefore my results	0	0	3 (13%)	9 (39%)	11 (48%)
~understand how barriers don't come down until I deal with my beliefs	0	0	1 (5%)	11 (50%)	10 (45%)
~understand how to use the Reality Model to analyze and evaluate my current situation	0	1 (5%)	4 (17%)	12 (52%)	6 (26%)
~understand how to use the Pathway Model to move quickly from panic to productivity	0	1 (5%)	4 (18%)	11 (50%)	6 (27%)
~understand how your behavior is an attempt to meet your needs	0	0	1 (5%)	12 (52%)	10 (43%)
Please rate the workshop presenter on:	Presenter				
	Fair (1)	(2)	Average (3)	(4)	Excellent (5)
6. overall effectiveness.	0	0	0	6 (26%)	17 (74%)
7. knowledge of the topic.	0	0	0	4 (17%)	19 (83%)
8. presentation skills.	0	0	0	3 (13%)	20 (87%)
9. ability to involve audience.	0	0	0	4 (17%)	19 (83%)
10. use of relevant examples and stories.	0	0	2 (9%)	6 (26%)	15 (65%)
Evaluate how strongly you agree with the following:	Recommendation				
	Strongly Disagree (1)	(2)	(3)	(4)	Strongly Agree (5)
11. I would highly recommend this course to others.	0	0	4 (17%)	8 (35%)	11 (48%)
12. I would highly recommend the presenter to others.	0	0	1 (5%)	3 (13%)	19 (83%)
Total Number of Respondents: 23					
Instructor: Kim Tate					

Franklin Covey
 "Planning for Results"
 November 3, 1999
 Summary of Evaluations

How would you evaluate:	Workshop				
	Fair (1)	(2)	Average (3)	(4)	Excellent (5)
1. the overall workshop?	0	0	1 (6%)	7 (39%)	10 (56%)
2. your desire is to apply the workshop material?	0	0	3 (17%)	4 (22%)	11 (61%)
3. the success of the course in increasing your knowledge?	0	0	2 (11%)	7 (39%)	9 (50%)
4. the success of the course in increasing your skills?	0	0	2 (11%)	9 (50%)	7 (39%)
5. the workshop's effectiveness in helping you:					
~prepare to manage projects using a four-step projectmanagement process	0	0	3 (17%)	6 (33%)	9 (50%)
~mindmap to creatively brainstorm and organize projects	0	0	2 (11%)	4 (22%)	12 (67%)
~understand how to identify and interview project stakeholders	0	0	2 (11%)	6 (33%)	10 (56%)
~prepare to use stakeholder information in the creation of a shared vision	0	0	2 (11%)	5 (28%)	11 (61%)
~prepare to plan a project by breaking it into manageable pieces	0	0	1 (6%)	6 (33%)	11 (61%)
~prepare to effectively communicate with a team while managing a project	0	0	2 (11%)	5 (28%)	11 (61%)
	Presenter				
Please rate the workshop presenter on:	Fair (1)	(2)	Average (3)	(4)	Excellent (5)
6. overall effectiveness.	0	0	0	6 (33%)	12 (67%)
7. knowledge of the topic.	0	0	0	2 (11%)	16 (89%)
8. presentation skills.	0	0	0	2 (11%)	16 (89%)
9. ability to involve audience.	0	0	0	4 (22%)	14 (78%)
10. use of relevant examples and stories.	0	0	0	6 (33%)	12 (67%)
	Recommendation				
Evaluate how strongly you agree with the following:	Strongly Disagree (1)	(2)	(3)	(4)	Strongly Agree (5)
11. I would highly recommend this course to others.	0	0	1 (6%)	1 (6%)	16 (89%)
12. I would highly recommend the presenter to others.	0	0	1 (6%)	0	17 (94%)
Total Number of Respondents: 18					
Instructor: Kim Tate					

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 37S

SUBJECT: Contract with UC Berkeley Extension to Deliver Port-wide Training Package

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

FACTUAL BACKGROUND:

The current contract with U.C. Berkeley Extension for a maximum of \$95,000 dated February 17, 1998 is nearly completed. It covers a Port-wide training package that includes workshops such as: "Professional Writing Skills", "Making Meetings Productive", "Grammar for Grownups", "Communications for Understanding", "Team Building" and "Quality Service". The Port's Organizational Development Department works closely with U.C. instructors to custom-tailor each workshop based on recommendations from Creative Action Teams, the 1998 Port Employee Survey, Management Seminars, the Attribute of the Month task forces and various focus groups.

Workshop topics are designed to improve communication, interpersonal, analytical, planning, productivity, managerial and leadership skills. They reinforce the Port's Seven Attributes, and employee improvement can be tracked on several Performance Factors on employee evaluation forms. Over 300 employees from various Units have attended these workshops. Over 95% of participant evaluations from these workshops indicated ratings of "good" to "excellent". (Please refer to attachments.)

U.C. Berkeley Extension is now offering a more extensive Training Package that will repeat the Interpersonal Skills Trio ("Communications", "Team Building" and "Quality Service") on a regular schedule so that a majority of employees will be able to attend these courses. The Training Package also includes new courses such as Process Improvement and Conflict Resolution, yet is very flexible in terms of substitution and scheduling. Previously offered workshops may be repeated, or more advanced versions may be substituted.

U.C. Berkeley Extension is a distinguished institution with an excellent track record with the Port since early 1997, offering top quality academic and business instruction, very competitive pricing through its Business Partnership program with the Port, and Continuing Education Units and Certificates of Completion for Port employees.

RECOMMENDATION:

Based on the facts provided and U.C. Berkeley Extension's excellent track record with the Port, it is recommended that the Board approve the hiring of U.C. Berkeley Extension to deliver the new Training Package which offers flexibility in terms of course substitution (new and previous workshops) and scheduling. The courses will be scheduled through 2000 and into 2001, based on instructor and availability and employee scheduling, with a maximum of 30 participants per workshop, for a total fee not to exceed **\$150,000**. It is further recommended that the Executive Director be authorized to increase the total compensation by \$35,000 for additional related services, additional participants and/or special executive sessions.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20117

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAR 7 2000
DATE

O.D. PORT-WIDE TRAINING SCHEDULE
Linkage to 7 Attributes and Performance Appraisal

ATTRIBUTE	PERFORMANCE FACTOR ON APPRAISAL FORM	U.C. & Franklin Covey TRAINING	STATUS
Customer Focus	Internal/External Customer Relations	UC - "Quality Service"	4th Q CY99; CY 2000 In Progress
Action Level Decision Making	Analysis and Decision Making Planning and Organization	UC - "Management Development"	U.C. Series-1997; revised series-CY2000?
		UC - "Process Improvement"	New U.C. Course: CY2000 onward
		FC - "What Matters Most"	Ongoing Franklin Covey course into 2000
		FC - "Palm Pilot for WMM"	New FC Course: CY2000 onward
		FC-"Planning for Results" (Proj Mgt)	New in 4th Q CY99 into CY2000
		FC-"7 Habits of Highly Effective People"	New FC Course: CY2000 onward
Teamwork	Teamwork	UC - "Team Building"	New in 4th Q CY99 , In Progress
		UC - "Management Development"	U.C. Series-1997; revised series-CY2000?
		FC - "4 Roles of Leadership"	New FC Course: CY200 and onward
Information Sharing	Communications	UC - "Communication Skills"	New in 4th Q CY99; In Progress
		UC -"Making Meetings Productive"	Current U.C. Course: 1998 - onward
		UC -"Professional Writing Skills"	U.C. Course: 1997-8; repeat in CY2000?
		UC -"Grammar for Grownups"	U.C. Course: 1997-8; repeat in CY2000?
Adapting to Ongoing Change	Planning and Organization Job Knowledge	FC-"Planning for Results" (Proj Mgt)	New in 4th Q CY99; CY2000 Onward
		FC - "Managing Change"	Current Franklin Covey course - in progress
Learning from Mistakes	Performance Coaching	UC - "Communications"	New in 4th Q CY99; In Progress
		UC - "Management Development"	U.C. Series-1997; revised series-CY2000?
Accountability	Job Knowledge	UC - "Management Development"	U.C. Series-1997; revised series-CY2000?
		FC - "4 Roles of Leadership"	New FC Course: CY200 and onward
		FC - "What Matters Most"	Ongoing Franklin Covey course into 2000
All 7 Attributes	All Performance Factors above	Attribute of the Month Program	All Task Forces completed; Summary Report In progress

**U.C. BERKELEY EXTENSION - 2000 SCHEDULE (Proposed)
Similar Flexible Schedule for Year 2001**

JAN	FEB	MAR	APR	MAY	JUNE
	Wed, 16: Communicating for Understanding-Part 1	Thur, 9: Team Building-Part 1	Thur, 6: Quality Service- Part 1	Thur, 4: Communicating for Understanding-Part 1	Thur, 8: Team Building-Part 1
	Wed, 23: Communicating for Understanding-Part 2	Thur, 16: Team Building-Part 2	Thur, 13: Quality Service- Part 2	Thur, 11: Communicating for Understanding-Part 2	Thur, 15: Team Building-Part 2
			Wed, 5: Process Improvement Part 1	<i><u>OPTIONAL SERIES:</u> Wed, 3, 10, 17, 21, 27: Leadership Develop. (5 part series may be rescheduled/substituted.)</i>	
			Wed, 19: Process Improvement Part 2		
JULY	AUG	SEPT	OCT	NOV	DEC
Wed, 12: Quality Service- Part 1		Wed, 20: Communicating for Understanding-Part 1	Wed, 4: Team Building-Part 1	Wed, 1: Quality Service - Part 1	
Wed, 19: Quality Service- Part 2		Wed, 27: Communicating for Understanding-Part 2	Wed, 11: Team Building-Part 2	Wed, 8: Quality Service - Part 2	
Thur, 13: Process Improve. Part 1			<i><u>OPTIONAL SERIES:</u> Thur, 19: PI or another series substituted/rescheduled</i>		
Thur, 20: Process Improve. Part 2			<i>Thur, 26: PI or another series substituted/rescheduled</i>		

Average Cost per Workshop = \$4,000
Average Cost per Participant = \$200-300

U.C. Berkeley Extension

Course Title	# of Series	# of Graduates
Professional Writing Skills	5 Series (119 Graduates Total)	
(2-Day Course)	Units A & B (Local 790)	45
December 2 and 9, 1997	Unit C (WCE)	14
February 11 and 18, 1998	Unit D	50
March 10 and 17, 1998	Unit E	2
April 8 and 15, 1998	Unit F (IBEW)	7
May 6 and 13, 1998	Temporary Employees	1
Making Meetings Productive	6 Series (89 Graduates Total)	
(1-Day Course)	Units A & B (Local 790)	13
July 1, 1998	Unit C (WCE)	22
July 10, 1998	Unit D	15
August 26, 1998	Unit E	32
September 3, 1998	Unit F (IBEW)	3
December 8, 1998	Temporary Employees	4
May 7, 1999		
Grammar For Grownups	2 Series (52 Graduates Total)	
(1-Day Course)	Units A & B (Local 790)	24
July 21, 1998	Unit C (WCE)	6
July 22, 1998	Unit D	11
	Unit E	10
	Unit F (IBEW)	0
	Temporary Employees	1
Communication For Understanding	1 Series (29 Graduates Total)	
(2-Day Course)	Units A & B (Local 790)	15
October 13 and 14, 1999	Unit C (WCE)	4
	Unit D	1
	Unit E	6
	Unit F (IBEW)	1
	Temporary Employees	2
Team Building	1 Series (19 Graduates Total)	
(2-Day Course)	Units A & B (Local 790)	11
October 20 and 27, 1999	Unit C (WCE)	2
	Unit D	0
	Unit E	3
	Unit F (IBEW)	1
	Temporary Employees	2
Quality Service	1 Series (18 Graduates Total)	
(2 Day Course)	Units A & B (Local 790)	9
November 2 and 9, 1999	Unit C (WCE)	3
	Unit D	0
	Unit E	3
	Unit F (IBEW)	1
	Temporary Employees	2

UC Berkeley Extension
"Communication"
October 13 and 14, 1999
Summary of Evaluations

	Poor	Needs Work	Average	Above Average	Excellent												
1. Instructor Preparation				8 (44%)	10 (56%)												
2. Clarity of Presentations, explanations				8 (44%)	10 (56%)												
3. Instructor's ability to stimulate interest				8 (44%)	10 (56%)												
4. Coverage of Subject				7 (39%)	11 (61%)												
5. Application/relevance of information			1 (06%)	6 (33%)	11 (61%)												
6. Adequacy of Course Material			2 (12%)	8 (44%)	8 (44%)												
<table border="1" style="width: 100%; border-collapse: collapse; margin: 10px auto;"> <thead> <tr> <th style="width: 33%;"></th> <th style="width: 17%; text-align: center;">Too Short</th> <th style="width: 33%; text-align: center;">About Right</th> <th style="width: 17%; text-align: center;">Too Long</th> </tr> </thead> <tbody> <tr> <td>7. I find the length of the presentation:</td> <td style="text-align: center;">2 (13%)</td> <td style="text-align: center;">13 (81%)</td> <td style="text-align: center;">1 (06%)</td> </tr> <tr> <td>8. I find the level of the presentation:</td> <td></td> <td style="text-align: center;">18 (100%)</td> <td></td> </tr> </tbody> </table>							Too Short	About Right	Too Long	7. I find the length of the presentation:	2 (13%)	13 (81%)	1 (06%)	8. I find the level of the presentation:		18 (100%)	
	Too Short	About Right	Too Long														
7. I find the length of the presentation:	2 (13%)	13 (81%)	1 (06%)														
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<table border="1" style="width: 100%; border-collapse: collapse; margin: 10px auto;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">Yes</th> <th style="width: 20%; text-align: center;">No</th> </tr> </thead> <tbody> <tr> <td>9. Would you take another course from this instructor?</td> <td style="text-align: center;">18 (100%)</td> <td></td> </tr> <tr> <td>10. Would you recommend this course to an associate?</td> <td style="text-align: center;">18 (100%)</td> <td></td> </tr> <tr> <td>11. Would you like to attend a course on this topic again?</td> <td style="text-align: center;">15 (83%)</td> <td style="text-align: center;">3 (17%)</td> </tr> </tbody> </table>							Yes	No	9. Would you take another course from this instructor?	18 (100%)		10. Would you recommend this course to an associate?	18 (100%)		11. Would you like to attend a course on this topic again?	15 (83%)	3 (17%)
	Yes	No															
9. Would you take another course from this instructor?	18 (100%)																
10. Would you recommend this course to an associate?	18 (100%)																
11. Would you like to attend a course on this topic again?	15 (83%)	3 (17%)															
<p>Total Number of Respondents: 18 Instructor: Linda Ricketts</p>																	

UC Berkeley Extension
"Team Building"
October 20 and 27, 1999
Summary of Evaluations

	Poor	Needs Work	Average	Above Average	Excellent
1. Instructor Preparation		4 (19%)	7 (34%)	11 (52%)	3 (14%)
2. Clarity of Presentations, explanations		1 (5%)	8 (38%)	7 (34%)	2 (9%)
3. Instructor's ability to stimulate interest			4 (19%)	12 (57%)	4 (19%)
4. Coverage of Subject		1 (5%)	6 (28%)	10 (48%)	5 (24%)
5. Application/levance of information			5 (24%)	11 (52%)	4 (19%)
6. Adequacy of Course Material			7 (34%)	12 (57%)	2 (9%)

	Too Short	About Right	Too Long
7. I find the length of the presentation:	3 (14%)	17 (81%)	1 (5%)
8. I find the level of the presentation:		21 (100%)	

	Yes	No
9. Would you take another course from this instructor?	17 (81%)	4 (19%)
10. Would you recommend this course to an associate?	19 (91%)	2 (9%)
11. Would you like to attend a course on this topic again?	16 (76%)	5 (24%)

Total Number of Respondents: 21
 Instructor: Howard Lewis

UC Berkeley Extension
"Quality Service"
November 22 and 29, 1999
Summary of Evaluations

	Poor	Needs Work	Average	Above Average	Excellent												
1. Instructor Preparation				8 (44%)	10 (56%)												
2. Clarity of Presentations, explanations				8 (44%)	10 (56%)												
3. Instructor's ability to stimulate interest				8 (44%)	10 (56%)												
4. Coverage of Subject				7 (39%)	11 (61%)												
5. Application/relevance of information			1 (06%)	6 (33%)	11 (61%)												
6. Adequacy of Course Material			2 (12%)	8 (44%)	8 (44%)												
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	Too Short	About Right	Too Long														
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Total Number of Respondents: 18 Instructor: Rogene Baxter																	

PORT OF OAKLAND

COMMISSIONERS

JOHN LOH
President

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First Vice President

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530 WATER STREET
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CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Regular Meeting of the Board of Port Commissioners

Tuesday, March 21, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh

READING OF THE MINUTES:

January 4, 2000; and January 18, 2000.

Deferred - February 1, 2000; February 22, 2000;
and March 7, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Administration

Commercial Real Estate

Regular Meeting
March 21, 2000

READING OF SUMMARY ITEMS: (Marked "S")

8 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 First Reading of Ordinance Approving Standardized Airline Operating Agreement and Space/Use Permit at Oakland International Airport (#1 Airport Drive, South Airport). (Ordinance)
- 2S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Pegasus Aviation, Inc. (8991 Earhart Road, North Airport). (Resolution)
- 3S Approval of License and Concession Agreement with Bay Avionics, Inc. (8053 Earhart Road, North Airport). (Resolution)
- 4S Ordinance Approving Termination Agreement with Existing Tenant American Tower L.P. and Waiving of All Back Rent (Air Cargo Road at Gate C-3, South Airport). (Resolution)
- 5S Approval of Revocable Permit for Earthquake Studies with United States Department of the Interior (Vicinity of Building L-231, North Airport). (Resolution)

Regular Meeting
March 21, 2000

COMMERCIAL REAL ESTATE

11 This item not used.

MARITIME

- 21 Authorization to Dispense with Formal Bidding for Removal of Rail Track and Ties from Union Pacific Railroad Yard, Vision 2000. (Resolution)
-
- 22 **HELD OVER** Approval of First Supplemental Agreement with DeLeuw Cather & Company for Engineering Studies of Rail Operations in the Oakland Army Base and Joint Intermodal Terminal Peer Review. (Resolution)
-
- 23 Request Ordinance for Lease Agreement with Nextel of California, Inc. d.b.a. Nextel Communications for Vacant Land Located in an Area South of the Bay Bridge Toll Plaza, Request Resolution for Building Permit, and for Extension of a Right-of-Entry and Indemnity Agreement. (Resolution & Ordinance)
- 24 Recommendation to Approve Modification of Berths 55-58 Project to Include Deepening of Berths 55-58 to -50 Feet MLLW. (Resolution)
- 25S Ratify Addendum and Award of Contract for Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)
- 26S Approval of Plans and Specifications for Construction of Berths 57/58 Container Wharf, Fill, and Middle Harbor Shoreline Modifications, Vision 2000. (Resolution)

Regular Meeting
March 21, 2000

OPERATIONS

- 31 This item not used.
- 32 Approval of Fourth Supplemental Agreement with PricewaterhouseCoopers Dated June 9, 1997 to Perform Audit Services for FY Ending June 2000 and a Separate Agreement with Yano and Associates to Review and Update the Port's Indirect Cost Allocation Plan for 1999. (Resolution)
- 33 This item not used.
- 34 Approval of Project Labor Agreement for Maritime and Aviation Projects. (Resolution)
- 35S Approval of Specifications for Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 and 2003. (Resolution)
- 36S Approval of Specifications for Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003. (Resolution)

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

Regular Meeting
March 21, 2000

Vote on the following resolutions except Number 14:

Ayes: Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh - 7

Noes: None

Absent: None

Vote on Number 14:

Ayes: Commissioners Harris, Kiang, Kramer, Neal,
Taylor and President Loh - 6

Noes: None

Abstained: Commissioner Uribe - 1

Absent: None

RESOLUTIONS:

- 20121 1 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH PEGASUS AVIATION, INC. (Airport - 2S)
- 20122 2 APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH BAY AVIONICS, INC. (Airport - 3S)
- 20123 3 APPROVING THE TERMS OF A LEASE TERMINATION AGREEMENT WITH AMERICAN TOWER L.P. (Airport - 4S)
- 20124 4 APPROVING REVOCABLE PERMIT WITH UNITED STATES DEPARTMENT OF INTERIOR. (Airport - 5S)
- 20125 5 FINDING AND DETERMINING THAT IT IS IN BEST INTEREST OF THE PORT TO CONTRACT FOR REMOVAL OF RAIL TRACK AND TIES FROM UNION PACIFIC RAILROAD YARD, VISION 2000, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime - 21)
- 20126 6 APPROVING AND AUTHORIZING EXTENSION OF A RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH NEXTEL OF CALIFORNIA, INC., DBA NEXTEL COMMUNICATIONS. (Maritime - 23)

Regular Meeting
March 21, 2000

- 20127 7 GRANTING NEXTEL OF CALIFORNIA INC. DOING BUSINESS AS NEXTEL COMMUNICATIONS PERMISSION TO PERFORM CERTAIN WORK. (Maritime - 23)
- 20128 8 CERTIFYING REVIEW AND CONSIDERATION OF ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT FOR BERTHS 55-58 PROJECT, MAKING CERTAIN FINDINGS AND DETERMINATIONS AND APPROVING MODIFICATION TO BERTHS 55-58 PROJECT TO PROVIDE FOR DEEPENING OF BERTHS 55-58 TO -50 FEET M-AN LOWER LOW WATER. (Maritime - 24)
- 20129 9 APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF BERTHS 57/58 CONTAINER WHARF, FILL, AND MIDDLE HARBOR SHORELINE MODIFICAIONS, VISION 2000, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Maritime - 26S)
- 20130 10 FINDING AND DETERMINING THAT A PROPOSED FOURTH SUPPLEMENTAL AGREEMENT WITH PRICEWATERHOUSE-COOPERS AND YANO & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Operations - 32)
- 20131 11 MAKING FINDINGS AND DETERMINATIONS REGARDING A PROPOSED PORT OF OAKLAND MARITIME AND AVIATION PROJECT LABOR AGREEMENT AND APPROVING AND AUTHORIZING ITS EXECUTION ON BEHALF OF THE PORT. (Operations - 34)
- 20132 12 APPROVING PLANS AND SPEFICIATIONS FOR REMOVAL AND DISPOSAL OF HAZARDOUS WASTE, DESIGNATED WASTE, UNIVERSAL WASTE, AND OTHER CONTAMINATED MATERIALS FOR THE PERIOD COMMENCING JULY 1, 2000, AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Operations - 35S)

Regular Meeting
March 21, 2000

- 20133 13 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, 2000, AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Operations - 36S)
- 20134 14 RATIFYING AND APPROVING ADDENDUM TO PLANS AND SPECIFICATIONS FOR CLOSURE OF LANDFILL AT THE FORMER LEW F. GALBRAITH GOLF COURSE, OAKLAND, CALIFORNIA; AND AWARDED CONTRACT TO HARDING LAWSON ASSOCIATES, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 25S)

Vote on the following ordinances:

- Ayes: Commissioners Harris, Kiang, Kramer, Neal, Taylor, Uribe and President Loh - 7
- Noes: None
- Absent: None

ORDINANCES:

- 1 Port Ordinance No. 3568 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH LAPTOP LANE LIMITED, AND DIRECTING RECORDATION THEREOF."

Final.
- 2 Port Ordinance No. 3569 being, "AN ORDINANCE AMENDING PORT ORDINANCE 1149 RELATING TO LANDING AND TENANT TERMINAL SPACE RENTAL FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Final.
- 3 Port Ordinance No. 3570 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH LEVEL 3 COMMUNICATIONS, LLC."

Final.

Regular Meeting
March 21, 2000

4 Port Ordinance No. 3571 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC (PG&E) FOR UTILITY LINES ALONG MIDDLE HARBOR ROAD, REALIGNED 7TH STREET AND NEW ROAD."

Final.

5 Port Ordinance No. 3572 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO RETITLE THE POSITION OF PORT INTERNAL AUDITOR TO PORT AUDITOR."

Final.

6 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING A STANDARDIZED AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Airport - 1 to print.

7 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH NEXTEL OF CALIFORNIA, INC., DBA NEXTEL COMMUNICATIONS."

Maritime - 23 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be an regular meeting held on Tuesday, April 4, 2000 at 3:00 p.m.

Agenda Sheet


DATE: March 21, 2000

SUBJECT: **First Reading of Ordinance Approving Standardized Airline Operating Agreement and Space/Use Permit at Oakland International Airport (#1 Airport Drive, South Airport)**

ITEM NO: 1

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven Grossman 

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

This proposed action would approve a new standardized Airline Operating Agreement and Space/Use Permit for commercial and cargo air carriers, as well as other aviation-related operators (e.g., ground handlers, passenger security screening companies, skycap services) at the Airport's terminal building complex (e.g., terminal buildings, concourses, connector, ramp offices, adjacent apron space, RON aircraft parking, multi-tenant cargo building). In addition, this proposed action would authorize the Executive Director to enter into individual agreements with each of the existing airline carriers (both cargo and commercial) providing regularly scheduled service at the Airport.

Almost all major-hub airports operate with an airline operating agreement or airport/airline lease and use agreement, governing activities that may be conducted by airlines. Such agreements usually encompass the particular range of activities at airports that most affect the airline users, including: rights and privileges granted to the airline tenants, terminal building facility requirements, airline rates and charges, contract surety, indemnification and insurance, environmental and toxic materials issues, default, assignment and sublease, etc.

Most such airports also have a real estate agreement with their tenants governing the particular transactional and properties aspects at the airports. The Port's current License and Concession Agreement has served this purpose for many years.

A consultant assisted staff in developing a new standardized Airline Operating Agreement and Space/Use Permit for the Airport that conforms to the Airport's particular rate-setting and space/use methodologies. For example, the Port establishes the airlines' rates and charges usually on an annual basis by adopting an ordinance (Port Ordinance #1149). Further, all space used by airlines at the Airport's terminal building complex, including aircraft gate usage, is rented on a month-to-month basis. These two very flexible methodologies enable the Airport to add, remove, or reassign space on an as-needed basis, while increasing or decreasing rates as necessary.

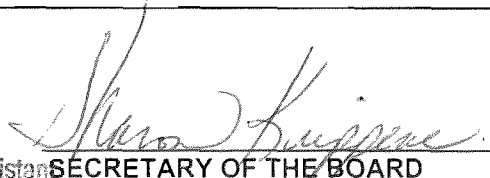
Following several drafts and staff reviews, the proposed Airline Operating Agreement and Space/Use Permit were distributed for comment to the Airport Liaison Officer (ALO) and representatives from each of the airlines. Staff further met with the ALO and the airlines earlier this month to finalize particular terms and conditions within the agreements to the mutual satisfaction of the parties, including the Port Attorney's own requirements.

The resulting drafts, now proposed for the Board's approval, retain the Airport's very flexible rate-setting and space/use methodologies, while providing longer-term continuity and greater legal surety for the Port. For example, the proposed Space/Use Permit combines into a single document many of the present Right-of-Entry and Multi-Year License and Concession Agreement provisions contained within the Port's existing agreements. But, it allows through delegation to the Director of Aviation, reassignment or relinquishment of various Airport spaces from time-to-time on a 30-day basis, such as aircraft gate assignments, terminal building space, airline ramp space, etc.

Nonetheless, all new carriers and related users commencing service at the Airport must still secure the Board's prior approval before 270 days (9 months) have elapsed (the present practice). The terms of each of these

- MOTION
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- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print


Assistant SECRETARY OF THE BOARD

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

MAR 21 2000

DATE

proposed agreements is for up to ten (10) years (like the multi-year license agreements), but still terminable by the Port with 30-days notice. In addition, the proposed Space/Use Permit also would be used for non-airline Airport tenants such as ground handlers, security checkpoint firms, skycap services, and other non-concessionaires. Finally, the Board still would retain approval authority for establishing or adjusting all Airport rates and charges by amending Ordinance #1149, just as it does now.

ANALYSIS:

As stated above, it is the standard practice at major-hub airports to operate with one or two operating and leasing agreements within the terminal building environment. Since the Airport does not have long-term leases with its airline tenants, instead operating under the more flexible ordinance rate-setting methodology, two agreements are more appropriate than one. Finally, these proposed agreements would *not* supplant long-term ground leases under which certain airlines operate (e.g., FedEx Metroplex, United Airlines Maintenance Base).

The following scheduled airlines would enter into an Airline Operating Agreement and Space/Use Permit: Airborne, Alaska/Horizon Air, Aloha, America West, American, Ameriflight, City Bird, Corsair, Delta, Emery Worldwide, Evergreen Aviation, Federal Express, Martinair Holland, Mexicana, SATA/Sun Trips, Southwest, United Parcel Service, and United Airlines. The following other tenants would enter into a Space/Use Permit only: Aeronova, FAA, Hallmark Aviation, Hilltop Aviation, ITS, Argenbright, DEA, Air General, Ogden Aviation, Ontario Aircraft, Trans Air, Servicemaster, Pacific Aviation, US-INS, Today's Aircraft, US Customs, Huntleigh, Roberts Janitorial, OFFC/DynAir and Worldwide Flight.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

This project had been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant Class 1 of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or licenses and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of the use beyond that previously existing.

OPTIONS:

1. Take no action, leaving the existing agreements in place.
2. Delay approval of new standardized Airline Operating Agreement and Space/Use Permit pending additional review
3. Approve the proposed ordinance adopting a standardized Airline Operating Agreement and Space/Use Permit.

RECOMMENDATION:

It is recommended that the Board pass an ordinance approving standardized language for an Airline Operating Agreement and Space/Use Permit at Oakland International Airport, authorizing the Executive Director to enter into individual agreements with each of the existing and prospective airline carriers (both cargo and commercial) providing regularly scheduled service at the Airport, and authorizing the Executive Director to convert all existing agreements with such tenants operating within the terminal building complex to the standardized agreement and/or permit.

Agenda Sheet

DATE: March 21, 2000

ITEM NO: 21

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

JHD
 SUBJECT: Authorization to Dispense with Formal Bidding for
 Removal of Rail Track and Ties from Union Pacific
 Railroad Yard, Vision 2000

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Plans and specifications are currently being prepared for **REMOVAL OF RAIL TRACK AND TIES FROM UNION PACIFIC RAILROAD YARD, VISION 2000, OAKLAND, CALIFORNIA**. It is critical that the work be completed as soon as possible to speed up the recovery of diesel fuel contamination from the former Union Pacific Intermodal Rail Yard (UP Yard) Trailer on Flat Car (TOFC) fueling area. The railroad had placed a system to recover the contamination; however, it is necessary to reconfigure the system to increase the rate of recovery and avoid delays to subsequent work in the Berth 57/58 Marine Terminal Container Yard Project. This cannot be achieved until the railroad track and ties have been removed.

The work consists of removal of railroad track and ties (excluding ballast) from the former UP Yard and along 7th Street in what will be the western portion of Middle Harbor Shoreline Park, in the vicinity of the public access path.

Railroad track and ties can be a valuable commodity to a demolition contractor who is knowledgeable about this specialized work. The value of this commodity can be beneficial to the Port in terms of low cost for removal and the possibility being paid by the contractor for the salvage value. In either case the Port is more likely to take advantage of the value if the track removal is done by a track removal specialist and not as a part of a larger contract. Therefore an informal bid from the contractors who have done track removal for the Port as a part of ongoing Vision 2000 work will most likely yield these savings.

CEQA and NEPA requirements were completed, respectively, with Board certification of the Final EIR/EIS on September 2, 1997, and the signing of the Record of Decision by the Navy on August 27, 1997. A First Supplemental Memorandum of Agreement with the State Historic Preservation Officer was fully executed on April 11, 1997, and with the Advisory Council on Historic Preservation on April 30, 1997.

Pursuant to Sec. 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

The Capital Budget for Fiscal Year 1999 provides for this work under CIP Item No. M6.00543.01. The funding source is Port Bonds.

RECOMMENDATION

It is recommended that the Board dispense with formal bidding and authorize the Executive Director to execute a contract for this work based on receipt of informal bids.

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Approved by Resolution

No. 20125

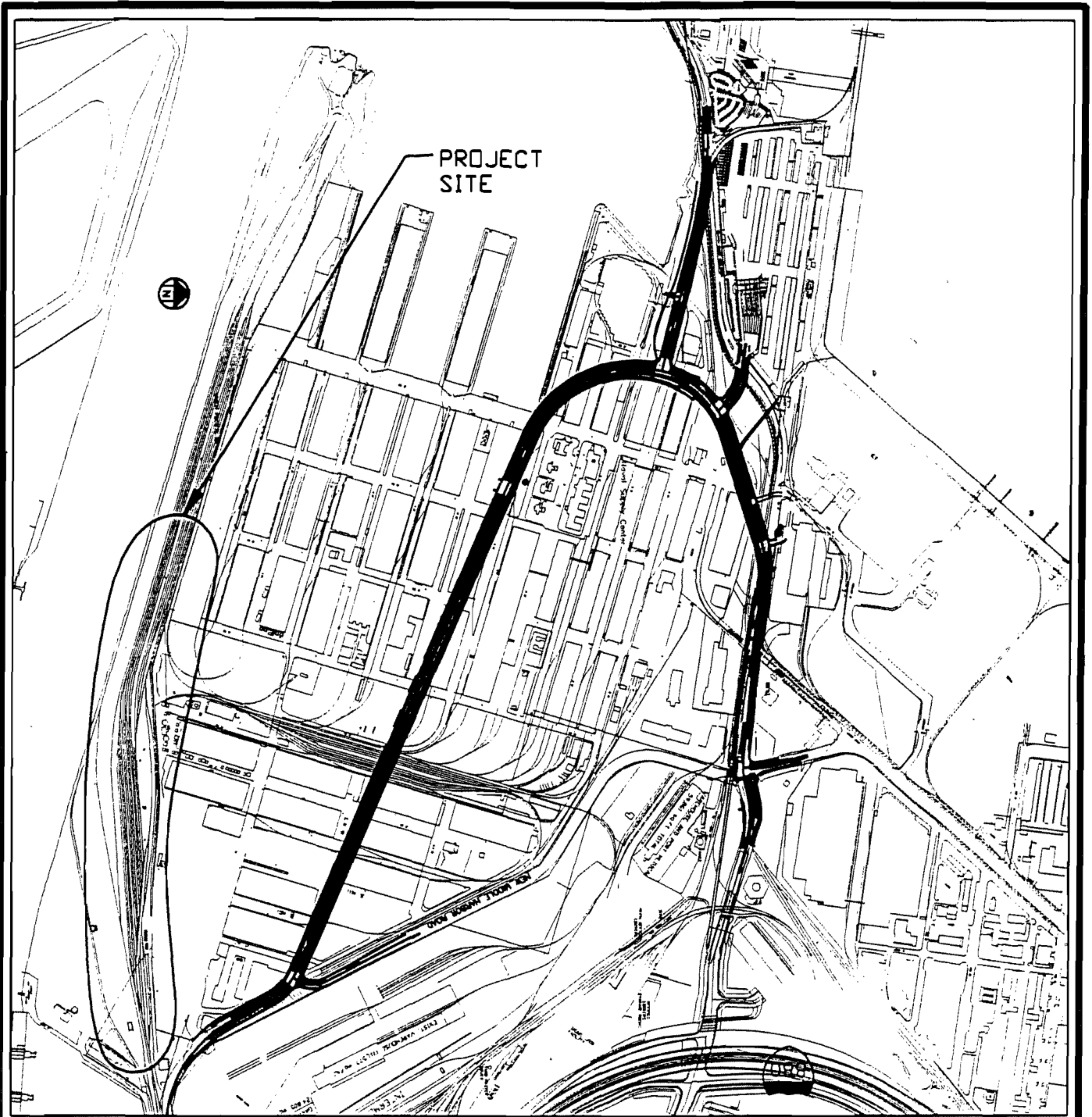
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- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

[Signature]
 ASSISTANT SECRETARY OF THE BOARD

MAR 21 2000

DATE



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: March 21, 2000

ITEM NO: 23

SUBJECT: Request Ordinance for Lease Agreement with Nextel of California, Inc. d.b.a. Nextel Communications for Vacant Land Located in an Area South of the Bay Bridge Toll Plaza, Request Resolution for Building Permit, and for Extension of a Right of Entry and Indemnity Agreement

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Raymond A. Boyle

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND

Nextel Communications ("Nextel") is a leading telecommunications corporation that currently leases premises from the Port near the Ben E. Nutter Terminal on 7th Street as a cell site. To improve service to the Port and neighboring areas, Nextel must increase coverage with an additional cell site. Therefore, Nextel wishes to lease from the Port premises located near the Bay Bridge toll plaza, south of I-80 and north of Burma Road. Nextel has applied for a building permit to construct a 60-foot monopole, equipment shelter and related electrical and mechanical work on the proposed premises. Because the total area and use for the proposed premises would be the same as the existing premises, staff proposes that the terms of the new lease be the same as the existing lease, which was approved by the Board on April 22, 1999.

ANALYSIS:

The construction of a cell site will not negatively impact Port operations or the reconstruction of the Bay Bridge. The proposed lease would provide revenue and enhance service to the Port and would expand coverage for the immediate community and the Bay Area.

Key lease terms as follows:

- Lease Term: Five years commencing May 1, 2000, with two 5-year options to extend term.
Use: Construction of a monopole and equipment shelter as a cell site.
Premises: 1,200 square feet
Rental: \$3,000 per month, \$36,000 annual.
Rental Adjustment: Annual rental adjustment based on the percentage change in the Consumer Price Index but not less than 3.5%.
Relocation: Upon notice from the Port, Nextel would be responsible to relocate the cell site at its sole cost.
Security Deposit: \$10,000. Nextel will post a bond equal to 15% of construction cost estimated \$50,000 but not less than \$7,500.
Insurance: Insurance endorsement is current and on file with the Port.

The items proposed herein were reviewed pursuant to requirements of the California Environmental Quality Act ("CEQA") and Port CEQA guidelines and was determined to be Categorical Exempt per Section 15301 (p).

Approved by Ordinance passed to print

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20126 & 20127

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

MAR 21 2000

DATE

Subject: Request Ordinance for Lease Agreement with Nextel of California, Inc. d.b.a. Nextel Communications for Vacant Land Located in an Area South of the Bay Bridge Toll Plaza, Request Resolution for Building Permit, and for Extension of a Right of Entry and Indemnity Agreement.

March 21, 2000

Page 2 of 2

Nextel has submitted building plans. Pursuant to Section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan. To ensure the aesthetic quality of the views in the area, Nextel has agreed to install a slated chain-link fence.

Nextel's use of the premises is consistent with current neighboring uses. In fact the proposed premises is located 160 feet east of the Port's existing tenant, GTE. GTE has the same type of facility with a taller 75-foot monopole. The freeway and adjoining properties have a myriad of utility poles with some as tall as 80 feet.

OPTIONS:

An additional cell site further improves service to the Port, its tenants and the community at large. Staff believes that numerous benefits, like clearer and faster transmissions, are gained from having Nextel on the Port's Premises. At the same time, the site generates a new income stream for Maritime.

RECOMMENDATION:

It is recommended that the Board grant an ordinance approving lease terms and authorizing execution of a lease agreement.

also recommended that the Board pass a resolution authorizing issuance of a building permit to construct a 60-foot monopole, equipment shelter and related electrical and mechanical work and approve execution of an Extension of the Right of Entry and Indemnity Agreement.

Agenda Sheet

JHO

SUBJECT: Recommendation to Approve Modification of Berths 55-58
Project to Include Deepening of Berths 55-58 to -50 Feet MLLW

DATE: March 21, 2000

ITEM NO: 24

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

On April 20, 1999, the Board of Port Commissioners adopted Resolution No. 99154 certifying the Environmental Impact Report (EIR) for the Berths 55-58 Project. The resolution also approved the project, together with the recommended mitigation measures and all feasible air quality mitigation measures, a mitigation monitoring and reporting program, and a statement of overriding considerations for significant unavoidable impacts on traffic and air quality. The Berths 55-58 Project EIR explained why the Port could not feasibly reduce freeway impacts to a level of non-significance and identified a program of mitigation measures to reduce air quality impacts.

When the Berths 55-58 Project EIR was prepared, it was intended that the Port would construct the four marine berths at an initial depth of -44 feet MLLW with an additional 2 feet of overdredge depth. This was consistent with other berths at the Port as well as the navigation channel depth, which is currently maintained at -42 feet MLLW with 2 feet of overdredge allowance. Deepening of the Port berths, consistent with a 50-foot deep channel, to accommodate modern, deep-draft container vessels was planned to occur later, during implementation of the -50-Foot Channel Deepening Project (-50-Foot Project). At the time the Berths 55-58 Project EIR was prepared, the Port expected to start construction of the -50-Foot Project in 2000 and have -50-foot depth at Inner Harbor by 2001. The Port currently expects construction of the -50-Foot Project to begin in December 2000 or January 2001.

Meanwhile, construction of the wharf at Berths 55-56 is underway, and completion of construction of the marine terminal, including the marine berths and the associated container yard, is expected prior to the end of the year 2000. The tenant for Berths 55-56, Hanjin Shipping Company (Hanjin), is negotiating final lease terms with the Port. In order to conclude negotiations, Hanjin seeks assurances that the Port will take all reasonable steps within its authority to dredge the berths to -50 feet MLLW (plus 2 feet of overdredged depth) by January 1, 2001, rather than the -44 feet MLLW originally designed and analyzed in the Berths 55-58 Project EIR. The economic terms of the lease are based on container volume throughput and additional revenue sharing to the Port beyond a specific breakpoint. Vessel container capacity is directly related to berth depth. In addition, other prospective tenants for the Berths 57-58 marine terminal have indicated that they also will require similar, if not stronger assurances prior to starting their operation (expected to occur in the latter part of 2001).

DESCRIPTION OF PROPOSED REVISION:

As a result of negotiations with prospective tenants for Berths 55-56 and 57-58, the Port now proposes one revision to the Project Description described in the EIR to allow for construction of Berths 55-58 to an initial depth of -50 feet MLLW. If this project revision is approved, Berths 55 through 58 would be deepened from the approved project depth of -44 feet MLLW (with an additional 2 feet of overdredge depth) to a project depth of -50 feet MLLW (with an additional 2 feet of overdredge depth).

The four berths combined comprise a rectangular area 5,400 feet long and 130 feet wide, with a triangular transition area at each end (Figure 1). Deepening these berths to a depth of -50 feet MLLW rather than -44 feet MLLW would require dredging approximately an additional 75,000 cubic yards (cy) and 95,000 cy of material from Berths 55-56 and Berths 57-58 respectively. This material is completely composed of clean Merritt Sand. No additional off-site disposal in the bay or the ocean is required for this project. The sand material was tested and approved for any reuse, including construction and ocean disposal, by the Joint-Agency Dredged Material Management Office (DMMO). The Merritt Sand would be removed with an electric cutterhead dredge, which uses a rotary cutter to cut through very consolidated materials. The sand would then be "slurried" and transported to the Middle Harbor fastland area via pipeline. (Fastland is new dry land created by filling water areas.) Dredging and transport of the 170,000 cy of sand material would require approximately two weeks. This placement method has been analyzed in the Berths 55-58 EIR and approved under the existing permits.

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Resolution

No. 20128

BOARD ACTION TAKEN

[Signature]
 Assistant SECRETARY OF THE BOARD

MAR 21 2000

DATE

Approximately 170,000 cy of Merritt Sand excavated from Berths 55-58 would be deposited over other fill material (excavated from the Inner Harbor bank) which is being used to create fastland in Middle Harbor (Figure 1). The clean Merritt Sand from the subject berths deepening project would be pumped on top of the fill material to "surcharge" the Bay Muds. Following consolidation of the underlying mud fill, excess sand surcharge (including the Berths 55-58 deepening material) would be used to raise grades at the park, container yards and JIT yard.

ANALYSIS:

As stated above, the proposed change in the Berths 55-58 construction plan is to deepen Berths 55-56 and 57-58 to -50 feet MLLW rather than -44 feet MLLW. This would provide the prospective tenants to these marine terminals with the -50 feet MLLW depth they need at the beginning of their operations scheduled to occur during 2001. No additional cost would result to the overall Maritime CIP program, because deepening of Berths 55-58 to -50 feet MLLW had already been planned to occur under the -50-Foot Project and was, therefore, included in the CIP budget.

The proposed deepening of Berths 55-58 to -50 feet MLLW would not result in a cargo throughput different from what was analyzed in the Berths 55-58 EIR. The cumulative analysis of the Berths 55-58 Project EIR assumed that the two new marine terminals and the dredging of Inner Harbor to -50 feet MLLW (Phase 1 of the -50-Foot Project) would be in operation in the year 2001.

The Berths 55-58 EIR included mitigation measures for cumulative impacts, including impacts on traffic and air quality, for the Berths 55-58 Project and the -50-Foot Project. The deepening of the Berths 55-58 to -50 feet MLLW as part of the Berths 55-58 Project, rather than as part of the -50-Foot Project, does not change the timing or severity of the cumulative impacts and does not require any change in the mitigation program described in the Berths 55-58 Project EIR. In addition, as discussed in greater detail in the Addendum, the deepening of Berths 55-58 to -50 feet MLLW as part of the Berths 55-58 Project construction would not result in new impacts or substantially greater impacts than those identified in the EIR for the Berths 55-58 Project.

The California Environmental Quality Act (CEQA) provides for the preparation of an addendum to a previously certified EIR if changes or additions to the project are necessary, but none of the conditions requiring a subsequent or supplemental EIR has occurred. As the Addendum and the analysis explain, if the Board approves the proposed revisions in the Port's construction plan for Berths 55-58, it would not cause any new significant environmental effect or substantial increase in the severity of previously identified significant effects including cumulative effects. Thus an Addendum, rather than a subsequent or supplemental EIR, is the proper CEQA documentation for the proposed project changes.

OPTIONS:

The Port's options are to revise the Berths 55-58 project description as proposed or to leave the project intact, with the berths dredged to -44 feet MLLW. Because deepening of Berths 55-58 to -50 feet MLLW is required by prospective tenants to accommodate vessel operation, the option of leaving the berths at -44 feet MLLW would adversely impact successful conclusions of negotiations with prospective tenants, the efficiency of vessel operations and Port revenues.

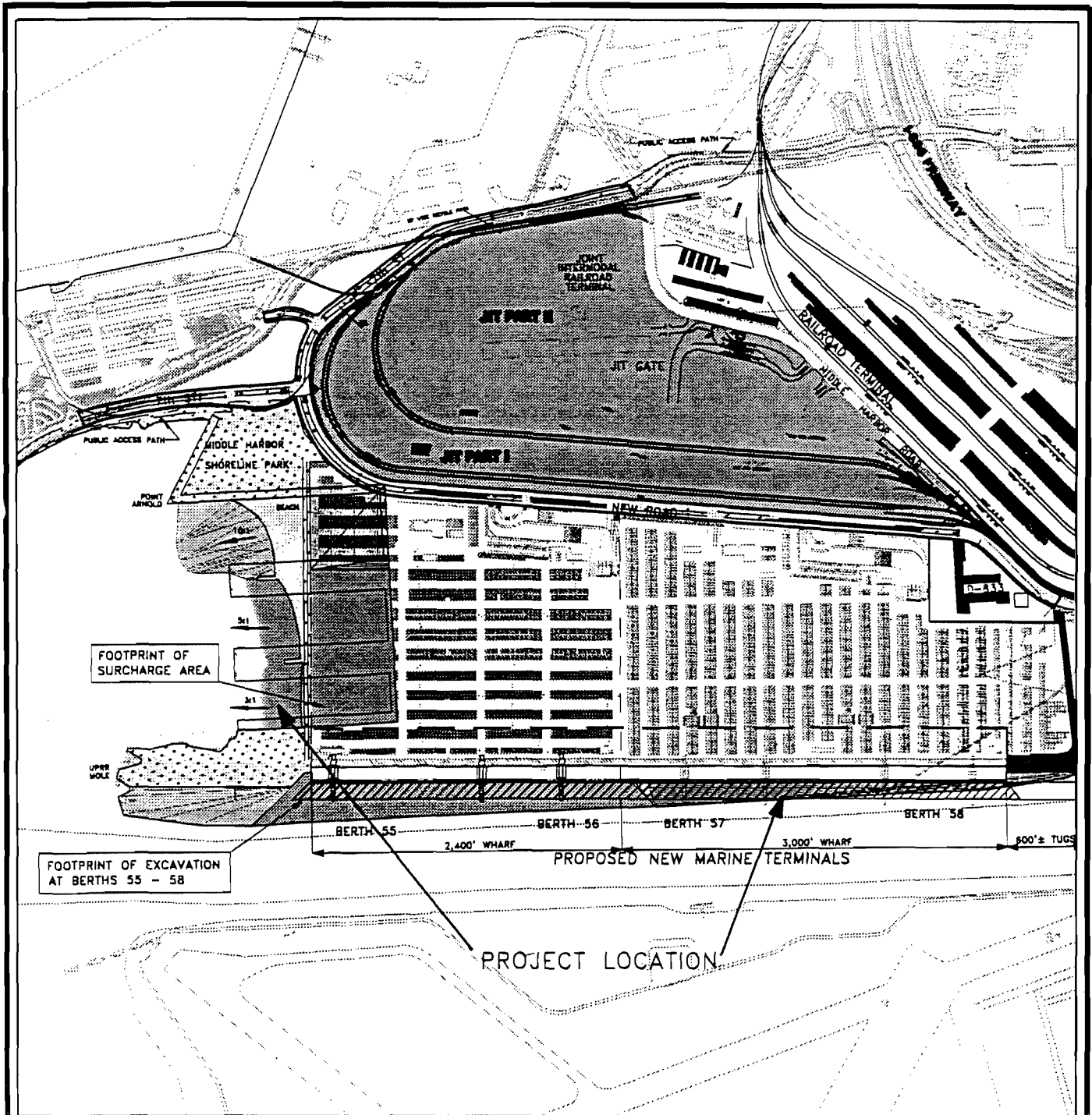
RECOMMENDATION:

It is recommended that the Board adopt a resolution:

- certifying that it has reviewed and considered the information contained in the Berths 55-58 Project Final EIR and Addendum and that the Addendum has been prepared in compliance with CEQA, the State CEQA Guidelines, and the Port CEQA Guidelines; and
- approving and authorizing the modification of the Berths 55-58 Project to allow for deepening of Berths 55 through 58 from the approved project depth of -44 feet MLLW (with an additional 2 feet of overdredge depth) to a new project depth of -50 feet MLLW (with an additional 2 feet of overdredge depth).

Recommendation to Approve Modification of
Berths 55-58 Project to Include Deepening of
Berths 55-58 to -50 Feet MLLW
Vision 2000
Oakland, California

March 21, 2000



PORT OF OAKLAND

ADDENDUM

to the

BERTHS 55-58 PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

(SCH No. 97102076)

Port of Oakland

March 2000

**Addendum to the
Berths 55-58 Project
Final Environmental Impact Report**

**Prepared by the Port of Oakland
March 2000**

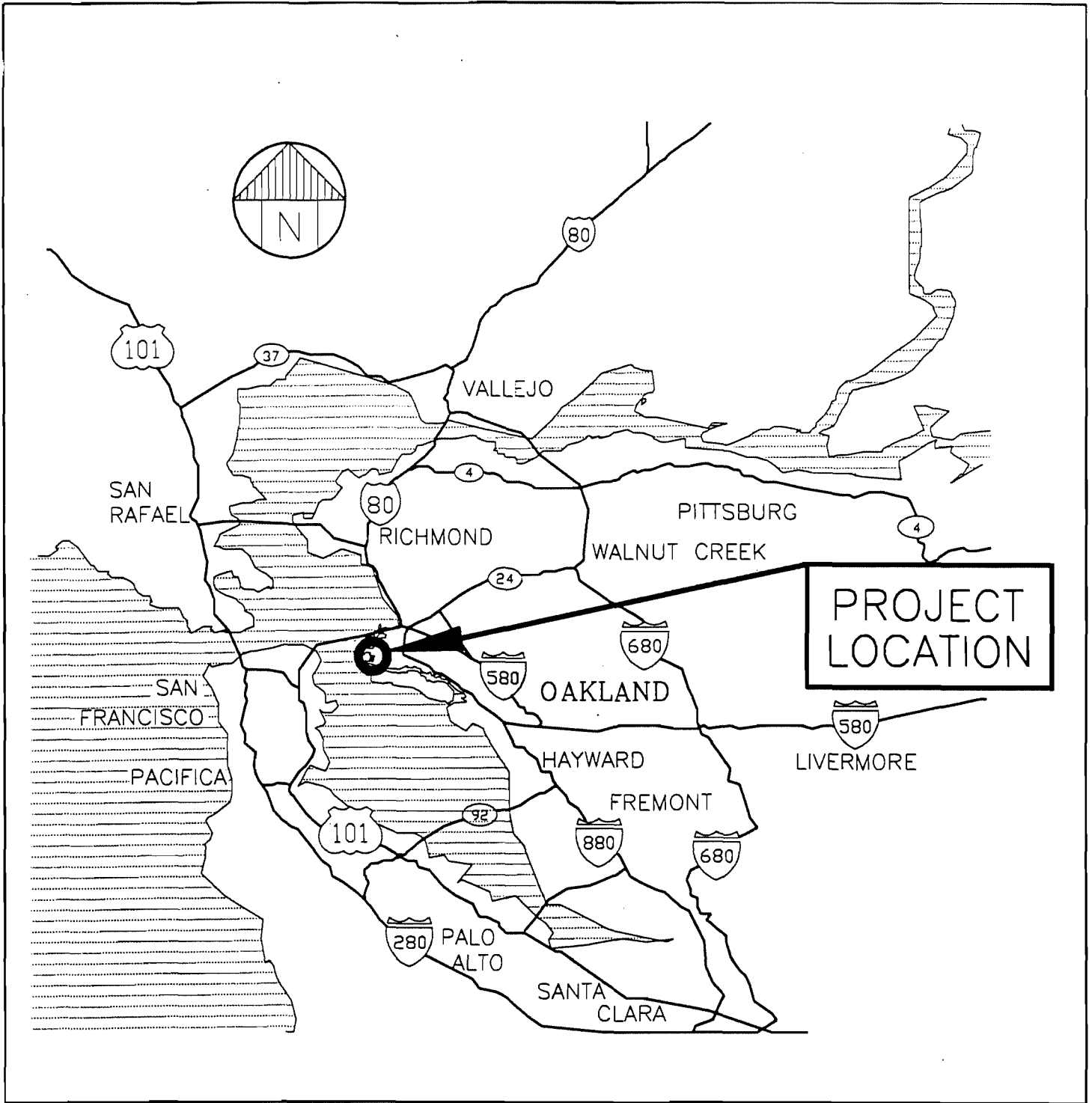
1.0 Introduction

This document is an addendum to the "Berths 55-58 Project Final Environmental Impact Report (EIR)" (Addendum) prepared by the Port of Oakland (See Figure 1 for the project regional location map). This Addendum provides environmental information regarding a change in project description which was not anticipated at the time the Berths 55-58 Project EIR was completed in April 1998. This Addendum does not change the conclusions of the EIR for the Berths 55-58 Project.

The Berths 55-58 Project and the Joint Intermodal Terminal (JIT) Project constitute the Vision 2000 Maritime Development Program (Vision 2000 Program) which was approved by the Port of Oakland on September 2, 1997. The Berths 55-58 Project EIR project description included the following components: development of two marine terminals (Berths 55-58) including associated berths, Middle Harbor Shoreline Park, New Road, and realignment of 7th Street (Figure 2). Each marine terminal includes two berths for container vessels, a wharf, and a fenced container storage yard. The JIT will be a modern, near-dock intermodal railyard located adjacent to the Berths 55-58 Project. The JIT will provide modern rail facilities which, together with the Berths 55-58 Project, will allow the efficient transport of containerized cargo between Asian Pacific ports and destinations throughout the United States.

Concurrently, the Port is pursuing the development of the -50-Foot Channel Deepening Project (the -50-Foot Project), which is not a component of the Vision 2000 Program. The -50-Foot Project is a federal navigation improvement project that will be constructed through a partnership between the U.S. Army Corps of Engineers and the Port of Oakland. The -50-Foot Project will deepen Oakland Harbor channels and most berth areas, including Berths 55-58, to -50 feet MLLW (plus an allowance of up to 2 feet of overdepth to allow for the tolerances of dredge equipment). The EIR for the -50-Foot Project was adopted and certified by the Board of Port Commissioners on February 1, 2000.

When the Berths 55-58 Project EIR was prepared in 1998-1999, it was intended that the Port of Oakland would construct four marine berths at an initial depth of -44 feet MLLW with an additional 2 feet of overdredge depth. This was consistent with other berths at the Port as well as the navigation channel depth, which is currently maintained at -42 feet



Regional Location Map
DEEPENING OF BERTHS 55-58 TO -50 FEET

VISION 2000 MARITIME DEVELOPMENT
PORT OF OAKLAND


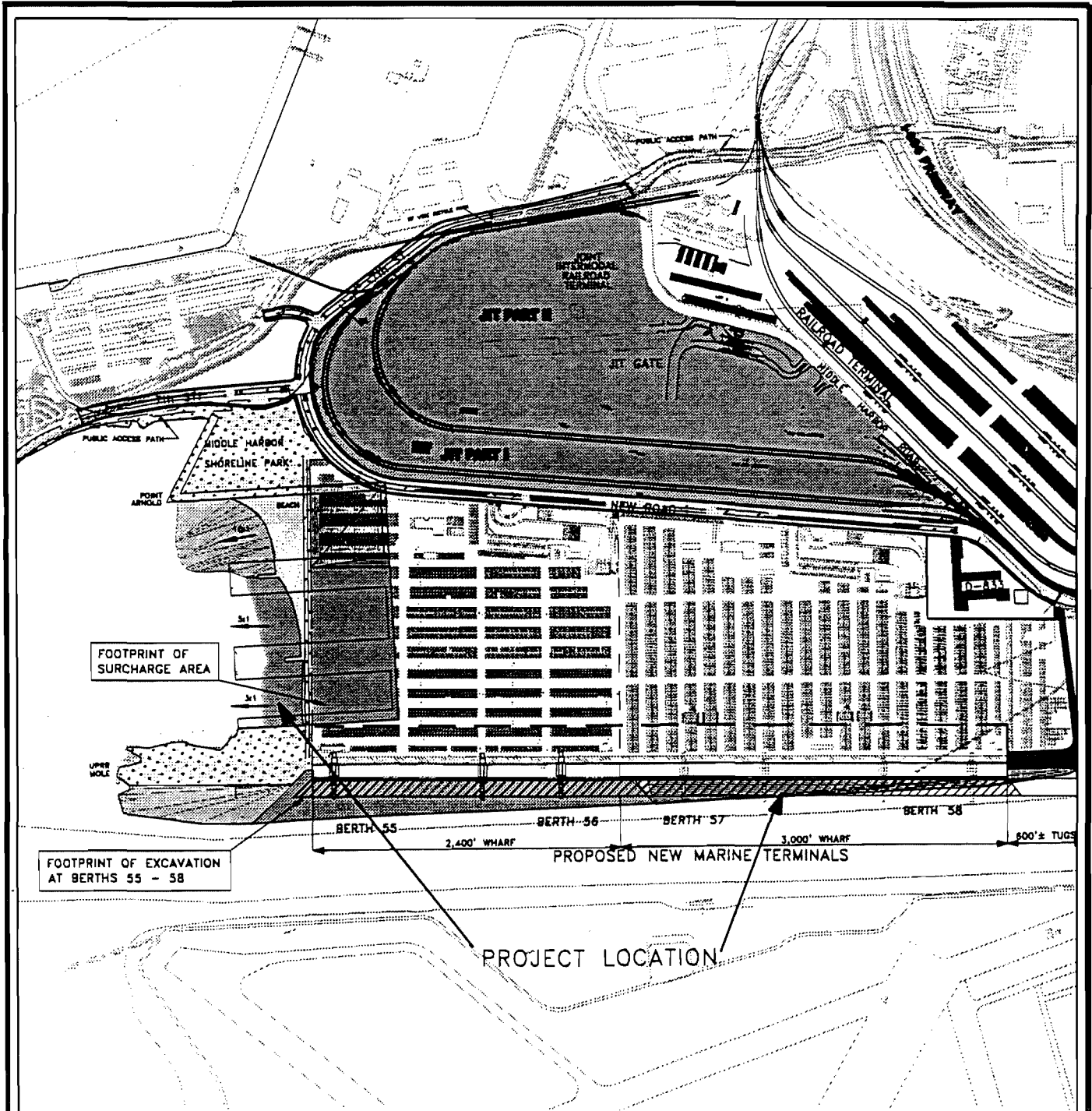
 530 WATER STREET OAKLAND, CALIFORNIA

FIGURE 1

DATE: 2 - 29 - 2000

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MLLW with 2 feet of overdredge allowance. Deepening of the Port berths, consistent with a 50-foot deep channel, to accommodate modern, deep-draft container vessels was planned to occur later, during implementation of the -50-Foot Project. At the time the Berths 55-58 Project EIR was prepared, the Port expected to start construction of the -50-Foot Project in 2000 and have -50-foot depth at Inner Harbor by 2001 (Table 5-2, page 5-6 of EIR). The Port currently expects construction of the -50-Foot Project to begin in December 2000 or January 2001. Meanwhile the Port is undergoing construction of the wharf at Berths 55-56 and expects to complete construction of the marine terminal, including the marine berths and the associated container yard, prior to the end of the year 2000. Hanjin Shipping Company (Hanjin) is the prospective tenant for Berths 55-56, and has been negotiating lease terms with the Port. Hanjin, which expects to initiate operations at Berths 55-56 on January 1, 2001, has stipulated as a condition of their lease of Berths 55-56 that these berths be constructed to a depth of -50 feet MLLW (plus 2 feet of overdredged depth), rather than the -44 feet MLLW originally designed and analyzed in the Berths 55-58 Project EIR. In addition, prospective tenants for the Berths 57-58 marine terminal have indicated that they will also require the berths to be at -50 feet MLLW of depth when they start operation (expected to occur during 2001).

Therefore, it is now proposed that the additional deepening from -44 feet MLLW to -50 feet MLLW occur as part of the Berths 55-58 project construction (see Figure 2). The project description for the Berths 55-58 Project EIR will be modified to reflect this change.

This Addendum evaluates whether this project description change would result in any new or substantially more severe environmental impacts than were analyzed in the Berths 55-58 Project EIR.

2.0 CEQA Context

The Port of Oakland, the lead agency under the California Environmental Quality Act (CEQA), prepared an EIR that disclosed the environmental effects of the Berths 55-58 Project. On April 20, 1999, the Board of Port Commissioners adopted Resolution No. 99154 certifying the Berths 55-58 Project EIR with findings concerning significant effects of the project. The resolution also approved the project together with the recommended mitigation measures and all feasible air quality mitigation measures, a mitigation monitoring and reporting program, and a statement of overriding considerations for significant unavoidable impacts on traffic and air quality. The Berths 55-58 Project EIR explained why the Port could not feasibly reduce freeway impacts to a level of non-significance and identified a program of mitigation measures to reduce air quality impacts.

CEQA allows an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions calling for preparation of a subsequent EIR has occurred (as defined in the CEQA *Guidelines*, Section 15162). The conditions that might trigger the need to prepare a Subsequent or Supplemental EIR are:

- Substantial changes in the proposed project or circumstances that will result in significant new environmental effects or a substantial increase in the severity of previously identified significant effects.
- New important information not known at the time of the EIR certification that shows that:
 - The project will have one or more significant effects not discussed in the previous EIR;
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR; or
 - Mitigation measures or alternatives that are considerably different and/or found not to be feasible in the previous EIR will in fact be feasible, and/or will substantially reduce one or more of the significant effects, but the project proponents decline to adopt them.

Constructing Berths 55-58 initially to -50 feet MLLW rather than -44 feet MLLW would not result in any of the conditions above. There would be no new and/or more substantial significant impacts above those identified in the Berths 55-58 Project EIR as a result of the proposed berths deepening. Moreover, there would be no changes in mitigation measures or alternatives. Therefore, a subsequent EIR is not required and an addendum is the appropriate environmental document to present the effects of the project modification.

3.0 Changes in Project Description

3.1 Changes in Project Context

The Port of Oakland is building new marine terminals and container yards to lease to tenant operators. The first terminal facility to be completed, the Berths 55-56 and associated container yard, already has a prospective tenant – Hanjin Shipping Company. During negotiations of the lease agreement with the Port, Hanjin requested to have a -50 feet MLLW depth of berth on January 1, 2001, when it is scheduled to initiate operations. The prospective tenants for Berths 57-58 also requested to have -50 feet MLLW depth at the berths. Hanjin and the prospective tenants for Berths 57-58 state that they need this depth in order to allow larger ships in their fleets to efficiently use the new facilities. These larger vessels would access the berths during high tide (since the federal channel providing access to the terminal is currently dredged to only -42 feet MLLW), take cargo at the deeper berths during low tide, and exit the berths during the next high tide.

The prospective tenants have made a determination that for the short term, it is economically feasible to schedule access for some of their larger deeper draft vessels to and from the new berths by taking advantage of optimal tidal conditions. With a -50-foot berth, only entry/exit are limited by tides, i.e., when a ship is inside the berth, tidal cycles

are irrelevant. The prospective tenants for the marine terminals state that it would not be economically feasible to be also tide-dependent for ship loading at the berths due to the added costs associated with delays caused by tidal cycles.

3.2 Purpose and Need

This Addendum is being prepared in order to analyze the effects of deepening Berths 55-58 to -50 feet MLLW as part of the Berths 55-58 Project rather than the -50-Foot Project. As discussed above, the prospective tenants for the new marine terminals currently being built by the Port state that they require an initial depth of -50 feet MLLW by 2001. The deepening of the berths was originally anticipated to occur during implementation of the -50-Foot Project. Since the prospective tenants requested to have the berths deepened before implementation of the -50-Foot Project, the Port has prepared this Addendum to the Berths 55-58 Project EIR to analyze the environmental effects of deepening the berths to -50 feet MLLW as part of the Berths 55-58 Project, a change that would be reflected in amendments to the Port's existing permits for the Berths 55-58 Project.

3.3 Environmental Setting

The project site is situated within the northwestern portion of the City of Oakland in Alameda County along the eastern shore of the San Francisco Bay, as shown in Figure 1. The new Berths 55-58 are located along the waterfront of the Oakland Inner Harbor, along the alignment of the former UP mole (See Figure 2 for the project site layout). The general topography of the adjacent land is flat. The site is currently (March 2000) under construction, which began in January 2000. Excavation of the north bank of the Oakland Inner Harbor to create Berths 55 and 56 is in its initial stage. As previously explained, excavation should continue to -44 feet MLLW (plus an allowance of up to 2 feet of overdepth, to allow for the tolerances of dredge equipment).

Material excavated from Berths 55-58 – whether dredged to -44 feet MLLW or to -50 feet MLLW – would be transported to the Oakland Middle Harbor to construct an area of “fastland”. Fastland is defined as new land created by the placement of solid fill into water areas. This new area will become a portion of the Berths 55-56 container yard and Middle Harbor Shoreline Park. This bay fill was fully described in the Berths 55-58 EIR and has been mitigated and permitted. No new filling of the Bay is required by the berths deepening to -50 feet MLLW. The generally flat land adjacent to Middle Harbor is currently devoid of buildings, except for trailers recently installed to support construction activities. Demolition/removal of the Navy piers in Middle Harbor is almost completed.

3.4 The Proposed Action

Berths 55 through 58 would be deepened from the approved project depth of -44 feet MLLW (with an additional 2 feet of overdredge depth) to a project depth of -50 feet MLLW (with an additional 2 feet of overdredge depth).

The four berths combined comprise a rectangular area 5,400 feet long and 130 feet wide, with a triangular transition area at each end (Figure 2). Deepening these berths to a depth

of -50 feet MLLW rather than -44 feet MLLW would require dredging approximately 75,000 additional cubic yards (cy) and 95,000 cy of material from Berths 55-56 and Berths 57-58, respectively. These 170,000 cy constitute an increment to the total amount of material analyzed in the Berths 55-58 Project EIR, but not an overall increase in material from the estimates in the -50-Foot Project. This material is completely composed of clean Merritt Sand. As discussed in the Berths 55-58 Project EIR, the Merritt Sand is very consolidated, and must be "broken up" to be removed and reused. No additional off-site disposal in the bay or the ocean is required for this project. The sand material was tested and approved for any reuse, including construction and ocean disposal, by the Joint-Agency Dredged Material Management Office (DMMO). The Merritt Sand would be removed with an electric cutterhead dredge, which uses a rotary cutter to progress through very consolidated materials. The sand would then be "slurried" and transported to the Middle Harbor fastland area via pipeline. Dredging and transport of the 170,000 cy of sand material would require approximately two weeks. This placement method has been analyzed in the Berths 55-58 Project EIR and approved under the existing permits.

The 170,000 cy of Merritt Sand excavated from Berths 55-58 would be deposited over other fill material (excavated from the Inner Harbor bank) which is being used to create fastland in Middle Harbor (Figure 2). Under the current project authorizations, fastland is being created in Middle Harbor by constructing containment dikes to form two "cells" to be filled with excavated materials (the south cell and north cell). Filling to create the fastland area behind the dike will first be conducted with bottom-dump scows transporting shoal and Bay Mud materials. When material reaches a certain elevation in the cell, the clean Merritt Sand from the subject berths deepening project would be pumped on top of the fill material to "surcharge" the Bay Muds. After construction is completed, this area would be part of the Middle Harbor Shoreline Park and portions of the Hanjin container yard (phase 2 and phase 3 of the container yard construction).

Following consolidation of the underlying mud fill, excess sand surcharge (including the Berths 55-58 deepening material) would be used to raise grades at the park, container yards and JIT yard.

The proposed deepening of Berths 55-58 to -50 feet MLLW would not result in a cargo throughput different from what was analyzed in the Berths 55-58 EIR. The EIR assumed that the two new marine terminals and the dredging of Inner Harbor to -50 feet MLLW (Phase 1 of the -50-Foot Project) would be in operation in the year 2001 (see Table 5-2 on page 5-6 of the EIR).

4.0 Environmental Analysis

The following section analyzes the environmental issues relevant to the deepening of Berths 55-58 to -50 feet MLLW. The analysis demonstrates that deepening of the berths to -50 feet MLLW rather than -44 feet MLLW would not have a significant effect on the environment. All mitigation measures developed in the Berths 55-58 Project EIR and

adopted by the Port on April 20, 1999, would be implemented during the deepening of Berths 55 through 58 to -50 feet MLLW.

4.1 Land Use, Recreation, and Public Access

The Berths 55-58 Project EIR determined that impacts on land use, recreation, and public access were not significant. The proposed deepening of Berths 55-58 to -50 feet MLLW would not alter the impacts on land use, recreation, and public access discussed in the Berths 55-58 Project EIR.

4.2 Transportation

Construction-related transportation impacts were evaluated in the Berths 55-58 Project EIR and found to be either not significant (additional traffic on local area intersections) or mitigable to a less-than-significant level (impact on the Adeline Street/3rd Street intersection and pedestrian and bicycle access in the project area). Construction activities related to deepening Berths 55-58 to -50 feet MLLW would not increase local or regional traffic because the Merritt Sand would be dredged with a hydraulic cutterhead and transported to the Middle Harbor area via pipeline. No additional construction-related truck traffic would occur.

The Berths 55-58 Project EIR evaluated impacts on navigation along Oakland Inner Harbor due to operation of dredging equipment and found it to be not significant. The deepening of Berths 55-58 would require the presence of dredging equipment on Oakland Inner Harbor for approximately two weeks, but no increase in navigational impacts is expected from the dredging. Similar to all dredging projects, the U.S. Coast Guard's standard requirements would be applied to the berths deepening project.

Congestion impacts at local intersections due to operation of the new marine terminals were evaluated in the Berths 55-58 Project EIR for the years 2003 and 2010 and found to be either not significant, or, with respect to two intersections, mitigable to a less-than-significant level. However, the Berths 55-58 Project EIR found that operation of the new marine terminals would have a significant adverse effect on traffic on Bay Area freeways, an impact that cannot feasibly be reduced to a less-than-significant level, as discussed in the EIR at page 3.2-29 (and acknowledged by the Board of Port Commissioners when approving the project with a statement of overriding considerations for this significant unavoidable impact on traffic). The Berths 55-58 Project EIR included in the cumulative impacts analysis the assumption that Berths 55-58 would be deepened to -50 feet MLLW prior to the year 2003, as part of the -50-Foot Project. The Berths 55-58 Project EIR included mitigation measures for the years 2003 and 2010 of the cumulative traffic impacts of the Berths 55-58 Project and the -50-Foot Project, a related project under CEQA. The deepening of Berths 55-58 to -50 feet MLLW as part of the Berths 55-58 Project, rather than as part of the -50-Foot Project does not change the timing or severity of the traffic impacts and does not require any change in the mitigation described in the Berths 55-58 Project EIR.

4.3 Air Quality

The Berths 55-58 Project EIR determined that construction-related air quality impacts would be less than significant. Dredging of Berths 55-58 to -50 feet MLLW would be conducted by using an electrical cutterhead and pumping the sand material directly to the fill site, thus avoiding construction-related air impacts. Accordingly, there would be no significant increase or change in these impacts from the Berths 55-58 Project EIR.

The analysis in the Berths 55-58 Project EIR identified significant air quality impacts in 2003 and 2010 from the operations of the new marine terminals and other associated projects related to the Vision 2000 Maritime Development Program. These air quality impacts can be substantially reduced by implementation of the package of air quality mitigation measures adopted as part of the certification of the Berths 55-58 Project EIR. However, residual impacts would remain significant.

The Berths 55-58 Project EIR included in the cumulative impacts analysis the assumption that Berths 55-58 would be deepened to -50 feet MLLW prior to the year 2003, as part of the -50-Foot Project. The Berths 55-58 Project EIR included mitigation measures for the cumulative air quality impacts of the Berths 55-58 Project and the -50-Foot Project. The deepening of Berths 55-58 to -50 feet MLLW as part of the Berths 55-58 Project, rather than as part of the -50-Foot Project, does not change the timing or severity of the air quality impacts and does not require any change in the mitigation described in the Berths 55-58 Project EIR.

4.4 Noise

The noise impact evaluation in the Berths 55-58 Project EIR determined that, with the possible exception of noise from pile-driving, construction activities would not result in significant impacts. Primary sources of noise during deepening of the Berths 55-58 would be the operation of the electric dredge (with its associated pump), which might occur for up to two weeks. The dredge would most likely be operated on a 3-shift, 24-hour day. Based on the Berths 55-58 Project EIR, this impact would not be significant.

In addition, as discussed in the Berths 55-58 Project EIR, long-term increase in ambient noise levels due to operation of the new marine terminals would not exceed ambient noise standards. Operation of deeper Berths 55-58 would not significantly increase or change long-term ambient noise levels.

4.5 Hazardous Materials and Waste

Impacts from hazardous material and waste were evaluated in the Berths 55-58 Project EIR and found to be less than significant, with the exception of work conducted in a specific area (IR 02). The Merritt Sand material to be dredged from Berths 55-58 has been characterized and is not contaminated; thus, the deepening of the berths would not

increase or change the hazardous material impact discussed in the Berths 55-58 Project EIR.

4.6 Biological Resources

Impacts to biological resources were evaluated in the Berths 55-58 Project EIR for construction and operation of the project and were determined to be less than significant or mitigable to a less-than-significant level. Biological impacts of concern during dredging include the impact on local benthic and fish communities from increased water turbidity. For the deepening of Berths 55-58 to -50 feet MLLW, increased water turbidity would be minimal because dredging would occur at depths greater than 20 feet and would be conducted using cutterhead hydraulic dredges (which introduce less suspended sediments in the water column than clamshell dredges). Deepening of the berths is not expected to significantly impact the benthic community and fish in Inner Harbor.

The Berths 55-58 Project EIR discusses the potential for an increase in the number of invasive species entering the San Francisco Bay due to introduction of ballast water from ships. As a result of the proposed deepening to -50 feet MLLW of Berths 55-58, the proportion of larger ships (post-Panamax) calling at the Port would increase. These larger (post-Panamax) ships carry and discharge less ballast water because these ships are wider and more stable; thus these newer ships are able to carry more cargo and less ballast. As described in the Final EIR for the -50-Foot Project (Port of Oakland, 2000), many newer generation ships also have the capability to internally stow ballast, and thus, can eliminate the need to take on or discharge water at the berth to maintain stability. Therefore, the deepening of Berths 55-58 would not significantly increase the invasive species impact described in the the Berths 55-58 Project EIR.

4.7 Cultural Resources

The Berths 55-58 Project EIR determined that impacts to cultural resources were either less than significant or, in the case of the removal of the Oakland Inner Harbor north training wall, mitigable to a less than significant level. Deepening of Berths 55-58 would require dredging of Merritt Sand between elevations -42 feet MLLW and -50 feet MLLW. It is not anticipated that cultural resources would be encountered during dredging. The deepening of Berths 55-58 would not increase or contribute new impacts to cultural resources.

4.8 Geology, Soils, and Seismicity

Impacts on geology, soils, and seismicity were evaluated in the Berths 55-58 Project EIR and found to be less than significant. The dredging of deeper berths and deposition of Merritt Sand in Middle Harbor would be coordinated with construction of other project features (such as the wharf, wharf embankment stabilization, and Middle Harbor containment dike), which were designed to minimize impacts related to geology or soils. The wharves at Berths 55-58 have been designed to eventually accommodate 55 feet of

draft in the berths. Therefore stability has already been incorporated into the project. Deepening of the berths is not expected to increase or contribute new impacts to geology and soils.

4.9 Water Resources

Construction-related impacts from increased water turbidity, pollutants in runoff, and from reuse of contaminated material were evaluated in the Berths 55-58 Project EIR and determined to be less than significant, due to the construction site BMP (best management practices) and other measures incorporated into the project description. These measures would be implemented during deepening of Berths 55-58. In addition, as discussed above, increased water turbidity due to dredging at Berths 55-58 would be minimal.

Impacts to water resources due to operation of the marine terminals were evaluated in the Berths 55-58 Project EIR and found to be less than significant. Deepening of Berths 55-58 would not result in increased or change in these impacts from the Berths 55-58 Project EIR.

4.10 Visual Resources

The Berths 55-58 Project EIR found no significant impact to visual resources resulting from development of the project. Activities related to deepening of Berths 55-58 and operation of the deeper berths would not alter or increase the level of impact to visual resources.

4.11 Socioeconomics, Public Services, and Utilities

The Berths 55-58 Project EIR analysis determined that there would be no significant impacts on socioeconomics, public services, and utilities. The proposed deepening of Berths 55-58 would not contribute any new or increased impact to these resources.

5.0 Conclusion

As the environmental analysis included in this Addendum demonstrates, the deepening of Berths 55-58 to -50 feet MLLW as part of the Berths 55-58 Project would not result in new impacts or substantially greater impacts than those previously identified in the Berths 55-58 Project Final EIR. Therefore, preparation of an addendum, rather than a subsequent or supplemental EIR, is appropriate for this action.

Agenda Sheet

DATE: March 21, 2000

SUBJECT: Approval of Fourth Supplemental Agreement with PricewaterhouseCoopers Dated June 9, 1997 to Perform Audit Services for FY Ending June 2000 and A Separate Agreement with Yano and Associates to Review And Update the Port's Indirect Cost Allocation Plan for 1999

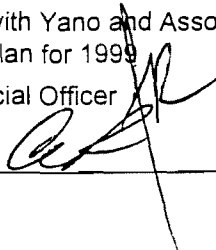
ITEM NO: 32

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Fred W. Rickert, Chief Financial Officer

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

PricewaterhouseCoopers (PWC) has performed audit services on the Port's consolidated financial statements (including Oakland Portside Associates) for the three fiscal years ending 1997, 1998 and 1999. Since the Port was in the midst of implementing a new financial system and a bond financing, seeking the services of a new auditing firm for FY2000 was not considered a practicable option. Because PricewaterhouseCoopers and Yano and Associates have participated in the annual review of the Port's accounting records for the past three years, the Port is recommending a one year extension to the audit services agreement and recommending that the firm of PricewaterhouseCoopers and Yano and Associates perform the review of the Port's consolidated financial statements for FY 2000.

The fee for FY2000 audit services will not exceed \$201,000.

Each year the Port of Oakland receives several million dollars in federal grants for various capital projects. The reimbursable costs are comprised of the allowable direct costs of the program plus its allowable indirect costs. Federal cost rules are designed to provide that federal programs bear their fair share of recognized costs as determined by the Office of Management and Budget (OMB) Circulars. The Port's Cost Allocation Plan (CAP) is the method used to calculate and comply with federal indirect provisions.

Office of Management and Budget Circular A-87, "Cost Principles for State and Local Governments" ("A-87"), Attachment E requires that grantees prepare a Cost Allocation Plan ("CAP") within six months after the end of each fiscal year, including all of the supporting documents. This requirement holds even if no cognizant agency requests submission of the CAP.

Yano & Associates prepared the Port's CAP for the year ended June 30, 1998. The 1998 CAP showed that actual indirect cost rates were substantially higher than the 85% indirect cost rate historically charged to projects.

The Port, therefore, may not have recovered all sums it can claim as legitimate costs on the grants. Because the Port wants to ensure compliance with all Federal regulations and recover all allowable and allocable indirect costs, the Port is recommending that the firm of Yano and Associates perform a review of the CAP for FY1999.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to enter into a contract on behalf of the Board with PricewaterhouseCoopers, LLP to audit the Port's consolidated financial statements (including Oakland Portside Associates); to provide a letter to the Board of Port Commissioners with their comments as to any matters they deem desirable to bring to the Board's attention; to examine and report on Federal Grants under the Single Audit Act; to perform a review of the new financial system; to audit the Schedule of Passenger Facility Charge Revenues; to examine and report on Revenue Diversion; and to provide assistance on applicable projects and compliance work for fees not to exceed \$201,000. It is also recommended that the Board approve an additional \$5,000 to cover specific projects outside the audit scope of work.

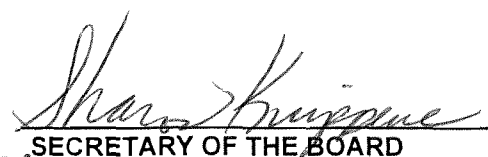
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Approved by Resolution

No. 20130

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAR 21 2000

DATE

RECOMMENDATION - Continued:

It is recommended that the Board authorize the Executive Director to enter into a contract on behalf of the Board with Yano and Associated to perform a review and prepare a formal CAP for FY 1999 for fees not to exceed \$24,500. It is also recommended that the Board approve an additional \$5,000 to cover specific projects outside the scope of the project.

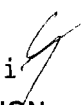
Agenda Sheet

SUBJECT: Approval of Project Labor Agreement for Maritime and Aviation Projects

DATE: 34
ITEM NO: _____

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Tay Yoshitani 

EXECUTIVE OFFICE RECOMMENDATION:

On May 4, 1999, the Board authorized the negotiation of a project labor agreement (or agreements) to cover work on the Port's Vision 2000 maritime and the aviation terminal expansion programs (subject to definition by the Executive Director). The Port retained the services of Davillier-Sloan, Inc. and Parsons Constructors, Inc. as managers to negotiate and administer such an agreement, as well as the legal services of Bradford Coupe and H. Lee Halterman to assist them in that effort. In August the Board adopted the Vision 2000 (1999 Facilities) interim Project Labor Agreement that this team had negotiated to cover the work under the Vision 2000 program that would be advertised for bid in 1999. Early this year you utilized the provision in the Vision 2000 (1999 Facilities) Project Labor Agreement that allowed the Port to apply the provisions of that Agreement to other Port work and applied it to the phase two work at the Galbraith Golf Course.

During the past several months, the negotiating team has undertaken negotiations with the Alameda County Building and Construction Trades Council and its affiliated Unions in an effort to secure comprehensive coverage of the work the Port determined it wanted to have brought under a project labor agreement. They have now reached such an agreement, and it is forwarded to you for your consideration and adoption.

The Port of Oakland Maritime and Aviation Project Labor Agreement once again meets the twelve tests established in the Commission's adopted Principles for PLAs. It provides the necessary project stability, savings, and uniform working conditions and grievance procedures – and an effective and swift mechanism to end any strike or lockout. It also preserves and builds upon the social justice provisions achieved in the Vision 2000 agreement. A strong Social Justice Committee and Subcommittee will monitor program requirements that include 50% Local Impact Area resident hours, 20% apprentice hours (all from the Local Impact Area), and a small business utilization. It expands by 50% the anticipated program reserving contracts from the terms of the PLA, but which will enjoy the no-strike protection. Many other salutary provisions are contained in this lengthy document, which leads staff to recommend that the Commission adopt the Agreement and make it part of the bid specifications for projects contained within its scope.

It is recommended that the Board approve the Project Labor Agreement for Maritime and Aviation Projects provided in a separate document.

- MOTION
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Approved by Resolution

No. 20131

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

MAR 21 2000

DATE

Agenda Sheet

DATE: March 21, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *CCM*
 EXECUTIVE OFFICE RECOMMENDATION *CS*

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
 Significant exposure to litigation pursuant to subdivision (b) of
 Sections 54956.9: 2 matters.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under
 Government Code Section 54956.8, under negotiations:

Property:	Jack London Square Oakland, CA 94607
Negotiating Parties:	Port and Oakland Portside Associates
Under Negotiation:	Price and Terms of Payment

3. CONFERENCE WITH LABOR NEGOTIATOR, as provided under Government
 Code Section 54957.6, Agency Negotiator: Robert Martinez, Employee Organization:
 Western Council of Engineers (WCE). *[Signature]*

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

SUMMARY AGENDA OF BOARD CALENDAR
March 21, 2000

AIRPORT

2S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Pegasus Aviation, Inc. (8991 Earhart Road, North Airport). (Resolution)

Recommends approval to extend the ROE for Hangar 3. Notes that a lease is being prepared.

3S Approval of License and Concession Agreement with Bay Avionics, Inc. (8053 Earhart Road, North Airport). (Resolution)

Recommends approval of the agreement to cover their space at Building L-712, North Airport.

4S Ordinance Approving Termination Agreement with Existing Tenant American Tower L.P. and Waiving of All Back Rent (Air Cargo Road at Gate C-3, South Airport). (Ordinance)

Notifies that the tenant was unable to receive the necessary approvals for their facility and recommends termination of the lease and waiving of back rents. Notes that other companies are now providing the wireless services.

5S Approval of Revocable Permit for Earthquake Studies with United States Department of the Interior (Vicinity of Building L-231, North Airport). (Resolution)

Recommends approval for the placement of monitoring equipment at the Airport.

MARITIME

25S Ratify Addendum and Award of Contract for Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

Summary Agenda of Board Calendar

March 21, 2000

Page 2

26S Approval of Plans and Specifications for Construction of Berths 57/58 Container Wharf, Fill, and Middle Harbor Shoreline Modifications, Vision 2000. (Resolution)

Recommends their approval and authority to advertise for bids for the project.

OPERATIONS

35S Approval of Specifications for Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 and 2003. (Resolution)

Recommends their approval and authority to advertise for bids.

36S Approval of Specifications for Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003. (Resolution)

Recommends their approval and authority to advertise for bids.

ORDINANCES:

Port Ordinance No. 3568 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH LAPTOP LANE LIMITED, AND DIRECTING RECORDATION THEREOF."

Provides for approving a multi-year License and Concession Agreement with Laptop Lane Limited.

Port Ordinance No. 3569 being, "AN ORDINANCE AMENDING PORT ORDINANCE 1149 RELATING TO LANDING AND TENANT TERMINAL SPACE RENTAL FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Provides for amending the Landing and Tenant Terminal Space Rental Fees at the Airport.

Summary Agenda of Board Calendar
March 21, 2000
Page 3

Port Ordinance No. 3570 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH LEVEL 3 COMMUNICATIONS, LLC."

Provides for approving the Lease with Level 3 Communications, LLC.

Port Ordinance No. 3571 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC (PG&E) FOR UTILITY LINES ALONG MIDDLE HARBOR ROAD, REALIGNED 7TH STREET AND NEW ROAD."

Provides for approving, authorizing execution and delivery of easement documents to PG&E for utility lines along Middle Harbor Road.

Port Ordinance No. 3572 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO RETITLE THE POSITION OF PORT INTERNAL AUDITOR TO PORT AUDITOR."

Provides for retitling the position of Port Internal Auditor to Port Auditor.

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 1

SUBJECT: First Reading of Ordinance Approving License and Concession Agreement with Laptop Lane Limited for the Provision of Passenger Business Services at the Oakland International Airport (#1 Airport Drive, South Airport)

PROGRAM AREA: -

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *[Signature]*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

FACTUAL BACKGROUND:

In its ongoing efforts to enhance services for Airport passengers, the Oakland International Airport has identified a need to provide business services to its travelers. These services include photocopying, sending and receiving facsimiles and providing access to the Internet. In December 1999, a RFQ was advertised and distributed to identify a provider for these services.

After review of the responses to the RFQ, staff recommends that Laptop Lane Limited (Laptop Lane) be awarded a License and Concession Agreement (L&C) to provide business services at the Airport.

ANALYSIS:

Market research has shown that between 60-65% of outbound passengers are traveling on business. These business travelers have an average annual income of over \$100,000, and have high expectations of all passenger services provided. In order to meet these expectations, criteria was established for the operation of the business services center, reflecting the high expectations of the business traveler. It was determined that each site should provide at a minimum photocopying, facsimile and personal computer services. It was further determined that the business centers be staffed during hours of operation.

Laptop Lane Limited, based in Bellevue, Washington, currently operates business centers in nine airports in the United States. Laptop Lane has demonstrated a satisfactory credit history and that it has the financial resources to support any financial obligations assumed as well as access to working capital for the operational start-up period. Laptop Lane also has significant operating experience in the airport environment and can provide the high level of service expected by the Oakland business traveler.

Laptop Lane provides individual private "office" areas, containing a computer, a laptop hookup, printer and telephone. Internet connections are made via a T1 line, installed and maintained by Laptop Lane. Each customer is greeted by a "cyber-concierge" who directs the passenger to a workstation and shows how to operate the equipment. In addition, the cyber-concierge will provide color or black and white photocopies, color printing, notary public services, shredding, overnight mail service drop boxes and sale of computer related products, such as laptop computer batteries. Passengers pay for use of the workstation based on the amount of time used.

The proposed L&C will have a term of three years with a 30-day mutual termination provision, commencing on the date that the business centers open for passenger use. Two locations are contemplated, approximately 600 - 900 square feet in Terminal I, near Gate 10 and approximately 600 square feet at the Terminal II end of the connector ramp, just past Gate 20. Laptop Lane will pay rent to the Port equal to 15% of gross sales, with a minimum guaranty of \$500.00 per location per month. It will also contain other standard Port provisions.

Laptop Lane will provide and install its workstations and will pay for the installation of its telephone and telecommunications lines. Electrical service will be provided to the leaseline of the premises by the Port.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAR 7 2000
DATE

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

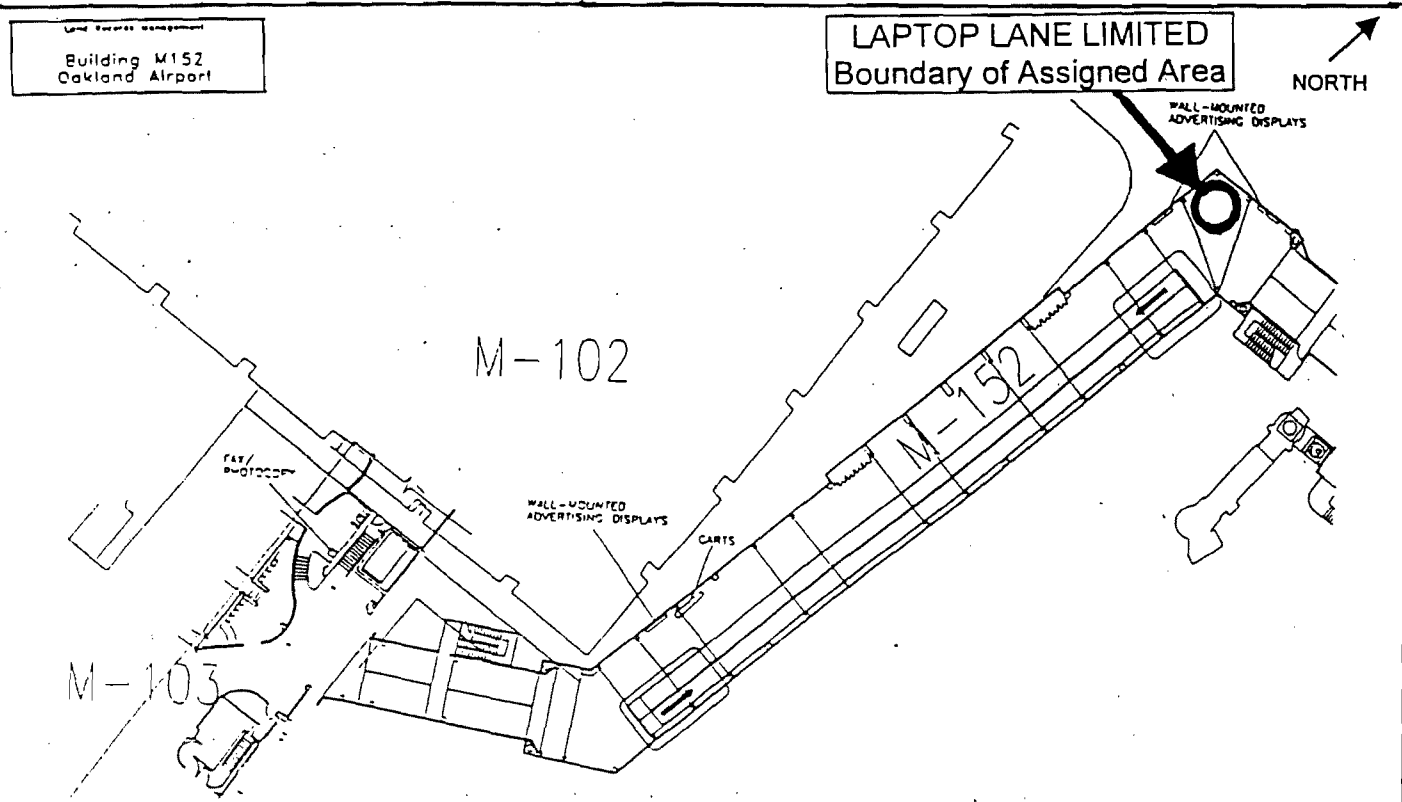
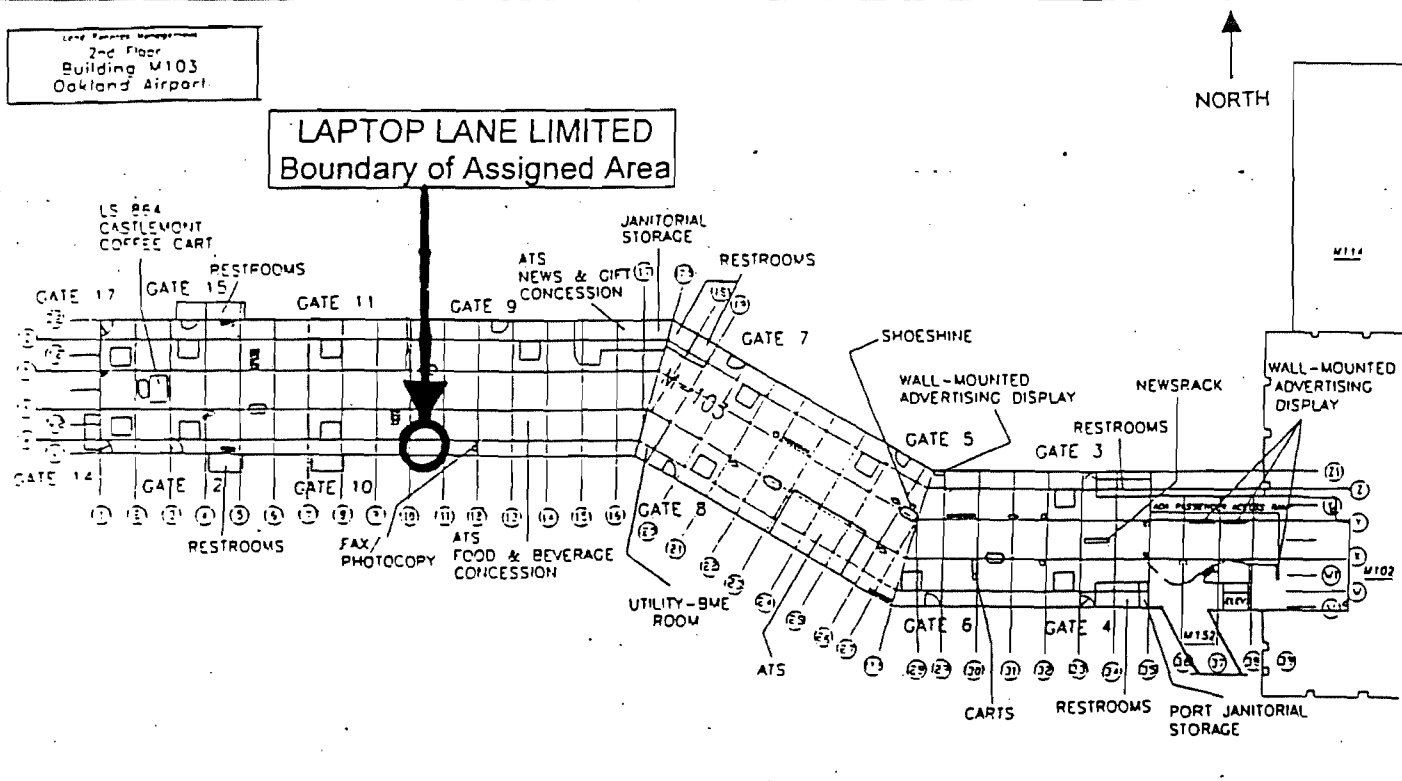
1. Provide an unstaffed self-service business center. While this option has the lowest cost overhead of all alternatives considered, the lack of staffing could result in a significant amount of down time for the business center and high passenger dissatisfaction. If operated by an outside vendor, maintenance personnel would need to be dispatched to the Airport for such menial tasks as clearing a paper jam, or replenishing paper. If operated by the Airport, additional staff would be required.
2. Request that an existing concessionaire offer business services. Existing operators were approached to provide business services. Some operators did preliminary research, but determined that the addition of business services would not benefit their existing operations.
3. Continue to search for an alternate provider for business services. The Laptop Lane proposal demonstrated that it has the most experience and is the most qualified to operate business services at the Airport.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance approving and authorizing execution of the subject License and Concession Agreement with Laptop Lane Limited as described above.

Calendar Item

First Reading of Ordinance Approving License and Concession Agreement with Laptop Lane Limited for the Provision of Passenger Business Services at the Oakland International Airport (#1 Airport Drive, South Airport)



Airport Properties



Oakland International Airport
South Airport

Agenda Sheet

SUBJECT: Proposed 2000 Airline Landing Fees and Tenant Terminal Space Rentals

DATE: March 7, 2000

ITEM NO: 6S

**DUPLICATE
OF PRIOR**

PROGRAM AREA:

- Airport Operations C. I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION

[Signature]
CALENDAR MEMO

FACTUAL BACKGROUND:

After meeting with the Airline Affairs Committee, the following rates and charges are recommended for Calendar Year 2000:

<u>Landing Fees</u>	<u>Current Charges</u>	<u>Proposed</u>
Landing Fee	\$ 0.91	\$ 1.08
Training Landing Fee	0.46	0.54
Minimum Charge Per Landing	11.38	13.50
Non-Based Carrier Landing Fee	1.07	1.27
Non-Based Training Landing Fee	0.54	0.64
Non-Based Minimum Charge Per Landing	13.38	15.88
 <u>Terminal Space Rental</u>		
Type I - Ticketing Counter	5.198 psf/pm	6.692 psf/pm
Type II - Office Space	4.678 psf/pm	6.023 psf/pm
Type III - Baggage Claim	4.158 psf/pm	5.353 psf/pm
Type IV - Baggage Make-Up	3.638 psf/pm	4.684 psf/pm
 Holdroom, Loading Bridge	 13,103 per month	 15,979 per month
 Secondary Use, Based Airline with Holdroom	 91.00 per enplaning operation	 101.40 per enplaning operation
 Secondary Use, Based Airline without Holdroom	 0.70 per enplaning pax	 0.78 per enplaning pax
 Secondary Use, Affiliated Operator	 0.70 per enplaning pax	 0.78 per enplaning pax
 Secondary Use, Affiliated Operator Using Small Aircraft	 0.60 per enplaning pax	 0.71 per enplaning pax
 Secondary Use, Holdroom & Loading Bridge Non-Based Airline	 0.83 per enplaning pax	 0.92 per enplaning pax
 Baggage Claim Area, Non-Based Airline	 0.41 per deplaning pax	 0.52 per deplaning pax
 Security Fee Non-Based Airline	 40.00 per enplaning operation	 40.00 per enplaning operation
 Terminal Use Fee Non-Based Airline	 0.82 per enplaning pax	 1.01 per enplaning pax

- MOTION
- RESOLUTION
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- INFORMATION ONLY

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BOARD ACTION TAKEN

Assistant *[Signature]* SECRETARY OF THE BOARD

MAR 7 2000
DATE

The same approach in setting fees has been used as in past years. With these rate changes, recovery of 100% of the field and ramp cost center and terminal cost center is expected. The effective date for the proposed charges for airlines that belong to the Airline Affairs Committee is retroactive to January 1, 2000. Current billings, whether higher or lower than the rates proposed, will be subject to an additional charge or credit offset following the effective date of the new ordinance rates. For non-based airlines, ground handlers and car rental companies, the effective date is scheduled to be April 1, 2000. Tenants having 30-day notice provisions in their agreements have been notified prior to March 1, 2000.

The Board of Port Commissioners hereby finds and determines that the imposition of the above changes pursuant to Section 1 of this ordinance is exempt from the requirements of the California Environmental Quality Act under California Public Resources Code Section 21080(b)(8) and Sections 15273 and 15061(b)(3) of Title 14 of the California Code of Regulations. The basis for the exemption under Sections 21080(b)(8) and 15273 is that the rates are established and imposed for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas. In addition, in view of the minor amount of the rate increase under Section 15061(b)(3) it can be seen with certainty that there is no possibility that imposition of the rates referenced herein will have a significant affect on the environment.

RECOMMENDATION:

It is recommended that the aforementioned rates and charges be approved.

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 21

SUBJECT: Request Lease Agreement with Level 3 Communications, Inc. for Premises Located on a Portion of 7th Street Extending to the Port's Jurisdictional Line in the Bay, and Extension of Right of Entry and Indemnity Agreement and a Building Permit *See file*

SUBMITTED BY: Raymond A. Boyle

EXECUTIVE OFFICE RECOMMENDATION: *See file*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

Level 3 Communications, Inc. is building a 15,000-mile underground fiber optic cable network linking customers from end-to-end across the United States. As part of this nationwide system; Level 3 will ultimately construct local city networks in 50 cities combining both local and long distance connections. The entire system will be operational in 2001. Level 3 believes it will have a positive impact on the communities it serves by providing cost-effective communications, new infrastructure, and local jobs. The company will offer a variety of services to enhance the user's internet access, phone calls, faxes, and other telecommunications needs.

Level 3 has targeted proposed routes in California as first priorities in its nationwide system linking major population centers. Level 3 will be laying cable from the Oregon border to San Diego. A portion of Level 3's project traverses Port property, therefore, Level 3 wishes to enter into a long-term agreement with the Port for premises accommodating the installation of from 30 to 70 fiber optic conduits.

There are two phases of construction. Phase One is the portion along 7th Street and Phase Two is the portion from 7th Street to the Port's jurisdictional boundary in the Bay.

The Board, on February 1, 2000 approved a separate building permit for the cable installation along 7th Street. The permit was granted to Gallagher and Burk, Inc., the Port's contractor, to install the cable for Level 3.

ANALYSIS:

Since the Port's 7th Street Realignment Project is underway, Level 3 contracted with the Port's contractor, Gallagher and Burk, Inc., to install Level 3's cable in a joint trench in 7th Street as the first stage of construction. In order to meet the Port's construction schedule, Level 3 acquired a right of entry from the Port. The existing 45-day right of entry expires on April 12, 2000.

Level 3 also wishes to enter into a lease agreement with the Port. Therefore, staff requests the Board to consider the lease terms listed below and to approve execution of an Extension of Right of Entry and Indemnity Agreement to extend the termination date to the earlier of July 1, 2000 or upon execution of a lease agreement.

Negotiations have been finalized for key terms and conditions of the lease agreement with one exception, the alignment. The portion of Level 3's project in 7th Street has been delineated. However, the remainder of the alignment has not been finalized as to location of the transition from 7th Street to the boundary of the Port's jurisdiction in the Bay. Port engineering staff is satisfied that Level 3's project will not interfere with any of the various Maritime construction projects both underway and/or planned.

The key lease terms and conditions are illustrated in the following table:

**Approved by Ordinance
passed to print**

Approved by Resolution

No. 20106 & 20107

BOARD ACTION TAKEN

Assistant

Sharon Kuppelue
SECRETARY OF THE BOARD

MAR 7 2000

DATE

- MOTION
- RESOLUTION
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- INFORMATION ONLY

Term:	20-years
Options:	Two 10-year options
Conduits:	30 – 70
Area:	Approximately 5,083 linear feet land along 7 th Street and from 7 th Street to the water. Approximately 2,000 linear feet below water
Premises:	From 7 th Street to Port's jurisdictional boundary in the Bay (see attached map)
Annual Rent:*	Land based on 10% of tariff land value (\$11.50) or \$1.15 per linear foot, <u>per conduit</u> . Submerged land based on 10% of 50% of tariff land value (\$5.75) or \$0.58 per linear foot <u>per conduit</u> ; based on approximate linear feet and assuming between 30 and 70 conduits the rental range is \$210,164 annual (\$17,514 per month) to \$490,382 annual (\$40,865).
Rental Adjustments:	Every two years based on the change in percentage of the Consumer Price Index but not less than 5%.
Document Processing Fee:	\$6,000
Insurance:	Endorsement filed with Port Risk Management Department
Relocation:	At Port's discretion and at Level 3's sole responsibility and cost
Contamination:	Level 3's sole responsibility

*Actual rent will be calculated once the alignment is finalized and staff has accurate linear footage and a finite number of conduits.

In addition to generating a new income stream, the installation of fiber optics provides local businesses and the community at large access to better service. Oakland is a key factor in the global linkage planned by Level 3.

Staff believes this is a fair market transaction.

FINANCIAL IMPACT TO THE PORT:

A new annual revenue stream, as reflected in the above table of key terms.

ALTERNATIVES:

None.

The items proposed herein were reviewed pursuant to requirements of the California Environmental Quality Act ("CEQA") and Port CEQA guidelines and was determined to be Categorical Exempt per Section 15301 (p). Pursuant to Section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

**Subject: Request Lease Agreement with Level 3 Communications, Inc. for Premises Located on a Portion of 7th Street
Extending to the Port's Jurisdictional Line in the Bay, and Extension of Right of Entry and Indemnity Agreement and a
Building Permit**

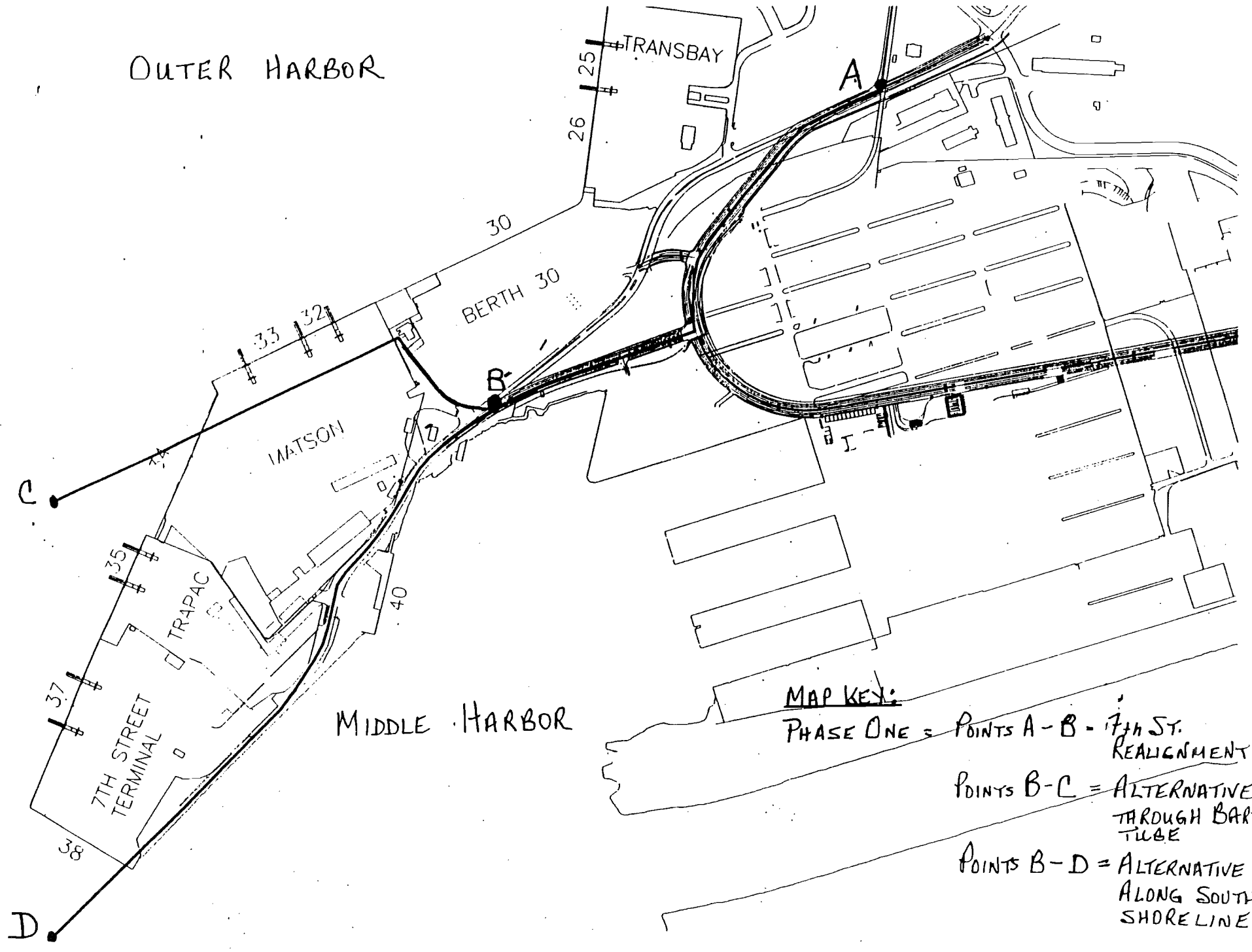
Page 3 of 3

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

RECOMMENDATION:

It is recommended that the Board grant an ordinance authorizing execution of lease agreement with Level 3, pass a resolution approving Extension of Right of Entry and Indemnity Agreement, and adopt a resolution approving a building permit to install cable from the Port jurisdictional line in the Bay to the 7th Street realignment project.

OUTER HARBOR



MAP KEY:

PHASE ONE = POINTS A - B - 7TH ST. REALIGNMENT

POINTS B - C = ALTERNATIVE 2 THROUGH BART TUBE

POINTS B - D = ALTERNATIVE 2 ALONG SOUTH SHORELINE

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 26S

JHD

SUBJECT: First Reading of an Ordinance Granting Pacific Gas and Electric (PG&E) Two (2) Relocated Easements and One (1) New Easement for Utility Lines Along Middle Harbor Road, Realigned 7th Street and New Road

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

Joseph K. Wong

**DUPLICATE
OF PRIOR**

EXECUTIVE OFFICE RECOMMENDATION:

CALENDAR MEMO

FACTUAL BACKGROUND:

On December 7, 1999, the Board, by Resolution 99472, authorized the Executive Director to execute an agreement with PG&E to design, inspect, and construct a realignment of their 115kV overhead pole line which feeds the Port's Maritime Electric Substations, SS-C-50 and SS-C-51. The agreement was executed and PG&E is completing the design at the end of February 2000. Under the terms of the agreement, the Port will pay for the relocations and PG&E will retain ownership and maintenance responsibility.

Additionally, the Board, by Resolution 99473, authorized the Executive Director to execute an agreement with PG&E to design, inspect, and construct a realignment of their 12kV and natural gas facilities in realigned 7th Street, as well as construct new natural gas facilities in New Road. Under the terms of the agreement, the Port's Contractor will perform all trenching, backfill, and installation of electric manholes and conduit. PG&E will pull all underground cables, install underground equipment, do all overhead electric construction, as well as all gas construction. All material furnished and installed by the Port's Contractor will become property of PG&E.

Additional terms of the agreements with PG&E require the Port to grant PG&E a modification of existing easements and a new easement.

The 115kV relocation requires a modification to an easement along Middle Harbor Road that the Port obtained as a result of the Quitclaim Deed for the Fleet Industrial Center Oakland (FISCO). The easement modification will have the same term as the remaining portion of the original, 50-year easement. The portions of the easement being abandoned are quitclaimed back to the Port. Port obtained as a result of the Quitclaim Deed for the Fleet Industrial Center Oakland (FISCO). The easement modification will have the same term as the remaining portion of the original, 50-year easement. The portions of the easement being abandoned are quitclaimed back to the Port. The 12kV and natural gas realignment along 7th Street will require a modification to the remaining term of a 66 year easement along 7th Street in the vicinity of the FISCO property.

The new natural gas construction will require a new, 66-year, easement in the New Road alignment.

RECOMMENDATION:

It is recommended that the Board give a first reading to an Ordinance granting the aforementioned easement modifications and new easement to PG&E for the electric and natural gas lines required for the Port's development. It is further recommended that the Executive Director be authorized to execute the easement documents on behalf of the Port.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant

Almon Kuppner
SECRETARY OF THE BOARD

MAR 7 2000

DATE

Agenda Sheet

DATE: March 7, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS
 - Title Change
 Amendment of Appointment Salary

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *cf*

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

FACTUAL BACKGROUND:

I. TITLE CHANGE—Ordinance (2 Readings)

A) It is requested that the Board approve the classification title change of Port Internal Auditor to Port Auditor (Unit H, Salary Grade 15). This is a title change only and the salary grade assignment remains the same. This change is necessary to reflect the addition of field audit functions.

II. AMENDMENT OF APPOINTMENT SALARY—Resolution (1 Reading)

A) It is requested that the Board approve the amendment of appointment salary for Douglas Waring, who was appointed to the position of Port Internal Auditor (soon to be changed to Port Auditor) effective September 1, 1999, from salary \$8,375 per month to \$9,213 per month within Salary Grade 15.

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 3/2/99	AS OF 2/22/00	AS OF 3/7/00
Full-Time Employees	612.00 FTE	551.00 FTE	553.00 FTE	555.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	564.40 FTE	566.40 FTE***	568.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** One separation and three appointments resulted in an increase in count.

*** Corrected Count

Approved by Ordinance
passed to print

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20112

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

Sharon Kuppene

MAR 7 2000

DATE

TEMPORARY AGENCY WORKER COUNT AS OF 2/23/00

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	13	8	1	8	0	0	30
* CIP	0	0	12	6	0	0	18
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	5	3	0	0	0	0	8
* SPECIAL PROJECT	2	0	0	11	1	0	14
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
T O T A L S	20	13	13	25	1	0	72

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	12/22/99	1/7/00	2/4/00	2/23/00
BACKFILL	27	33	32	27	30
* CIP	18	16	15	17	18
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	1	1	1	0
MEDICAL BACKFILL	4	7	7	9	8
* SPECIAL PROJECTS	11	17	16	14	14
WORKER'S COMP BACKFILL	3	4	5	2	2
T O T A L S	63	78	76	70	72

COUNT SUMMARY

CURRENT FTE COUNT	568.40
CURRENT TEMPORARY AGENCY BACKFILLS	30.00
VACANT POSITIONS	17.00
T O T A L	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding title change and amendment of appointment salary.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Pegasus Aviation, Inc. (8991 Earhart Road, North Airport)

DATE: March 21, 2000

ITEM NO: 2S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Pegasus Aviation, Inc. (Pegasus) is currently under a 45-day Right-of-Entry and Indemnity Agreement (Right-of-Entry) which provides for occupancy of approximately 38,619sf of office, shop, hangar, apron and unpaved land in and adjacent to Building L-310/East (Hangar 3) on the North Airport for the purpose of storage and maintenance of its privately owned or operated aircraft. The Right-of-Entry was effective January 1, 2000; rent is \$15,900 per month.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend Pegasus' occupancy of the same premises (commencing February 15, 2000 and ending June 13, 2000). Monthly rent would remain the same. This additional time is requested in order to allow adequate time in which to negotiate and prepare a multi-year lease.

Under the terms of this Agreement and the proposed lease, tenant will be allowed to sub-license a portion of the premises and conduct self-fueling of aircraft that it owns or has under its operational control.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend Right-of-Entry and Indemnity Agreement with Pegasus Aviation, Inc.


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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20121

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAR 21 2000

DATE

Board of Port Commissioners

Calendar Item

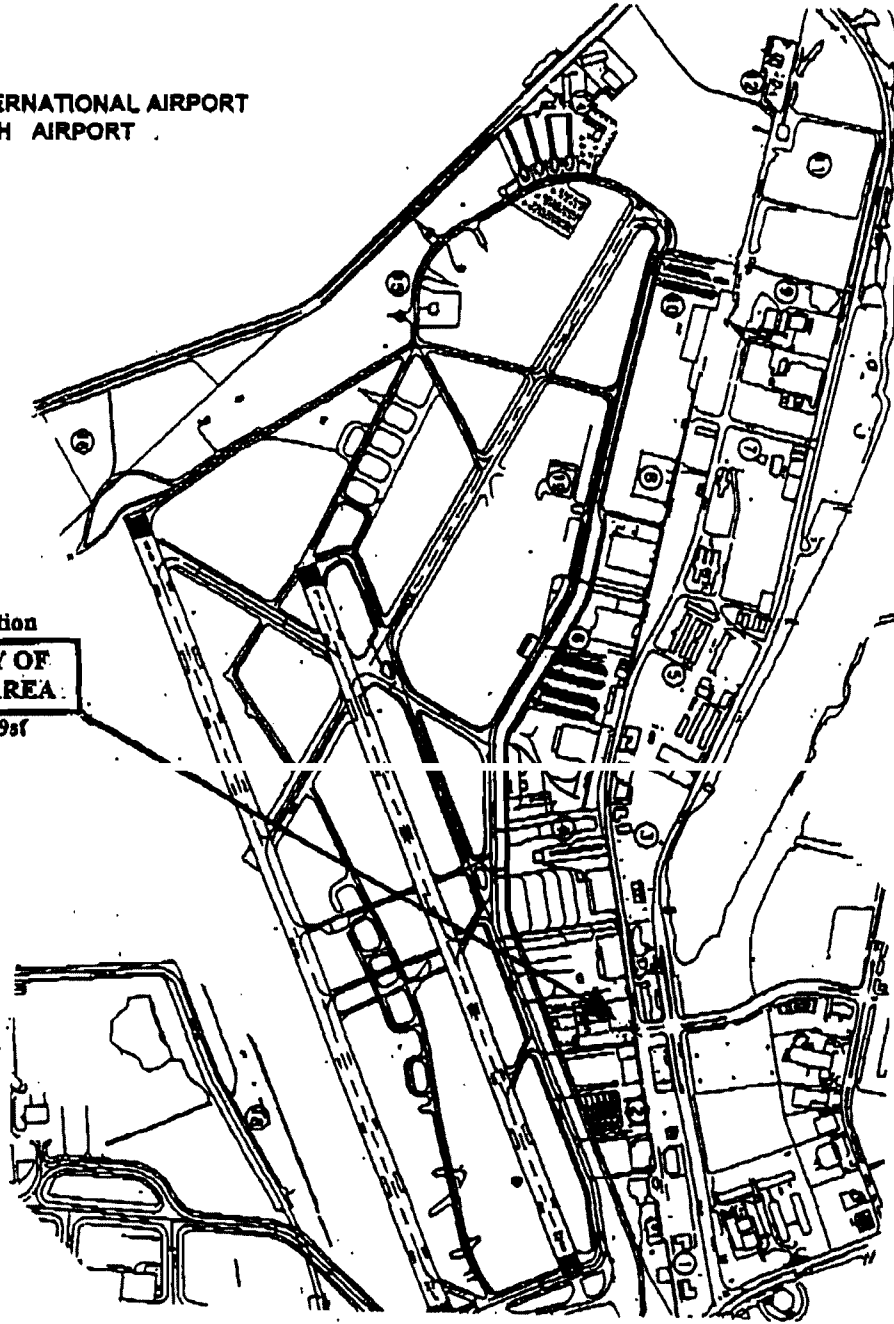
Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Pegasus Aviation, Inc. (8991 Earhart Road, North Airport)

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT

Pegasus Aviation

**BOUNDARY OF
ASSIGNED AREA**

Approx. 38,619sf



Airport Properties



**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


SUBJECT: Approval of License and Concession Agreement with Bay Avionics, Inc. (8053 Earhart Road, North Airport)

DATE: March 21, 2000

ITEM NO: 3S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Bay Avionics, Inc. (Bay) is currently under a 45-day Right-of-Entry and Indemnity Agreement (Right-of-Entry) granting occupancy of approximately 5,166sf of hangar and apron space in and adjacent to Building L-712 on the North Airport. Bay will use the premises to support its aircraft maintenance and repair operations on the North Airport. The Right-of-Entry commenced February 1, 2000; rent is \$1,800 per month.

ANALYSIS:

The proposed License and Concession Agreement would extend occupancy of the same premises through January 31, 2001. Monthly rent and use would remain the same.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with Bay Avionics, Inc.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20122

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

MAR 21 2000

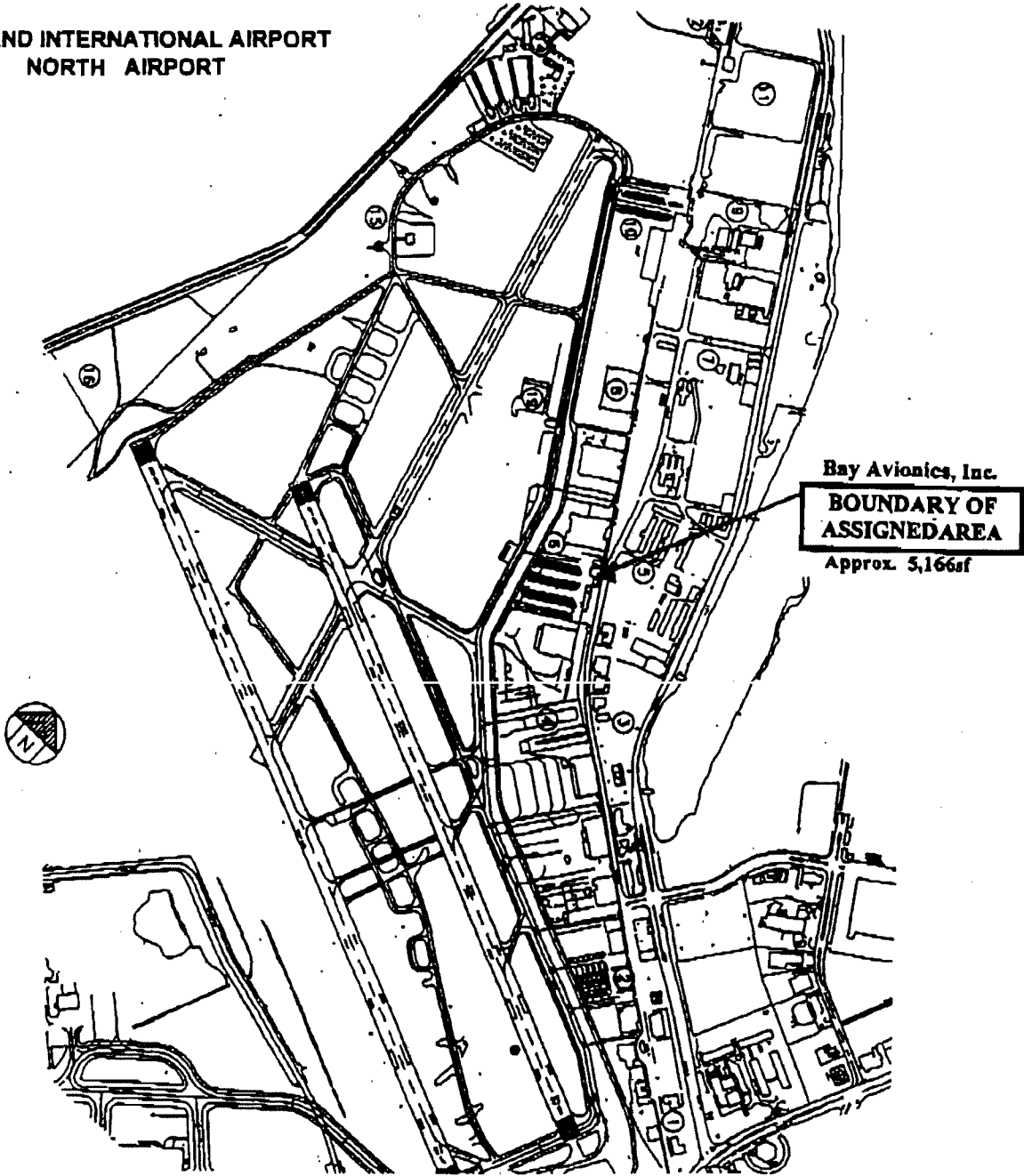
DATE

Board of Port Commissioners

Calendar Item

Approval of License and Concession Agreement with Bay Avionics, Inc. (8053 Earhart Road, North Airport)

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT



Airport Properties



Oakland International Airport North Airport

Map Not to Scale

Agenda Sheet

DATE: March 21, 2000

ITEM NO: 4S

SUBJECT: Ordinance Approving Termination Agreement with Existing Tenant American Tower L.P. and Waiving of All Back Rent (Air Cargo Road at Gate C-3, South Airport)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

This action would approve a Termination Agreement with American Tower L. P. (American Tower), an existing tenant, and provide for the termination of the Wireless Telecommunications Master Lease and Site Agreement for the placement of a telecommunications facility and tower at the Airport. American Tower was unable to obtain FAA approval for a permit for its proposed telecommunications tower and therefore is unable to develop any facilities as anticipated under the lease.

ANALYSIS:

The proposed Termination Agreement terminates a Wireless Telecommunications Master Lease and Site Agreement for a facility that was not built and for which no rents were received. The original Agreement, which commenced on September 2, 1997, allowed American Tower to provide subleased space for base station/equipment room and antenna space on a telecommunications tower for sublease to various wireless telecommunications carriers. The term of that lease was for five years, with four five-year options in the Lessee's sole discretion.

The First Supplemental Agreement changed the commencement date to November 16, 1998, allowing for more time to develop the facilities. A revised rent structure provided for a fixed base rent against a percentage rather than a graduated base rent and a percentage, as carriers subleased space. As the prime contractor providing wireless telecommunications services at the Airport, American Tower was to pay the Port a base rent of \$1,500 per month for the first twelve months and \$2,500 per month for the following twelve months, followed by annual CPI adjustments against 25% of gross revenues paid to it by the various telecommunications carriers.

When it was determined that American Tower could not acquire the required FAA approval of the proposed tower, American Tower requested termination of the Wireless Telecommunications Master Lease and Site Agreement and negotiations commenced on the Termination Agreement. Negotiations and preparation of the Termination Agreement with American Tower extended into the time that rent was to become due under the existing Agreement. The rent due at the time that the Port came to terms on the Termination Agreement with American Tower totaled approximately \$3,000. All past due rent under the revised agreement would total \$19,500 as of March 1, 2000. As an inducement to American Tower to terminate the existing Agreement, it was agreed that back rent would be waived. The Port Attorney has determined that the waiver of back rent is permitted because the termination of the existing Agreement is mutually beneficial to the Port and American Tower.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20123

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD



MAR 21 2000

DATE

**Ordinance Approving Termination Agreement with Existing
Tenant American Tower L.P. and Waiving of All Back Rent
(Air Cargo Road at Gate C-3, South Airport)**

Meanwhile, in late 1998 and 1999, the Port entered into several contracts directly with telecommunications carriers for a flat monthly fee per base station at rates substantially higher than originally anticipated when the existing Agreement with American Tower was executed. These direct telecommunications carrier contracts also negated the need for a contract such as that with American Tower.

Consequently, much of the intended original purpose of the American Tower Agreement was frustrated by ongoing changes in the telecommunications industry, direct service contracts with telecommunications carriers, and, most importantly, the inability to secure FAA approval of a telecommunications tower site. Frustration of purpose is a legal defense to enforcement of a contract. Hence, the proposed mutual Termination Agreement is warranted.

Because the services that the American Tower Agreement would have provided are currently being provided by other wireless telecommunications carriers, the termination of the Wireless Telecommunications Master Lease and Site Agreement will have no adverse impact on the Airport.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

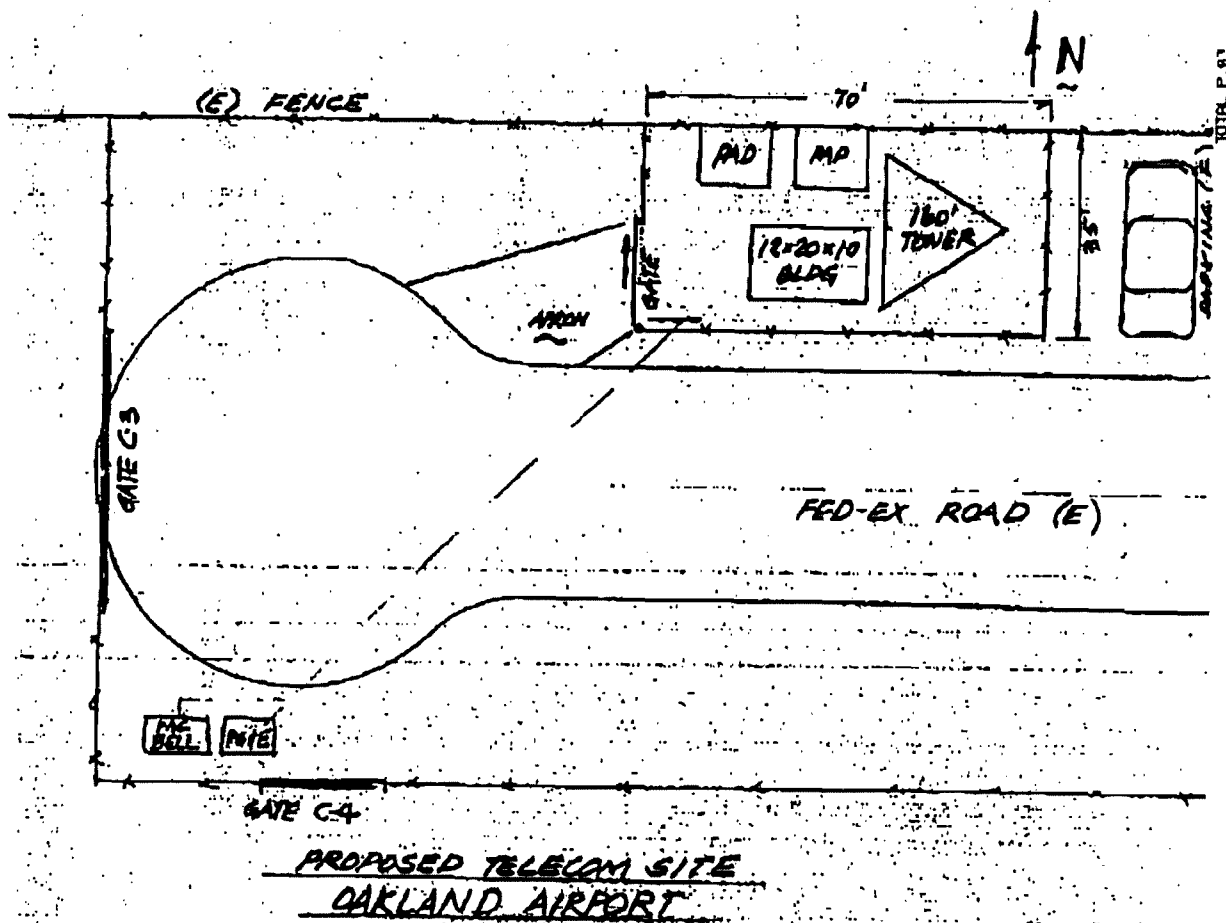
Not applicable.

RECOMMENDATION:

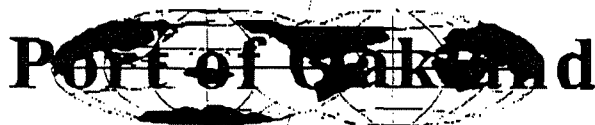
It is recommended that the Board give first reading to approving an ordinance waiving all back rent and authorizing execution by the Executive Director of the above-described Termination Agreement with American Tower L.P.

Board of Port Commissioners Calendar Item

Ordinance Approving Termination Agreement
with Existing Tenant American Tower L.P. and
Waiving of All Back Rent (Air Cargo Road at
Gate C-3, South Airport)



Airport Properties

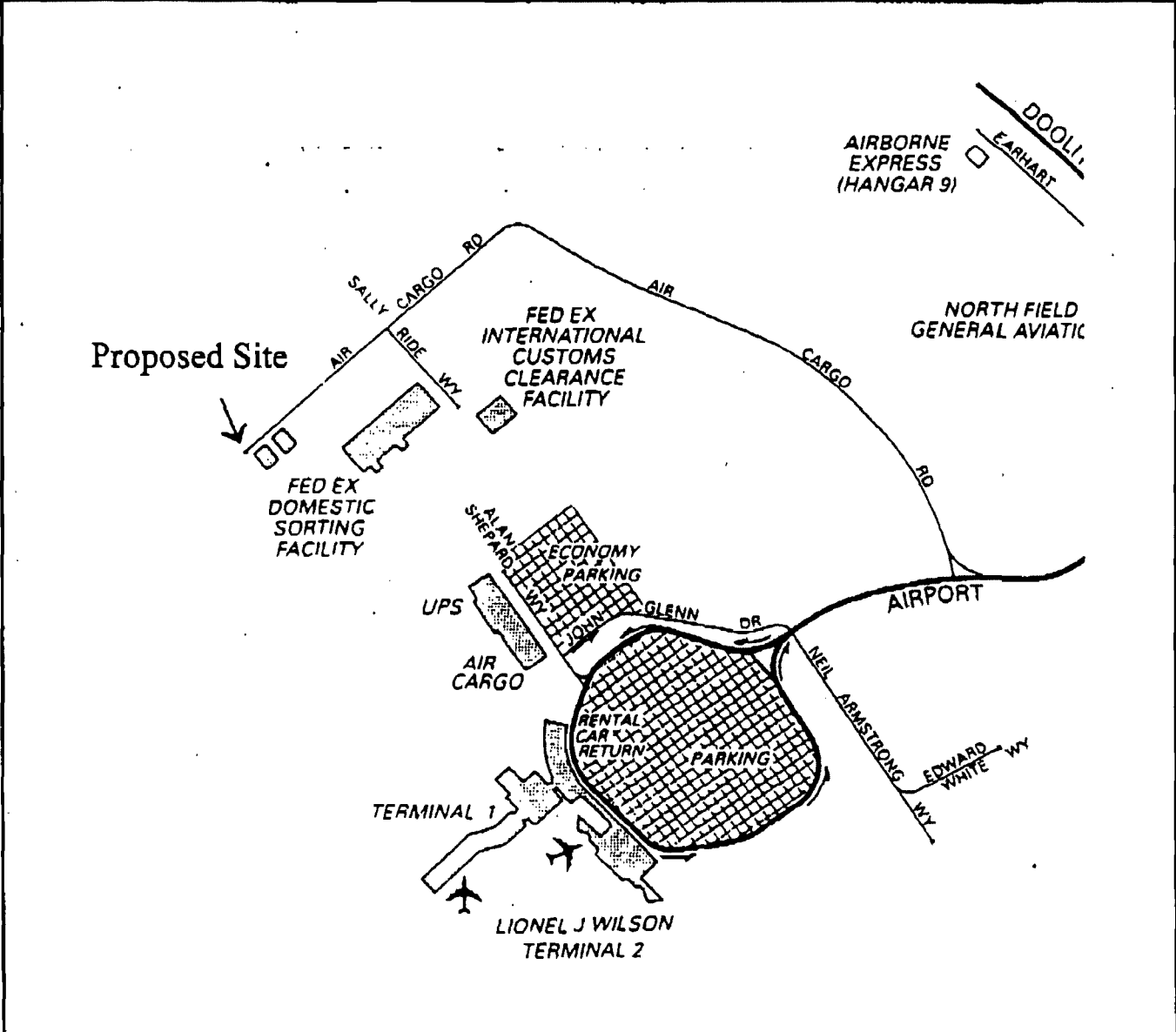


Oakland
International Airport
South Airport

Map Not to Scale

Board of Port Commissioners Calendar Item

Ordinance Approving Termination Agreement
with Existing Tenant American Tower L.P. and
Waiving of All Back Rent (Air Cargo Road at
Gate C-3, South Airport)



Airport Properties

Port of Oakland

**Oakland
International Airport
South Airport**

Map Not to Scale

Agenda Sheet

DATE: March 21, 2000

ITEM NO: 5S

SUBJECT: Approval of Revocable Permit for Earthquake Studies
with United States Department of the Interior (Vicinity of
Building L-231, North Airport)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *SJG*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The United States Department of the Interior Geological Survey, Office of Earthquakes, Volcanoes and Engineering (USGS) has launched an experiment within the core urban areas of San Francisco, Oakland and adjacent shorelines, over which a dense array of digital seismograph equipment will be installed. This experiment is known as the Oakland-San Francisco Urban Seismic Array (OSFUSA) and the objective is to collect high quality digital seismograms which will be used to facilitate realistic and cost effective planning and seismic design for future construction and seismic retrofit projects within the San Francisco-Oakland urban areas.

ANALYSIS:

The proposed Revocable Permit for Earthquake Studies (Permit) would commence February 1, 2000 and terminate on June 30, 2000. The monitoring equipment would be located in the vicinity of Airport Facilities' corporation yard and would be situated on a site measuring approximately six square feet (6sf) of land. The equipment consist of one recorder to which a 6'-8' antenna is attached (no installation required; it will be placed on the ground) and one seismometer (to be placed in shallow hole in ground; no more than 10" deep). A USGS technician will visit the site to download data and make equipment checks at 3 to 4 week intervals. Upon termination of the Permit, a USGS technician will revisit the site to remove all equipment. No rent will be charged.

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 15306, Class 6, which exempts basic data collection, research activities, and resource evaluation, that do not result in a serious or major disturbance to an environmental resource.

OPTIONS:

N/A

RECOMMENDATION:

It is recommended that the Board approve the above-described Revocable Permit for Earthquake Studies with the United States Department of the Interior.

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- MOTION
- RESOLUTION
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Approved by Resolution
No. 20124

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

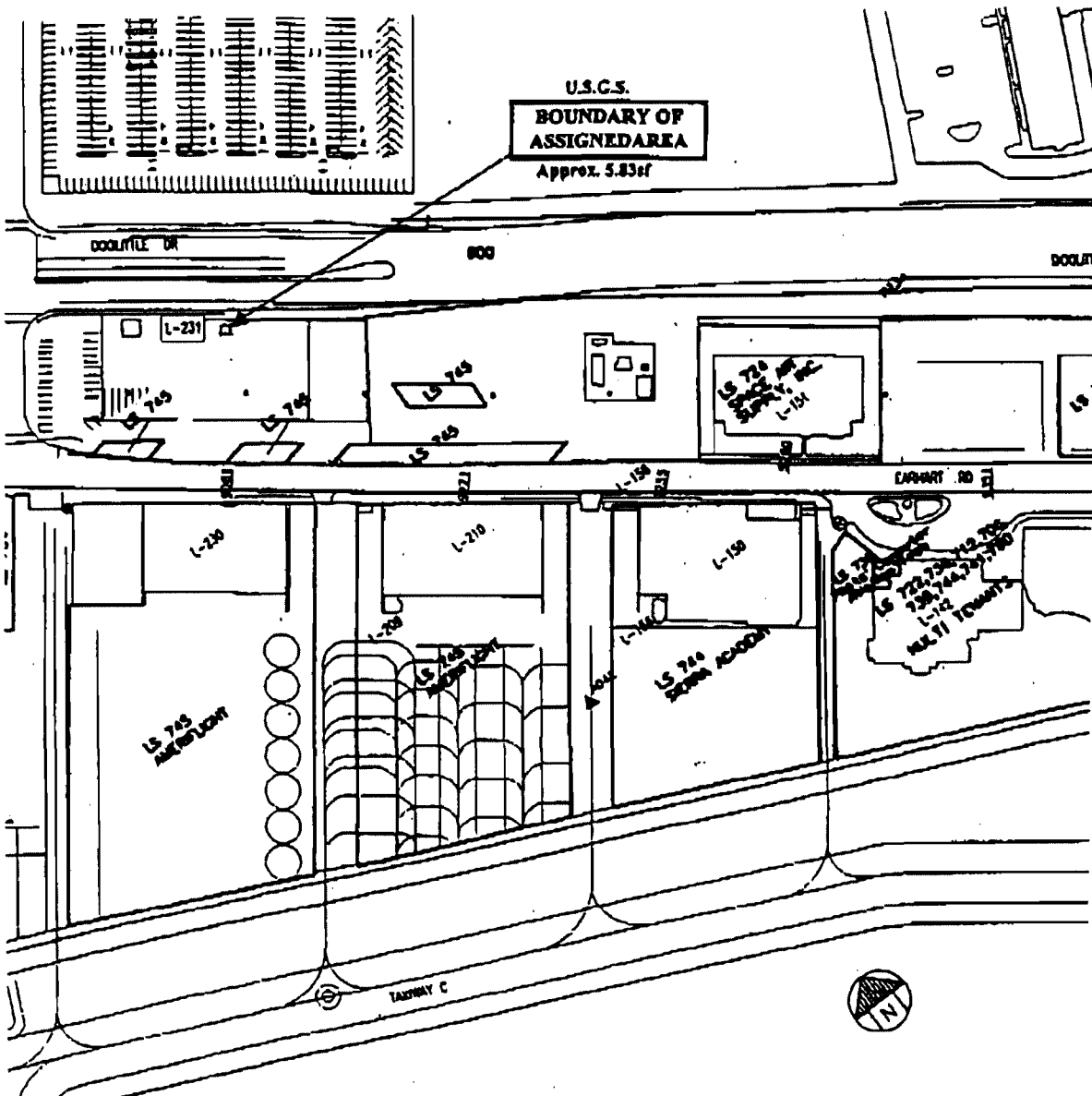
MAR 21 2000

DATE

Board of Port Commissioners Calendar Item

Approval of Revocable Permit for Earthquake
Studies with United States Department of the Interior
(Vicinity of Building L-231, North Airport)

OAKLAND INTERNATIONAL AIRPORT NORTH AIRPORT



Airport Properties



Oakland International Airport North Airport

Map Not to Scale

Agenda Sheet

JHQ
SUBJECT: Ratify Addendum and Award of Contract for Closure of Landfill at the Former Lew F. Galbraith Golf Course

DATE: March 21, 2000

ITEM NO: 25S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Four (4) bids were received and opened on March 1, 2000, for **Closure of Landfill at the Former Lew F. Galbraith Golf Course, Oakland, California.**

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Harding Lawson Associates, Inc.	Oakland, CA			X		\$ 5,896,429.00
R.J. Gordon Construction, Inc.	Concord, CA				X	\$ 7,280,582.00
Remedial Solutions, Inc.	San Leandro, CA				X	\$ 8,086,943.07
Gallagher & Burk, Inc.	Oakland, CA			X		\$ 8,975,600.00

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

ANALYSIS:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Since the bid of the low bidder, Harding Lawson Associates, Inc., is more than 10% lower than the bid of the next lowest bidder, this portion of the policy does not impact the award of this contract.

Addendum No. 1 added irrigation infrastructure and made minor notation changes to the Plans; added Document 00823, Project Labor Agreement and Document 00630, Letter of Assent, to the Project Manual.

The Port's Office of Equal Opportunity (OEO) analyzed the bids for compliance with the Policy, and concurs with this recommendation. Accordingly, it is recommended that Harding Lawson Associates, Inc. be considered to be the lowest responsible bidder for the purposes of this Contract.

Harding Lawson Associates, Inc. has listed one subcontractor and two trucking companies. The remainder of the work will be done by Harding Lawson Associates, Inc.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	MBE	WBE	LIABE	LBABE	"\$" AND "%" OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
Serrot International, Inc.	Henderson, NV					\$398,000 / 6.7%
Williams Trucking	Oakland, CA	X		X		\$180,000 / 3.1%
DeBeste Trucking	Santa Rosa, CA	X				\$50,000 / 0.8%

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20134

Vote Abstained

BOARD ACTION TAKEN Assistant *[Signature]* **SECRETARY OF THE BOARD**

MAR 21 2000
DATE

**Subject: Ratify Addendum and Award of Contract for Closure of
Landfill at the Former Lew F. Galbraith Golf Course**

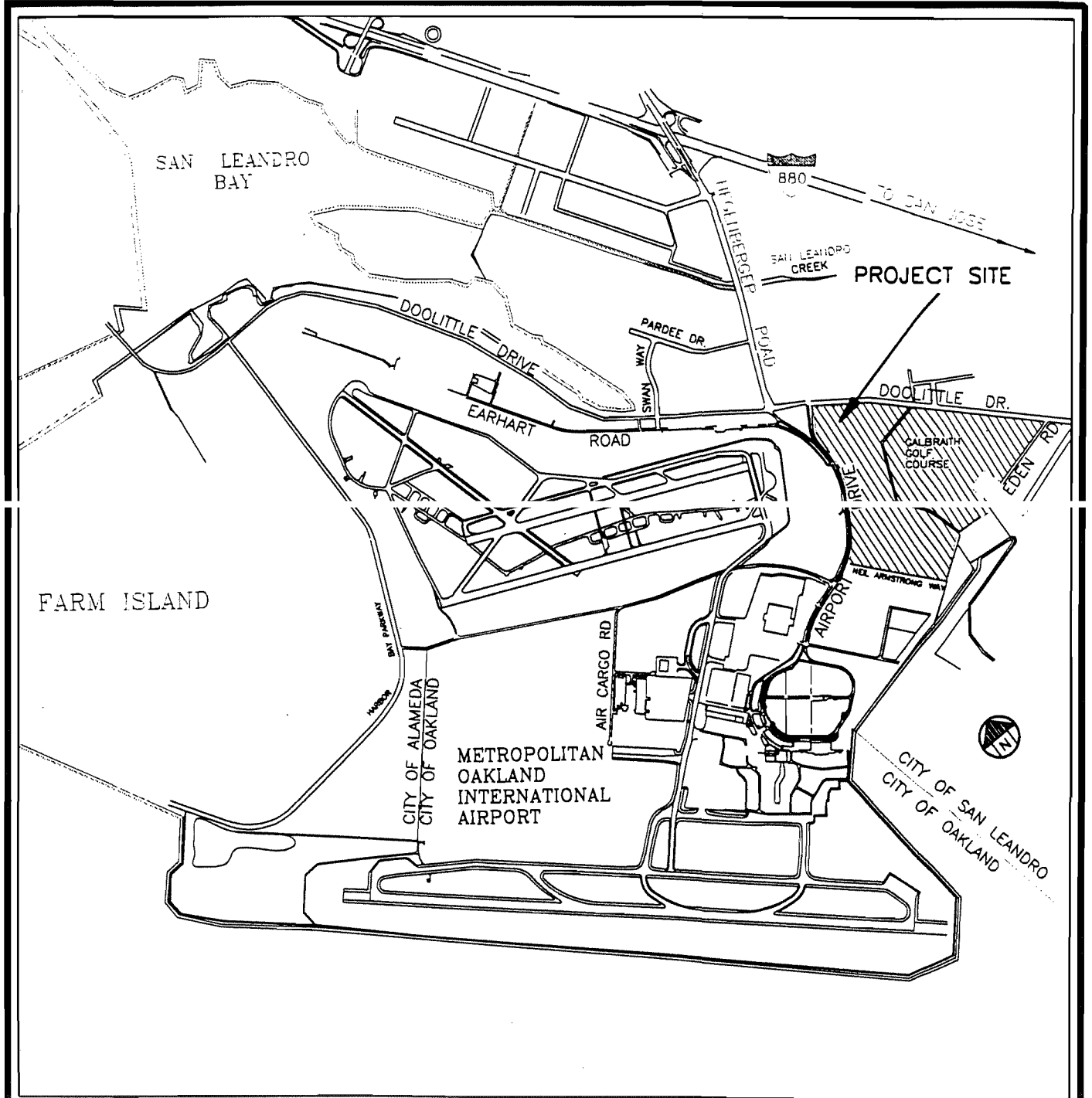
March 21, 2000

Page 2 of 2

The project is budgeted under CIP Item No. MA.02870.19. The funding source is Port Bonds. The location of the work is shown on the attached map.

RECOMMENDATION:

It is recommended that Harding Lawson Associates, Inc. be found to be a responsible bidder, that Addendum No. 1 be ratified, and that the contract for the above project be awarded to Harding Lawson Associates, Inc. for the amount of its bid, and that the other bids be rejected and the bid securities returned to the other bidders.



PORT OF OAKLAND

Agenda Sheet

JHW
SUBJECT: Approval of Plans and Specifications for Construction of Berths 57/58 Container Wharf, Fill, and Middle Harbor Shoreline Modifications, Vision 2000

DATE: March 21, 2000
ITEM NO: 26S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: *JW* Joseph K. Wong
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Plans and specifications have been prepared for **CONSTRUCTION OF BERTHS 57/58 CONTAINER WHARF, FILL, AND MIDDLE HARBOR SHORELINE MODIFICATIONS, VISION 2000** and are hereby submitted for approval and authorization to advertise for bids.

This is the second container wharf project for the Port's Vision 2000 Program. This project will build a 3000-foot long reinforced concrete container wharf at Berths 57 and 58; excavate & dredge the bank at the former Union Pacific property along the Mole and between Berth 56 and the APL wharf; construct a dike and place fill at the north cell near Point Arnold; provide fill material for the Berth 57/58 Yard, Joint Intermodal Terminal, and Middle Harbor Shoreline Park; install portions of the Phase 1 Yard at Berths 57/58; install storm drains; demolish the Navy Force Main Sewer; provide site prep and grading at Point Arnold; provide grading for the future park on the Mole; construct embankments for a future docking facility on the Mole; and salvage & stockpile portions of the existing training wall for future use in the Middle Harbor Shoreline Park.

The project is located in the former Union Pacific Yard fee title area leased from the Port and the FISCO property. Union Pacific has agreed to vacate the site so construction of the wharf can begin.

Pursuant to Section 727 of the Oakland City Charter, the Vision 2000 program and this particular project conform to the policies of the Oakland General Plan.

With a project of this magnitude and complexity, addenda may be required. All addenda will be presented to the Board for ratification when the construction contract is awarded. The Maritime Committee will be made aware of addenda as they occur.

ENVIRONMENTAL

Environmental review for the proposed project was conducted in conformance with the California Environmental Quality Act. The construction of the Berths 57-58 wharf, dike, fill, and partial yard improvements were evaluated in the Berths 55-58 Project Environmental Impact Report (EIR) which identified a number of significant impacts. Mitigation measures were identified to avoid or reduce to a less than significant level the project-related significant impacts regarding noise, hazardous materials, biological resources, and cultural resources. The EIR also recommended mitigation measures for less than significant impacts regarding construction, air emissions, hazardous waste, and water quality. However, even after mitigation, impacts on freeway traffic and air quality would remain significant. The EIR identified a program of mitigation measures to reduce air quality impacts and explained why the Port could not feasibly reduce freeway impacts.

In addition to mitigation measures, the project EIR contained requirements to be included in the construction specifications such as the use of electric-powered dredges to minimize air quality impacts and the use of silt curtains during dredging to minimize adverse effects on water quality. These requirements as well as the relevant mitigation measures are included in the plans and specifications for the Berths 57-58 wharf, dike, fill, and container yard construction.

On April 20, 1999, the Board of Port Commissioners certified the Berths 55-58 Project EIR, and approved the project together with the recommended mitigation measures and all feasible air quality mitigation measures.

This work is budgeted under CIP Item Nos. M6.00585.01, M6.00585.02, M6.00548.02 and M6.00548.03. The funding source will be Port bonds.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20129

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAR 21 2000

DATE

Subject: Approval of Plans and Specifications for Construction of Berths 57/58 Container Wharf, Fill, and Middle Harbor Shoreline Modifications, Vision 2000

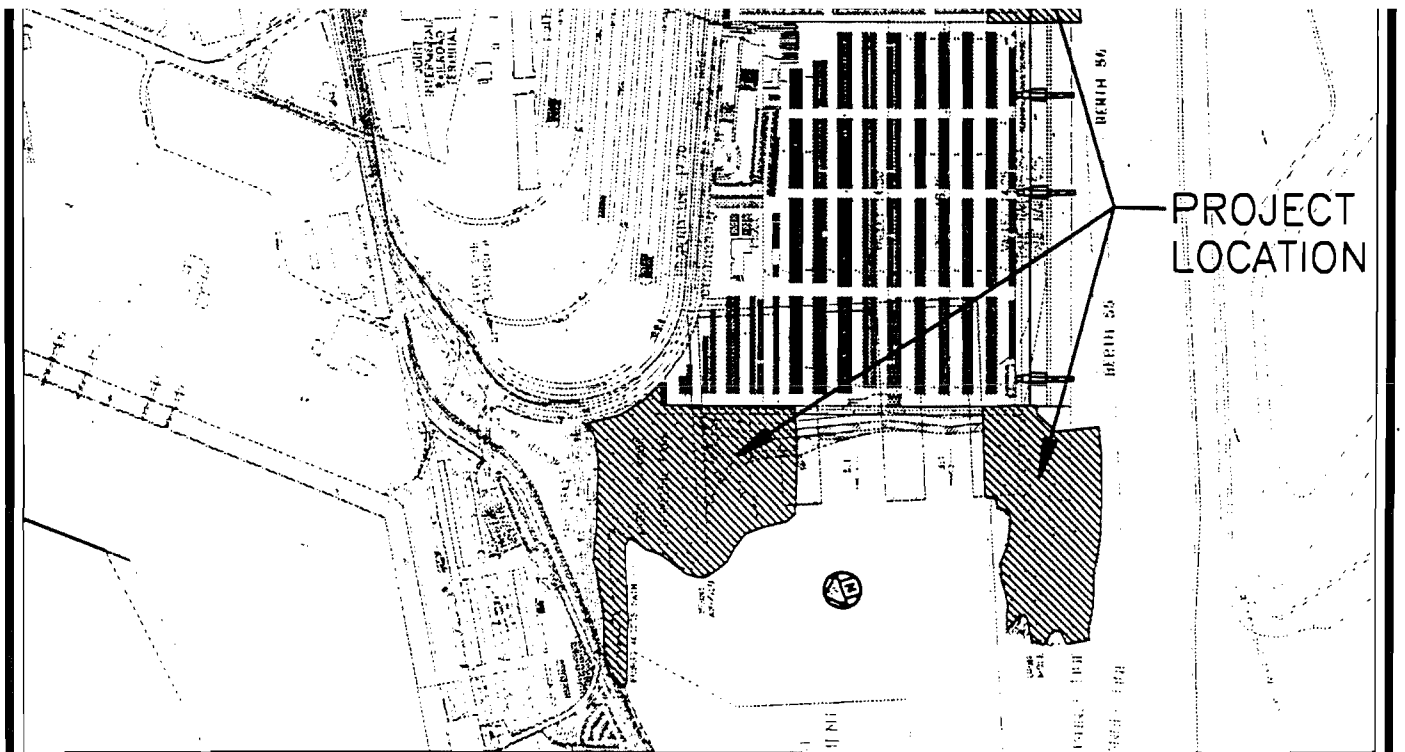
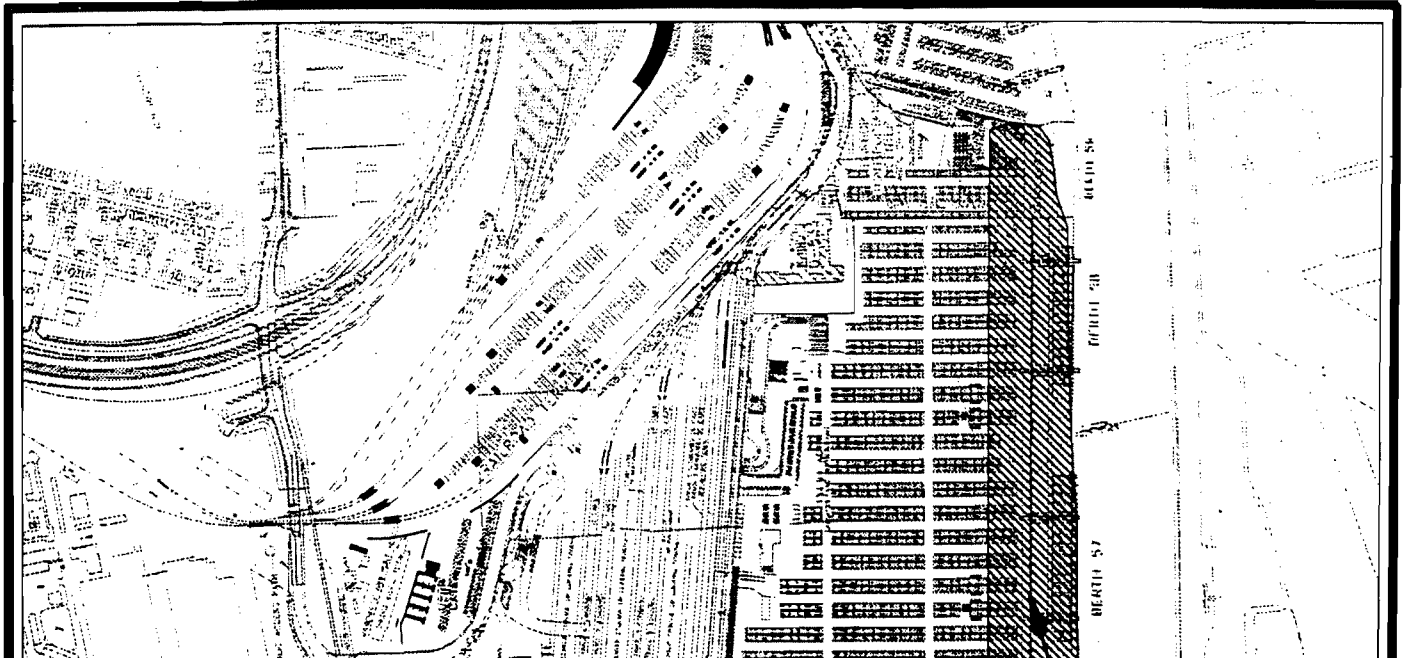
Page 2 of 2

RECOMMENDATION:

It is recommended that the plans and specifications be approved and authorization be given to advertise for bids to be received on May 17, 2000.

Approval of Plans and Specifications for
Construction of Berths 57/58 Container Wharf,
Fill, and Middle Harbor Shoreline Modifications
Vision 2000
Oakland, California

March 21 2000



PORT OF OAKLAND

Agenda Sheet

JWD

SUBJECT: Approval of Specifications for Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003

DATE: March 21, 2000

ITEM NO: 35S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Specifications have been prepared for **REMOVAL AND DISPOSAL OF HAZARDOUS WASTE, DESIGNATED WASTE, UNIVERSAL WASTE, AND OTHER CONTAMINATED MATERIALS FOR THE PERIOD COMMENCING JULY 1, 2000 AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA**, and are hereby submitted for approval and authorization to advertise for bids.

The specifications for this contract include a provision allowing the Port to renew the contract in one-year increments through June 30, 2003. Renewal of the contract shall only occur if agreed to in writing by both the Port and the Contractor. Should the contract be renewed, all provisions of the contract shall apply, including the bid amount for percentage mark-up for direct labor costs.

ANALYSIS:

The Contract will be used for work requiring inventorying, profiling, packaging, manifesting, collecting, loading, transporting, and legally disposing of hazardous waste, designated waste, universal waste and other contaminated materials from Port of Oakland properties.

Transportation and disposal of hazardous waste and other contaminated materials is usually done as directed in the field by Port personnel, and this type of work is difficult to define precisely for bid. The chief cost variable for such work becomes the efficiency with which the work is managed and tracked, and this is best expressed as a surcharge on the labor. Equipment costs are specified at CalTrans' rates. Since individual tasks are difficult to define for bid and frequently require field direction, it is appropriate to bid an annual contract based on labor surcharge, and provide two one-year renewals in order to realize available savings in time and contract preparation costs.

Alternatively, the work may be handled either through Change orders during construction projects, purchase order contracts, or through subcontract services on consultant contracts. These alternatives, however, are more costly and make ensuring compliance with stringent regulatory and legal requirements for waste disposal much more difficult.

Normally, the cost of inventorying, profiling, packaging, manifesting, collecting, loading, transporting, and legally disposing of hazardous waste, designated waste, universal waste and other contaminated materials is included in the Operating Budget for Fiscal Year 2000-01. The funding source is Port cash. In some circumstances, however, either the capital budget or an appropriate liability account will cover work that may be performed under this contract.

RECOMMENDATION:

It is recommended that the specifications be approved and authorization be granted to advertise for bids to be received on April 19, 2000.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20132

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAR 21 2000

DATE

Agenda Sheet

DATE: March 21, 2000

ITEM NO: 36S

JH

SUBJECT: Approval of Specifications for Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Specifications have been prepared for **PERFORMING EMERGENCY SPILL RESPONSE OR EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JULY 1, 2000 AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA**, and are hereby submitted for approval and authorization to advertise for bids.

The specifications for this contract include a provision allowing the Port to renew the contract in one-year increments through June 30, 2003. Renewal of the contract shall only occur if agreed to in writing by both the Port and the Contractor. Should the contract be renewed, all provisions of the contract shall apply, including the bid amount for percentage mark-up for direct labor costs.

ANALYSIS:

The Contract will be used for work requiring quick response, such as emergency spill response, environmental clean-up work, emergency utility repairs in a hazardous environment, and for efficient performance of small projects of abatement and/or removal of hazardous materials.

Spill response, abatement, environmental clean-up and emergency utility repair work is usually done as directed in the field by Port personnel, and these types of work are difficult to define precisely for bid. The chief cost variable for such work becomes the efficiency with which the effort is managed, and this is best expressed as a surcharge on the labor. Equipment costs are specified at CalTrans rates. Since individual tasks are difficult to define for bid and usually require field direction, it is appropriate to bid an annual contract based on labor surcharge, and to provide for two one-year renewals in order to realize available savings in time and contract preparation costs.

The cost of spill response, abatement, environmental clean-up and emergency utility repair work is included in the Operating Budget for Fiscal Year 2000-01. The funding source is Port cash. Either the operating or capital budget will cover other work that may be performed under this contract.

RECOMMENDATION:

It is recommended that the specifications be approved and authorization be granted to advertise for bids to be received on April 19, 2000.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20133
 BOARD ACTION TAKEN

[Signature]
 ASSISTANT SECRETARY OF THE BOARD

MAR 21 2000
 DATE

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 WATER STREET
OAKLAND, CALIFORNIA 94607

TELEPHONE (510) 272-1100

COMMISSIONERS

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President

ROBERT HARRIS
First Vice President

KATHY NEAL
Second Vice President

FRANK KIANG
DAVID KRAMER
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PETER URIBE

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Regular Meeting of the Board of Port Commissioners
Tuesday, April 4, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Harris, Kiang, Kramer, Neal, Taylor,
Uribe and President Loh

READING OF THE MINUTES:

Regular meeting of February 1, 2000.

Deferred - regular meeting of February 22, 2000;
regular meeting of March 7, 2000; and regular
meeting of March 21, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

REPORT FROM CHIEF FINANCIAL OFFICER:

Regarding Bond Sale

COMMITTEE REPORTS:

Aviation

Regular Meeting
April 4, 2000

READING OF SUMMARY ITEMS: (Marked "S")

6 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Authorization to Include the Removal of Abandoned Steam Trench Tunnels and Concrete Pads at Rent-A-Car Site B, North Field, OIA, in the Port's Small Business Program. (Resolution)
- 2S Approval of a Building Permit Application to Construct Paving Repairs for Federal Express at 1 Sally Ride Way (Ramp Surrounding Building M-141). (Resolution)

COMMERCIAL REAL ESTATE

- 11S Recommend Approval of New License and Concession Agreement with the City of Oakland for Parcels Located at Oakport Street near 66th Avenue. (Resolution)
- 12S Approval of a Final Map for Condominiums at Waterpark Lofts, TJ Enterprises (Owner), 2875 Glascock Street. (Resolution)

Regular Meeting
April 4, 2000

MARITIME

- 21 Ratify Change Order for Removal and Replacement of Backfill Material for "Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A, at Berths 55/56, Inner Harbor Channel. (Resolution)
- 22S Approval of Agreement with PG&E for the Removal of Overhead 12.47 kV Line Running Along the Fence Between the Fleet Industrial Supply Center and the Union Pacific Leasehold. (Resolution)
- 23S Approval of Specifications for Furnishing Labor, Materials, and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003. (Resolution)

OPERATIONS

- 31 This item not used.
- 32 Authorization to Pay Former State Legislative Lobbyist, Aprea & Co., for Services Performed. (Resolution)
- 33 Determination Relating to Representation by WCE of Certain Positions and Ratification of an MOU and LOU Pertaining to Same. (Resolution)
- 34S Travel Authorization. (Resolution)

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

Regular Meeting
April 4, 2000

Vote on the following resolutions:

Ayes: Commissioners Harris, Kiang, Neal, Uribe and
President Loh - 5

Noes: None

Absent: Commissioners Kramer and Taylor - 2

RESOLUTIONS:

- 20135 1 GRANTING AUTHORIZATION TO INCLUDE REMOVAL OF ABANDONED STEAM TRENCH TUNNELS AND CONCRETE PADS AT RENT-A-CAR SITE B, 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport - 1)
- 20136 2 GRANTING FEDERAL EXPRESS CORPORATION PERMISSION TO PERFORM CERTAIN WORK. (Airport - 2S)
- 20137 3 APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH THE CITY OF OAKLAND. (Commercial Real Estate - 11S)
- 20138 4 APPROVING FINAL MAP FOR CONDOMINIUMS AT WATERPARK LOFTS. (Commercial Real Estate - 12S)
- 20139 5 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH PORT OF OAKLAND CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime - 21)
- 20140 6 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY FOR REMOVAL OF OVERHEAD 12.47 Kv LINE RUNNING ALONG THE FENCE BETWEEN THE FLEET INDUSTRIAL SUPPLY CENTER AND THE UNION PACIFIC LEASEHOLD. (Maritime - 22S)

Regular Meeting
April 4, 2000

- 20141 7 APPROVING PLANS AND SPECIFICATIONS FOR FURNISHING LABOR, MATERIALS, AND EQUIPMENT FOR SPOT PAINTING PORT OF OAKLAND CRANES FOR THE PERIOD COMMENCING JULY 1, 2000, AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Maritime - 23S)
- 20142 8 AUTHORIZING PAYMENT TO APREA & CO. FOR SERVICES RENDERED JANUARY 1, 2000 THROUGH MARCH 31, 2000. (Operations - 32)
- 20143 9 CONCERNING CERTAIN TRAVEL. (Operations - 34S)
- 20144 10 DETERMINING THE APPROPRIATE REPRESENTATION BY WESTERN COUNCIL OF ENGINEERS OF CERTAIN POSITIONS AND APPROVING A MEMORANDUM OF UNDERSTANDING AND LETTER OF UNDERSTANDING. (Operations - 33)
- 20145 11 COMPROMISING AND SETTLING CLAIMS AND AUTHORIZING EXECUTION OF STIPULATED SETTLEMENT.

Vote on the following ordinances:

Ayes: **Commissioners Harris, Kiang, Neal, Uribe and President Loh - 5**
Noes: **None**
Absent: **Commissioners Kramer and Taylor - 2**

ORDINANCES:

1 Port Ordinance No. 3573 being, "AN ORDINANCE APPROVING A STANDARDIZED AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Final.

2 Port Ordinance No. 3574 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH NEXTEL OF CALIFORNIA, INC., DBA NEXTEL COMMUNICATIONS."

Final.

Regular Meeting
April 4, 2000

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be an regular meeting held on Tuesday, April 18, 2000 at 3:00 p.m.

Agenda Sheet

DATE: April 4, 2000

JW
SUBJECT: Authorization to Include the Removal of Abandoned Steam Trench Tunnels and Concrete Pads at Rent-A-Car Site B, North Field, OIA, in the Port's Small Business Program

ITEM NO: 1

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *AK*

FACTUAL BACKGROUND:

The Port proposes to remove the abandoned steam trench tunnels and concrete pads located within the Rent-A-Car site B area at the North Field. These abandoned steam trench tunnels were used by the Military in the 1930's and 40's to provide heat to the various North Field facilities from a central steam heating plant. The removal of these abandoned structures will remove hazardous materials (asbestos) and allow the site to be developed for new rental car service facilities.

ANALYSIS:

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is part of "Project B.5 Replacement Rental Car Service Facilities" in the EIR. The EIR evaluates the impacts associated with this project and provides mitigation measures to be implemented with this project. The EIR and the Supplement were certified on 12/16/97 and 6/22/99 respectively, by the Board of Port Commissioners. The ADP was approved at the same time. The Port filed a Notice of Determination (NOD) on 9/8/98 to demolish buildings that had occupied the site and to perform site preparation for the future rental car facilities. The current work falls within the scope of site preparation work. No Subsequent or Supplemental EIR is required with respect to this project component of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

It is believed to be in the best interest of the Port to include this project in the Port's Small Business Program. This program allows small local contractors to attain experience in public sector work. It is also believed that in order to insure small local business participation in this work, it will be necessary to remove this project from the formal bidding procedure, and instead, engage in an outreach program by soliciting proposals only from small local contractors. If this attempt is unsuccessful, the Port will then solicit proposals from other qualified contractors.

Furthermore, it is recommended that this project be excluded from the Port of Oakland Maritime and Aviation Project Labor Agreement (PLA) in accordance with Appendix "G" - Letter of Understanding re: Small Business Utilization Program, of said agreement. However, if the attempt to secure an acceptable proposal from a small local contractor is not successful, the PLA will be added to the project documents before proposals are solicited from other qualified contractors.

The Capital Budget for Fiscal Year 2000 provides for this work under CIP No. A1.00816.01. The funding source is Port cash.

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

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- INFORMATION ONLY

Approved by Resolution

No. 20135

BOARD ACTION TAKEN *Assistant*

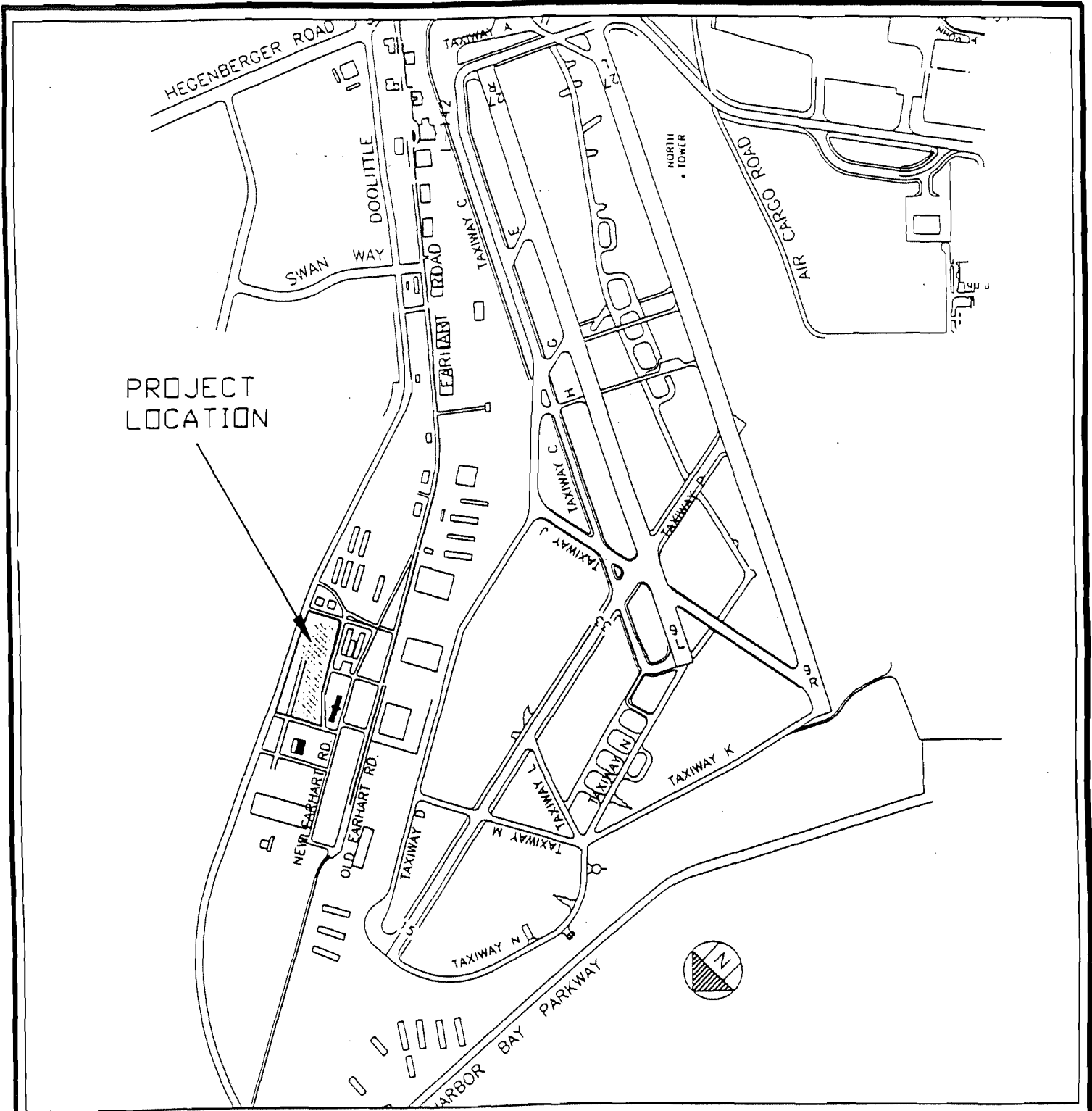
Sharon Krissler
SECRETARY OF THE BOARD

APR - 4 2000
DATE

RECOMMENDATION:

It is recommended that the project **Removal of Abandoned Steam Trench Tunnels and Concrete Pads at Rent-A-Car Site B, North Field, OIA**, be included in the Port's Small Business Program, that it be excluded from the PLA, and that it be found to be in the best interest of the Port to dispense with formal bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor, who submits an acceptable proposal.

It is further recommended that the Executive Director be authorized to add the PLA to the project documents and to execute a contract for this work with any qualified contractor, based on informal competitive proposals, if the attempt to secure an acceptable proposal from a small local contractor is not successful.



PORT OF OAKLAND

Agenda Sheet

JHD
SUBJECT: Ratify Change Order for Removal and Replacement of Backfill Material for "Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A at Berths 55/56, Inner Harbor Channel"

DATE: April 4, 2000

ITEM NO: 21

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JK Wong*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port has a Contract with Port of Oakland Constructors, AJV, for the **CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA**, which became effective October 25, 1999, at lump sum and unit prices totaling \$57,063,086. The work consists of the development of the container yard utilities services, mass excavation, dredging, and the construction of the wharf and a strip of the container yard 300 feet wide at Berths 55/56.

ANALYSIS:

The Contract documents require the installation of new storm drains consisting of two 5-foot diameter storm drain lines (typical) running the length of the site, approximately 3,400 lineal feet, to service the new berth and adjacent sites. It was the intent of the Contract that the material that was excavated from the trench during the installation of these storm drains would be removed, stockpiled, and replaced into the excavated trenches as backfill, along with Contractor-supplied bedding material. It was determined during the excavation that the majority of the material removed was poor quality, which could not be compacted to meet the specifications. As it was unsuitable for use as backfill, it was removed from the site and replacement material was brought to the site from the on-site stockpile.

order not to delay the work, the Contractor was directed to provide labor and material under force account (time and materials) to transport and stockpile the unsuitable excavated material to an area within the project limits, and to load and transport suitable material to the site.

BUDGET STATUS:

The budget for this project has sufficient funds to cover the cost of this change order. The work is budgeted under CIP No. M6.00548.01. The funding source is Port bonds.

RECOMMENDATION:

It is recommended that the Board ratify a change order for an amount not to exceed \$199,624 to Port of Oakland Constructors, AJV, for the above-described work.

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- MOTION
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- INFORMATION ONLY

Approved by Resolution

No. 20139

BOARD ACTION TAKEN

[Signature]
Assistant

SECRETARY OF THE BOARD

APR - 4 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Authorization to Pay Former State
Legislative Lobbyist, Aprea & Co., for
Services Performed

Date: April 4, 2000

ITEM NO. 32

SUBMITTED BY: Harold P. Jones, Acting Director
Communications

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Port contracted in 1999 with Harris & Aprea, LLC for legislative advocacy and consulting services. The term of the contract was for one year ending December 31, 1999. The total amount of the contract was \$90,000.

ANALYSIS:

The partnership of Harris & Aprea, LLC has been dissolved and it was determined that the contract would not be renewed. Marc Aprea, former partner in the firm of Harris & Aprea, now dba as Aprea & Co., was requested to continue providing necessary legislative lobbying services until a new firm could be identified, selected, and appropriate transition concluded. A new lobbying firm was interviewed and subsequently approved by the Board to provide such services in the future, effective March 7, 2000. It was estimated that all necessary transition activities could be concluded by March 31, 2000.

RECOMMENDATION:

It is recommended that the sum of \$22,500 (\$7,500 x 3 months) be authorized for payment to Aprea & Co. for services rendered during this interim period of January 1, 2000 through March 31, 2000.

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Approved by Resoluition
No. 20142

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

APR - 4 2000

DATE

Agenda Sheet

SUBJECT: Determination relating to Representation by WCE of Certain Positions and Ratification of an MOU and LOU pertaining to same.

DATE: April 4, 2000

ITEM NO: 33

SUBMITTED BY: Robert Martinez 

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: Charles Foster 

Pursuant to the requirements of Port Ordinance No. 1688, the Port of Oakland has received a petition from Western Council of Engineers seeking recognition as the majority representative for environmental scientists, planners, certain health and safety professionals and supervisors. Pending review and determination by the Board that WCE be recognized as the appropriate organizational representative, Port of Oakland and Western Council of Engineers representatives entered into negotiations and have agreed in principle to extend the terms, with certain modifications, of the existing memorandum of understanding and letter of understanding dated October 15, 1999 between the Port and WCE regarding wages, hours and other terms and conditions of employment to the specified employees seeking representation by WCE. Details of the proposed MOU are provided under separate cover. Discussion of this matter is scheduled for closed session.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that WCE is the appropriate organization to represent environmental scientists, planners, certain health and safety professionals and supervisors;
1. Approve extending the terms of the MOU and a letter of understanding dated October 15, 1999 relating to limited duration positions, with Western Council of Engineers to the specified employees and;
1. Approve the ordinances and resolutions required to implement the MOU and Letter of Understanding

- MOTION
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Approved by Resolution

No. 20144

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

APR - 4 2000

DATE

Agenda Sheet

DATE: April 4, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *CCM*
 EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.

Pursuant to subdivision (a) of Section 54956.9:

James Duncan v. Port of Oakland, Workers' Compensation
 Appeals Board Case Nos. OAK 255760, 255720, 255772 & 255661.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to subdivision (b) of Sections 54956.9: 3 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

Property:	Jack London Square Oakland, CA 94607
Negotiating Parties:	Port and Oakland Portside Associates
Under Negotiation:	Price and Terms of Payment

4. CONFERENCE WITH LABOR NEGOTIATOR, as provided under Government Code Section 54957.6, Agency Negotiator: Robert Martinez; Employee Organization: Western Council of Engineers (WCE).

- MOTION
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Approved by Resolution

No. 20145
 BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

APR - 4 2000

DATE

SUMMARY AGENDA OF BOARD CALENDAR

April 4, 2000

AIRPORT

- 2S Approval of a Building Permit Application to Construct Paving Repairs for Federal Express at 1 Sally Ride Way (Ramp Surrounding Building M-141). (Resolution)
- Recommends approval for the construction of paving improvements at their facility.

COMMERCIAL REAL ESTATE

- 11S Recommend Approval of New License and Concession Agreement with the City of Oakland for Parcels Located at Oakport Street near 66th Avenue. (Resolution)
- Recommends approval of the agreement for the two parcels which will provide access to the Shoreline Park which is part of the litigation for the development of Zhone Technology.
- 12S Approval of a Final Map for Condominiums at Waterpark Lofts, TJ Enterprises (Owner), 2875 Glascock Street. (Resolution)
- Recommends approval of the final map for the condominium project. Notes that it is a private property located in the Port area.

MARITIME

- 22S Approval of Agreement with PG&E for the Removal of Overhead 12.47 kV Line Running Along the Fence Between the Fleet Industrial Supply Center and the Union Pacific Leasehold. (Resolution)
- Recommends approval of the agreement which provides for PG&E to remove the old line.
- 23S Approval of Specifications for Furnishing Labor, Materials, and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003. (Resolution)
- Recommends their approval and authority to advertise for bids for the work.

Summary Agenda of Board Calendar
April 4, 2000
Page 2

OPERATIONS

34S Travel Authorization. (Resolution)

Recommends approval for the travel of two Commissioners to China as part of the City of Oakland delegation.

ORDINANCES

Port Ordinance No. 3573 being, "AN ORDINANCE APPROVING A STANDARDIZED AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Provides for approving a standardized Airline Operating Agreement and Space/Use Permit at the Airport for commercial and cargo air carriers, as well as other aviation-related operators.

Port Ordinance No. 3574 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH NEXTEL OF CALIFORNIA, INC., DBA NEXTEL COMMUNICATIONS."

Provides for authorizing of lease agreement with Nextel and issuance of a building permit to construct a 60-foot monopole, equipment shelter and related electrical/mechanical work.

Agenda Sheet

DATE: March 21, 2000

SUBJECT: First Reading of Ordinance Approving Standardized Airline Operating Agreement and Space/Use Permit at Oakland International Airport (#1 Airport Drive, South Airport)

ITEM NO: 1

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven Grossman 

**DUPLICATE
OF PRIOR**

EXECUTIVE OFFICE RECOMMENDATION

CALENDAR MEMO

FACTUAL BACKGROUND:

This proposed action would approve a new standardized Airline Operating Agreement and Space/Use Permit for commercial and cargo air carriers, as well as other aviation-related operators (e.g., ground handlers, passenger security screening companies, skycap services) at the Airport's terminal building complex (e.g., terminal buildings, concourses, connector, ramp offices, adjacent apron space, RON aircraft parking, multi-tenant cargo building). In addition, this proposed action would authorize the Executive Director to enter into individual agreements with each of the existing airline carriers (both cargo and commercial) providing regularly scheduled service at the Airport.

Almost all major-hub airports operate with an airline operating agreement or airport/airline lease and use agreement, governing activities that may be conducted by airlines. Such agreements usually encompass the particular range of activities at airports that most affect the airline users, including: rights and privileges granted to the airline tenants, terminal building facility requirements, airline rates and charges, contract surety, indemnification and insurance, environmental and toxic materials issues, default, assignment and sublease, etc.

Most such airports also have a real estate agreement with their tenants governing the particular transactional and properties aspects at the airports. The Port's current License and Concession Agreement has served this purpose for many years.

A consultant assisted staff in developing a new standardized Airline Operating Agreement and Space/Use Permit for the Airport that conforms to the Airport's particular rate-setting and space/use methodologies. For example, the Port establishes the airlines' rates and charges usually on an annual basis by adopting an ordinance (Port Ordinance #1149). Further, all space used by airlines at the Airport's terminal building complex, including aircraft gate usage, is rented on a month-to-month basis. These two very flexible methodologies enable the Airport to add, remove, or reassign space on an as-needed basis, while increasing or decreasing rates as necessary.

Following several drafts and staff reviews, the proposed Airline Operating Agreement and Space/Use Permit were distributed for comment to the Airport Liaison Officer (ALO) and representatives from each of the airlines. Staff further met with the ALO and the airlines earlier this month to finalize particular terms and conditions within the agreements to the mutual satisfaction of the parties, including the Port Attorney's own requirements.

The resulting drafts, now proposed for the Board's approval, retain the Airport's very flexible rate-setting and space/use methodologies, while providing longer-term continuity and greater legal surety for the Port. For example, the proposed Space/Use Permit combines into a single document many of the present Right-of-Entry and Multi-Year License and Concession Agreement provisions contained within the Port's existing agreements. But, it allows through delegation to the Director of Aviation, reassignment or relinquishment of various Airport spaces from time-to-time on a 30-day basis, such as aircraft gate assignments, terminal building space, airline ramp space, etc.

Nonetheless, all new carriers and related users commencing service at the Airport must still secure the Board's prior approval before 270 days (9 months) have elapsed (the present practice). The terms of each of these

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

proposed agreements is for up to ten (10) years (like the multi-year license agreements), but still terminable by the Port with 30-days notice. In addition, the proposed Space/Use Permit also would be used for non-airline Airport tenants such as ground handlers, security checkpoint firms, skycap services, and other non-concessionaires. Finally, the Board still would retain approval authority for establishing or adjusting all Airport rates and charges by amending Ordinance #1149, just as it does now.

ANALYSIS:

As stated above, it is the standard practice at major-hub airports to operate with one or two operating and leasing agreements within the terminal building environment. Since the Airport does not have long-term leases with its airline tenants, instead operating under the more flexible ordinance rate-setting methodology, two agreements are more appropriate than one. Finally, these proposed agreements would *not* supplant long-term ground leases under which certain airlines operate (e.g., FedEx Metroplex, United Airlines Maintenance Base).

The following scheduled airlines would enter into an Airline Operating Agreement and Space/Use Permit: Airborne, Alaska/Horizon Air, Aloha, America West, American, Ameriflight, City Bird, Corsair, Delta, Emery Worldwide, Evergreen Aviation, Federal Express, Martinair Holland, Mexicana, SATA/Sun Trips, Southwest, United Parcel Service, and United Airlines. The following other tenants would enter into a Space/Use Permit only: Aeronova, FAA, Hallmark Aviation, Hilltop Aviation, ITS, Argenbright, DEA, Air General, Ogden Aviation, Ontario Aircraft, Trans Air, Servicemaster, Pacific Aviation, US-INS, Today's Aircraft, US Customs, Huntleigh, Roberts Janitorial, OFFC/DynAir and Worldwide Flight.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

This project had been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant Class 1 of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or licenses and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of the use beyond that previously existing.

OPTIONS:

1. Take no action, leaving the existing agreements in place.
2. Delay approval of new standardized Airline Operating Agreement and Space/Use Permit pending additional review
3. Approve the proposed ordinance adopting a standardized Airline Operating Agreement and Space/Use Permit.

RECOMMENDATION:

It is recommended that the Board pass an ordinance approving standardized language for an Airline Operating Agreement and Space/Use Permit at Oakland International Airport, authorizing the Executive Director to enter into individual agreements with each of the existing and prospective airline carriers (both cargo and commercial) providing regularly scheduled service at the Airport, and authorizing the Executive Director to convert all existing agreements with such tenants operating within the terminal building complex to the standardized agreement and/or permit.

Agenda Sheet

DATE: March 21, 2000

ITEM NO: 23

SUBJECT: Request Ordinance for Lease Agreement with Nextel of California, Inc. d.b.a. Nextel Communications for Vacant Land Located in an Area South of the Bay Bridge Toll Plaza, Request Resolution for Building Permit, and for Extension of a Right of Entry and Indemnity Agreement *sub for*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

**DUPLICATE
OF PRIOR**

FACTUAL BACKGROUND

Nextel Communications ("Nextel") is a leading telecommunications corporation that currently leases premises from the Port near the Ben E. Nutter Terminal on 7th Street as a cell site. To improve service to the Port and neighboring areas, Nextel must increase coverage with an additional cell site. Therefore, Nextel wishes to lease from the Port premises located near the Bay Bridge toll plaza, south of I-80 and north of Burma Road. Nextel has applied for a building permit to construct a 60-foot monopole, equipment shelter and related electrical and mechanical work on the proposed premises. Because the total area and use for the proposed premises would be the same as the existing premises, staff proposes that the terms of the new lease be the same as the existing lease, which was approved by the Board on April 22, 1999.

ANALYSIS:

The construction of a cell site will not negatively impact Port operations or the reconstruction of the Bay Bridge. The proposed lease would provide revenue and enhance service to the Port and would expand coverage for the immediate community and the Bay Area.

Key lease terms as follows:

Lease Term: Five years commencing May 1, 2000, with two 5-year options to extend term.

Use: Construction of a monopole and equipment shelter as a cell site.

Premises: 1,200 square feet

Rental: \$3,000 per month, \$36,000 annual.

Rental Adjustment: Annual rental adjustment based on the percentage change in the Consumer Price Index but not less than 3.5%.

Relocation: Upon notice from the Port, Nextel would be responsible to relocate the cell site at its sole cost.

Security Deposit: \$10,000. Nextel will post a bond equal to 15% of construction cost estimated \$50,000 but not less than \$7,500.

Insurance: Insurance endorsement is current and on file with the Port.

The items proposed herein were reviewed pursuant to requirements of the California Environmental Quality Act ("CEQA") and Port CEQA guidelines and was determined to be Categorical Exempt per Section 15301 (p).

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

Subject: Request Ordinance for Lease Agreement with Nextel of California, Inc. d.b.a. Nextel Communications for Vacant Land Located in an Area South of the Bay Bridge Toll Plaza, Request Resolution for Building Permit, and for Extension of a Right of Entry and Indemnity Agreement.

March 21, 2000

Page 2 of 2

Nextel has submitted building plans. Pursuant to Section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan. To ensure the aesthetic quality of the views in the area, Nextel has agreed to install a slated chain-link fence.

Nextel's use of the premises is consistent with current neighboring uses. In fact the proposed premises is located 160 feet east of the Port's existing tenant, GTE. GTE has the same type of facility with a taller 75-foot monopole. The freeway and adjoining properties have a myriad of utility poles with some as tall as 80 feet.

OPTIONS:

An additional cell site further improves service to the Port, its tenants and the community at large. Staff believes that numerous benefits, like clearer and faster transmissions, are gained from having Nextel on the Port's Premises. At the same time, the site generates a new income stream for Maritime.

RECOMMENDATION:

It is recommended that the Board grant an ordinance approving lease terms and authorizing execution of a lease agreement.

It is also recommended that the Board pass a resolution authorizing issuance of a building permit to construct a 60-foot monopole, equipment shelter and related electrical and mechanical work and approve execution of an Extension of the Right of Entry and Indemnity Agreement.

Agenda Sheet

DATE: April 4, 2000

ITEM NO: 2S

JKD

SUBJECT: Approval of a Building Permit Application to Construct Paving Repairs for Fed Ex at 1 Sally Ride Way (Ramp Surrounding Building M141)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Fed Ex has submitted a building permit application to construct pavement repairs and other improvements at their south field facility. The work is for purposes of repairing failing asphalt concrete and installing landing gear pads and aircraft nose tether anchors at various gates of the Fed Ex Metroplex building (M141). The proposed work will include:

- Gates 4A & 16 - install 14-inch thick concrete center and wind gear pads to match existing pavement sections and install concrete reinforced in-ground nose tether anchors.
- Gates 6, 7, 8, 12 and 15 - install 14-inch thick wind gear pads to match existing pavement sections.
- Gate 14 - remove existing damaged pavement and replace with new asphalt pavement totaling approximately 6,000 square feet.

The project has been determined to conform to the City of Oakland General Plan as a continuation of aviation-related use in the Oakland International Airport.

The project has been determined to be Categorical Exempt from CEQA per Section 15301, Class 1 (a, b, c and f).

The estimated value of the work is \$ 206,000.

RECOMMENDATION:

It is recommended that the Board approve this building permit application.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20136
BOARD ACTION TAKEN

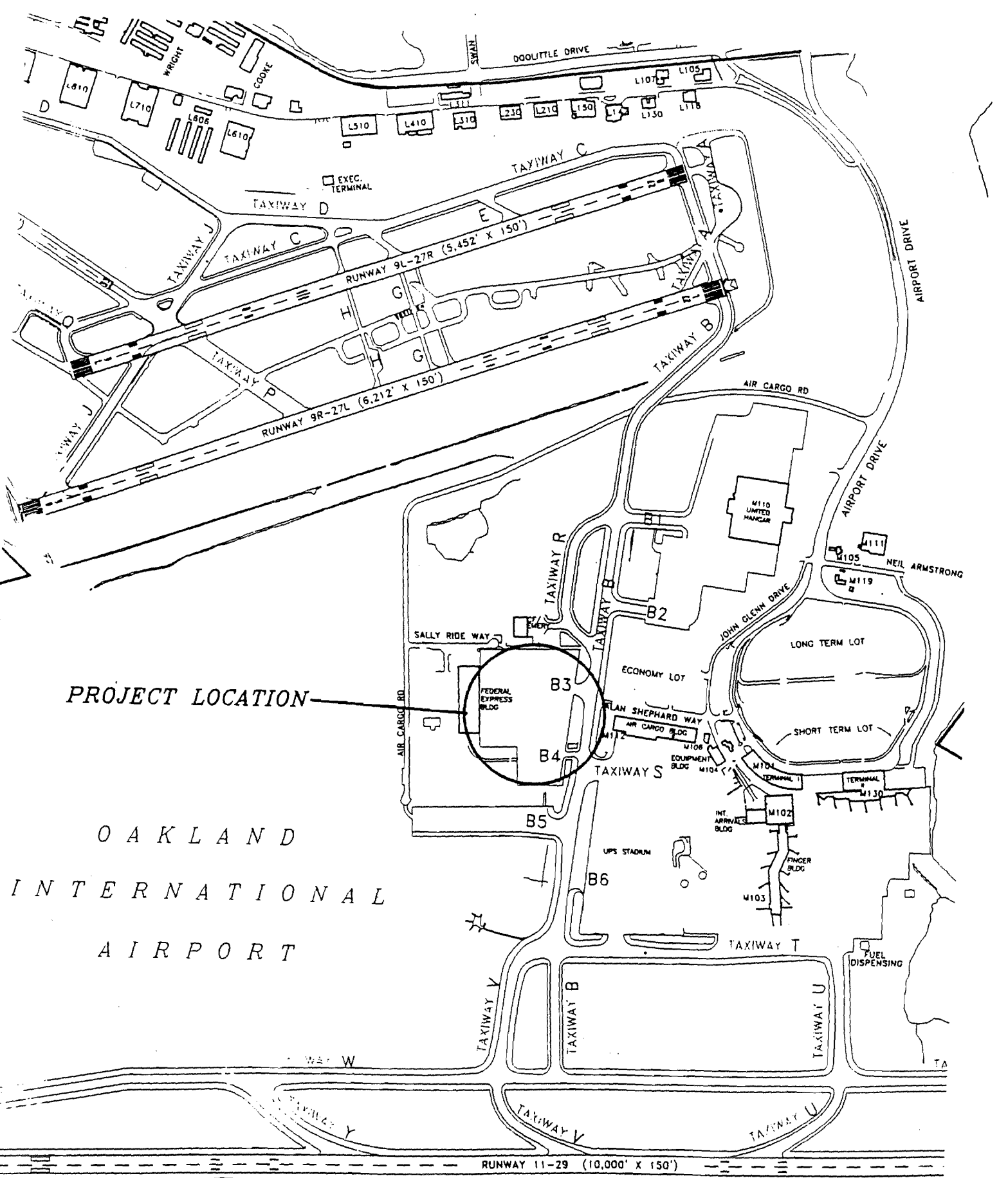
[Signature]
ASSISTANT SECRETARY OF THE BOARD

APR - 4 2000

DATE

subject: Approval of a Building Permit Application to Construct
Paving Repairs for Fed Ex at 1 Sally Ride Way
(ramp surrounding Building M141)

April 4, 2000
Page 2 of 2



PROJECT LOCATION

OAKLAND
INTERNATIONAL
AIRPORT

RUNWAY 11-29 (10,000' x 150')

Agenda Sheet

SUBJECT: Recommend Approval of New License and Concession Agreement with the City of Oakland For Parcels Located at Oakport Street near 66th Avenue

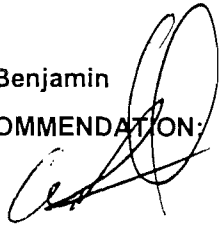
Date: April 4, 2000

Item No. 115

PROGRAM AREA

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION:



- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

The following one year License and Concession Agreement is submitted for approval:

Licensee	Location	Property Description	Rate	Agreement Date
City of Oakland	Oakport Street Near 66 th Avenue	Two parcels of vacant land; parcel 1 being 37,415 sq. ft. and parcel 2 being 31,398 sq. ft.	\$1.00 per year	April 5, 2000

FACTUAL BACKGROUND.

The Port and City have been negotiating on the transfer of two parcels of Port property located on Oakport near 66th Avenue (see attached sketch) for the City to use as a staging and parking area for pedestrian access to the Martin Luther King Shoreline Park. This is an interim license and concession agreement to allow mitigation for the development of the 22 acres on Oakport by Zhong Technology.

The lease of the property is categorically exempt from CEQA per CEQA Guidelines, Section 15301.

Pursuant to Section 727 of the City Charter, the lease has been determined to conform to the policies of the Oakland General Plan.

This agreement was not previously considered by the Board in establishing a target rate for negotiations.

RECOMMENDATION:

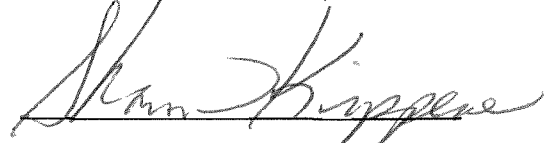
It is recommended the Board approve the above-listed agreement.

BOARD ACTION REQUIRED:

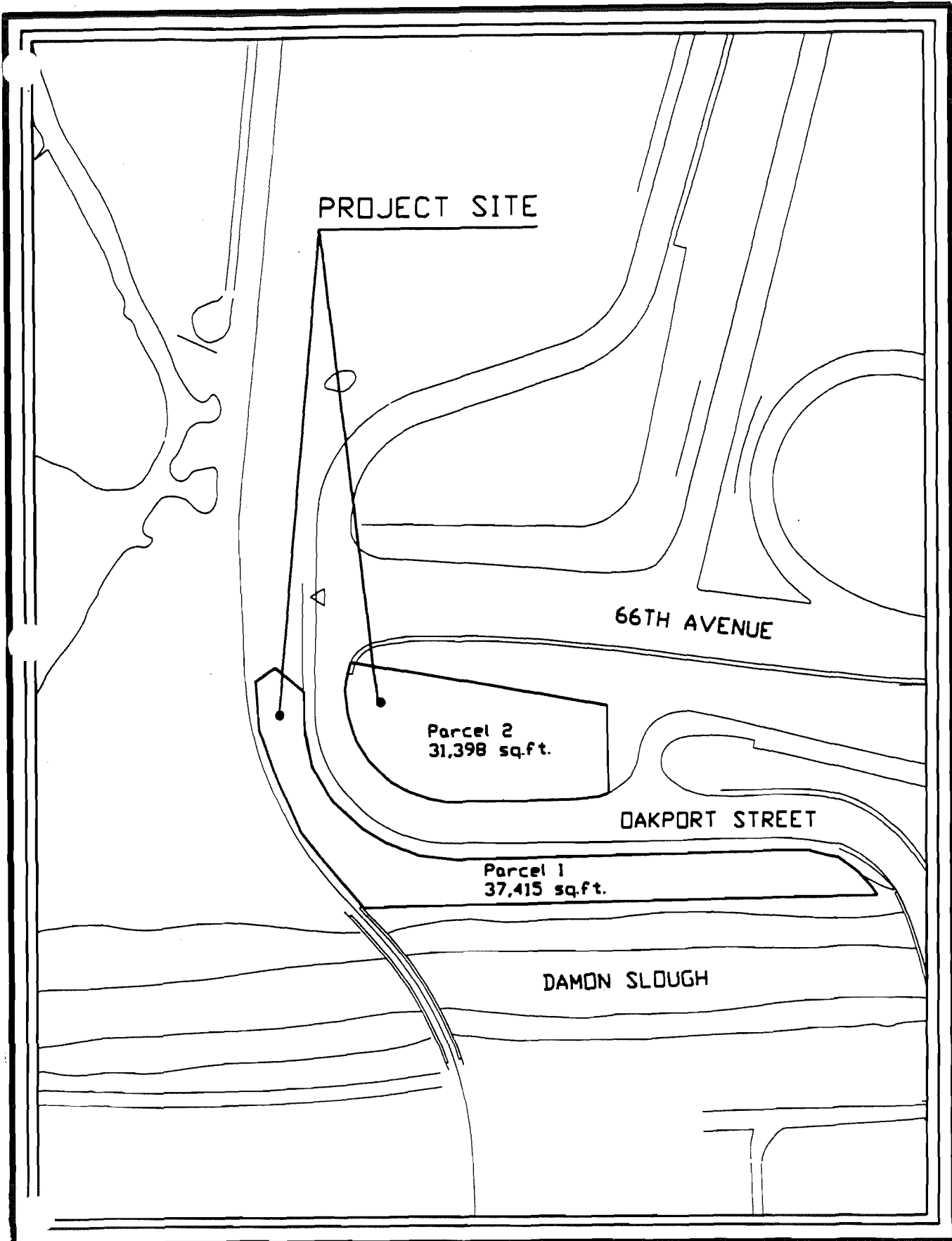
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No.

20137 APR - 4 2000
BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD



PORT OF OAKLAND

COMMERCIAL
REAL ESTATE

Agenda Sheet

DATE: April 4, 2000

ITEM NO: 125

SUBJECT: Approval of a Final Map for Condominiums at Waterpark Lofts, TJ Enterprises (owner) 2875 Glascock Street

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

On January 4, 1999 the Board of Port Commissioners approved the Tentative Map for this site for TJ Enterprises. TJ Enterprises has now submitted the Final Map for approval of their subdivision of property for the purpose of condominium sales. The proposed building, on private property within the Port Area, has been approved for construction by the Executive Director and will include approximately 27 live-work units. The site development includes public and private open space, parking, and public access to the waterfront.

Port Ordinance No. 2124 ("the Ordinance") specifies that the Board of Port Commissioners must act on any Final Map application in the Port Area, regardless of ownership.

The Port Permit Coordinator and Port Surveyor have reviewed the Final Map for compliance with the approved Tentative Map and Port Ordinance No. 2124, as amended. The Final Map is in compliance and applicable conditions have been met.

The project has been determined to be Categorically Exempt from CEQA under Section 15301, Class 1 (k).

Pursuant to section 727 of the City Charter, the project has been determined to conform to the land use designation for the site in the Oakland General Plan.

RECOMMENDATION:

It is recommended that the Board approve this Final Map.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

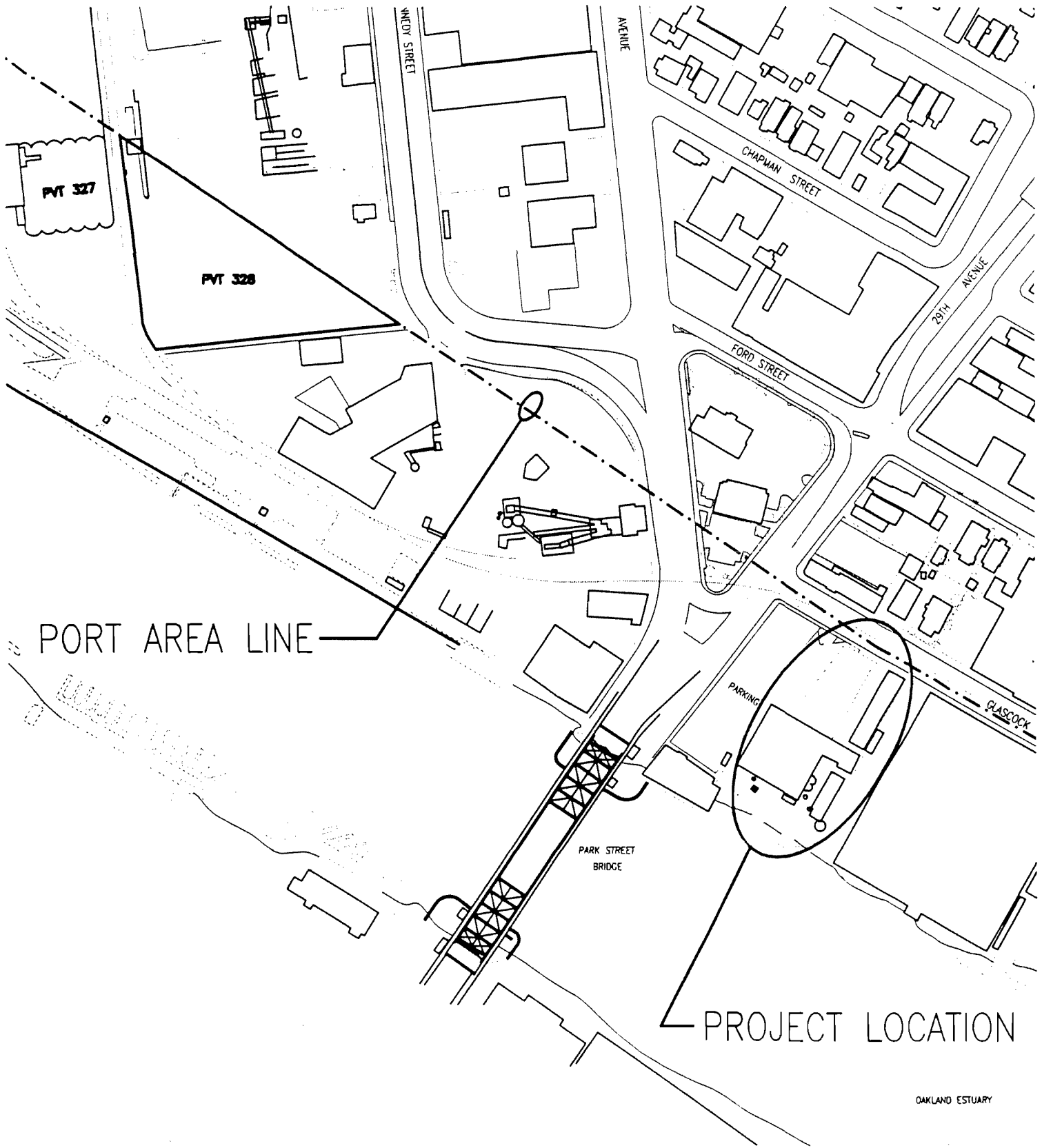
Approved by Resolution No.

20138
BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

APR - 4 2000
DATE



PORT AREA LINE

PROJECT LOCATION

OAKLAND ESTUARY

Agenda Sheet

DATE: April 4, 2000

ITEM NO: 22S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

JKB
SUBJECT: Approval of Agreement with PG&E for the Removal of
 Overhead 12.47 kV Line Running Along the Fence
 Between the Fleet Industrial Supply Center and the
 Union Pacific Leasehold

SUBMITTED BY: Joseph K. Wong *[Signature]*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port is currently constructing the Vision 2000 projects, which consist of Marine Terminal Berths 55-58, a Joint Intermodal Terminal (JIT), a Park, and The New Road, at the former Navy Fleet Industrial Supply Center, Oakland (FISCO) and Union Pacific Inner Harbor Intermodal (UP) sites. There is an existing Pacific Gas and Electric (PG&E) owned 12.47 kV overhead line, which runs along the fence between the FISCO and UP sites. This 12.47 kV line provided electric power to UP and backup power to FISCO. This 12.47 kV line is no longer required because new power sources are in place; and it must be removed in order to construct Berths 57/58. The electric power to Berths 57/58 will be supplied through the Port's new 12.47 kV system being constructed as part of the Roadway and Terminal projects. The backup service for the area will be at a different location.

An agreement has been prepared under which PG&E will prepare a detailed design of the removal of the overhead line, perform inspection utilizing PG&E personnel, and furnish all labor and equipment for the removal of the 12.47 kV line and poles. The costs are estimated to be \$55,000.

PG&E is filing the environmental documents for this project.

The project is budgeted under CIP No. M6.00545.01 and will be funded by Port bonds. Funds from CIP No. M6.0599.01, the Vision 2000 Budget Variance account, are being transferred to M6.00545.01 to provide sufficient funding levels.

RECOMMENDATION:

It is recommended that the Executive Director be authorized to execute an agreement with PG&E as described above.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20140
 BOARD ACTION TAKEN

Assistant

[Signature] APR - 4 2000
 SECRETARY OF THE BOARD DATE

Agenda Sheet

SHD
SUBJECT: Approval of Specifications for Furnishing Labor, Materials, and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003.

DATE: April 4, 2000
ITEM NO: 23S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*
EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Specifications have been prepared for FURNISHING LABOR, MATERIALS, AND EQUIPMENT FOR SPOT PAINTING PORT OF OAKLAND CRANES FOR THE PERIOD COMMENCING JULY 1, 2000 AND ENDING JUNE 30, 2001, 2002, or 2003, OAKLAND, CALIFORNIA, and are submitted for approval and authorization to advertise for bids.

The specifications for this contract include a provision allowing the Port to renew the contract in one-year increments through June 30, 2003. Renewal of the contract shall only occur if agreed to in writing by both the Port and the Contractor. Should the contract be renewed, all provisions of the contract shall apply, including the bid amount for percentage mark-up for direct labor costs.

This contract will be used for both miscellaneous and major maintenance spot painting on all Port owned cranes.

Spot painting is usually done as directed in the field and is difficult to define precisely for bid. The chief variable for such work becomes the efficiency with which the effort is managed, expressed as a surcharge percentage on labor, and this is the basis for bids for this contract. Equipment costs are specified to be at current rental rates. It is appropriate to bid an annual contract based on a labor surcharge and to provide for two one-year renewals in order to realize available savings in time and contract preparation costs.

The cost of this work is included in the Operating Budget for Fiscal Year 2000-2001. The funding source is Port cash.

RECOMMENDATION:

It is recommended that the specifications be approved and authorization be granted to advertise for bids to be received on May 10, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20141

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD
DATE APR - 4 2000

Agenda Sheet

SUBJECT: TRAVEL AUTHORIZATION

DATE: April 4, 2000

ITEM NO: 34S

SUBMITTED BY: Christopher C. Marshall



EXECUTIVE OFFICE RECOMMENDATION:

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

As provided for in the Port's Administrative Manual, it is recommended that the Board ratify the travel of Commissioners David Kramer and Becky Taylor, to Hong Kong, Guangzhou, Dalian, and Beijing, China, on or about the period March 27 to April 8, 2000, to participate in the City of Oakland's Business Development Mission and to call on certain shipping lines.

RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20143

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

APR - 4 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND

Shen K.

COMMISSIONERS

JOHN LOH
President

KATHY NEAL
Vice President

FRANK KIANG
DAVID KRAMER
JOHN PROTOPAPPAS
PHILLIP H. TAGAMI
PETER URIBE

530 Water Street
Oakland, California 94607

Telephone (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Regular Meeting of the Board of Port Commissioners
Tuesday, April 18, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh

READING OF THE MINUTES:

Deferred - February 22, 2000; March 7, 2000; March
21, 2000; and April 4, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Commercial Real Estate

Maritime

Regular Meeting
April 18, 2000

READING OF SUMMARY ITEMS: (Marked "S")

7 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Authorization to Lease 19 Compressed Natural Gas (CNG) Ford Vans (Owned by the Port) to Shuttle Van Operators Serving Metropolitan Oakland International Airport. (Resolution)
- 2S Approval to Collect and Spend Passenger Facility Charges (PFC's) Related to the Ninth PFC Application at Oakland International Airport. (Ordinance)
- 3S Approval of Fifth Supplemental Agreement to Lease and Concession Agreement (Newsstand and Gift Shop) with Air Terminal Services Incorporated (#1 Airport Drive, South Airport). (Resolution)
- 4S Impose Late Penalty Fees on Airport Taxi Cab Permit Renewals. (Ordinance)
- 5S Approval of Access Agreement for Survey and Exploration with United States of America, Department of Army (Two Parcels Bounded by Grumman, Earhart Road, Convair & Doolittle Drive, North Airport). (Resolution)

Regular Meeting
April 18, 2000

- 6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Safeway, Inc. (7843 Earhart Road, North Airport). (Resolution)
- 7S Approval of Consultant Agreement for Construction Management Services for the Construction of Remain Overnight (RON) Aircraft Parking Apron, Southwest of Taxiway T, South Airport, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 11 This item not used.

SUPPLEMENTAL ITEM ADDED TO THE AGENDA:

- 12 Recommendations to Pass Resolutions Finding and Determining to Take Action that Arose after Posting of Agenda Relating to the Jack London Exclusive Negotiating Agreement (Approving and Authorizing Execution of Jack London Exclusive Negotiating Agreement with LCOR Operating Company LLC and WDG Ventures). (Resolutions Only)

MARITIME

- 21 Approval of First Supplemental Agreement with DeLeuw Cather & Company for Engineering Studies of Rail Operations in the Oakland Army Base and Joint Intermodal Terminal Peer Review. (Resolution)
- 22 Approval to Negotiate and Execute a Change Order for Additional Excavation Under the Contract for Construction of Container Wharf, Dike, Fill and Container Yard at Berths 55/56, Inner Harbor Channel. (Resolution)
- 23 Supplemental Agreement with Maersk Pacific at Berth 24 Incorporating the Berth 20-22 Facility Under Combined Compensation Provisions for Both of the Assigned Premises. (Ordinance)

Regular Meeting
April 18, 2000

- 24 Authorization to Fund One Environmental Scientist II Position at the Regional Water Quality Control Board through an Agreement with the Association of Bay Area Governments. (Resolution)
- 25 New Terminal Use Agreement with China Shipping at the Ben E. Nutter Terminal.
(Resolution and Ordinance)

OPERATIONS

- 31 Authorization to Prepare and Execute Agreements with Design Teams for On-Call Architectural and Engineering Services for Projects in the Port of Oakland. (Resolution)
- 32S Travel Authorization. (Resolution)

The following vote on the resolutions except numbers 13 thru 21:

Ayes: Commissioners Kiang, Kramer, Neal, Tagami,
Uribe and President Loh - 6

Noes: None

Absent: Commissioner Protopappas - 1

Vote on Number 13:

Ayes: Commissioners Kiang, Kramer, Neal, Tagami and
Uribe - 5

Noes: None

Abstained: President Loh - 1

Absent: Commissioner Protopappas - 1

Vote on Numbers 14 thru 21:

Ayes: Commissioners Kiang, Kramer, Neal, Uribe and
President Loh - 5

Noes: None

Abstained: Commissioner Tagami - 1

Absent: Commissioner Protopappas - 1

RESOLUTIONS:

- 20146 1 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO LEASE COMPRESSED NATURAL GAS VANS WITHOUT COMPETITIVE BIDDING AND TO IMPLEMENT SUCH LEASING PROGRAM. (Airport - 1)

Regular Meeting
April 18, 2000

- 20147 2 AUTHORIZING THE EXECUTION OF FIFTH SUPPLEMENTAL AGREEMENT TO LEASE AND CONCESSION AGREEMENT (NEWSSTAND AND GIFT SHOP) WITH AIR TERMINAL SERVICES, INCORPORATED. (Airport - 3S)
- 20148 3 APPROVING AND AUTHORIZING EXECUTION OF AN ACCESS AGREEMENT FOR SURVEY AND EXPLORATION WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF THE ARMY. (Airport - 5S)
- 20149 4 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH SAFEWAY, INC. (Airport - 6S)
- 20150 5 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH PARSONS TRANSPORTATION GROUP, INC., A SUBSIDIARY OF PARSONS CORPORATION, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING; AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT AND CONSENTING TO ASSIGNMENT FROM DELEUW CATHER & COMPANY TO PARSONS TRANSPORTATION GROUP, INC., A SUBSIDIARY OF PARSONS CORPORATION. (Maritime - 21)
- 20151 6 APPROVING AND AUTHORIZING ISSUANCE OF CHANGE ORDER (EXCAVATION OF WESTERN-MOST PORTION OF UNION PACIFIC MOLE) TO CONTRACT WITH PORT OF OAKLAND CONSTRUCTORS, A JOINT VENTURE, FOR CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56 INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime - 22)
- 20152 7 APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS. (Maritime - 24)
- 20153 8 AUTHORIZING EXECUTION OF FIRST SUPPLEMENTAL AGREEMENT WITH ZIM-AMERICAN ISRAELI SHIPPING CO., INC. (Maritime - 25)
- 20154 9 CONCERNING CERTAIN TRAVEL. (Operations - 32S)
- 20155 10 APPROVING APPOINTMENT OF SPECIAL COUNSEL.

Regular Meeting
April 18, 2000

- 20156 11 APPROVING APPOINTMENT OF SPECIAL COUNSEL.
- 20157 12 APPROVING APPOINTMENT OF SPECIAL COUNSEL.
- 20158 13 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH PARAGON PROJECT RESOURCES, INC. FOR CONSTRUCTION MANAGEMENT CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport - 7S)
- 20159 14 FINDING AND DETERMINING THAT NEED TO TAKE ACTION AROSE AFTER POSTING OF AGENDA RELATING TO THE JACK LONDON EXCLUSIVE NEGOTIATING AGREEMENT. (Commercial Real Estate - 12)
- 20160 15 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH RPR ARCHITECTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 31)
- 20161 16 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH COLLAND JANG ARCHITECT/ED FERNANDEZ ARCHITECTS, JOINTLY, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 31)
- 20162 17 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH LEE ASSOCIATES, ARCHITECTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 31)
- 20163 18 FINDING AND DETERMINING THAT A PROPOSED 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 AGREEMENT. (Operations - 31)

Regular Meeting
April 18, 2000

- 20164 19 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GUTIERREZ ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 31)

- 20165 20 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SHAH KAWASAKI ARCHITECTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 31)

- 20166 21 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH C.J. TYLER ARCHITECTURE FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 31)

Vote on the following Ordinances:

- Ayes: Commissioners Kiang, Kramer, Neal, Tagami,
 Uribe and President Loh - 6
- Noes: None
- Absent: Commissioner Protopappas - 1

ORDINANCES:

1 Port Ordinance No. _____ being, "AN ORDINANCE ESTABLISHING A PASSENGER FACILITY CHARGE AND AMENDING SECTION 28 TO PORT ORDINANCE NO. 1149 RELATING TO CHARGES FOR USE OF FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH."

Airport - 2S to print.

2 Port Ordinance No. _____ being, "AN ORDINANCE RESCINDING RESOLUTION NO. 20042 AND AMENDING ORDINANCE NO. 3542 WITH RESPECT TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT TAXI PERMIT RENEWALS."

Airport - 4S to print.

Regular Meeting
April 18, 2000

3 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF SECOND SUPPLEMENTAL AGREEMENT WITH MAERSK PACIFIC, LTD."

Maritime - 23 to print.

4 Port Ordinance No. _____ being, "AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF TERMINAL USE AGREEMENT WITH CHINA SHIPPING AGENCY CO., INC."

Maritime - 25 to print.

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be an regular meeting held on Tuesday, May 2, 2000 at 3:00 p.m.

Agenda Sheet

DATE: April 18, 2000

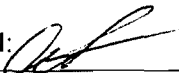
ITEM NO: 1

SUBJECT: Authorization to lease 19 Compressed Natural Gas (CNG) Ford vans (owned by the Port) to shuttle van operators serving Metropolitan Oakland International Airport

PROGRAM AREA: -

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port of Oakland, through the approval of the Airport Development Program (ADP) Environmental Impact Report (EIR), is developing a program to reduce emissions of air pollutants from activities associated with Oakland International Airport. Specifically, the Port has committed to using alternative fuel vehicles and encouraging ground transportation providers serving Oakland International Airport to convert their fleets to alternative fuel vehicles.

Because of these commitments, Port staff pursued a Ford Motor Company grant to (1) obtain a small fleet of compressed natural gas (CNG) vans and (2) construct a CNG fueling station. The grant program was undertaken by Ford as part of the settlement of an enforcement action brought by the United States on behalf of the U.S. Environmental Protection Agency. As one of three airports selected for the grant, the Port of Oakland/Oakland International Airport was chosen to receive 19 CNG vans.

The Board of Port Commissioners passed Resolution No. 20068, which authorized the execution of the agreement with Ford to receive 19 CNG vans. The Port of Oakland now owns 19 CNG vans, which as part of the agreement with Ford, must be leased to shuttle van operators serving airline passengers at Oakland International Airport.

KEY LEASE TERMS AND FINANCIAL ANALYSIS:

Port staff (including the Port Attorney's office and Risk Management) developed a lease agreement to lease the vans to shuttle van operators serving Oakland International Airport. The key terms of the lease agreement with the shuttle van operators follow:

- Term and Rent
 - The lease will be for 24 months or 120,000 miles, whichever occurs first.
 - The monthly lease payments will be \$300.
 - Failure to pay the required monthly lease payments on-time will result in late fees.
 - The shuttle van operators will reimburse the Port for all expenses (other than use taxes) associated with registering the vans.
- Security Deposit
 - The shuttle van operators will pay a \$900 security deposit (to be applied toward the purchase price of the vans at the end of the lease agreement).
- Use of Vehicle
 - The shuttle van operators will accumulate mileage in accordance with the following schedule:

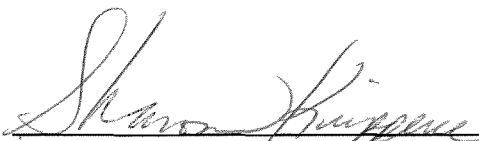
<u>Time allowed to accumulate mileage:</u>	<u>Required mileage:</u>
First 3 months	10,000 miles
First 6 months	25,000 miles
First 12 months	60,000 miles
First 24 months	120,000 miles

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20146

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

APR 18 2000

DATE

- Maintenance and Repair
 - The Port will provide an extended warranty plan for each van, covering major engine and powertrain repairs beyond the standard 36,000 mile "bumper-to-bumper" warranty provided by Ford (subject to availability).
 - The shuttle van operators will pay for all ordinary and extraordinary expenses for use and care of the vans.
 - The shuttle van operators will comply with all applicable Ford maintenance requirements.
 - The shuttle van operators will provide proof of maintenance to the Port (for maintenance performed after the recommended mileage, the Port will assess a charge of \$1 per mile).
 - Shuttle van operators will have routine maintenance (e.g., oil changes, wheel alignments, brakes) performed at an AAA Approved Auto Repair facility or a Valustar Certified repair facility. All other repair and maintenance will be performed at a Ford dealership (for CNG fuel system repair or maintenance, the Ford dealership must be certified to work on CNG vehicles).
- Mandatory Vehicle Purchase Upon Lease Expiration
 - The shuttle van operators will purchase the vans from the Port for a price of \$6,000. The shuttle van operators will pay for all costs associated with the sale of the vans.

In addition to these key terms and conditions, Risk Management has developed appropriate levels of mandatory insurance coverage (which will be provided at the expense of the shuttle van operators).

The lease rate and purchase price described above provide an attractive lease package for the shuttle van operators. For example, if a lease agreement with a shuttle van operator extends for 24 months, the shuttle van operator would acquire the CNG van from the Port for \$13,200. If a shuttle van operator accumulates the required miles before two years from the start of the lease, it will not be required to pay the full 24 months of lease payments, further reducing the acquisition price of the CNG van (while providing an incentive to accumulate the required mileage quickly). It is estimated that the retail value of a new CNG Ford van is approximately \$30,000, and that of a 2-year old CNG Ford van in "fair" condition (with 120,000 miles) is approximately \$10,000. In addition to attractive lease terms, the shuttle van operators will pay less per "gallon of gasoline" (in equivalents) than for ordinary gasoline.

Attractive lease terms were developed because (1) most of the shuttle van operators are somewhat unfamiliar with CNG vehicles, (2) the vans have a somewhat limited range (approximately 200 miles), compared to conventionally fueled vans, (3) the Port is obligated under the grant from Ford to lease all 19 vans to the shuttle van operators and accumulate the required 120,000 miles, and (4) the Port is committed to encouraging ground transportation providers to convert their fleets to alternative fuel vehicles. Also, in exchange for attractive lease terms, the shuttle van operators will be required to maintain the Port's CNG vans to the standards described in the above terms.

Port staff anticipates that the revenues generated from the lease rate and purchase price will more than offset the costs associated with Port owning and leasing the vehicles, including use taxes, extended warranty plan fees, and miscellaneous administrative fees. For example, if the average lease duration is 12 months for all vans, Port staff anticipates netting approximately \$50,000, which according to the Port's agreement with Ford, must be used toward the Port's alternative fuel programs.

Port staff is in the process of soliciting interest from the shuttle van operators to lease the Port's 19 CNG vans. Port staff plan to lease the vans to the shuttle van operators based on the following criteria:

- Existing minimum fleet size (the Port's CNG vans should not be one of only a few vans in any particular operator's fleet)
- Standing with Port (selected shuttle van operators should be following all Airport rules and regulations, and paying required Airport trip fees on-time)
- Creditworthiness (Port staff will run a credit background check on interested shuttle van operators)
- Capacity to carry out the terms and conditions set forth in the lease agreement

OPTIONS:

Because the agreement with Ford requires the Port to lease the 19 CNG vans to shuttle van companies, the only available option would be to authorize the execution of lease agreements with other than the lease terms described above. Port staff developed the lease terms described above to (1) be attractive to the shuttle van operators, and (2) protect the 19 CNG vans as an asset of the Port. Port staff met with prospective shuttle van operators to (1) solicit interest in the 19 CNG vans, and (2) discuss any of the draft lease terms that may be unacceptable to the shuttle van operators and thus "deal breakers." Therefore, alternative lease terms are not presented herein.

RECOMMENDATION:

Based on the lease terms described above, authorize the Director of Aviation to lease the Port's 19 Ford CNG vans to shuttle van operators (selected based on the above criteria) serving Oakland International Airport.

Agenda Sheet

DATE: April 18, 2000

ITEM NO: 21

SUBJECT: Approval of First Supplemental Agreement with DeLeuw Cather & Company for Engineering Studies of Rail Operations in the Oakland Army Base and Joint Intermodal Terminal Peer Review

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port of Oakland (Port) has a current professional services agreement with DeLeuw, Cather & Company (DCCO), that was approved by the Board on June 23, 1998, per Board Resolution No. 98254. DCCO was hired to evaluate the Port railroad system in the Outer Harbor area and to provide recommendations to develop it to support the Joint Intermodal Terminal and other rail operations. An Outer Harbor Railroad Analysis Report was prepared for the Port by DCCO in 1999. An Operating Plan was prepared by DCCO based on the Port's railroad business requirements identified in the Analysis Report. From these reports, studies and layouts for the Knight Yard were done to establish various use scenarios versus acreage, yard shapes, rail access and egress, and cargo volume.

The Port and the Oakland Base Reuse Authority (OBRA) have been negotiating a lease on the Knight Yard portion of the Oakland Army Base so the Port can use the land and rail yard for Port needs. These needs include the storage operations for the Joint Intermodal Terminal (JIT) and relocation of the Oakland Terminal Railroad (OTR) interchange locations from Seventh Street and Outer Harbor. The relocation would enhance the OTR's ability to serve the Port's tenants and have less of an impact on the JIT operations. It could also reduce costs on the 7th Street Realignment project through elimination of the rail interchange there. Initially the negotiations were such that it did not look feasible to obtain the Knight Yard property until the end of 2001. However, recently the timing has changed such that the lease is now at hand. The Port is also currently negotiating with tenants for new rail business at Burma Road Terminal and for a major auto import center. Both of these activities will be dependent upon the operation of the Knight Yard and we anticipate the need for the Knight Yard to be operational by as close to June of this year as possible.

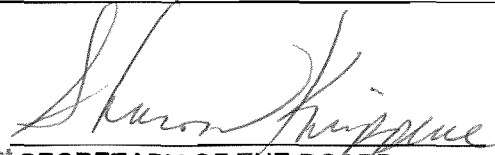
Unfortunately, the Knight Yard as currently configured has limited use for commercial railroad operations. It must be redesigned and reconstructed to meet current and future railroad operations. Because of the critical nature of the Knight Yard to new Port maritime activities and the aggressive construction schedule that we must meet in order to accommodate the new business, the Maritime Division, with backing of the Executive office, requested Engineering to accelerate the design of the facility. To accomplish design, we explored the options of 1) a new RFP/RFQ, 2) a supplemental agreement to the existing DCCO agreement, 3) sole sourcing to DCCO, or 4) using the RFP/RFQ short list used to select DCCO and select a new consultant. The times required before being able to commence work using the various options was 1) 22 – 40 weeks, 2) immediate, 3) 6 to 8 weeks and 4) 17 weeks.

Based on the business needs of the Port and the time required for the various processes to engage a designer, it is recommended to proceed with a supplemental agreement with DeLeuw, Cather & Company to complete the work of redesigning the Knight Yard. The work furnished by the DCCO team has been critical to our negotiating the lease to date. Their familiarity with the project area will be critical to the project's timely completion.

This preliminary scope for budgeting purposes is broken into three elements, as follows: 1) the redesign of the existing Knight Yard facility to meet current PUC requirements for railroad so that portions can be used for railroad interchange, the design of storage tracks for the JIT and utility relocation; 2) the design of new connections to the JIT in conjunction with the Union Pacific Railroad; and 3) the design of an expanded Knight Yard to add additional intermodal capabilities while the facilities designed in items 1 and 2 are operational. Of the three scoped items, the first is the most definite, the second will require input from the Union Pacific Railroad and the third is the most open, depending upon final negotiations between OBRA and the City of Oakland.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20150



APR 18 2000

BOARD ACTION TAKEN Assistant **SECRETARY OF THE BOARD** **DATE**

Copies of the Board Letter and Resolution that provided for the professional services agreement with De Leuw, Cather and Company are attached for information. The original Board letter includes information on the team make-up and participation which will be similar on this supplemental agreement.

De Leuw, Cather and Company has been owned by the Parsons Corporation (PC) since 1990. In 1996 PC formed the Parsons Transportation Group Inc. (PTG) which now consists of the resources of De Leuw, Cather and Company, Barton-Aschman Associates Inc., and Steinman. Recent reorganization within PTG now requires that all contracts with De Leuw, Cather and Company be signed by the Parsons Transportation Group Inc., a subsidiary of Parsons Corporation, which has two subsidiaries (including PTG) with offices in Oakland.

BUDGET STATUS:

The work is budgeted in CIP Element No. M7.00930.02 and the funding source will be Port Bonds. A summary of the proposed compensation changes is provided below.

	DESCRIPTION	DATE	AMOUNT
1	Original Board Approved Agreement Maximum Allowable Compensation including a \$90,000 Contingency for Executive Director's approval	6/23/98	\$440,000
2	Additional Amount Proposed to be Included in the First Supplemental Agreement including a \$235,000 contingency for Executive Director's approval	Proposed	\$1,535,000
3	New Maximum Allowable Compensation		\$1,975,000

RECOMMENDATION:

It is recommend that the Board:

- 1) Consent to an assignment of the 1998 De Leuw, Cather & Company agreement to Parsons Transportation Group, Inc.
- 2) Authorize the preparation and execution of a supplemental agreement with Parsons Transportation Group, Inc. for preparation of Plans and Specifications in accordance with the above provisions and increase the compensation by \$1,535,000, including an increase in the Executive Director's allowable change in scope approval authority for a new maximum allowable compensation of \$1,975,000.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

7/19
SUBJECT: Approval of Consultant agreement with
De Leuw, Cather and Company for
Engineering Studies of Rail Operations
in the Oakland Army Base and JIT Peer Review

Date: June 23, 1998

Item No. 25

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port of Oakland Vision 2000 Program consists of a Joint Intermodal Terminal (JIT), up to five container terminals, the realignment of Seventh Street, construction of a new road and Public Access Improvements along the north side of the Oakland Inner Harbor Channel at the former Fleet Industrial Supply Center Oakland (FISCO). To further the development of the JIT the Port will need to use the railroad areas of the Oakland Army Base known as the Knight Yard and make connections into the Union Pacific mainline tracks north of the Oakland Army Base. Additionally, as the Oakland Army Base is closed the Port needs to protect rail access to our facilities in the Outer Harbor and Bay Bridge Terminal areas. We are proposing to hire an engineering consultant to study these two areas, perform an analysis and develop a plan so that we are able to better support the JIT and other Port areas in the near future. Additionally, we propose to have the same consultant perform a Peer review on various aspects of the JIT currently being designed. In light of the negotiations with the Oakland Base Re-use Authority concerning the Knight Yard, it is important that work commence immediately.

FOR INFORMATION ONLY

In October, 1997 approximately 127 Requests for Proposals were sent to professional design firms for the selection of the consultant for the design of the JIT. Nine proposals were received. The proposals were reviewed by a panel of Port staff from the Engineering and Maritime Divisions and the Office of Equal Opportunity and short listed to five. The five firms invited for interviews were De Leuw, Cather and Company/ICF Kaiser; Holmes and Narver, Inc.; Sverdrup Civil, Inc.; MK Centennial; and HDR Engineering, Inc. The interview panel consisted of Port staff and an engineer from the Burlington Northern and Santa Fe Railroad. Holmes and Narver, Inc. was selected. De Leuw, Cather and Company/ICF Kaiser was the second-ranked team resulting from that process.

FOR INFORMATION ONLY

In view of the needs for this new project and the need to expedite the work with respect to negotiations with the Oakland Base Reuse Authority for property to be used for rail, staff reviewed the proposals submitted for the JIT and hereby recommends that a modified De Leuw, Cather and Company team be selected for the project. Modifications to the original team include: 1) the deletion of certain members, including ICF Kaiser, whose functions, such as architecture, gate design, utilities and systems design and landscaping, are not consistent with the needs of this project, and 2) the addition of Manna Consultants, Inc. (Manna), an Oakland minority firm, Manna will be doing site engineering and will be mentored in railroad engineering. Mr. Chris Clark, P.E., Vice President, is the Principal in charge of De Leuw, Cather & Company's Oakland office.

The Selection is based on the team's JIT proposal, presentation and response to committee questions, their skills and extensive experience with and understanding of the railroad operations in the Port area and working relationship with the Union Pacific staff.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN _____ DATE _____

SECRETARY OF THE BOARD _____

The following table shows the team members, their roles and the planned shares of the work.

COMPANY		ROLE	SHARE
De Leuw, Cather and Company	LIA	Prime consultant, railroad engineering, mentor	65%
Manna Consultants, Inc.	LIA/MBE	Site engineering, railroad engineering protégé	21%
Frederick R. Harris, Inc.	LIA	Terminal planning	9%
Ackland International, Inc.	LIA/MBE	Utility and design review	3%
Klienfelder, Inc.	LIA	Pavement and geotechnical review	2%

The Port's Office of Equal Opportunity (OEO) was involved in all phases of the process. The OEO officer concurs with the recommendation. The EEO-1 Work Force/Professional services Questionnaires are on file for all firms on the team. It has been determined that the team complies with the Port's Non-Discrimination and Small Local Business Utilization Policy.

Port staff is currently negotiating with De Leuw, Cather and Company to further develop the scope of work and the terms of the agreement. It is anticipated that the maximum compensation for these services will not exceed \$340,000. We also request that the Executive Director be authorized to approve up to an additional \$90,000 for potential changes in scope. We propose that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations.

The work is budgeted in CIP Element M6.00563.01 and the funding source will be Port Bonds.

Recommendation:

We recommend that the Board determine that the engineering services described above are professional services and authorize the preparation and execution by the Executive Director of an agreement with De Leuw, Cather and Company in accordance with the above provisions.

RESOLUTION NO. 98254

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH DE LEUW, CATHER AND COMPANY FOR MARITIME CONSULTING 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. 25, dated June 23, 1998 (herein the "Agenda Sheet") the Board of Port Commissioners hereby finds and determines that the proposed agreement with DE LEUW, CATHER AND COMPANY for Engineering Studies of Rail Operations in the Oakland Army Base and Joint Intermodal Terminal Peer Review 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 DE LEUW, CATHER AND COMPANY 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 DE LEUW, CATHER AND COMPANY shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed \$340,000, unless additional work up to an additional amount of \$90,000 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 an adjourned regular meeting held June 23, 1998

Passed by the following vote:

Ayes: Commissioners Harris, Kramer, Lockhart, Loh, Taylor and President Ortiz - 6

Nocs: None

Absent: Commissioner Cole - 1

M-25
ENG.

Agenda Sheet


DATE: April 18, 2000

ITEM NO: 22

SUBJECT: Approval to Negotiate and Execute a Change Order for Additional Excavation under the Contract for Construction of Container Wharf, Dike, Fill and Container Yard at Berths 55/56 Inner Harbor Channel.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

The Port's Vision 2000 Maritime Development Program consists of the construction of new marine terminals along the Inner Harbor channel (Berths 55/56 and Berths 57/58), the construction of a new roadway, the construction of the Joint Intermodal Terminal, and the construction of the Middle Harbor Shoreline Park. In order to construct the new marine terminals and provide for a safe navigational channel, a portion of the former Union Pacific mole must be excavated and dredged. Initially the excavation for the first terminal project (Berths 55/56) included removal of a strip of the mole from the eastern end of the Berth 56 wharf to the western terminus of the mole. The Berths 57/58 project was then intended to excavate the remaining portion of the mole necessary to complete the overall program.

However, as the plans and specifications for the Berths 55/56 wharf construction were being finalized, the Middle Harbor Shoreline Park community and technical advisory groups identified a desire to develop a water taxi dock within the park at the mole. Since the final design for the water taxi dock basin was not yet complete, the excavation of the western-most portion of the mole was delayed until there was final resolution on the water taxi design. The Joint Intermodal Terminal (JIT) project will receive fill from this excavation, but the award of the JIT contract was delayed at that time, so it was determined that this excavation could be delayed without affecting the overall Vision 2000 Program. Since the Berths 57/58 project was expected to be under construction by the time the JIT was going to need this fill, that portion of the mole excavation was shifted from the Berths 55/56 contract into the Berths 57/58 project.

Subsequently, additional testing of the fill soils at the western-most portion of the mole has clarified the extent of contamination on the site. This additional sampling and testing was not done earlier due to a lack of access while the Union Pacific was still operating on the site. This investigation has reduced the apparent need for special handling of potentially contaminated soils, but has also identified an area that will require special effort to provide a temporary embankment if the work were to be done under two separate construction contracts.

The delays to the JIT have since been overcome and that project is in construction. However, the Berths 57/58 project has shifted somewhat from its original schedule due to uncertainty about the tenant for that terminal. Yet there is a pressing need for fill to complete the construction of the JIT. Therefore, it is in the best interest of the program to include this work in the Berths 55/56 contract. However since this was not included in the final Bid documents for that project, a construction change order will have to be issued to include this in the Berths 55/56 project.

Staff proposes to negotiate with the contractor for the Berths 55/56 wharf construction (Port of Oakland Constructors, a joint venture) to perform this work. The negotiation will be based on the current contract unit prices for this type of work; however, since the additional quantity of work varies from the original contract by more than 25%, the contractor cannot be required to hold the same unit prices, so this must be negotiated. If this change order is issued, then this same work will be removed from the bidding documents for Berths 57/58 project.

BUDGET STATUS:

This work is included in the budget under CIP Item M6.00548, "Prepare New Channel Bank, Including Move Fill, Construct Dike, Vision 2000". It is expected that this work will cost approximately \$2,900,000, and the funding source will be Port Bonds.

RECOMMENDATION:

It is recommended that the Board approve negotiation and execution of a change order for additional excavation as described above under the contract for Construction of Container Wharf, Dike, Fill and Container Yard at Berths 55/56, Inner Harbor Channel.

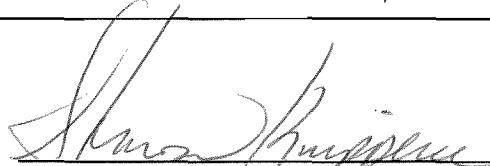
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20151

BOARD ACTION TAKEN

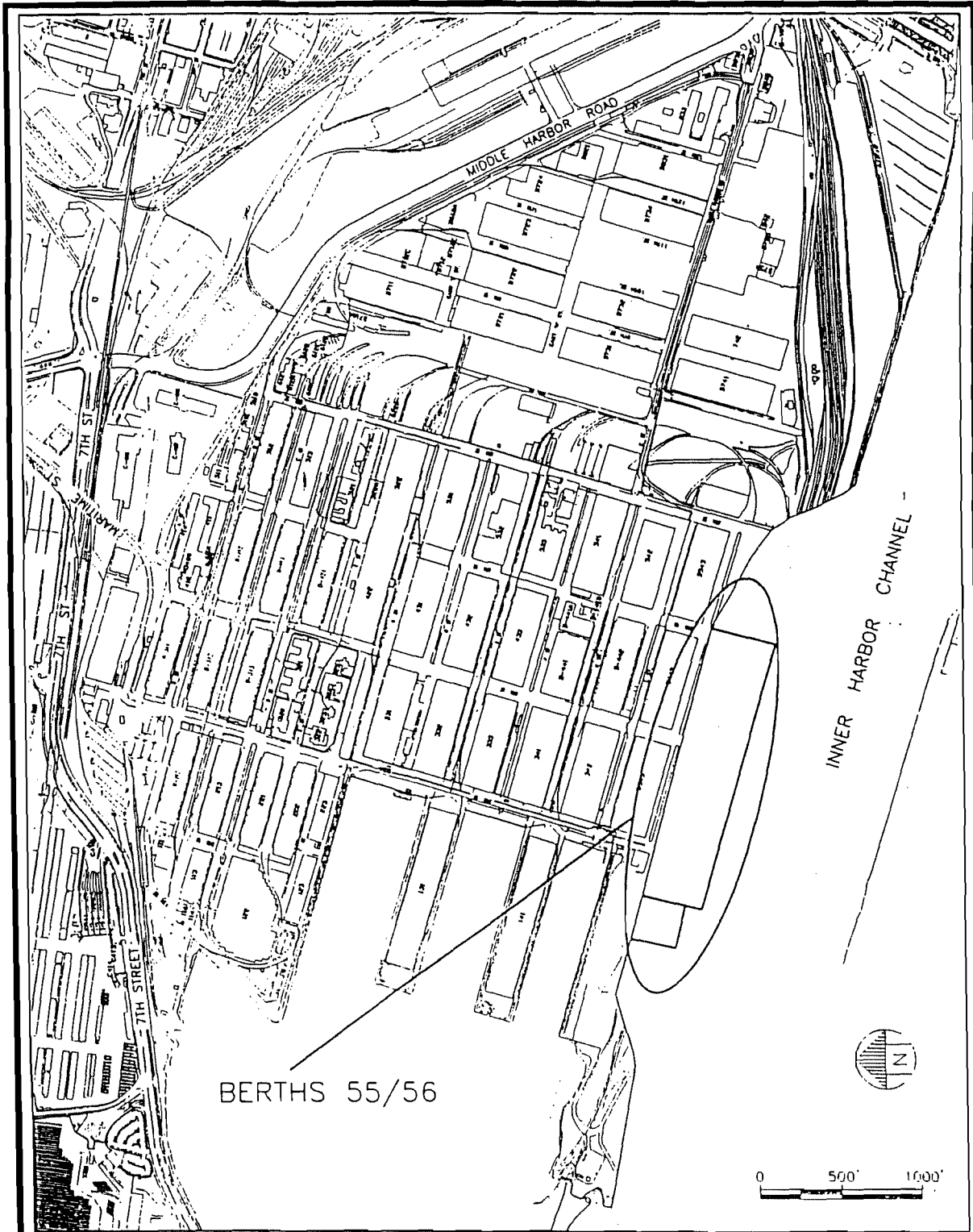
Assistant



SECRETARY OF THE BOARD

APR 18 2000

DATE



PORT OF OAKLAND

HARBOR TRANSPORTATION CENTER
AREA D

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Supplemental Agreement with Maersk Pacific at Berth 24
Incorporating the Berth 20-22 Facility Under Combined
Compensation Provisions for Both of the
Assigned Premises

Date: April 18, 2000

Item No. 23

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION:
[Signature]

FACTUAL BACKGROUND:

During the latter part of 1999, Maersk which conducts operations at Berth 24, was involved in an \$800 million dollar acquisition of the international operations of Sea-Land Service which for many years conducted operations at the Berths 20-22 terminal. On November 16, 1999, the Board granted its consent to assign Sea-Land's Berths 20-22 Lease and Assignment Agreement to Maersk in accordance with the compensation provisions of the Berths 20-22 Agreement. The Berths 20-22 Lease and Assignment Agreement expired March 31, 2000 but stipulates that it shall continue from year to year except that new compensation levels shall be determined.

ANALYSIS

In order to streamline administration and management of all Maersk premises for all concerned, it is now proposed that the Berth 24 Maersk contract be amended to incorporate the Berth 20-22 premises under a combined Minimum Annual Guarantee ("MAG") and Breakpoint ("BP") for both facilities. The +/- 1 acre area in the Berth 10 vicinity which is presently under a month to month space assignment shall also be included in the assigned premises. Maersk has also indicated it no longer needs Crane X-401 at the Berth 20-22 complex and it shall be eliminated from the Berth 20-22 assignment. It should be noted that the Port is actively trying to sell Crane X-401. The proposed terms and compensation levels negotiated for the combined facilities are as follows:

TERM: The Berth 24 Agreement is scheduled to expire March 31, 2003. The Port will extend this to December 31, 2004 while incorporating the Berth 20-22 premises. Maersk would have an additional 5 year option for both facilities.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Approved by Ordinance
passed to print**

APR 18 2000

BOARD ACTION TAKEN DATE

[Signature]

Assistant SECRETARY OF THE BOARD

USE: When Maersk acquired Sea-Land's international operations from CSX Lines, the domestic shipping operations were retained by CSX and these domestic services are still offered from the Berths 20-22 terminal. CSX Lines' domestic service will be considered a primary user at either Berths 20-22 or Berth 24 up to and including December 31, 2004, unless the terminal services agreement between Maersk and CSX expires sooner. Maersk shall be required to provide a copy of this services agreement with CSX in order to verify the duration of such agreement. At the end of the term, the compensation provisions for both Berth 20-22 and Berth 24 shall be negotiated to cover an additional 5 year option period if it is needed. CSX use of the facilities shall also be reviewed during such option period negotiations.

COMPENSATION: The combined MAG/BP Levels for the Berths 20-22 and Berth 24 Terminals relating back to April 1, 2000 shall be:

From 1 to 242,000 loaded TEUs [MAG/Breakpoint level]	\$57.98 per loaded TEU
Above 242,000 loaded TEUs	\$27.35 per loaded TEU

Maintenance: There shall be no change to the current Berth 20-22 Agreement provisions. All work for Parcel A and the buildings thereon will be fully maintained by Maersk for the term of the Agreement. Crane maintenance at Berth 20-22 for the remaining 3 cranes shall also be Maersk's responsibility.

Recovery of Costs Relating to Crane Modifications: In accordance with the existing Berths 20-22 Agreement, any secondary assignment by the Port of Crane X-403 within the Berth 20-22 complex of said crane entitles the Port to retain all tariff charges, except charges for crane maintenance and power, for such secondary crane use until the cost of the crane transfer system and related modifications are recovered. The remaining amount of the cost of said modifications to be recovered by the Port as of March 31, 2000 is \$218,045.00 and this shall continue to be recovered from secondary use revenues from Crane X-403.

FINANCIAL IMPACT TO THE PORT:

An estimated increase of \$400,000.00 on an annualized basis.

ALTERNATIVES:

None

The proposed modifications to the Berth 24 Agreement with Maersk Pacific is categorically exempt under CEQA and the Port of Oakland's CEQA Guidelines, Section 15301 (p) which provides for execution of license and concession agreements where the premises or licensed activity is leased to the same or another person and involving negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval of the Supplemental Agreement with Maersk Pacific, as outlined above.

DATE: April 18, 2000

ITEM NO: 24

SUBJECT: Authorization to Fund One *Environmental Specialist II* Position at the Regional Water Quality Control Board Through an Agreement With The Association of Bay Area Governments

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND

The Port is currently constructing the Vision 2000 Program Marine Terminals, Berths 55/56, and will soon begin construction of the Berths 57/58 Terminal, the tug boat facility (Berth 59), new roadways and public access. The Port has committed to an ambitious schedule that will open the Berths 55/56 Terminal on January 1, 2001. In order to complete these projects on schedule, the Port needs to achieve several milestones, including the dredging and reuse of several million cubic yards of sediment and soil, some of which is contaminated. These tasks must be completed in a timely, cost effective and environmentally sound manner.

In order to meet the schedule, Port staff and consultants have been investigating new and innovative engineering designs and construction techniques that will expedite the completion of the terminals. Although these innovative measures will allow us to meet our schedule commitments, the changes that are being investigated and applied are often beyond what is currently allowed under our regulatory permits. Both the Environmental Planning and Environmental Health, Safety and Compliance Departments have been working closely with the agencies, in particular the San Francisco Bay Regional Water Quality Control Board (SFRWQCB), to obtain approval for the changes that are needed in our permits. These changes will allow for the application of the new construction techniques being evaluated by the Port's Engineering and Construction groups.

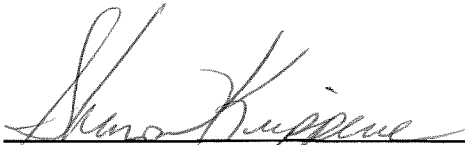
The design changes that are being applied are dynamic and require adjustment in the field. This requires that Port staff quickly negotiate permit changes with the SFRWQCB frequently and with a sense of urgency. Although staff at the SFRWQCB understand our urgency, they have many other projects that demand their time as well, and it is not uncommon for delays in the modification of the permit conditions to delay construction activities. Issues such as modification of the soil reuse criteria, discharge requirements for storm and groundwater stored in tanks, dredging methods and the addition of soil amendments for engineering purposes are typical of the issues negotiated and re-negotiated with the agencies. Not only must the Port develop a compelling case as to why the changes are needed and environmentally sound, the agency must also analyze our reports and determine if our requests are well founded. This is a time consuming process which is further delayed since the SFRWQCB staff who must evaluate our requests are often working on several projects at one time. These delays in the decision making and approval process can cost the Port tens or hundreds of thousands of dollars in direct costs, plus additional costs due to delays.

One solution to this problem is to fund an additional position at the SFRWQCB to supplement their staff. Many agencies have funded positions at the SFRWQCB to help reduce some of the delays in the approval process. The position would be funded through a contract between the Port and the Association of Bay Area Governments (ABAG). The SFRWQCB has suggested that the funding of one Environmental Specialist II (\$69,850 total salary per year including benefits) would be adequate to allow the permit analyst assigned to the Vision 2000 Program to devote more time and attention to our project.

Staff recommends that the Board approve funding one Environmental Specialist II position at the RWQCB for at least two years, with an option to extend into a third year. The Port expects to work very closely with the RWQCB for several years, through the completion of the Vision 2000 Program. Further, we will also need to work with the SFRWQCB on permits and authorizations for the 50 ft Deepening Project. Timing for the -50' project will also become critical within the next few months. Staff believes that funding a position at the SFRWQCB provides an excellent opportunity for improving communications and developing a stronger partnership with the agency. Funding is through Port Cash or Bonds and is budgeted under M6.00546.06.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20152
BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

APR 18 2000
DATE

**Subject: Authorization to Fund One *Environmental Specialist II* Position at the Regional Water Quality Control Board
Through an Agreement With The Association of Bay Area Governments**

Control Board

April 18, 2000

RECOMMENDATION:

It is recommended that the Board:

Authorize the preparation and execution of an agreement with the Association of Bay Area Governments for an amount not to exceed \$230,505.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: New Terminal Use Agreement ("TUA") with
China Shipping at the Ben E. Nutter Terminal

Date: April 18, 2000

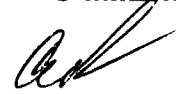
Item No. 25

SUBMITTED BY: Raymond A. Boyle *RAB*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

Shanghai's state-owned China Shipping (Group) Co. was formed from the spin-off of three divisions of China Ocean Shipping Co. ("COSCO") and is the parent company of China Shipping Container Lines ("China Shipping"). China Shipping's first major deployments into the containerized cargo trades came in late 1997 and early 1998 commencing with its Asia-Australia service. In the trans-Pacific trade, China Shipping has entered into a vessel-sharing agreement with ZIM Israel Navigation Co. ("ZIM"). In Oakland, China Shipping vessels plan to call at the Ben E. Nutter Terminal where terminal services will be provided by Marine Terminals Corporation("MTC").

ANALYSIS

Late last week, maritime staff concluded negotiations with China Shipping for a Terminal Use Agreement (TUA). China Shipping will need more economic incentives at the outset of its new service in order to help generate cargo volumes that will sustain economies of scale. Additionally, cargo controlled by China Shipping may from time to time be loaded to or discharged from ZIM vessels which call at Howard Terminal. Based upon these considerations the Port has proposed the following:

1. Term

The first contract year shall be for a period of thirteen months in order to assist China Shipping's efforts to meet their guarantees, as specified below. Upon 60 days prior written notice to the Port before the end of the first contract year, China Shipping shall also have the option to extend the TUA for an additional two years of twelve months each at the guaranteed minimums and compensation levels delineated below for said years.

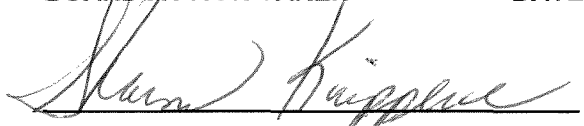
BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

Approved by Resolution No. 20153 APR 18 2000

BOARD ACTION TAKEN DATE



Assistant SECRETARY OF THE BOARD

1. Dockage

First Contract Year

China Shipping shall guarantee the Port a minimum of 42 vessels calls at the Assigned Premises. China Shipping shall pay 80% of the then prevailing Port tariff dockage rates on 42 vessel calls. There shall be no further payments beyond 42 calls.

Second & Third Contract Years

China Shipping shall be subject to a minimum annual guarantee of 48 vessel calls and will continue to pay dockage on the basis of 80% of the Port's prevailing tariff for all vessel calls. There shall no longer be a cap in payments for vessel calls exceeding 42 as in the first contract year.

Any shortfall on the 42 vessel calls in the first contract year or on the 48 vessel call minimum in subsequent contract years shall be paid to the Port at the shortfall times 80% of the then prevailing average tariff dockage rate for China Shipping vessels.

2. Wharfage

China Shipping will be subject to the following Minimum Annual Guarantee ("MAG") volume levels:

First Contract Year	12,000 loaded TEUs
Second Contract Year	17,000 loaded TEUs
Third Contract Year	20,000 loaded TEUs

In lieu of paying the Port's tariff published wharfage rates, China Shipping shall be assessed wharfage for containerized cargo as follows:

First Contract Year

China Shipping will be assessed wharfage on the basis of \$58.00 per loaded TEU (the "Fixed Wharfage Amount"). At the end of the contract year, if the total number of TEUs meets or exceeds 15,000 loaded TEUs during said contract year, then China Shipping shall be eligible for an additional discount of 5% from the \$58.00 rate, as such rate may be adjusted.

Second Contract Year

The Fixed Wharfage Amount shall be assessed on the basis of \$65.00 per loaded TEU. At the end of the contract year, if the total number of TEUs meets or exceeds 17,000 loaded TEUs during said contract year, then China Shipping shall be eligible for an additional discount of 10% from the \$65.00 rate, as such rate may be adjusted.

Third Contract Year

The Fixed Wharfage Amount shall be assessed on the basis of \$70.00 per loaded TEU.

China Shipping will be eligible for an additional wharfage discount from the above \$70.00 rate, as such rate is adjusted, based upon the following volume levels:

<u>Contract Year Volume</u>	<u>Additional Discount</u>
22,500 - 29,999 loaded TEUs	10%
30,000 - 34,999 loaded TEUs	15%
35,000 or more loaded TEUs	20%

All of the above rates will be increased at the same time and by the same percentage the Port tariff wharfage rates are increased.

ZIM has provided written concurrence so that the Port will assess China Shipping cargo handled to or from ZIM vessels in accordance with the compensation provisions of the proposed China Shipping/Port TUA.

Non-containerized cargo shall be initially assessed 80% of the then prevailing Port tariff rates for non-containerized cargo. Each 22 revenue tons of non-containerized cargo shall be count as one loaded TEU for purposes of computing the additional year-end discount.

3. IPI Incentive

If China Shipping's Interior Point Intermodal Throughput Service ("IPI") cargo at the Ben E. Nutter Terminal equals or exceeds 4,000 loaded TEUs in a contract year then China Shipping shall be refunded \$5.00 per loaded TEU of IPI cargo, including all such TEUs in that contract year.

FINANCIAL IMPACT TO THE PORT:

Based upon the first year MAG of 12,000 loaded TEUs, \$761,000.00 dollars in new annual revenue from dockage and wharfage is anticipated.

ALTERNATIVES:

None. China Shipping has elected Oakland over other Bay Area facilities due to better rail connections, proximity to customers and overall service levels available to make their new service successful.

The proposed TUA with China shipping is categorically exempt under CEQA and the Port of Oakland's CEQA Guidelines, Section 15301 (p) which provides for execution of license and concession agreements where the premises or licensed activity is leased to the same or another person and involving negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval of the Terminal Use Agreement with China Shipping as outlined above as well as a resolution to modify the ZIM Agreement with the Port so that China Shipping cargo handled to or from ZIM vessels shall be assessed in accordance with the compensation provisions of the proposed China Shipping/Port TUA.

Agenda Sheet

JHD

SUBJECT: Authorization to Prepare and Execute Agreements with Design Teams for On-Call Architectural and Engineering Services for Projects at the Port of Oakland

DATE: April 18, 2000

ITEM NO: 31

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port's Maritime, Aviation, and Commercial Real Estate Divisions are all in need of ongoing design services for modifications, additions and repairs to their facilities. In addition, all three divisions are in the beginning of major expansion programs that will require design services to support these programs for the Commercial Real Estate and Maritime Divisions and interim growth projects for the Aviation Division. In order to assist with this work, the Engineering Division determined that the most effective solution is to supplement its staff with consultant teams that are immediately available and have the experience and expertise to assist in performing studies, cost estimates, design development, and preparation of construction documents.

In the past, the Port has entered into contracts with architectural consultants hired on an "On-Call" basis to provide a portion of this experience and expertise. Unlike the earlier "On-Call" contracts, the Engineering Division, with the input from members of the Board's Administrative Committee, has structured the recent Request for Proposal (RFP) such that the respondents would assemble a full service "On-Call" architectural and engineering support team. These teams would be led by prime architectural firms that have not done significant work for the Port recently and are certified by the Port's Office of Equal Opportunity (OEO) as a Small Business Enterprise (SBE). Furthermore, the teams would include major subconsultants in the disciplines of electrical, mechanical, civil, and structural engineering, with the goal of each of these major subconsultants being SBEs.

BASIS OF SELECTION:

Initially, the Port solicited Letters of Interest in acting as a subconsultant on such a team from over 140 electrical, mechanical, civil, and structural engineering firms. These Letters of Interest were sent to firms with offices in the Local Impact Area (LIA) and who have expressed interest in providing engineering services to the Port. Twenty-nine (29) letters of interest were received. The Port then solicited proposals for "On-Call" design services as the prime consultant from 63 architectural firms with offices in the LIA. The names of those interested in being major subconsultants were included in the RFP to encourage the participation of local firms in the formation of the design teams. Proposals were received from 14 design teams.

Abstaining: Tagami

Approved by Resolution

No. *20160, 20161, 20162,*

20163, 20164, 20165, & 20166

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

APR 18 2000

DATE

A panel made up of Port staff, including a representative of the OEO, reviewed the 14 proposals and determined that 7 design teams were best qualified to be interviewed. The 7 design teams that were invited to make oral presentations and be interviewed were as follows:

1. C. J. Tyler Architecture
2. Charles F. Jennings Architects
3. Colland Jang Architect/Ed Fernandez Architects
4. Gutierrez/Associates
5. RPR Architects
6. Shah Kawasaki Architects
7. Y. H. Lee Associates, Architects

The panel interviewed the 7 design teams and prepared a ranking based on each design team's oral presentations; qualifications; relevant experience of the firms, as well as key project personnel; design teams technical abilities and project management abilities; and answers to interview questions. Evidence of the team's compliance with the Port of Oakland's Non-Discrimination and Small Local Business Utilization Policy was also considered.

The panel's evaluation of each of the 7 firms was presented to the Aviation Committee on April 3, 2000:

RANK	DESIGN TEAM
1	Shah Kawasaki Architects
2	Charles F. Jennings Architects
3	Y. H. Lee Associates, Architects
4	Colland Jang Architect/Ed Fernandez Architects
5	RPR Architects
6	C. J. Tyler Architecture
7	Gutierrez/Associates

The Aviation Committee approved Staff's proposal to negotiate consultant agreements with the four top-ranked design teams and that the agreements be for a term of three years and an amount not to exceed \$1,000,000 per team.

To further utilize LIA firms, any major subconsultant that is listed on two or more teams will be asked to indicate which team they wish to be on and they will be dropped from other teams. The prime consultant that loses one or more of its major subconsultants in this manner will be asked to indicate a replacement from the Port's list of qualified subconsultants. The selection process will be negotiated between the prime architectural consultant and the Port.

In order to encourage other local firms to become familiar with the Port's consulting procedures, the Committee also approved Staff's proposal to offer each of the remaining three design teams one "On-Call" project over the next three years on an as needed-basis. These firms would be asked to make proposals on specific projects, and the Port would negotiate a consultant agreement that does not exceed \$100,000.

The four top-ranked design teams for the "On-Call" architectural and engineering services are as follows:

Team Member	Location	EEO Status	Role
Shah Kawasaki Architects	Oakland	MBE	Prime Consultant
Pacific Engineering	Oakland		Electrical
McCracken & Woodman	Oakland	MBE	Mechanical
Jefferson Hilliard	Oakland		Civil
Structus	Oakland	MBE	Structural

Team Member	Location	EEO Status	Role
Charles F. Jennings Architects	Oakland	MBE	Prime Consultant
F. W. Associates	Oakland		Electrical
McCracken & Woodman	Oakland	MBE	Mechanical
Concept Marine	Oakland		Civil
GKO/Messinger	Oakland	MBE	Structural

Team Member	Location	OEO Status	Role
Y. H. Lee Associates, Architects	Oakland	MBE	Prime Consultant
Pacific Engineering	Oakland		Electrical
H & M Mechanical Group	Oakland	MBE	Mechanical
Mariscal Engineering	Oakland		Civil
Fratessa, Forbes, Wong	Oakland	MBE	Structural

Team Member	Location	OEO Status	Role
Colland Jang Architect/ Ed Fernandez Architects	Oakland	MBE	Prime Consultant
TEI Engineers	Oakland		Electrical
TEI Engineers	Oakland	MBE	Mechanical
GKO/Messinger	Oakland		Civil
GKO/Messinger	Oakland	MBE	Structural

MBE = Minority Business Enterprise

Due to the nature of the proposed "On-Call" consultant agreements, the percentage of work anticipated for each team member is unknown. However, it is expected that the prime consultant will perform 50-60% of the work, including team administration, and the balance will be performed by the subconsultants.

The three remaining short-listed design teams, which are C. J. Tyler Architecture, Gutierrez/Associates, and RPR Architects, are all located in the LIA and the majority of team members are M/WBE firms.

OEO participated in all phases of evaluating the consultants and their proposals. OEO has determined that the recommended teams are responsive to the Port's Non-Discrimination and Local Business Policy.

The EEO-1 Workforce Force Reports/Professional Questionnaires are on file for each team member.

Terms for the proposed contracts with the four top-ranked design teams would be as follows:

1. Maximum of \$1,000,000 per team in fees for design services.
2. Each assignment would be individually authorized and subject to a maximum compensation.
3. As compensation for the work, up to the maximum for each project, the consultant would be reimbursed for the direct salaries of personnel performing work on the project, fringe benefits, overhead costs, profit and other direct costs required to do the work.
4. The agreements would be effective, when signed by the Port, for a period of three years.

The funding source for each assignment to be performed under these proposed contracts will be in accordance with the CIP or expense budget as appropriate for that assignment.

RECOMMENDATION:

It is recommended that the Board determine that the services, as described above, are professional services, and authorize the preparation and execution of agreements with the above four top-ranked design teams in accordance with above provisions. It is further recommended that the Board authorize the preparation and execution of specific project agreements with the three remaining short-listed design teams in accordance with the above provisions.

Agenda Sheet

DATE: April 18, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *ccm*

EXECUTIVE OFFICE RECOMMENDATION: *Mal*

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Sections 54956.9: 3 matters.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

Property:	Jack London Square Oakland, CA 94607
Negotiating Parties:	Port and Oakland Portside Associates
Under Negotiation:	Price and Terms of Payment

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. *20155, 20156*

4 20157

BOARD ACTION TAKEN

Assistant

Sharon K...
SECRETARY OF THE BOARD

APR 18 2000

DATE

SUMMARY AGENDA OF BOARD CALENDAR
April 18, 2000

AIRPORT

- 2S Approval to Collect and Spend Passenger Facility Charges (PFC's) Related to the Ninth PFC Application at Oakland International Airport. (Resolution)
- Recommends approval to extend the PFC program to cover \$38,409,000.00 on Airport projects.
- 3S Approval of Fifth Supplemental Agreement to Lease and Concession Agreement (Newsstand and Gift Shop) with Air Terminal Services Incorporated (#1 Airport Drive, South Airport). (Resolution)
- Recommends approval of the supplemental agreement which increases the rent of two DBE's sub-concessionaires at the Airport.
- 4S Impose Late Penalty Fees on Airport Taxi Cab Permit Renewals. (Resolution)
- Recommends approval to establish a penalty fee for late taxi cab permit renewals. Also recommends rescission of previous Board action which forfeited certain permits.
- 5S Approval of Access Agreement for Survey and Exploration with United States of America, Department of Army (Two Parcels Bounded by Grumman, Earhart Road, Convair & Doolittle Drive, North Airport). (Resolution)
- Recommends approval of the agreement which provides for the Corps of Engineers to inspect two underground storage tanks on the North Airport.
- 6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Safeway, Inc. (7843 Earhart Road, North Airport). (Resolution)
- Recommends approval of the ROE for their site at Hangar 8. Notes that the preparation of a license agreement is under negotiation.

Summary Agenda of Board Calendar
April 18, 2000
Page 2

7S Approval of Consultant Agreement for Construction Management Services for the Construction of Remain Overnight (RON) Aircraft Parking Apron, Southwest of Taxiway T, South Airport, OIA. (Resolution)

Recommends approval to retain Paragon Project Resources, Inc. to serve as the construction management firm for the construction of the apron.

OPERATIONS

32S Travel Authorization. (Resolution)

Recommends approval for the travel of one Engineer to Shanghai and the Port's delegation to Asia.


Agenda Sheet

DATE: April 18, 2000

SUBJECT: APPROVAL TO COLLECT AND SPEND PASSENGER FACILITY CHARGES (PFC'S) RELATED TO THE NINTH PFC APPLICATION AT OAKLAND INTERNATIONAL AIRPORT

ITEM NO: 25

PROGRAM AREA: -

SUBMITTED BY: Steven J. Grossman 

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

On March 17, 2000 the Federal Aviation Administration (FAA) in accordance with Section 158.29 of the Federal Aviation Regulations (Title 14 Code of Federal Regulations, Part 158) approved the Ninth Passenger Facility Charge (PFC) application for Oakland International Airport.

The Impose and Use application was approved for collection of \$38,409,000 and approved for the use of \$33,380,000. Inclusive of prior PFC applications and amendments, approved PFC collections now total \$101,115,003.

The PFC charge will continue at its current level of \$3.00 per each enplaned passenger. A carrier handling fee of \$0.08 per collection will remain in effect. Frequent Flyers are exempt from paying the \$3.00 PFC. The \$0.08 handling fee only applies to those PFCs remitted to the Airport. The \$0.08 charge does not apply to refunds to the passengers.

PFCs at the Port are considered a tariff which must be imposed by ordinance. On August 4, 1992 the Board of Port Commissioners adopted Port Ordinance No. 3106, which amended Port Ordinance 1149, and imposed PFCs at the Oakland International Airport in accordance with the Aviation Safety and Capacity Expansion Act of 1990. In the interim, the Board has subsequently amended Port Ordinance No. 1140 for subsequent PFC and FAA approved projects.

The proposed action to establish and collect the PFCs in accordance with the California Environmental Quality Act (CEQA), State and Port guidelines for the implementation of CEQA has been evaluated. This evaluation includes the potential impact of extending the PFC collection program for the new program. Fourteen of the fifteen projects are Categorically Exempt from the requirements of CEQA under the provisions of Section 15301. The remaining project, Airfield Master Plan, is a Statutory Exemption under Section 15262. The collection and Spending of funds under PFC No. 9 is a Statutory Exemption under Section 15273 (a-4).

ANALYSIS:

Staff is recommending the amendment of Ordinance 1149 and collection of additional PFC's for each of the programs listed below. This maximizes the use of this funding source to the benefit of the airport, its passengers, and tenants.

OPTIONS:

Not Applicable

RECOMMENDATION:

It is recommended that the Board amend Port Ordinance No. 1149 to extend the S3 Passenger Facility Charge per enplaned passenger at the Airport for the projects approved by the FAA for PFC funding in PFC Application Nine.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

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BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

APR 18 2000

DATE

APPROVAL TO COLLECT AND SPEND PASSENGER FACILITY CHARGES (PFC'S) RELATED TO THE NINTH PFC APPLICATION AT OAKLAND INTERNATIONAL AIRPORT

Page 2 of 2

SUMMARY OF PROJECTS CONTAINED IN PFC APPLICATION NINE

DESCRIPTION	PFC FUNDS
ELECTRONIC KEY SECURITY SYSTEM	150,000
TELECOMMUNICATIONS INFRASTRUCTURE PROGRAM	175,000
IMPROVE TERMINAL 1 SEWER SYSTEM	275,000
TAXIWAY T RECONSTRUCTION	1,600,000
AIRFIELD LIGHTING IMPROVEMENT PROGRAM	9,492,000
AIRFIELD MASTER PLAN	650,000
RUNWAY 11/29 CONDUIT AND LIGHTING PROJECT	7,000,000
PURCHASE NEW ARFF VEHICLE	600,000
EMERGENCY OPERATIONS CENTER IN ARFF	662,000
TAXIWAY C PAVEMENT IMPROVEMENTS	1,600,000
OVERLAY RUNWAY 9L/27R	5,290,000
INSTALL T/W EDGE LIGHTS ON N. FIELD (K, L, M, N, P, Q)	5,635,000
INSTALL LIGHTING ON RAMP	251,000
WATER POLLUTION CONTROL FACILITY	529,000
GROUND RUN-UP ENCLOSURE	4,500,000
	<hr/>
	38,409,000

Agenda Sheet

DATE: April 18, 2000

ITEM NO: 3S

SUBJECT: Approval of Fifth Supplemental Agreement to Lease and Concession Agreement (Newsstand and Gift Shop) with Air Terminal Services Incorporated(#1 Airport Drive, South Airport)

PROGRAM AREA: -

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *SJ*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Air Terminal Services, Inc. (ATS) requests approval of a Fifth Supplemental Agreement which will modify its License and Concession Agreement (Newsstand & Gifts). This modification will incorporate changes in the rent structure for certain portions of premises subleased or sublicensed to disadvantaged business enterprises (DBE).

ATS is the Airport's newsstand and gift shop concessionaire. ATS generates approximately \$4,500,000 in newsstand & gift shop annual gross receipts and pays the Port \$60,414 minimum monthly guaranteed rent (MMG) (\$725,952 minimum annual guaranteed rent "MAG") PLUS 20% of gross receipts exceeding \$333,333 per month (\$4,000,000 per year).

ATS is required to provide through subtenancies DBE participation equal to 30% of ATS gross receipts. ATS subleases space to JRL Candies dba See's Candies ("See's") and to Oakland Duty Free ("ODF"). Any changes to the rent payable for each of these subtenants requires a modification to the ATS Agreement.

ANALYSIS:

Branded Specialty Chocolate (JRL/Sees):

See's sublease with ATS expired July 31, 1999 and See's has been operating on a month-to-month basis since that time. See's has negotiated a new agreement with ATS that provides for the following terms:

	EXISTING TERMS:	PROPOSED:		
	8/98 - 7/99	5/1/00 - 6/30/02	7/1/02 - 6/30/04	7/1/04 - 5/31/08
Minimum:	\$500/mo./location	\$1,000.00/month	\$1,000/month	\$1,000/month
Percentage:	The greater of \$500/location or 5% of gross monthly receipts > \$20,000	8% of gross sales in excess of \$12,500.00 per month	10% of gross sales in excess of \$10,000.00 per month	12% of gross sales in excess of \$8,333.00 per month
Annual Gross Receipts:	\$490,825	\$650,000 (avg. est.)	\$700,000 (avg. est.)	\$800,000 (avg. est.)
Total Annual Rent:	\$24,541	\$52,800	\$70,000	\$96,000

The percentage rental rates were determined by discounting the Port's newsstand and giftshop percentage rate of 20% according to how well the business met certain goals and objectives of the Airport's concession program. The concession program objectives are to (1) offer opportunities for local citizens; (2) offer opportunities for disadvantaged business enterprises in accordance with FAA guidelines; (3) offer name-brand merchandise or a name-brand store whenever possible and (4) offer products at "street pricing". Since See's meets all four of the above objectives of the concession program, a discounted rate was negotiated, with periodic percentage rate increases during the term.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20147

BOARD ACTION TAKEN

[Signature]
 Assistant SECRETARY OF THE BOARD

APR 18 2000

DATE

Duty Free:

ODF is a Port certified DBE which operates a duty free shop and two ancillary retail units in Terminal I at the Airport. Under the original terms of the sublease ODF would not pay rent to ATS (and ATS would not pay rent to the Port) for duty free sales for the first twelve months of the term of the sublease. During this trial period, it would be determined if duty free sales were viable at the Airport. If not, ODF could terminate its sublease. The twelve-month trial period ends June 30, 2000. During the past year, international passenger traffic at OAK has not increased. In fact, the loss of Taesa has reduced the number of international flights during the off-season period. ODF continues to believe that there is potential at OAK, but has requested that the free rent trial period be extended for an additional nine months. This would require the ATS Agreement to be modified to reflect payment to the Port of percentage rent on sales of duty free merchandise as follows:

	<u>Percentage of Gross Sales</u>
Mos. 1 – 21	0.00%
Mos. 22 – 36	15.0%
Mos. 37 – 48	16.0%
Mos. 49 - through remainder of term	17.0%

In order for the Airport to continue to offer duty free merchandise, it is necessary to modify the rent structure.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

1. Continue with existing rent structures. In the case of See's Candies, this would result in a percentage rate that is substantially below market, and would negatively impact revenue to the Port. If Oakland Duty Free is required to pay percentage rent as originally scheduled, it is possible that the business will close, leaving the Airport without a duty free store.
2. Approve the recommended rent adjustments. The above terms were extensively negotiated and agreed to by both ATS and the DBE subtenants.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving the 5th Supplemental Agreement to the ATS Lease and Concession Agreement (Newsstand & Gift) as described above, subject to the Port Attorney's review and approval of the final document.

Agenda Sheet

SUBJECT: Impose late penalty fees on Airport Taxi Cab Permit Renewals

DATE: April 8 2000

ITEM NO: 45

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND

In calendar year 1999, 37 of 92 Airport Taxicab permits were forfeited because a cab company failed to request renewal of their operating permit despite written, certified notification. Port Ordinance No. 3542 requires taxicab permit holders to apply for the renewal of their permit on an annual basis. However, should all Airport authorized permits not be renewed, the remaining permits are forfeited and re-issued via a lottery system in which all qualified permit holders are eligible to participate. On February 1, 2000, the Board passed Resolution No. 20042 directing staff to re-issue 25 of the 37 forfeited permits and to hold a lottery for the remaining 12 vacant permits as soon as practical.

While there are a number of financial penalties for infractions of the rules and regulations as they relate to the operation of the cabs, there is no mention of a financial penalty fee for failing to renew a permit. In reviewing the Taxicab Rules and Regulations, staff believes that the loss of a permit for non-renewal in a timely manner is too severe a penalty for what might simply be a business mistake, and that some other remedy should be incorporated into the Regulations to provide flexibility in dealing with individual situations.

OPTIONS

- 1) Maintain the current lottery system.
- 2) Waive the lottery and automatically reissue all permits.
- 3) Establish a penalty fee system.

ANALYSIS

Given the sizable economic impact the forfeiture would have on cab companies and their drivers who are dependent on the permit to make a living, Option 1 appears to be an extreme solution to a simple oversight. Solution 2 contains no incentive to apply annually for permit renewal or to comply with Airport procedures. Staff recommends the revision of the adopted regulations to include a late permit renewal penalty fee, under which a permit holder would have the opportunity to retain its permit by paying a penalty fee. The late renewal penalty fee would be as follows: a) First occurrence, \$500.00 per permit; b) Second occurrence, \$1,000.00 per permit, and c) Third occurrence, permit will be forfeited and re-issued via lottery.

RECOMMENDATION

It is recommended that the Board of Port Commissioners (1) rescind Resolution No. 20042, (2) amend Port Ordinance No. 3542 to incorporate the late renewal penalty fee set forth above and to make all other necessary conforming changes, and (3) direct staff to issue all 37 permits to Friendly Cab Company by imposing a first occurrence penalty fee of \$500.00 per permit.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print



APR 18 2000

BOARD ACTION TAKEN Assistant SECRETARY OF THE BOARD DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Access Agreement For Survey and Exploration with United States of America, Department of the Army (Two Parcels Bounded by Grumman, Earhart Road, Convair & Doolittle Drive, North Airport)

DATE: April 18, 2000

ITEM NO: 5S

PROGRAM AREA: -

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Federal law authorizes the United States of America, Department of the Army, to conduct investigations to prepare for the removal of underground fuel storage tanks currently located on two sites on the North Airport.

ANALYSIS:

The proposed one-year Access Agreement For Survey and Exploration (Access Agreement) would allow the COE adequate time in which to conduct the necessary surveys, test probings, sampling of ground water and soils and exploratory work.

The successful completion of this project would ensure that the relocation schedule for the Airport Rental Car Temporary Facility Project at the North Airport remains on track.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15306, Class 6, information collection and research activities that do not result in a serious or major disturbance to an environmental resource.

OPTIONS:

N/A

RECOMMENDATION:

It is recommended that the Board approve the above-described Access Agreement For Survey and Exploration with the United States of America, Department of the Army.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20148

BOARD ACTION TAKEN

Assistant

Signature of Assistant Secretary of the Board

SECRETARY OF THE BOARD

APR 18 2000

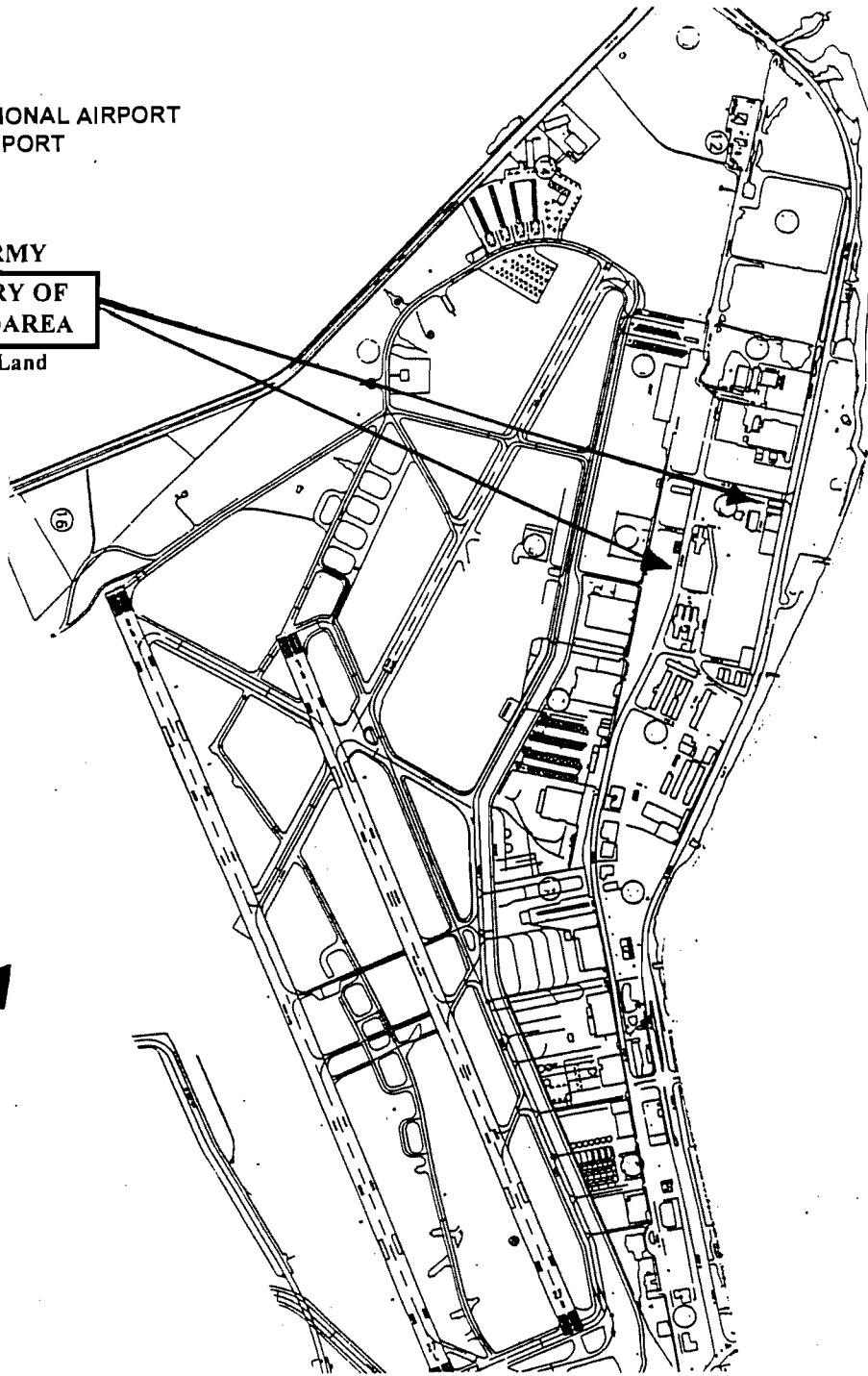
DATE

Board of Port Commissioners Calendar Item

Approval of Access Agreement For Survey and Exploration with
United States of America, Department of the Army (2 Parcels Bounded
by Gruman, Earhart Rd., Convair & Doolittle Drive, North Airport)

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT

U.S. ARMY
BOUNDARY OF
ASSIGNED AREA
2 Parcels of Land



Airport Properties

Port of Oakland



**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Safeway, Inc. (7843 Earhart Road, North Airport)

DATE: April 18, 2000

ITEM NO: 6S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

Safeway, Inc. (Safeway) is currently under a second Agreement To Extend Right-of-Entry and Indemnity Agreement (Extension Agreement) which provides for occupancy of approximately 35,868sf of office, hangar, shop/storage, apron and paved parking in and adjacent to Hangar 8 (Building L-810) on the North Airport for corporate aircraft storage and maintenance. The Extension Agreement was effective November 1, 1999; rent is \$20,000.00 per month.

ANALYSIS:

The proposed third Agreement To Extend Right-of-Entry and Indemnity Agreement would extend Safeway's occupancy of the same premises (commencing February 29, 2000 and ending June 27, 2000). Monthly rent would remain the same. This additional time is necessary to give Safeway and the Port's legal counsel additional time in which to agree upon the language of an interim one-year License and Concession Agreement.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend-Right-of-Entry and Indemnity Agreement with Safeway, Inc.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20149

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

APR 18 2000

DATE

Board of Port Commissioners Calendar Item

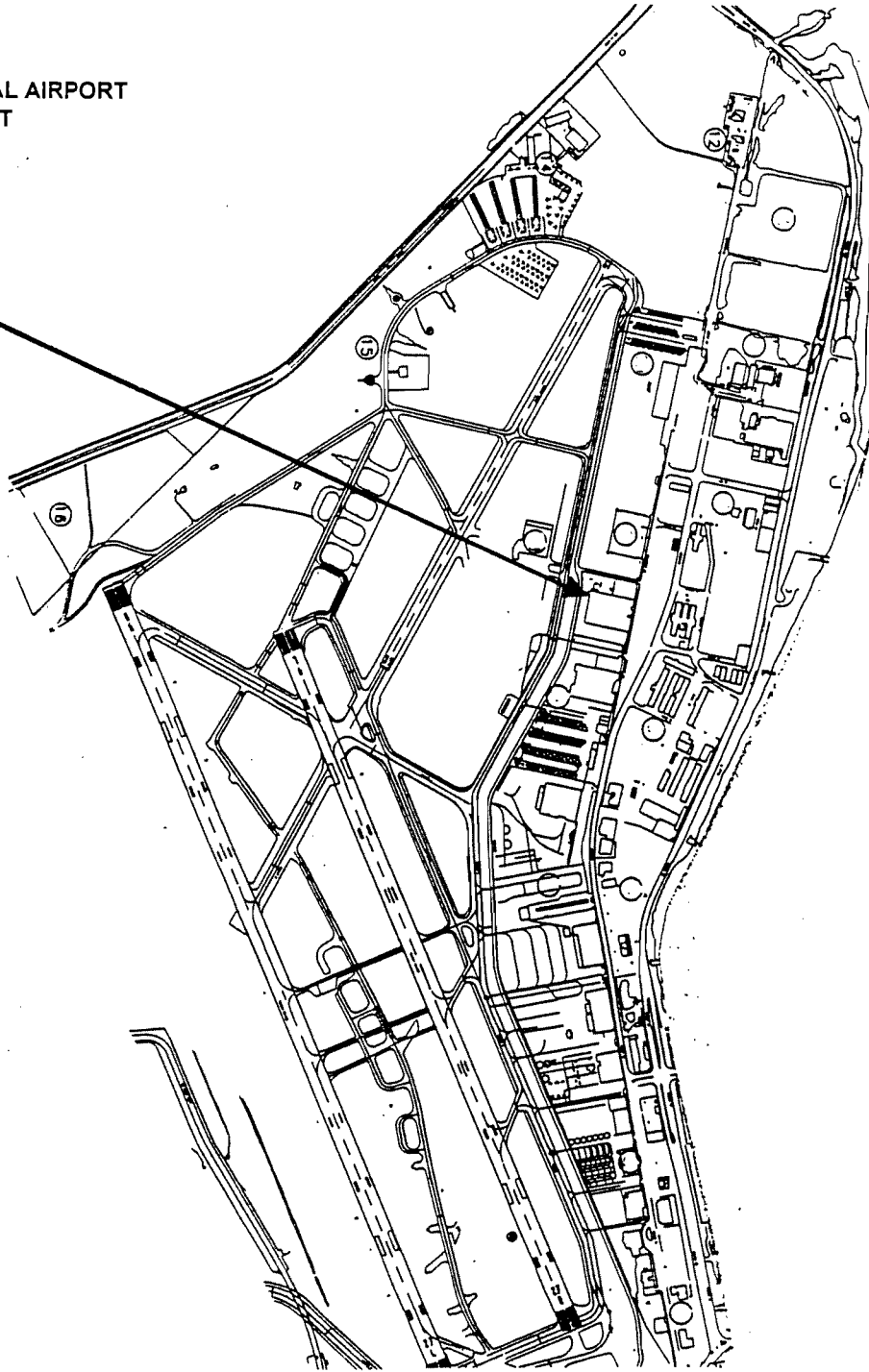
Approval of Agreement To Extend Right-of-Entry and Indemnity
Agreement with Safeway, Inc. (7843 Earhart Road, North Airport)

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT

Safeway, Inc.

**BOUNDARY OF
ASSIGNED AREA**

Approx. 35,868sf



Airport Properties



**Oakland
International Airport
North Airport**

Map Not to Scale

Agenda Sheet

DATE: April 18, 2000

ITEM NO: 75

SUBJECT: Approval of Consultant Agreement for Construction Management Services for the Construction of Remain Overnight (RON) Aircraft Parking Apron Southwest of Taxiway T, South Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Existing operations at the Airport require additional parking apron areas for passenger and cargo aircraft. Some operations require that these aircraft remain overnight. However, there are currently not enough gates or parking apron areas available to support this need. Current expansion plans to accommodate 13.8 MAP (Million Annual Passengers) at the Airport will generate additional aircraft traffic that will increase the need for aircraft parking areas, both during and after construction of the expansion projects. It is planned to satisfy this need by constructing Remain Overnight (RON) and cargo aircraft aprons. The selected consultant is to provide construction management services for the Construction of RON Aircraft Parking Apron Southwest of Taxiway T, South Field, Oakland International Airport.

Due to the magnitude of the upcoming construction program, the Port's Construction Department needs assistance in managing some of the construction contracts. It is proposed that the selected team provide the following: Constructability review, value engineering, document control, monthly project reports, change orders and payment processing, dispute resolution, compliance with contract documents, and other miscellaneous services to effectively manage the RON Aircraft Parking Apron contract.

BASIS OF SELECTION:

One hundred seventy five Requests for Qualifications (RFQs) were sent out on January 12, 1999. The RFQs were sent to engineering firms with offices in the Local Impact Area (LIA) cities. Proposals were received from thirteen teams.

The Port Review Panel reviewed the proposals and determined that three (3) teams were best qualified to be interviewed. They were invited for interviews. They are listed in alphabetical order as follows:

1. HNTB
2. Paragon Project Resources, Inc.
3. URS Greiner Woodward Clyde

The panel interviewed and evaluated the three teams based on the project teams' oral presentations, qualifications, relevant experience of the firms, as well as key project personnel, project teams' technical abilities, project approach, project management abilities, answers to interview questions, and evidence of compliance with the Port of Oakland's Non-Discrimination and Small Business Utilization Policy.

The panel's evaluations of each of the three firms were presented to the Aviation Committee at its April 3, 2000 meeting. Staff recommended Paragon Project Resources, Inc., to perform the construction management services. The Committee approved submitting the recommended team to the full Board.

Attached to this letter is a table submitted by Paragon Project Resources, Inc., which provides information about each team member, including office location, MWBE status, and target percentage of work to be performed. The Port's Office of Equal Opportunity (OEO) participated in all phases of evaluating the consultants and their proposals. OEO has determined that the recommended team is responsive to the Port's Non-Discrimination and Local Business Policy.

The EEO-1 Work Force Reports/Professional and Community Participation Questionnaires are on file in the Office of Equal Opportunity.

c:\...brdagnal\RON41800.doc

Abstained: Loh

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20158

BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

APR 18 2000

DATE

It is anticipated that the amount of the agreement will not exceed \$1,500,000, and it is requested that the Executive Director be authorized to approve up to an additional \$375,000 for potential changes in scope. It is necessary to begin work immediately after the final scope and terms are agreed upon in order to meet the project schedule. Therefore, it is proposed that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations.

BUDGET:

The work is budgeted under CIP Item No. A2.00682.01 and the funding source is PFCs.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the engineering services as described above are professional services; and
2. Authorize negotiations and the preparation and execution of an agreement with Paragon Project Resources, Inc., in accordance with the above provisions.

Sample Chart for Submitting Data for Determining Non-Discrimination/Calculation of Preference Points
 (estimated percentage of work) RON Aircraft Parking Apron Project

Approval Consultant Agreement for Construction Management Services for the Construction of Remain Over Flight (RON) Aircraft Parking Apron Southwest of Taxiway F, South Field, OIA

April 18, 2000
 P 3 of 3

Company	Nature of Work to be Performed	Prime or Sub	Location of Firm	LIA/LBA	Length of time in LIA /LBA	Percent of total contract	MWBE Status	Percent of Subconsulting Work
Paragon Project Resources, Inc.	Project Mgt., Field Eng., Civil Inspection	Prime	Oakland	LIA/LBA	2 years	30%	MBE	
Carter & Burgess, Inc.	Proj. Controls, Operations/Testing Coordination	Sub	Oakland	LIA/LBA	1 year	20%		29%
Acumen Building Enterprise	Contract Admin /Civil Inspection	Sub	Oakland	LIA/LBA	7 years	20%	MBE	29%
Consolidated Engineering Laboratories	Testing & Inspection	Sub	Oakland	LIA/LBA	14 years	3%		4%
ICF Kaiser Engineers, Inc.	Electrical Inspection	Sub	Oakland	LIA/LBA	78 years	15%		21%
Cistran Engineers, Inc.	Civil Inspection	Sub	Oakland	LIA/LBA	2 years	12%	MBE	17%
							Total MBE	46%
					TOTAL	100%	Non-MBE	54%

Are the MWBE/Caucasian Male percentages within the subcontracting guidelines (44% 64% MWBE and 36% - 56% non MWBE) **Yes**

Agenda Sheet

SUBJECT: TRAVEL AUTHORIZATION

DATE: April 18, 2000

ITEM NO: 32S

SUBMITTED BY: Christopher C. Marshall *CCM*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

As provided for in the Port's Administrative Manual, it is recommended that the Board ratify the travel of Terry Smalley, Supervising Electrical Mechanical Engineer, to Shanghai, China, on or about the period April 17 to May 2, 2000, to review design issues and new crane contract language, and inspect progress on the current crane construction at ZPMC.

Also recommended is the travel of President John Loh, Commissioners Kathy Neal, Peter Uribe, and Frank Kiang, the Executive Director, Charles W. Foster, Director of Maritime, Ray Boyle, Senior Manager Business Development, Clement Chin, and Manager, Strategic Marketing, Dan Westerlin, to Hong Kong, Shanghai, Tokyo, Seoul, Taipei and Singapore, on or about the period May 3 - 19, 2000, to participate in the Port's Asian Trade Mission and calls on shipping lines.

RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20154

BOARD ACTION TAKEN

Shawn Kippene

SECRETARY OF THE BOARD

Assistant

APR 18 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND



COMMISSIONERS

JOHN LOH
President

KATHY NEAL
Vice President

FRANK KIANG
DAVID KRAMER
JOHN PROTOPAPPAS
PHILLIP H. TAGAMI
PETER URIBE

530 Water Street
Oakland, California 94607

Telephone (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R
Regular Meeting of the Board of Port Commissioners
Tuesday, May 2, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh

READING OF THE MINUTES:

Deferred - February 22, 2000; March 7, 2000; March
21, 2000; April 4, 2000; and April 18, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Administration

Aviation

Budget and Finance

Commercial Real Estate

Maritime

Regular Meeting
May 2, 2000

READING OF SUMMARY ITEMS: (Marked "S")

8 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Authorization to Dispense with Competitive Bidding and Execute a Change Order for Emergency Repair of Airport High Voltage Power System. (Resolution)
- 2 Authorization to Dispense with Competitive Bidding and Execute a Change Order for Reconstruction of Damaged Apron Pavement South of Buildings L-812 and L-210, North Airport, OIA. (Resolution)
- 3 This item not used.
- 4S Approval of Plans and Specifications for Construction of Utility Infrastructure to Support Dollar Rent A Car and Rental Car Relocation Projects, North Airport, OIA. (Resolution)
- 5S Approval of License and Concession Agreement with Kitty Hawk Aircargo, Inc. (7683 Earhart Road, North Airport). (Resolution)
- 6S Disposal of Surplus Vehicles. (Resolution)
- 7S Ratify Addendum and Award of Contract for Reconstruction of Apron Southeast of Building L-820, North Airport, OIA. (Resolution)

Regular Meeting
May 2, 2000

COMMERCIAL REAL ESTATE

- 11 This item not used.
- 12S Approval of Memorandum of Understanding to Administer Grant Funds Awarded to the Port for the Repair and Restoration of the Hull of the Lightship Relief. (Resolution)
- 50 First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property Located at Hegenberger and Pardee Roads. (Ordinance)

MARITIME

- 21 Authorization to Execute an Agreement with The Smithsonian Environmental Research Center to Design and Implement a Ballast Water Research Program. (Resolution)
- 22 This item not used.
- 23 Approve Change Order for "Construction of Wharf, Dike, Fill and Container Yard, Phase 1A, at Berths 55/56, Inner Harbor Channel." (Resolution)
- 24S Substitution of Scales Subcontractor for "Construction of Container Yard Phase 1B at Berths 55/56, Inner Harbor Channels." (Resolution)
- 25S Approval of Plans and Specifications, Rigging and Repair for 2000 Structural Inspection of KSEC Cranes X409, X410, and X417 at Berth 24, Outer Harbor, and at Berth 68, Howard Terminal. (Resolution)
- 26S This item not used.

Regular Meeting
May 2, 2000

OPERATIONS

- 31 Personnel Items: Amendment of FY 1999-2000 Staffing Plan. (Motion)
- 32 Approval of Agreement with Ms. Co Chu to Provide Contract Programming Services for Enhancing the CIP Budgeting and Expense Monitoring System. (Resolution)
- 33 Approval to Dispense with Competitive Bidding for Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing July 1, 2000, and Ending June 30, 2001, 2002 or 2003. (Resolution)
- 34S Approval of a Second Supplemental Agreement with Amistad Associates to Provide Diversity Training to Staff in Engineering/Harbor Facilities. (Resolution)

Vote on the following resolutions:

Ayes: Commissioners Kiang, Kramer, Neal, Protopappas, Tagami, Uribe and President Loh - 7

Noes: None

Absent: None

RESOLUTIONS:

- 20167 1 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR EMERGENCY REPAIR OF AIRPORT HIGH VOLTAGE POWER SYSTEM, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL BIDS. (Airport - 1)
- 20168 2 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR RECONSTRUCTION OF DAMAGED APRON PAVEMENT SOUTH OF BUILDINGS L-812 AND L-210, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport - 2)

Regular Meeting
May 2, 2000

- 20169 3 APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF UTILITY INFRASTRUCTURE TO SUPPORT DOLLAR RENT-A-CAR AND RENTAL CAR RELOCATION PROJECTS, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFONRIA, AND CALLING FOR BIDS THEREFOR. (Airport - 4S)
- 20170 4 APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH KITTY HAWK AIRCARGO, INC. (Airport - 5S)
- 20171 5 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. (Airport - 6S)
- 20172 6 RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS FOR RECONSTRUCTION OF APRON SOUTHEAST OF BUILDING L-820, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR; AND AWARDING CONTRACT TO GALLAGHER & BURK, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Airport - 7S)
- 20173 7 APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE U.S. LIGHTHOUSE SOCIETY FOR RESTORATION WORK OF THE HISTORIC LIGHTSHIP RELIEF. (Commercial Real Estate - 12S)
- 20174 8 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SMITHSONIAN ENVIRONMENTAL RESEARCH CENTER FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime - 21)

Regular Meeting
May 2, 2000

- 20175 9 APPROVING ISSUANCE OF CHANGE ORDERS FOR CONTRACT WITH PORT OF OAKLAND CONSTRUCTORS, A JOINT VENTURE, FOR CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime - 23)
- 20176 10 AUTHORIZING SUBSTITUTION OF SCALES SUBCONTRACTOR FOR CONSTRUCTION OF CONTAINER YARD PHASE 1B AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime - 24S)
- 20177 11 APPROVING PLANS AND SPECIFICATIONS FOR RIGGING AND REPAIR FOR 2000 STRUCTURAL INSPECTION OF KSEC CRANES X409, X410 AND X417 AT BERTH 24, OUTER HARBOR, AND AT BERTH 68, HOWARD TERMINAL, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Maritime - 25S)
- 20178 12 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CO CHU FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 32)
- 20179 13 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR FURNISHING LABOR, MATERIALS AND EQUIPMENT FOR PAVING, GRADING AND ASSOCIATED CONTRACTOR'S SERVICES FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JULY 1, 2000, AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT(S) FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Operations - 33)
- 20180 14 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH AMISTAD ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 34S)
- 20181 15 DECLARING ELECTION OF SECOND VICE PRESIDENT TO BE EFFECTIVE MAY 3, 2000.

*AND IN PARTNERSHIP,
Jointly*

Regular Meeting
May 2, 2000

20182 16 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A TOLLING AGREEMENT BETWEEN THE PORT AND THE HOWARD TERMINAL COMPANY, AND HARMON HOWARD, BRUSE HOWARD, KEITH HOWARD AND LYLE MORTON (COLLECTIVELY THE "HOWARDS") AND THE DISMISSAL WITHOUT PREJUDICE OF THE SECOND AMENDED COMPLAINT AS TO THE HOWARDS (EXCLUDING THE HOWARD TERMINAL COMPANY) CONCERNING CITY OF OAKLAND V. PACIFIC GAS AND ELECTRIC COMPANY ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (OAKLAND DIVISION) CASE NO. C-97-008974-SBA.

Vote on the following ordinances:

Ayes: Commissioners Kiang, Kramer, Neal, Protopappas, Tagami, Uribe and President Loh - 7

Noes: None

Absent: None

ORDINANCES:

- 1 Port Ordinance No. 3575 being, "AN ORDINANCE ESTABLISHING A PASSENGER FACILITY CHARGE AND AMENDING SECTION 28 TO PORT ORDINANCE NO. 1149 RELATING TO CHARGES FOR USE OF FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH."

Final.
- 2 Port Ordinance No. 3577 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF SECOND SUPPLEMENTAL AGREEMENT WITH MAERSK PACIFIC, LTD."

Final.
- 3 Port Ordinance No. 3578 being, "AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF TERMINAL USE AGREEMENT WITH CHINA SHIPPING AGENCY CO., INC."

Final.

Regular Meeting
May 2, 2000

4 Port Ordinance No. _____ being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH VIJAY PATEL, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.6 ACRE PARCEL OF LAND LOCATED A HEGENBERGER AND PARDEE ROADS."

Commercial Real Estate - 50 to print.

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ELECTION: **Second Vice President Only**

ADJOURNMENT: **The next meeting will be an adjourned regular meeting held on Tuesday, May 23, 2000 at 3:00 p.m.**

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 1

SUBJECT: Authorization to Dispense with Competitive Bidding and Execute a Change Order for Emergency Repair of Airport High Voltage Power System, OIA

PROGRAM AREA:

- Airport Operations C.I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Airport Terminal and United Airlines (UAL) Maintenance Facility experienced two major power outages in March. The loss of electrical power was attributed to deteriorating cable in a section of the high voltage loop that normally feeds the South Airport. This primary circuit in Airport Drive is over 30 years old and has reached the end of its service life. It is currently scheduled for replacement under Contract "A" of the Airport Roadway Project (ARP).

ANALYSIS:

A single back-up to the primary circuit, which runs within the airfield, is now serving the South Field and UAL Maintenance Facility. This is an undesirable condition since there is no longer any system redundancy. The back-up cable that is now in service as a single circuit connection is also over 30 years old and in a deteriorating state. In order to provide some redundancy and adequate power for the South Airport, in the event that the single circuit fails, emergency standby generators are being rented for \$35,000 per month. To increase reliability and eliminate the cost of the generators, staff recommends expediting either a temporary or permanent replacement of the Airport Drive circuit. After replacement of the circuit in Airport Drive the generators will be removed.

OPTIONS:

The following are various options associated with the replacement of the primary circuit in Airport Drive:

1. Wait and Perform the Work as Scheduled in Contract "A" of ARP: Waiting for the scheduled primary circuit replacement under Contract "A" of the ARP is unadvisable since the notice to proceed for this has been delayed to at least the end of the year, thus delaying construction of the high voltage loop system. The construction period for the circuit work is estimated to be approximately an additional nine months after the notice to proceed is issued.
2. Change Order Work from Contract "A" to Contract "B" of ARP: Although construction could begin as soon as the transfer of work is negotiated, this option still requires a nine-month construction period.
3. Prepare Formal Bid for Temporary Replacement Work: The normal timing for advertising and formally bidding the temporary circuit replacement work would add approximately four months of generator rental cost (\$140,000) and more time for operating in this undesirable state.
4. Dispense with Formal Competitive Bidding Procedures for the Temporary Replacement Work: Most expedient manner due to no formal advertising, no execution of a new agreement, and only minor modifications to a contract.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20167

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAY - 2 2000

DATE

To complete the cable installation on a fast-track basis, staff recommends that informal competitive bids be solicited from electrical contractors that currently have contracts with the Port, and that a change order be issued to the lowest bidder for installation of the temporary cable. Installation of the high voltage cable is estimated to cost \$100,000. The estimated cost for renting standby generators is \$35,000 per month. The change order provides for up to three months of rental for a total rental cost of \$105,000. The total estimated maximum cost for the change order is \$205,000. In order to expedite the replacement of the circuit, staff will conduct a search for a cable manufacturer that has 16,000 feet of the specially insulated cable on-hand, thus eliminating a lengthy production period. A purchase order will be issued for procurement. The estimated cost for the cable is \$50,000.

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15301, Class 1 (a, b, d, and f); and, Section 15302 Replacement or Reconstruction, Class 2 (c).

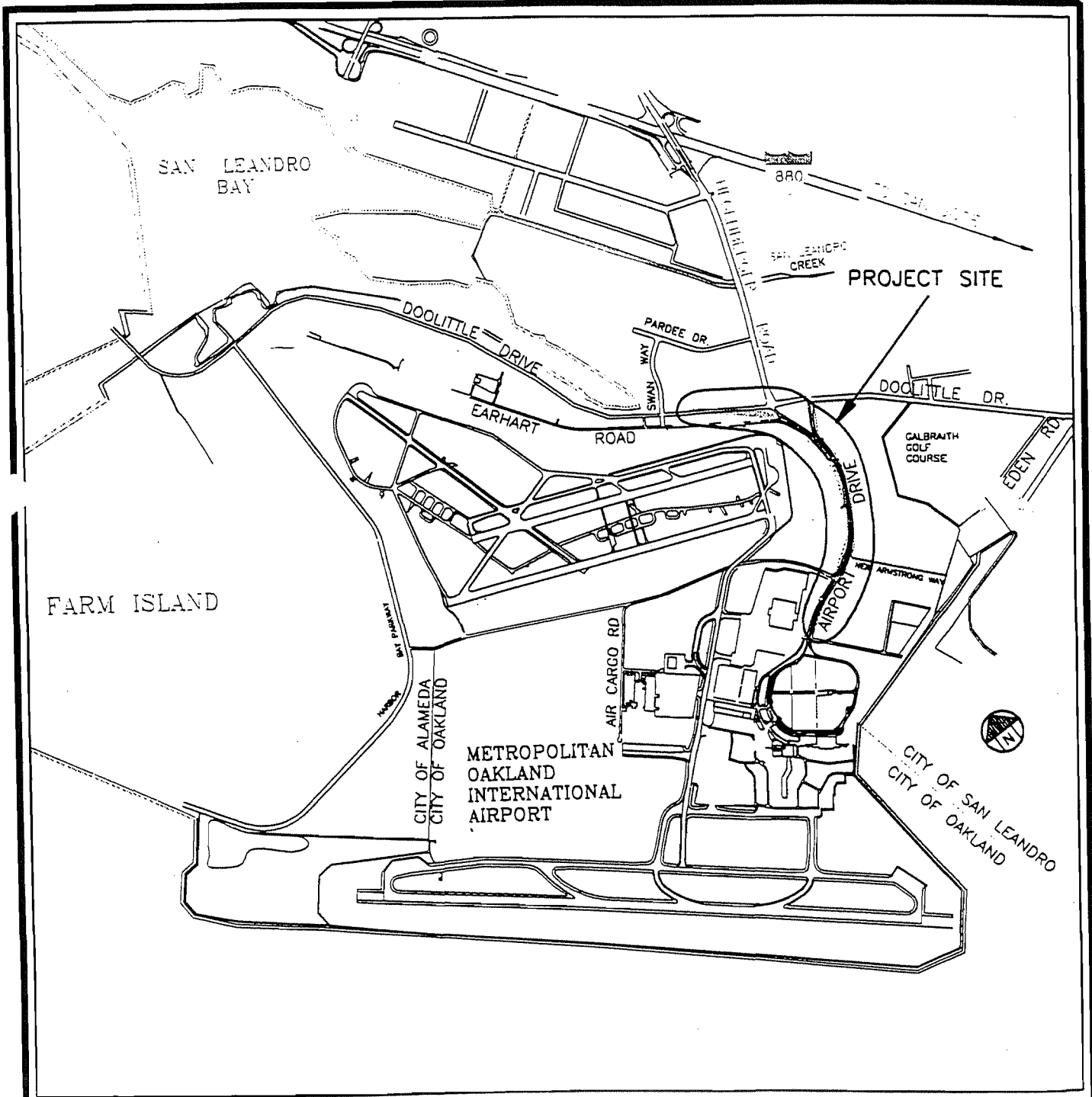
It has been determined that this project conforms to the City of Oakland General Plan as a continuation of aviation-related use in the Oakland International Airport.

The work will be budgeted in CIP Element No. A2.00752.01. The funding source is Port cash, subject to future reimbursement by Passenger Facility Charges (PFC).

The work to be performed under the change order will be covered by the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA). The MAPLA will not apply to the original contract work.

RECOMMENDATION:

It is recommended that the Board find it to be in the best interests of the Port to dispense with competitive bidding for the subject project. It is also recommended that the Board authorize the negotiation and execution of a contract change order with the lowest proposing contractor currently under contract with the Port to perform the high voltage power system repair work.



PORT OF OAKLAND

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 2

SUBJECT: Authorization to Dispense with Competitive Bidding and Execute a Change Order for Reconstruction of Damaged Apron Pavement South of Buildings L-812 and L-210, North Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Building L-812 Apron:

The concrete apron south of Building L-812 was originally constructed over 50 years ago. This portion of the North Field apron is scheduled for reconstruction approximately five years from now as part of the North Field pavement improvement program. However, a recent agreement with the United States Postal Service (USPS) will relocate the DNet (Daytime Network mail operations) from San Francisco to Oakland on July 2, 2000. The new operation will require this project to be accelerated because the concrete pavement at the proposed operational site is approximately eight inches thick, has outlived its useful life, and is in need of reconstruction. In addition, the new operation will increase the usage and utilize larger aircraft than the original intended pavement use.

The USPS currently has operations consisting of the Oakland share of the WNet (Western Network mail operations). Oakland was previously the hub for the entire WNet. In 1999, the USPS distributed the WNet to other airports, as Oakland could not provide the needed facilities. Oakland has since attempted to recapture some of the loss and has been successful in securing the DNET operation. This operation consists of 6 weekly flights utilizing L-1011 aircraft. The operation provides great benefit to the community in the way of jobs and residual income generation, and provides almost \$200,000 of additional annual revenue to the Airport.

Building L-210 Apron:

The pavement immediately south of and adjacent to Building L-210 is also in need of immediate reconstruction. This pavement was originally constructed many years ago for storage of miscellaneous parts, equipment, and lightweight vehicles. Recently, there was a change in operations to use this area to park fuel trucks. The existing pavement, which is approximately 2 inches of asphalt concrete over base rock, deteriorated quickly under this operation to the extent that this area is currently unusable by the tenant, Ameriflight.

ANALYSIS:

Building L-812 Apron:

Approximately 14,400 square feet of pavement in this area will require reconstruction and upgrade to meet future operational needs. To meet the starting schedule of the USPS operation, it is critical that this portion of the apron be reconstructed immediately. If the Airport cannot provide the needed facilities, there could be a significant negative effect on the Airport's ability to recapture lost operations or attract new USPS operations.

Building L-210 Apron:

Ameriflight has requested the Port to expedite a pavement reconstruction project so they may resume their use of this area. As a result, approximately 12,000 square feet of pavement will require reconstruction and upgrade to portland cement concrete pavement to meet current operational needs.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20168

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

MAY - 2 2000

DATE

s 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 15301, Class 1 (a, c and d); and, Section 15302 Replacement or Reconstruction, Class 2 (b and c).

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

The Capital Budget for Fiscal Year 2000 provides for this work under CIP No. A1.00626.09 for the Building L-812 apron repairs and under CIP No. A1.00626.11 for the Building L-210 apron repairs. The funding source is Port cash.

The work to be performed under the change order will be covered by the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA). The MAPLA will not apply to any other work of the contract to be changed unless it was executed with the MAPLA provisions included.

OPTIONS:

There were two options to consider in light of the urgency of the situation:

Option 1: Use the annual grading and paving contractor to construct these projects. Work could begin immediately; however, the annual contract will expire on May 31, 2000, and it is estimated that the contract will not be in effect long enough to complete these projects. Also, the L-812 pavement reconstruction project is larger than the intended use of the annual contract, and using the annual contract does not promote increased competitive bids for such a project.

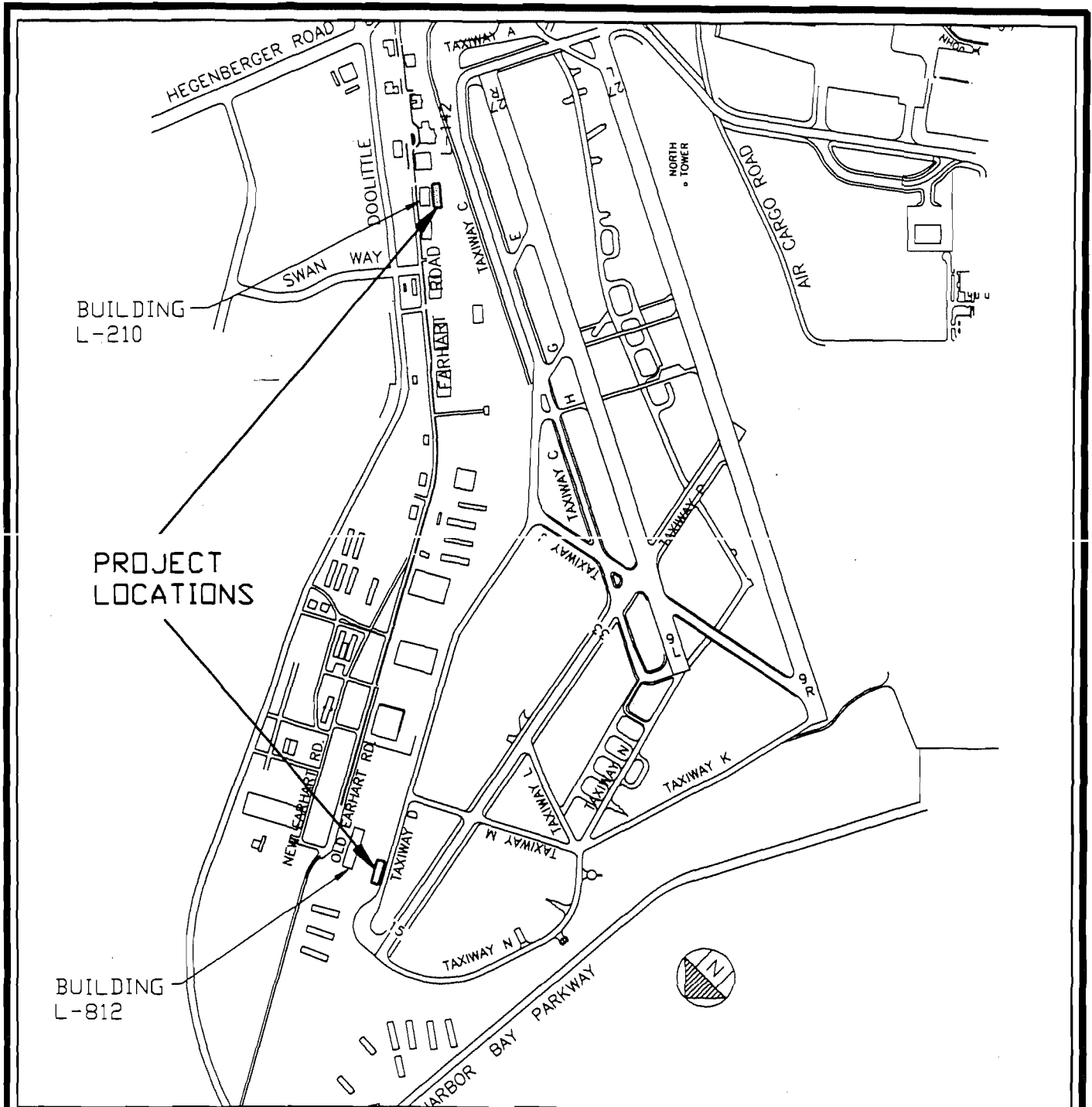
Option 2: Dispense with competitive bidding and solicit change order proposals for each project from grading and paving contractors currently under contract with the Port. The advantages are that this option promotes increased competition and will save time since the contractor is already under contract with the Port.

It is believed to be in the best interests of the Port to dispense with competitive bidding and solicit proposals to perform the work on each project from grading and paving contractors currently under contract with the Port. Upon receipt of the proposals for each project, it is recommended that the Port negotiate and execute a change order with the contractor(s) with the lowest cost proposals.

Because of the urgency of the situation, the design of improvements and purchase of long lead-time materials are already underway. It is estimated that the construction cost will be approximately \$500,000 for the L-812 pavement reconstruction and \$150,000 for the L-210 pavement reconstruction.

RECOMMENDATION:

It is recommended that the Board find it to be in the best interests of the Port to dispense with competitive bidding for the subject projects. It is also recommended that the Board authorize the negotiation and execution of a contract change order with the lowest proposing contractor for each project currently under contract with the Port to perform the reconstruction work.



PORT OF OAKLAND

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 50

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property located at Hegenberger and Pardee Roads

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has received an offer from Vijay Patel to purchase an approximately 2.6 acre site with dual frontage on Hegenberger and Pardee Streets located adjacent to the Hilton hotel.

Mr. Patel will be proposing the development of a 125-room Wingate Inn. The Wingate product represents an upper midmarket hotel, which is technology driven and targeted to the business traveler. The guest room is larger than average with separate work and sleep areas, and access to a 24-hour self-serve business center.

ECONOMIC TERMS:

- Price: \$15.25 per square foot
\$1,700,000
- Deposit: \$100,000
- Due Diligence: 60 days
- Buyer's Obligations: Marketing and feasibility report
Executed agreement with Wingate Hotels for a Wingate Inn
Evidence of financial capability
Design development plans
Review of applicable ordinances
- Closing Date: 45 days after the 60-day due diligence period
- Commission: A commission of 6% payable to Coldwell Banker Commercial

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to construction and/or operation of the hotel. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Approved by Ordinance
passed to print**

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Subject: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property located at Hegenberger and Pardee Roads

This matter has been discussed at a number of Commercial Real Estate Committee meetings.

OPTIONS:

1. Do not sell.
2. Put the parcel on the open market

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Vijay Patel for the purchase of the Hegenberger Road parcel at a price of \$15.25 per square foot.

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 21

SUBJECT: Authorization to Execute an Agreement with the Smithsonian Environmental Research Center to Design and Implement a Ballast Water Research Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Last fall, the San Francisco District Corps of Engineers issued a permit to the Port for development of Berths 55-58. One of the special conditions of that permit was a requirement that the Port enter into an agreement with the National Marine Fisheries Service (NMFS) regarding an investigation into the potential impacts of ballast water discharge from containerships on threatened/ endangered species. The Port Executive Director sent a Letter of Commitment to the NMFS in November committing to provide up to \$200,000 to fund research into the issues of interest to the NMFS. In March, the Executive Director followed up with a more specific letter to NMFS recommending that the Smithsonian Environmental Research Center (SERC) design the research program. If the study design is acceptable to the Port and the NMFS, the Port would execute an option for SERC to implement the research program.

The field of aquatic invasion biology is very new. There is a very limited number of institutions that have the expertise and experience to design and implement research in this area that will be acceptable to the regulatory agencies. The SERC is a part of the National Smithsonian Institution based in Edgewater, Maryland, that advances stewardship of the biosphere through interdisciplinary research and educational outreach. Under the National Invasive Species Act of 1996 the SERC has developed a clearinghouse for the synthesis, analysis, and interpretation of national data concerning ballast water management and ballast-mediated invasions of exotic species. The SERC is one of the leading institutions for ballast water research in the world, and has experience sampling and analyzing ballast water from over 400 commercial vessels. Their resources and expertise will ensure that the work performed for Oakland will be of high quality, well integrated with other on-going research efforts, available to the research community, and acceptable to the NMFS. The Port's Office of Equal Opportunity has concurred with this selection.

We request authorization to enter into an Agreement with SERC to design a ballast water sampling and analysis program for containerships calling at Oakland. If the design of the program is acceptable to the Port and the NMFS, the Port would execute an option for SERC to implement the program. Staff will explore opportunities to incorporate local firms into implementation of elements of the research program. The total compensation for both design and implementation of the program is not to exceed \$200,000. We also request that up to \$30,000 of contingency funding be made available, if necessary, to be approved by the Executive Director. The funding source is port cash. The task is budgeted under CIP Element M6.00546.06.

Description	Amount
Proposed Total Maximum Compensation	\$ 200,000
Contingency Funds that may be approved by the Executive Director	\$ 30,000
Proposed Total Maximum Possible Compensation	\$ 230,000

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20174

BOARD ACTION TAKEN

Assistant

[Signature]
 SECRETARY OF THE BOARD

MAY - 2 2000

DATE

RECOMMENDATION:

It is recommended that the Board:

1. Authorize the preparation and execution of an agreement with the Smithsonian Environmental Research Center as described above; and
2. Authorize the Executive Director to approve up to \$30,000 in contingency funding.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 23

SUBJECT: Approve Change Order for: Construction of Container Wharf, Dike, Fill and Container Yard, Phase 1A, at Berths 55/56, Inner Harbor Channel

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Port has a contract with Port Oakland Constructors, a Joint Venture, for the CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA, which became effective October 25, 1999, at lump sum and unit prices totaling \$57,063,086.

ANALYSIS:

When the project was awarded, the United States Army Corps of Engineers (Corps) Permit had not been issued but was anticipated prior to the Notice to Proceed. In order to expedite the contract work not covered by the Permit, the Notice to Proceed was issued to the Contractor on October 25, 1999, ahead of the issuance of the Corps Permit.

The Contractor could begin the landside portions of the work, but could not start over-water work items such as pier demolition, rock fill placement and dredging without the Corps Permit. The Contractor mobilized much of its equipment and labor for the waterside work, but could not begin this work until December 6, 1999, when the Port received the Corps Permit.

After an audit of the Contractor's claimed costs and negotiations between the Contractor and the Port, it was agreed that: 1) the delay to the critical path of the schedule was 28 calendar days; 2) the daily rate of job-site overhead was \$9,037, and 3) the costs of idled equipment and labor was \$275,189. At this time, the Port and the Contractor have not agreed on when the Contractor will be paid for the extended job-site overhead.

BUDGET:

The budget for this project has sufficient funds to cover the cost of this change order. The work is budgeted under CIP No. M6.00599.01, Budget/Award Variance Vision 2000. The funding source is Port bonds.

RECOMMENDATION:

It is recommended that the Board approve a change order for an amount not to exceed \$275,189.00 to Port of Oakland Constructors, a Joint Venture, for idled equipment and labor as a result of the Corps Permit not having been issued and approve a second change order of approximately \$254,000 for related extend job-site overhead upon agreement between the Port and the Contractor.

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- MOTION
RESOLUTION
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INFORMATION ONLY

Approved by Resolution No. 20175

BOARD ACTION TAKEN

Assistant

Signature of Secretary

SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

Amendment of FY1999-2000 staffing plan

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

SUBMITTED BY: Robert C. Martinez 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

FACTUAL BACKGROUND:

I. AMENDMENT OF FY 1999-2000 STAFFING PLAN—Ordinance (2 Readings)

A) It is requested that the Board approve the conversion of six clerical CIP positions (three Intermediate Typist Clerk positions, one Intermediate Stenographer Clerk position, one Senior Typist Clerk position, and one Senior Account Clerk position) in the Engineering Division to six permanent FTE positions under the operating budget. This action is requested because the CIP needs longer time for clerical support than one year as allowed in Civil Service Rules. It is anticipated that during the period of time required for the clerical support of the CIP, we may be able to absorb most of these positions through attrition. It would be in the best interest of labor relations of the Port to make these appointments permanent. It is also requested that the Board authorize and delegate the Executive Director the power to appoint candidates to these positions.

JRRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 5/499	AS OF 4/18/00	AS OF 5/2/00
Full-Time Employees	612.00 FTE	559.00 FTE	555.00 FTE	556.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators		3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)	11.00 FTE*	8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	572.40 FTE	568.40 FTE	569.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** One new appointment resulted in count increase.

Approved on Motion of



which was seconded and passed unanimously.

- MOTION
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BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAY - 2 2000

DATE

TEMPORARY AGENCY WORKER COUNT AS OF 4/6/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	11	9	1	7	0	0	28
* CIP	1	0	12	4	0	0	17
LEAVE BACKFILL (NON MEDICAL)	0	2	0	0	0	0	2
MEDICAL BACKFILL	1	1	0	0	0	0	2
* SPECIAL PROJECT	3	2	0	9	2	0	16
WORKER'SMP BACKFILL	0	2	0	0	0	0	2
TOTALS	16	16	13	20	2	0	67

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	2/4/00	2/23/00	3/23/00	4/6/00
BACKFILL	27	27	30	26	28
* CIP	18	17	18	17	17
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	1	0	1	2
MEDICAL BACKFILL	4	9	8	4	2
* SPECIAL PROJECTS	11	14	14	14	16
WORKER'S COMP BACKFILL	3	2	2	2	2
TOTALS	63	70	72	64	67

COUNT SUMMARY

CURRENT FTE COUNT	569.40
CURRENT TEMPORARY AGENCY BACKFILLS	28.00
VACANT POSITIONS	<u>18.00</u>
TOTAL	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding amendment of FY 1999-2000 staffing plan.

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 32

SUBJECT: Approval of Agreement with Ms. Co Chu to provide Contract Programming Services for Enhancing the CIP Budgeting and Expense Monitoring System

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert Martinez 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

In 1982, the Port engaged a consultant to assist the MIS staff to design a comprehensive, custom written computer system to help the Engineering and Finance staff manage all financial aspects of the Capital Improvement Program (CIP). The staff implemented the system shortly afterwards, and the system has become an essential tool for planning the various CIP expansion programs throughout the Port.

This system provides a means for classifying project costs into predefined categories. Cost classification is very important since there are restrictions in grants and bond agreements as to the types of expenditures for which Port funds may be applied. The current system was setup with a fixed number of cost categories per project, and it was thought that this would be sufficient. Since the early 1990's, it has become apparent that additional cost categories are required to accommodate increasing cost analysis complexities, and to maintain functional flexibility for Finance and Engineering staff. While new features can and will be designed into any future replacement system, interim measures to specify a higher fixed number of cost categories are needed now due to the introduction of the Port's Owner Controlled Insurance Program (OCIP).

Modifying the current system to accomplish this is not a complex task, but it is lengthy since more than 80 programs must be changed to allow users to enter, report, and summarize the additional cost categories. The MIS programming staff is unable to provide all the resources needed to make these changes because they are currently occupied with completing the implementation of the new financial systems, maintaining the Port's payroll and other system, and other related activities. Therefore, it is necessary to secure additional programming help to implement these modifications.

Ms. Co Chu is an HP3000 contract programmer who has recently become available to the Port due to completion of her work for other clients. She is ideally suited for this task because she previously worked on similar Port HP3000 application as a temporary staff supplied by an agency. She currently works as a sole proprietor, charges \$35 per hour for her services, and is an Oakland resident.

The costs of this contract will be funded through reallocations of the Finance Department's current fiscal year budget.

RECOMMENDATION:

It is recommended the Board authorized the Executive Director to negotiate a consulting agreement with Ms. Co Chu for an amount not to exceed \$30,000, and to authorize the Executive Director to increase the agreement by an amount not to exceed \$10,000, if necessary.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20178

BOARD ACTION TAKEN Assistant


SECRETARY OF THE BOARD

MAY - 2 2000
DATE

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 33

SUBJECT: Authorization to Dispense with Competitive Bidding for Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Specifications have been prepared for **Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003, Oakland, California.** The work of this annual Contract consists, in general, of on-call grading; construction, rehabilitation and repair of pavements; and miscellaneous general contract work at various Port of Oakland facilities for the period indicated.

Currently, the Port is under contract with a paving Contractor on an annual term contract. This contract will end on May 31, 2000, without any option for further renewal.

ANALYSIS:

It is believed to be in the best interests of the Port to execute contracts with two contractors, thus assuring contractor availability during urgent or emergency situations. The preference would be to execute one of the two contracts with a small local contractor, as defined by the Port's Small/Local Business Utilization Policy (Policy), if a reasonable bid is received from such a contractor. This would allow a small local paving contractor to gain valuable experience in public sector work. It is also believed that to insure small local business participation in this work, it will be necessary to remove this project from the formal bidding procedure, and, in addition to formal advertising, engage in an outreach program by soliciting bids from small local paving contractors. If no such bid is received, contracts will be executed with the two lowest responsible bidders. The budget for the work is estimated at \$800,000 per year.

The specifications for these new contracts include a provision allowing the Port to renew each Contract in one-year increments through June 30, 2003. Renewal of a Contract shall only occur if agreed to in writing by both the Executive Director of the Port and the Contractor. Should the Contract be renewed, all provisions of the specifications shall apply and the markup percentages shall be as on the Bid Sheet.

The expense budget for Fiscal Year 2000 provides for this work. This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA guidelines pursuant to CEQA 15301, Class 1 (a,c,d and f) maintenance, involving no expansion of use beyond that previously existing.

This project is covered by the provisions of the Maritime and Aviation Project Labor Agreement (MAPLA), however, if a small local contractor submits a successful reasonable bid, then that contractor will be exempt from the MAPLA.

RECOMMENDATION:

It is recommended that it be found to be in the best interests of the Port to dispense with competitive bidding and authorize the Executive Director to execute two contracts for the above work, one being with a small local contractor. It is further recommended that, in the case that no responsible small local contractor is found, the Executive Director be authorized to execute contracts with the two lowest responsible bidders.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20179

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: CLOSED SESSION

DATE: May 2, 2000

ITEM NO: 40

SUBMITTED BY: Christopher C. Marshall

EXECUTIVE OFFICE RECOMMENDATION

CCM

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9:

Port of Oakland v. Pacific Gas & Electric Company, U.S. District Court for The Northern District of California, Oakland Division, Action No. C-97-00894 (SBA).

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Sections 54956.9: 4 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

(a) Property: Selected Locations
 Jack London Square
 Oakland, CA 94607

Negotiating Parties: Port and LCOR
 Under Negotiation: Price and Terms of Payment

(b) Property: Oakland Army Base
 (Headquarters: 100 Alaska Street
 Oakland, CA 94626-5000)

Negotiating Parties: Port and City of Oakland
 Under Negotiation: Price and Terms of Payment

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20182

BOARD ACTION TAKEN

Assistant

Sharon Kuppelmeier

SECRETARY OF THE BOARD

MAY - 2 2000

DATE

SUMMARY AGENDA OF BOARD CALENDAR
May 2, 2000

AIRPORT

- 4S Approval of Plans and Specifications for Construction of Utility Infrastructure to Support Dollar Rent A Car and Rental Car Relocation Projects, North Airport, OIA. (Resolution)
- Recommends their approval and authority to advertise for bids for the utility work in support of the rental car relocation program.
- 5S Approval of License and Concession Agreement with Kitty Hawk Aircargo, Inc. (7683 Earhart Road, North Airport). (Resolution)
- Recommends approval of the agreement to cover their space on the North Airport.
- 6S Disposal of Surplus Vehicles. (Resolution)
- Recommends a finding of surplus for the old vehicles and notes that they will be given to the Chabot Science Center.
- 7S Ratify Addendum and Award of Contract for Reconstruction of Apron Southeast of Building L-820, North Airport, OIA. (Resolution)
- Notifies of the bids received and recommends award of the contract to the low bidder.

COMMERCIAL REAL ESTATE

- 12S Approval of Memorandum of Understanding to Administer Grant Funds Awarded to the Port for the Repair and Restoration of the Hull of the Lightship Relief. (Resolution)
- Recommends approval of the MOU which provides for the Port to administer certain grants in connection with the Lightship Relief.

MARITIME

24S Substitution of Scales Subcontractor for
"Construction of Container Yard Phase 1B at Berths
55/56, Inner Harbor Channels." (Resolution)

Notifies that the listed subcontractor for the
scales did not execute a contract for the work and
recommends the appropriate substitution for the
installation of the scales.

25S Approval of Plans and Specifications, Rigging and
Repair for 2000 Structural Inspection of KSEC
Cranes X409, X410, and X417 at Berth 24, Outer
Harbor, and at Berth 68, Howard Terminal.
(Resolution)

Recommends their approval and authority to
advertise for bids for the inspection and repair
of the cranes.

26S This number not used

OPERATIONS

34S Approval of a Second Supplemental Agreement with
Amistad Associates to Provide Diversity Training
to Staff in Engineering/Harbor Facilities.
(Resolution)

Recommends approval to extend the agreement to
provide training for the Aviation Division.

Summary Agenda of Board Calendar

May 2, 2000

Page 3

ORDINANCES:

Port Ordinance No. 3575 being, "AN ORDINANCE ESTABLISHING A PASSENGER FACILITY CHARGE AND AMENDING SECTION 28 TO PORT ORDINANCE NO. 1149 RELATING TO CHARGES FOR USE OF FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH."

Provides for approval to extend the PFC program to cover \$38,409,000.00 on Airport projects.

Port Ordinance No. 3576 being, "AN ORDINANCE RESCINDING RESOLUTION NO. 20042 AND AMENDING ORDINANCE NO. 3542 WITH RESPECT TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT TAXI PERMIT RENEWALS."

Provides for approval to establish a penalty fee for late taxi cab permit renewals.

Port Ordinance No. 3577 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF SECOND SUPPLEMENTAL AGREEMENT WITH MAERSK PACIFIC, LTD."

Provides for approving a Second Supplemental Agreement with Maersk Pacific, Ltd.

Port Ordinance No. 3578 being, "AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF TERMINAL USE AGREEMENT WITH CHINA SHIPPING AGENCY CO., INC."

Provides for a Terminal Use Agreement with China Shipping Agency Co., Inc.

Agenda Sheet

DATE: April 18, 2000

SUBJECT: APPROVAL TO COLLECT AND SPEND PASSENGER FACILITY CHARGES (PFC'S) RELATED TO THE NINTH PFC APPLICATION AT OAKLAND INTERNATIONAL AIRPORT

ITEM NO: 25

PROGRAM AREA: -

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

DUPLICATE OF PRIOR

CALENDAR MEMO

FACTUAL BACKGROUND:

On March 17, 2000 the Federal Aviation Administration (FAA) in accordance with Section 158.29 of the Federal Aviation Regulations (Title 14 Code of Federal Regulations, Part 158) approved the Ninth Passenger Facility Charge (PFC) application for Oakland International Airport.

The Impose and Use application was approved for collection of \$38,409,000 and approved for the use of \$33,380,000. Inclusive of prior PFC applications and amendments, approved PFC collections now total \$101,115,003.

The PFC charge will continue at its current level of \$3.00 per each enplaned passenger. A carrier handling fee of \$0.08 per collection will remain in effect. Frequent Flyers are exempt from paying the \$3.00 PFC. The \$0.08 handling fee only applies to those PFCs remitted to the Airport. The \$0.08 charge does not apply to refunds to the passengers.

PFCs at the Port are considered a tariff which must be imposed by ordinance. On August 4, 1992 the Board of Port Commissioners adopted Port Ordinance No. 3106, which amended Port Ordinance 1149, and imposed PFCs at the Oakland International Airport in accordance with the Aviation Safety and Capacity Expansion Act of 1990. In the interim, the Board has subsequently amended Port Ordinance No. 1140 for subsequent PFC and FAA approved projects.

The proposed action to establish and collect the PFCs in accordance with the California Environmental Quality Act (CEQA), State and Port guidelines for the implementation of CEQA has been evaluated. This evaluation includes the potential impact of extending the PFC collection program for the new program. Fourteen of the fifteen projects are Categorically Exempt from the requirements of CEQA under the provisions of Section 15301. The remaining project, Airfield Master Plan, is a Statutory Exemption under Section 15262. The collection and Spending of funds under PFC No. 9 is a Statutory Exemption under Section 15273 (a-4).

ANALYSIS:

Staff is recommending the amendment of Ordinance 1149 and collection of additional PFC's for each of the programs listed below. This maximizes the use of this funding source to the benefit of the airport, its passengers, and tenants.

OPTIONS:

Not Applicable

RECOMMENDATION:

It is recommended that the Board amend Port Ordinance No. 1149 to extend the S3 Passenger Facility Charge per enplaned passenger at the Airport for the projects approved by the FAA for PFC funding in PFC Application Nine.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

APR 18 2000

DATE

SUMMARY OF PROJECTS CONTAINED IN PFC APPLICATION NINE

<u>DESCRIPTION</u>	<u>PFC FUNDS</u>
ELECTRONIC KEY SECURITY SYSTEM	150,000
TELECOMMUNICATIONS INFRASTRUCTURE PROGRAM	175,000
IMPROVE TERMINAL 1 SEWER SYSTEM	275,000
TAXIWAY T RECONSTRUCTION	1,600,000
AIRFIELD LIGHTING IMPROVEMENT PROGRAM	9,492,000
AIRFIELD MASTER PLAN	650,000
RUNWAY 11/29 CONDUIT AND LIGHTING PROJECT	7,000,000
PURCHASE NEW ARFF VEHICLE	600,000
EMERGENCY OPERATIONS CENTER IN ARFF	662,000
TAXIWAY C PAVEMENT IMPROVEMENTS	1,600,000
OVERLAY RUNWAY 9L/27R	5,290,000
INSTALL TW EDGE LIGHTS ON N. FIELD (K, L, M, N, P, Q)	5,635,000
INSTALL LIGHTING ON RAMP	251,000
WATER POLLUTION CONTROL FACILITY	529,000
GROUND RUN-UP ENCLOSURE	4,500,000
	<u>38,409,000</u>

Agenda Sheet


SUBJECT: Impose late penalty fees on Airport Taxi-Cab Permit Renewals

DATE: April 3, 2000

ITEM NO: 4S

PROGRAM AREA: -

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

DUPLICATE OF PRIOR CALENDAR MEMO

FACTUAL BACKGROUND

In calendar year 1999, 37 of 92 Airport Taxicab permits were forfeited because a cab company failed to request renewal of their operating permit despite written, certified notification. Port Ordinance No. 3542 requires taxicab permit holders to apply for the renewal of their permit on an annual basis. However, should all Airport authorized permits not be renewed, the remaining permits are forfeited and re-issued via a lottery system in which all qualified permit holders are eligible to participate. On February 1, 2000, the Board passed Resolution No. 20042 directing staff to re-issue 25 of the 37 forfeited permits and to hold a lottery for the remaining 12 vacant permits as soon as practical.

While there are a number of financial penalties for infractions of the rules and regulations as they relate to the operation of the cabs, there is no mention of a financial penalty fee for failing to renew a permit. In reviewing the Taxicab Rules and Regulations, staff believes that the loss of a permit for non-renewal in a timely manner is too severe a penalty for what might simply be a business mistake, and that some other remedy should be incorporated into the Regulations to provide flexibility in dealing with individual situations.

OPTIONS

- 1) Maintain the current lottery system.
- 2) Waive the lottery and automatically reissue all permits.
Establish a penalty fee system.

ANALYSIS

Given the sizable economic impact the forfeiture would have on cab companies and their drivers who are dependent on the permit to make a living, Option 1 appears to be an extreme solution to a simple oversight. Solution 2 contains no incentive to apply annually for permit renewal or to comply with Airport procedures. Staff recommends the revision of the adopted regulations to include a late permit renewal penalty fee, under which a permit holder would have the opportunity to retain its permit by paying a penalty fee. The late renewal penalty fee would be as follows: a) First occurrence, \$500.00 per permit; b) Second occurrence, \$1,000.00 per permit, and c) Third occurrence, permit will be forfeited and re-issued via lottery.

RECOMMENDATION

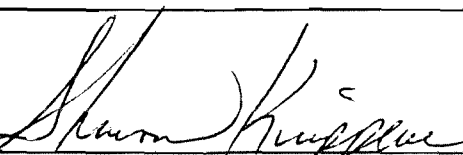
It is recommended that the Board of Port Commissioners (1) rescind Resolution No. 20042, (2) amend Port Ordinance No. 3542 to incorporate the late renewal penalty fee set forth above and to make all other necessary conforming changes, and (3) direct staff to issue all 37 permits to Friendly Cab Company by imposing a first occurrence penalty fee of \$500.00 per permit.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

APR 18 2000

DATE

Agenda Sheet

SUBJECT: Supplemental Agreement with Maersk Pacific at Berth 24
Incorporating the Berth 20-22 Facility Under Combined
Compensation Provisions for Both of the
Assigned Premises

Date: April 18, 2000

Item No. 23

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle *RAB*

**DUPLICATE
OF PRIOR**

EXECUTIVE OFFICE RECOMMENDATION

CALENDAR MEMO

FACTUAL BACKGROUND:

During the latter part of 1999, Maersk which conducts operations at Berth 24, was involved in an \$800 million dollar acquisition of the international operations of Sea-Land Service which for many years conducted operations at the Berths 20-22 terminal. On November 16, 1999, the Board granted its consent to assign Sea-Land's Berths 20-22 Lease and Assignment Agreement to Maersk in accordance with the compensation provisions of the Berths 20-22 Agreement. The Berths 20-22 Lease and Assignment Agreement expired March 31, 2000 but stipulates that it shall continue from year to year except that new compensation levels shall be determined.

ANALYSIS

In order to streamline administration and management of all Maersk premises for all concerned, it is now proposed that the Berth 24 Maersk contract be amended to incorporate the Berth 20-22 premises under a combined Minimum Annual Guarantee ("MAG") and Breakpoint ("BP") for both facilities. The +/- 1 acre area in the Berth 10 vicinity which is presently under a month to month space assignment shall also be included in the assigned premises. Maersk has also indicated it no longer needs Crane X-401 at the Berth 20-22 complex and it shall be eliminated from the Berth 20-22 assignment. It should be noted that the Port is actively trying to sell Crane X-401. The proposed terms and compensation levels negotiated for the combined facilities are as follows:

TERM: The Berth 24 Agreement is scheduled to expire March 31, 2003. The Port will extend this to December 31, 2004 while incorporating the Berth 20-22 premises. Maersk would have an additional 5 year option for both facilities.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Approved by Ordinance
passed to print**

APR 18 2000

BOARD ACTION TAKEN DATE

Assistant SECRETARY OF THE BOARD

USE: When Maersk acquired Sea-Land's international operations from CSX Lines, the domestic shipping operations were retained by CSX and these domestic services are still offered from the Berths 20-22 terminal. CSX Lines' domestic service will be considered a primary user at either Berths 20-22 or Berth 24 up to and including December 31, 2004, unless the terminal services agreement between Maersk and CSX expires sooner. Maersk shall be required to provide a copy of this services agreement with CSX in order to verify the duration of such agreement. At the end of the term, the compensation provisions for both Berth 20-22 and Berth 24 shall be negotiated to cover an additional 5 year option period if it is needed. CSX use of the facilities shall also be reviewed during such option period negotiations.

COMPENSATION: The combined MAG/BP Levels for the Berths 20-22 and Berth 24 Terminals relating back to April 1, 2000 shall be:

From 1 to 242,000 loaded TEUs [MAG/Breakpoint level]	\$57.98 per loaded TEU
Above 242,000 loaded TEUs	\$27.35 per loaded TEU

Maintenance: There shall be no change to the current Berth 20-22 Agreement provisions. All work for Parcel A and the buildings thereon will be fully maintained by Maersk for the term of the Agreement. Crane maintenance at Berth 20-22 for the remaining 3 cranes shall also be Maersk's responsibility.

Recovery of Costs Relating to Crane Modifications: In accordance with the existing Berths 20-22 Agreement, any secondary assignment by the Port of Crane X-403 within the Berth 20-22 complex of said crane entitles the Port to retain all tariff charges, except charges for crane maintenance and power, for such secondary crane use until the cost of the crane transfer system and related modifications are recovered. The remaining amount of the cost of said modifications to be recovered by the Port as of March 31, 2000 is \$218,045.00 and this shall continue to be recovered from secondary use revenues from Crane X-403.

FINANCIAL IMPACT TO THE PORT:

An estimated increase of \$400,000.00 on an annualized basis.

ALTERNATIVES:

None

The proposed modifications to the Berth 24 Agreement with Maersk Pacific is categorically exempt under CEQA and the Port of Oakland's CEQA Guidelines, Section 15301 (p) which provides for execution of license and concession agreements where the premises or licensed activity is leased to the same or another person and involving negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval of the Supplemental Agreement with Maersk Pacific, as outlined above.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: New Terminal Use Agreement ("TUA") with
China Shipping at the Ben E. Nutter Terminal

Date: April 18, 2000

Item No. 25

PROGRAM AREA

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION:

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

FACTUAL BACKGROUND:

Shanghai's state-owned China Shipping (Group) Co. was formed from the spin-off of three divisions of China Ocean Shipping Co. ("COSCO") and is the parent company of China Shipping Container Lines ("China Shipping"). China Shipping's first major deployments into the containerized cargo trades came in late 1997 and early 1998 commencing with its Asia-Australia service. In the trans-Pacific trade, China Shipping has entered into a vessel-sharing agreement with ZIM Israel Navigation Co. ("ZIM"). In Oakland, China Shipping vessels plan to call at the Ben E. Nutter Terminal where terminal services will be provided by Marine Terminals Corporation("MTC").

ANALYSIS

Late last week, maritime staff concluded negotiations with China Shipping for a Terminal Use Agreement (TUA). China Shipping will need more economic incentives at the outset of its new service in order to help generate cargo volumes that will sustain economies of scale. Additionally, cargo controlled by China Shipping may from time to time be loaded to or discharged from ZIM vessels which call at Howard Terminal. Based upon these considerations the Port has proposed the following:

1. Term

The first contract year shall be for a period of thirteen months in order to assist China Shipping's efforts to meet their guarantees, as specified below. Upon 60 days prior written notice to the Port before the end of the first contract year, China Shipping shall also have the option to extend the TUA for an additional two years of twelve months each at the guaranteed minimums and compensation levels delineated below for said years.

BOARD ACTION REQUIRED:

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Ordinance
passed to print

Approved by Resolution
No. 20153

APR 18 2000

BOARD ACTION TAKEN DATE

Mark Kippner

Assistant SECRETARY OF THE BOARD

1. Dockage

First Contract Year

China Shipping shall guarantee the Port a minimum of 42 vessel calls at the Assigned Premises. China Shipping shall pay 80% of the then prevailing Port tariff dockage rates on 42 vessel calls. There shall be no further payments beyond 42 calls.

Second & Third Contract Years

China Shipping shall be subject to a minimum annual guarantee of 48 vessel calls and will continue to pay dockage on the basis of 80% of the Port's prevailing tariff for all vessel calls. There shall no longer be a cap in payments for vessel calls exceeding 42 as in the first contract year.

Any shortfall on the 42 vessel calls in the first contract year or on the 48 vessel call minimum in subsequent contract years shall be paid to the Port at the shortfall times 80% of the then prevailing average tariff dockage rate for China Shipping vessels.

2. Wharfage

China Shipping will be subject to the following Minimum Annual Guarantee ("MAG") volume levels:

First Contract Year	12,000 loaded TEUs
Second Contract Year	17,000 loaded TEUs
Third Contract Year	20,000 loaded TEUs

In lieu of paying the Port's tariff published wharfage rates, China Shipping shall be assessed wharfage for containerized cargo as follows:

First Contract Year

China Shipping will be assessed wharfage on the basis of \$58.00 per loaded TEU (the "Fixed Wharfage Amount"). At the end of the contract year, if the total number of TEUs meets or exceeds 15,000 loaded TEUs during said contract year, then China Shipping shall be eligible for an additional discount of 5% from the \$58.00 rate, as such rate may be adjusted.

Second Contract Year

The Fixed Wharfage Amount shall be assessed on the basis of \$65.00 per loaded TEU. At the end of the contract year, if the total number of TEUs meets or exceeds 17,000 loaded TEUs during said contract year, then China Shipping shall be eligible for an additional discount of 10% from the \$65.00 rate, as such rate may be adjusted.

Third Contract Year

The Fixed Wharfage Amount shall be assessed on the basis of \$70.00 per loaded TEU.

China Shipping will be eligible for an additional wharfage discount from the above \$70.00 rate, as such rate is adjusted, based upon the following volume levels:

<u>Contract Year Volume</u>	<u>Additional Discount</u>
22,500 - 29,999 loaded TEUs	10%
30,000 - 34,999 loaded TEUs	15%
35,000 or more loaded TEUs	20%

All of the above rates will be increased at the same time and by the same percentage the Port tariff wharfage rates are increased.

ZIM has provided written concurrence so that the Port will assess China Shipping cargo handled to or from ZIM vessels in accordance with the compensation provisions of the proposed China Shipping/Port TUA.

Non-containerized cargo shall be initially assessed 80% of the then prevailing Port tariff rates for non-containerized cargo. Each 22 revenue tons of non-containerized cargo shall be count as one loaded TEU for purposes of computing the additional year-end discount.

3. IPI Incentive

If China Shipping's Interior Point Intermodal Throughput Service ("IPI") cargo at the Ben E. Nutter Terminal equals or exceeds 4,000 loaded TEUs in a contract year then China Shipping shall be refunded \$5.00 per loaded TEU of IPI cargo, including all such TEUs in that contract year.

FINANCIAL IMPACT TO THE PORT:

Based upon the first year MAG of 12,000 loaded TEUs, \$761,000.00 dollars in new annual revenue from dockage and wharfage is anticipated.

ALTERNATIVES:

None. China Shipping has elected Oakland over other Bay Area facilities due to better rail connections, proximity to customers and overall service levels available to make their new service successful.

The proposed TUA with China shipping is categorically exempt under CEQA and the Port of Oakland's CEQA Guidelines, Section 15301 (p) which provides for execution of license and concession agreements where the premises or licensed activity is leased to the same or another person and involving negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval of the Terminal Use Agreement with China Shipping as outlined above as well as a resolution to modify the ZIM Agreement with the Port so that China Shipping cargo handled to or from ZIM vessels shall be assessed in accordance with the compensation provisions of the proposed China Shipping/Port TUA.

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 4S

SUBJECT: Approval of Plans and Specifications for Construction of Utility Infrastructure to Support Dollar Rent A Car and Rental Car Relocation Projects, North Field, OIA

PROGRAM AREA:

- Airport Operations C. I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Plans and specifications have been prepared for **CONSTRUCTION OF UTILITY INFRASTRUCTURE TO SUPPORT DOLLAR RENT A CAR AND RENTAL CAR RELOCATION PROJECTS, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT**, and are submitted for approval and authorization to advertise for bids.

The scope of work consists of design and construction of potable water, firewater, electric, gas, control, telecommunication and sanitary sewer infrastructure to support Dollar Rent A Car and Rental Car Relocation projects.

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is part of "Project B.5 Replacement Rental Car Service Facilities" in the EIR. The EIR evaluates the impacts associated with this project and provides mitigation measures to be implemented with this project. The EIR and the Supplement were certified on 2/16/97 and 6/22/99, respectively, by the Board of Port Commissioners. The ADP was approved at the same time. The Port filed a Notice Of Determination (NOD) on 9/8/98 to demolish buildings that had occupied the site and to perform site preparation for the future rental car facilities. The current work falls within the scope of site preparation work. No Subsequent or Supplemental EIR is required with respect to this project component of the ADP because none of the triggering events set forth in section 15162 of the California Environmental Quality Act (CEQA) Guidelines has occurred.

It has been determined that this project conforms to the City of Oakland General Plan as a continuation of aviation-related use in the Oakland International Airport.

The CIP item No. A1.00816.01 provides for this work. The funding source for this project is Port Cash.

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that the plans and specifications be approved and authorization be granted to advertise for bids to be received on June 19, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20169

BOARD ACTION TAKEN

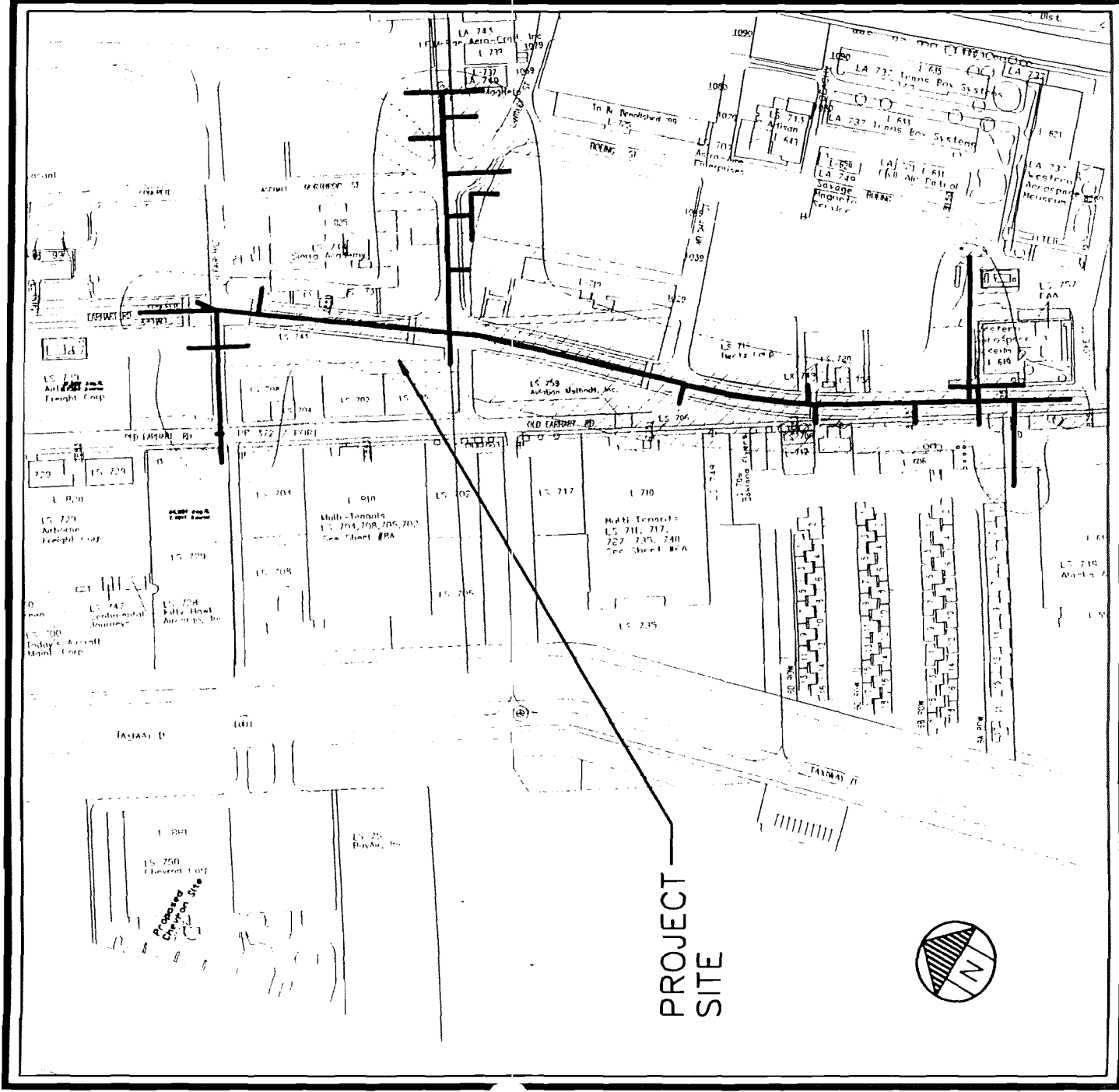
Assistant

[Signature]
SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Approval of Plans and Specifications for Construction of
Utility Infrastructure to support Dollar Rent A Car and Rental
Car Relocation Projects,
North Field, OIA



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with
Kitty Hawk Aircargo, Inc. (7683 Earhart Road, North Airport)

DATE: May 2, 2000

ITEM NO: 5S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *SG*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Kitty Hawk Aircargo, Inc. (Kitty Hawk) is currently under an Agreement to Extend Right-of-Entry and Indemnity Agreement (Extension Agreement) which provides for continued occupancy of approximately 1,275sf of office space in Building L-820 (Hangar 9) for use in support of its air cargo operations on the North Airport. The Extension Agreement is effective November 15, 1999; rent is \$957.20 per month. Kitty Hawk did not send the Port a signed License and Concession Agreement until April 10, 2000.

ANALYSIS:

The proposed one-year License and Concession Agreement would provide for Kitty Hawk's occupancy of the same premises commencing October 1, 1999 (time of initial occupancy) and ending September 30, 2000. Monthly rent would remain the same. Receipt of the executed document, by the Port, was delayed due to the request by Kitty Hawk's legal counsel for additional time in which to discuss and concur on the language of the License and Concession Agreement with the Port Attorney's Office

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with Kitty Hawk Aircargo, Inc.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20170

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Disposal of Surplus Vehicles

DATE: April 13, 2000

ITEM NO: 6S

SUBMITTED BY: Steven J. Grossman 

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

In accordance with Port Ordinance 1606, staff has determined that the nine (9) CNG (Compressed Natural Gas) buses listed below have outlived their usefulness to the Port as they are beyond repair and, therefore, have no economic value.

<u>Bus #</u>	<u>Vin #</u>
112	16BKP37NXS3327907
113	16BKP37N7S3323152
114	16BKP37N6S3324325
115	16BKP37N4S3324467
116	16BKP37N8S3324388
117	16BKP37N8S3324505
118	16BKP37N0S3324465
119	16BKP37N5S3328270
120	16BKP37N4S3328454

The Port's Executive Office has identified the Chabot Space and Science Center to receive these vehicles in support of the Port's community outreach and participation. It is, therefore, in the best interest of the Port to donate these buses to the Center (a non-profit organization) rather than disposal of or sell for scrap.

RECOMMENDATION:


It is recommended that the Board declare the nine (9) CNG busses as surplus and authorize the Executive Director to dispose of these vehicles through donation as noted above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20171

BOARD ACTION TAKEN


 Assistant SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Agenda Sheet

SUBJECT: Ratify Addendum and Award of Contract for Reconstruction of Apron Southeast of Building L-820, North Field, OIA

DATE: May 2, 2000

ITEM NO: 7S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *J*

FACTUAL BACKGROUND:

Five (5) bids were received and opened on April 5, 2000, for **Reconstruction of Apron Southeast of Building L-820, North Field, Oakland International Airport, Oakland, California.**

The following bids were received:

BIDDERS	LOCATION	DBE*	TOTAL BID PRICE
Gallagher & Burk, Inc.	Oakland, CA		\$2,277,885.00
O.C. Jones & Sons, Inc.	Berkeley, CA		\$2,473,570.00
Cone Engineering Contractors	San Ramon, CA		\$2,538,650.00
Ogiso Environmental	Oakland, CA	X	\$2,972,940.03
Ghilotti Brothers Construction, Inc.	San Rafael, CA		\$2,993,098.00**
			\$3,122,968.00

* DBE=Disadvantaged Business Enterprise certified by Caltrans

** Total corrected in accordance with paragraph 21.c of Document 00200, Instructions to Bidders.

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

Three addenda were issued during the bid period. The Addenda extended the bid due date, added Document 00823, (Project Labor Agreement) and Document 00630, (Letter of Assent), to the Project Manual, and added physical work of the contract geofabric specification data.

The scope of work consists of two parts. Part One is the apron reconstruction work, and Part Two is utility upgrades. Part One of the work is budgeted under CIP Item No. A1.00626.02. The funding sources are funds from FAA Airport Improvement Program (AIP) No. 3-06-0170-21 and Passenger Facility Charges (PFCs). Part Two of the work is budgeted under CIP A1.00485.01 and is funded by Port cash. The location of the work is shown on the attached map.

ANALYSIS:

The funding for this project includes Federal funds; therefore, the Federal Disadvantaged Business Enterprise (DBE) regulations apply. The DBE participation goal for this contract is 30% of the Total Bid Price.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20172

BOARD ACTION TAKEN Assistant

Sharon Kuyper
SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Gallagher & Burk, Inc. listed nine (9) subcontractors and one (1) trucking company. The remainder of the work will be done by Gallagher & Burk, Inc. Gallagher & Burk, Inc.'s DBE participation is 59.15% of their Total Bid Price. Below is a breakdown of the subcontracting work and the portion of work each firm will perform.

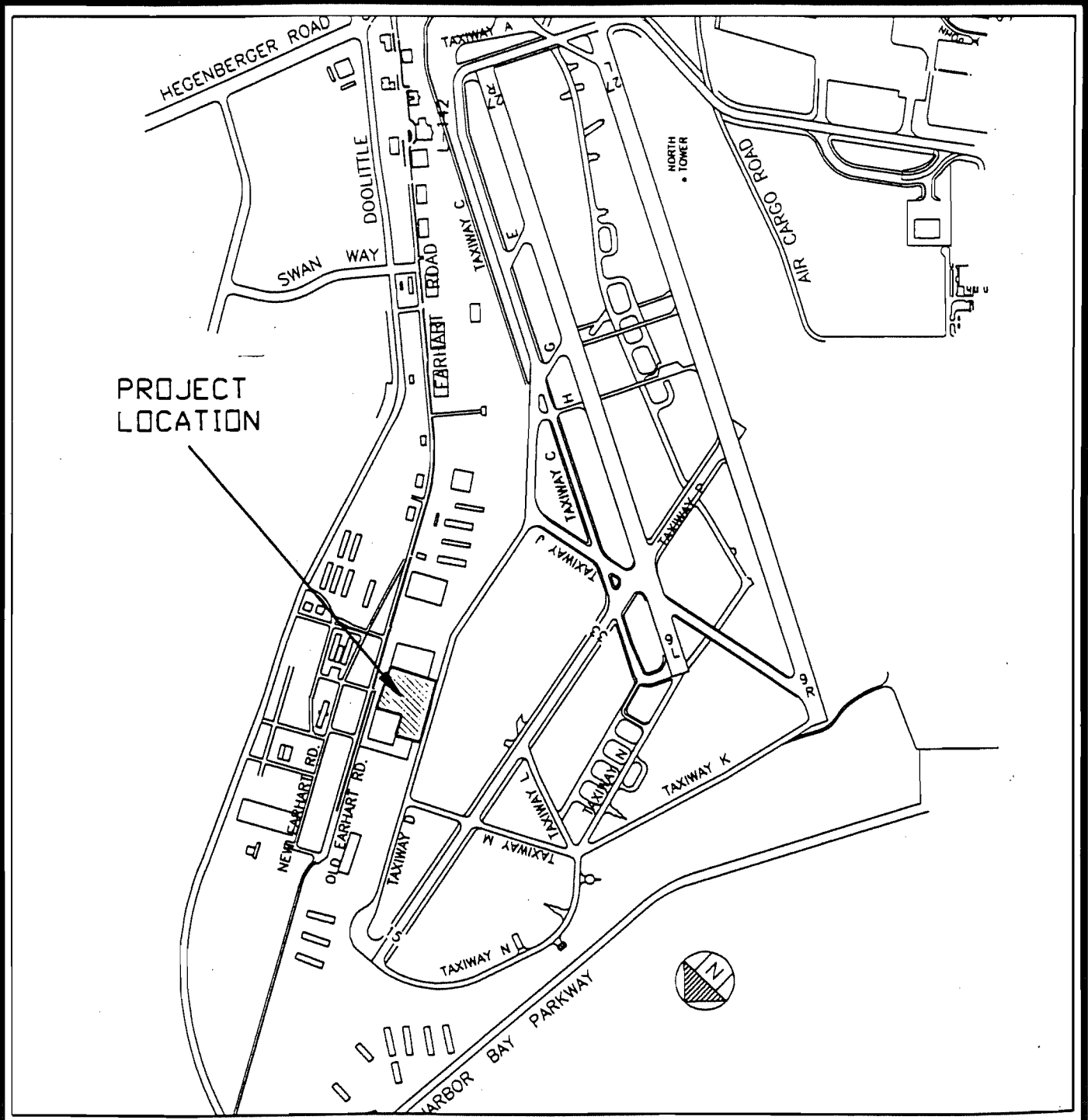
SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	DBE	“\$” AND “%” OF EACH SUBCONTRACTOR’S BID TO PRIME CONTRACTOR
Western Stabilization (Grinding)	Dixon, CA		\$13,855 / 0.61%
Spirit Road Oils (Geofabric)	San Jose, CA	X	\$9,080 / 0.40%
Golden Bay Fence (Fencing)	San Lorenzo, CA		\$10,532 / 0.46%
Airport Pavement Markings (Painting)	San Mateo, CA	X	\$13,500 / 0.59%
R&W Concrete (Concrete)	South San Francisco, CA	X	\$1,253,050 / 55.01%
St. Francis Electric (Electrical)	Hayward, CA		\$224,250 / 9.84%
V.E.M. General Engineering (PCC Crushing)	Hayward, CA		\$39,500 / 1.73%
TDW Construction (Underground)	Livermore, CA		\$135,720 / 6.00%
Bay Line Construction (Sawcut)	Oakland, CA	X	\$16,900 / 0.74%
Williams Trucking (Trucking)	Oakland, CA	X	\$55,000 / 2.41%

The Port's Office of Equal Opportunity analyzed Gallagher & Burk, Inc.'s bid for compliance with Federal Affirmative Action requirements, and has determined that Gallagher & Burk, Inc. has met the guidelines established.

The FAA has reviewed the Bids and approved the recommendation of Award of Contract to Gallagher & Burk, Inc.

RECOMMENDATION:

It is recommended that Gallagher & Burk, Inc. be found to be a responsible bidder, that Addendum Nos. 1, 2 and 3 be ratified, that the contract for the above project be awarded to Gallagher & Burk, Inc. for the amount of its bid, and that the other bids be rejected and the bid securities returned to the other bidders.



PORT OF OAKLAND

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 12S

SUBJECT: Approval of a Memorandum of Understanding to Administer Grant Funds Awarded to the Port for the Repair and Restoration of the Hull of the Lightship Relief

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION: 

In 1993, the Board of Port Commissioners approved a grant application for Transportation Enhancement Act Funds (TEA) which are federal funds for the berthing of the Lightship Relief as well as a new ADA berthing facility for the former Presidential Yacht Potomac. The amount of grant funds awarded for the berthing project was \$470,820 with a 10% Port match required. Plans and specifications will be developed for the berthing project in the next few months.

In addition, on behalf of the Historic Lightship Relief, the Port applied for \$110,000 in TEA funds for the dry-docking and repair of the hull of the vessel. The San Francisco based, non-profit U.S. Lighthouse Society, operates the Lightship Relief. The U.S. Lighthouse Society operates and restores old lighthouses in the United States. The Lighthouse Society will provide the 10% matching funds. Only a public agency and not a non-profit agency can apply for, accept and administer TEA funds.

Lightships have served a historic role in maritime navigation and commerce in the United States. The Lightship Relief has been moored at the Ninth Avenue Terminal for the past 10 years. The concept is that with the improvements contemplated to the berthing facilities for the Potomac, addition of the Lightship would create a historic boat basin near the fire station at the West End of Jack London Square.

In order to ensure that the funds can be expended for the hull restoration of the Lightship and to properly account for the funds granted to the Port, a Memorandum of Understanding (MOU) must be signed between the Port and the U.S. Lighthouse Society. The MOU will include the work to be performed on the ship, the method of reimbursement to the Lighthouse Society and other issues as required.

Except where the Port must provide minimal staff oversight as required by the TEA grant, no Port funds will be involved in the work on the Lightship Relief.

Recommendation:

It is recommended that the Executive Director execute a MOU between the Port and the U.S. Lighthouse Society covering the administration of the TEA grant funds for the restoration work to the Lightship. The MOU would cover all other State and Federal requirements provided for in the TEA grant in connection with hull restoration work.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20173

BOARD ACTION TAKEN


SECRETARY OF THE BOARD

Assistant

MAY 2 2000

DATE

Agenda Sheet

SUBJECT: Substitution of Scales Subcontractor
for "Construction of Container Yard Phase 1B
at Berths 55/56, Inner Harbor Channel"

DATE: May 2, 2000

ITEM NO: 245

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with O. C. Jones & Sons, Inc., for the **CONSTRUCTION OF CONTAINER YARD PHASE 1B AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA.** O. C. Jones has requested Board approval to substitute its listed scale subcontractor. By letter, dated March 1, 2000, the Contractor notified the Port that its listed subcontractor, ACME Scales Co., will not execute their subcontract with them. A copy of ACME's letter to O. C. Jones is on file with the Port. Under Section 4107 of the California Public Contract Code, this is considered to be a valid basis for substitution of subcontractor.

The Port has given written notice to ACME that O. C. Jones has requested the substitution of their firm. We have spoken to the ACME representative and they have indicated that they have no objection to the substitution of their firm.

O. C. Jones has requested that Fairbanks Scales of Hayward be listed as the new scales subcontractor. ACME was listed as an LBABE (San Leandro), and Fairbanks is also qualified as an LBABE (Hayward). The Port's Office of Equal Opportunity was notified of the above substitution and they have no objection to the substitution.

RECOMMENDATION:

It is recommended that ACME Scales Co., be deleted as the listed subcontractor to perform the scale work, and that Fairbanks Scales be added as the subcontractor to perform said work.

\\brdagndal\SubFairbanks50200

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20176

Assistant
BOARD ACTION TAKEN

[Signature]
SECRETARY OF THE BOARD

MAY - 2 2000
DATE

AK

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 255

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

^{TJ}
 SUBJECT: Approval of Plans and Specifications, Rigging and Repair for 2000 Structural Inspection of KSEC Cranes X409, X410, and X417 at Berth 24, Outer Harbor, and at Berth 68, Howard Terminal

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Plans and specifications have been prepared for **RIGGING AND REPAIR FOR 2000 STRUCTURAL INSPECTION OF KSEC CRANES X409, X410, AND X417 at BERTH 24, OUTER HARBOR, AND AT BERTH 68, HOWARD TERMINAL, OAKLAND, CALIFORNIA**, and are submitted for approval and authorization to advertise for bids.

The work consists, in general, of providing mobile cranes, rigging, and scaffolding required to gain access to test the welded and bolted joints on the container cranes. The work also includes removing paint from welds in preparing for non-destructive testing, replacing defective welds found, and touch-up painting of the tested or repaired areas.

This project has been determined to be categorically exempt from the requirements of California Environmental Quality Act pursuant to the Port's CEQA guidelines.

The cost for inspection of these cranes is included in the Fiscal year 1999-2000 Operating Budget. The funding source is Port cash.

The work to be performed under this contract will be covered by the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA).

RECOMMENDATION:

It is recommended that the plans and specifications be approved and authorization be granted to advertise for bids to be received on May 24, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20177

BOARD ACTION TAKEN

Assistant

[Signature]
 SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Agenda Sheet

S ECT: Approval of a Second Supplemental Agreement with Amistad Associates to Provide Diversity Training to Staff in Engineering/Harbor Facilities

Date: May 2, 2000

Item No. 34S

SUBMITTED BY: Cheryl Perry League
EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

On June 23, 1998, the Board approved a request to negotiate a professional services agreement with Amistad Associates and InPartnership to provide diversity training for the Aviation Division. Amistad was chosen for the program, on the basis of its written proposal and an interview, as the best of all the respondents to the RFP issued at that time. The Aviation Division was pleased with the improvement of employee relationships that this training had effected. Again, in February, 2000, the Board approved a supplemental agreement with Amistad to extend the training to Harbor Facilities staff after an extensive interview conducted by the Manager of Harbor Facilities, the Director of Corporate Administrative Services and staff from the Office of Equal Opportunity, Human Resources and Organizational Development.

In the original process of assessing the needs for training at the airport the Aviation Division realized that the needs were more extensive than originally foreseen, but the process was interrupted in order to accommodate the needs of Harbor Facilities. At this time staff recommends that the Port extend its original plan and provide such a program to all airport staff. Recognizing the excellent service provided by Amistad Associates in their assessment and diversity training program, staff now recommends that Amistad be retained to complete the work begun at the airport in fiscal year 1999.

Their EEO1 Workforce Report/Professional Questionnaire is on file.

RECOMMENDATION:

Staff recommends that a second supplemental agreement be negotiated with Amistad Associates to complete the diversity training for the staff in the Aviation Division. The fee for the service will not exceed \$41,225, which is covered by the Office of Equal Opportunity budget.

Approved by Resolution

No. 20180

MAY - 2 2000

BOARD ACTION TAKEN

DATE

Assistant *[Signature]*
SECRETARY OF THE BOARD

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND

COMMISSIONERS

JOHN LOH
President

KATHY NEAL
First Vice President

DAVID KRAMER
Second Vice President

530 Water Street
Oakland, California 94607

Telephone (510) 627-1100
May 9, 2000

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

FRANK KIANG
JOHN PROTOPAPPAS
PHILLIP H. TAGAMI
PETER URIBE

BOARD OF PORT COMMISSIONERS
OF THE CITY OF OAKLAND

John Loh, President
Kathy Neal, First Vice President
David Kramer, Second Vice President
Frank Kiang
John Protopappas
Phillip H. Tagami
Peter Uribe

Dear Members of the Board:

Vice President Neal has called for a **Special Meeting** of the Board to be held on **Friday, May 12, 2000 at the hour of 8:30 a.m.**, in the Board Room, second floor, 530 Water Street, Oakland, California.

The purpose of the **Special Meeting** is as follows:

ROLL CALL:

**Commissioners Kiang, Kramer, Neal,
Protopappas, Tagami, Uribe and President Loh**

Vote on the following resolution:

Ayes: Commissioners Protopappas, Tagami, Uribe and
Vice President Neal – 4

Noes: None

Absent: Commissioners Kiang, Kramer and President Loh - 3

COMMERCIAL REAL ESTATE

**20183 11 Approval of Terms and Conditions of Exclusive
Negotiating Agreement (ENA) with LCOR – WDG
Ventures. (Resolution)**

APPEARANCES:

ADJOURNMENT: The next meeting will be held on Thursday, an adjourned regular meeting, May 25, 2000, at 3:00 p.m.

Sincerely,

Christopher C. Marshall
Secretary of the Board

Agenda Sheet

SUBJECT: Approval of Terms and Conditions of Exclusive Negotiating Agreement (ENA) with LCOR-WDG Ventures

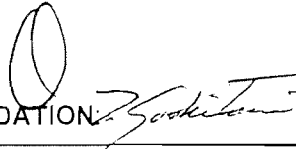
DATE: May 12, 2000

ITEM NO: 11

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar Benjamin



EXECUTIVE OFFICE RECOMMENDATION:

At the February 2000 of the Board of Port Commissioners, Port staff presented an analysis of the presentations of and interviews with the three candidate developers for the remaining phase of the Jack London Square development. The majority of the Board felt that the partnership of LCOR-WDG Ventures brought together a qualified team with many local consulting and professional firms and provided a well thought out development scenario. Terms of an Exclusive Negotiating Agreement (ENA) were discussed, and staff was authorized to negotiate an ENA with LCOR-WDG Ventures for the development parcels in Jack London Square covered by the Master Developer Request for Qualifications.

Since that time, Port staff and LCOR-WDG Ventures have been negotiating an ENA based on the terms approved by the Board. During our discussions, both LCOR-WDG Ventures and Port have developed language that deals with the fact that the Jack London Square area is already substantially developed and that there are complex issues inherent in the scope of the project which may necessitate additional time and study.

During this critical ENA period, Port staff will be working closely with LCOR-WDG Ventures who will provide monthly reports to the Port concerning progress toward completing those items and reports provided for in ENA. The developer has provided a \$100,000 deposit that becomes non-refundable after the 91st day of the ENA term. In addition, after the initial 180-day term of the ENA, LCOR-WDG Ventures will have two options to extend for 90 days upon payment of \$100,000 for each option. The rights to exercise the options to extend will be mutually agreed upon by LCOR-WDG Ventures and the Port of Oakland.

RECOMMENDATION

It is recommended that the Executive Director be authorized to execute the ENA with LCOR-WDG Ventures as outlined above in order to begin the formal "due diligence" lease negotiations critical to move this project forward.

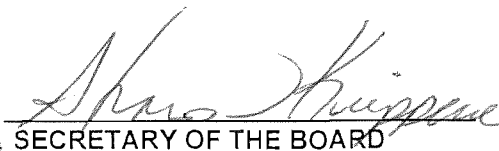
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20183

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

MAY 12 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND

COMMISSIONERS

JOHN LOH
President

KATHY NEAL
First Vice President

DAVID KRAMER
Second Vice President

FRANK KIANG
JOHN PROTOPAPPAS
PHILLIP H. TAGAMI
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Telephone (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Adjourned Regular Meeting of the Board of Port Commissioners
Thursday, May 25, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh

READING OF THE MINUTES:

February 22, 2000; and March 7, 2000; March 21,
2000; and April 4, 2000.

Deferred - April 18, 2000; and May 2, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Budget and Finance

City/Port Liaison

Commercial Real Estate

Adjourned Regular Meeting
May 25, 2000

READING OF SUMMARY ITEMS: (Marked "S")

14 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Authorization to Extend Advertising Agreements with Carol H. Williams Advertising and MCA Net, Inc. (Resolutions)
- 2S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement, Building permit and Execution of a Lease with New Tenant Pacific Bell Wireless LLP. (Resolution & Ordinance)
- 3S Approval of License and Concession Agreement with Pedus Aviation Services, Inc. (9351 Earhart Road, North Airport). (Resolution)
- 4S Approval of License and Concession Agreement with Oliver de Silva dba Gallagher & Burk, Inc. for Unimproved Land (Doolittle Drive). (Resolution)
- 5S Authorization to Extend Agreement with Keiser & Associates. (Resolution)
- 6S Recommendation that the Board Approve the Alameda County 20-Year Transportation Expenditure Plan. (Resolution)
- 7S Approval of Plans and Specifications for Replacement of Runway 11-29 Lighting System, OIA. (Resolution)

Adjourned Regular Meeting
May 25, 2000

- 8S This item not used.
- 9S Approval of Submittal of Pre-Application and Application to Federal Aviation Administration (FAA). (Resolution)

COMMERCIAL REAL ESTATE

- 11 Adoption of the Final Initial Study Mitigated Negative Declaration, Adoptions of Mitigation Monitoring and Reporting Program on the Oakland Telecommunication Access Building Project Located at 2nd Street and Brush Street and Approval of Building Permit No. 4238. (Resolution)
- 12 Adoption of the Mitigated Negative Declaration/ Initial Study and Mitigation Monitoring and Reporting Program for the Union Point Park Project, Located at Embarcadero and Dennison Street. (Resolution)
- 13 Adoption of the Mitigated Negative Declaration/ Initial Study and Mitigation Monitoring and Reporting Program, and Approval of the Lease Termination Agreement for the Jack London Village Lease Termination, Demolition, and Interim Parking Lot Project, Located at the Terminus of Alice Street. (Resolution)
- 14 Recommendation to Request City Council to Alter Port Area (Delete 7.8-Acre Parcel and Add 4.2-Acre Parcel) and Authorize Executive Director to Enter into Agreement with City of Oakland and Oakland Base Reuse Authority Regarding Such Alterations and the Port's Leasing of Oakland Army Base West Property. (Resolutions & Ordinances)
- 15S Approval of Plans and Specifications for Reconstruction of Embarcadero Between 5th Avenue and 16th Avenue, Embarcadero Cove. (Resolution)

Adjourned Regular Meeting
May 25, 2000

MARITIME

- 21 Resolution Authorizing Negotiations with the Selected Golf Course Proposer for a Development and Operations Agreement for the New Galbraith Golf Course. (Resolution)
- 22 This item not used.
- 23S Award of Contract for Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing May 1, 2000 and Ending April 30, 2001, 2002 or 2003. (Resolution)
- 24S Authorization to Include the Demolition of Building E-240 & Miscellaneous Structures, Middle Harbor Terminal, in the Port's Small Business Program. (Resolution)
- 25S Approval of Consultant Agreement for Construction of Quality Assurance Services for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)
- 26S Authorization to Execute an Agreement with Pacific Bell to Provide Telephone Service for Vision 2000 Program Area. (Resolution & Ordinance)

OPERATIONS

- 31 Personnel Items: Creation of Representation Unit; Creation of Salary Schedules; Amendments of Salary Schedule Assignments; and Creation of Additional Position. (Ordinance)
- 32 Ratify Renewal of the Port's Insurance Program Including Automobile Liability, Automobile Physical Damage, Public Officials Errors and Omissions, Port Liability, CAPA Umbrella Excess Liability Policy, Cranes, Physical Damage and Authorize the Renewal of the Computer and Loss of Access Policies. (Resolution)

Adjourned Regular Meeting
May 25, 2000

- 33S Ratify Addendum and Award of Contract for Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003. (Resolution)
- 34S Ratify Addendum and Award of Contact for Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003. (Resolution)

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

Vote on the following resolutions except Number 26:

Ayes: Commissioners Kiang, Protopappas, Tagami, Uribe
 and Vice President Neal - 5

Noes: None

Absent: Commissioner Kramer and President Loh - 2

Vote on Number 26:

Ayes: Commissioners Kiang, Tagami, Uribe and
 Vice President Neal - 4

Noes: None

Abstained: Commissioner Protopappas - 1

Absent: Commissioner Kramer and President Loh - 2

RESOLUTIONS:

- 20184 1 FINDING AND DETERMINING THAT A PROPOSED SECOND 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. (Airport - 1)
- 20185 2 APPROVING AND AUTHORIZING 1) EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT AND 2) BUILDING PERMIT WITH PACIFIC BELL WIRELESS LLP. (Airport - 2S)

Adjourned Regular Meeting
May 25, 2000

- 20186 3 APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH PEDUS AVIATION SERVICES, INC. (Airport - 3S)
- 20187 4 APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH OLIVER DESILVA, INC., DOING BUSINESS AS GALLAGHER & BURK, INC. (Airport - 4S)
- 20188 5 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH KEISER & 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. (Airport - 5S)
- 20189 6 APPROVING THE ALAMEDA COUNTY 20-YEAR TRANSPORTATION EXPENDITURE PLAN. (Airport - 6S)
- 20190 7 APPROVING PLANS AND SPECIFICATIONS FOR REPLACEMENT OF RUNWAY 11-29 LIGHTING SYSTEM, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALLIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport - 7S)
- 20191 8 APPROVING SUBMITTAL OF A GRANT APPLICATION TO FEDERAL AVIATION ADMINISTRATION UNDER THE AIRPORT IMPROVEMENT PROGRAM. (Airport - 9S)
- 20192 9 CERTIFYING CONSIDERATION OF FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE TELECOMMUNICATIONS ACCESS BUILDING PROJECT, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE MITIGATED NEGATIVE DECLARATION, THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING BULDING PERMIT FOR CONSTRUCTION OF A TELECOMMUNICATIONS ACCESS BUILDING. (Commercial Real Estate - 11)
- 20193 10 CERTIFYING CONSIDERATION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE UNION POINT PARK PROJECT, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE UNION POINT PARK PROJECT. (Commercial Real Estate - 12)

Adjourned Regular Meeting
May 25, 2000

- 20194 11 CERTIFYING CONSIDERATION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE JACK LONDON VILLAGE LEASE TERMINATION, DEMOLITION AND INTERIM PARKING LOT PROJECT, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE JACK LONDON VILLAGE LEASE TERMINATION, DEMOLITION AND INTERIM PARKING LOT PROJECT AND APPROVING AND AUTHORIZING LEASE TERMINATION AGREEMENT WITH OAKLAND VILLAGE CORPORATION. (Commercial Real Estate - 13)
- 20195 12 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT BETWEEN BOARD OF PORT COMMISSIONERS AND CITY COUNCIL FOR THE CITY OF OAKLAND RELATING TO ALTERATION OF THE PORT AREA TO INCLUDE WITHIN THE PORT AREA APPROXIMATELY 4.2 ACRES OF FORMER NAVY PROPERTY ADJACENT TO SEVENTH STREET, AND TO EXCLUDE FROM THE PORT AREA, AND TRANSFER CONTROL AND JURISDICTION FROM THE BOARD TO THE CITY COUNCIL OF APPROXIMATELY 7.8 ACRES OF PROPERTY IN THE OALAND AIRPORT BUSINESS PARK. (Commercial Real Estate - 14)
- 20196 13 APPROVING AND AUTHORIZING EXECUTION OF SUBLEASE WITH THE OAKLAND BASE REUSE AUTHORITY FOR CERTAIN PROPERTY LOCATED WITHIN THE WEST PORTION OF THE OAKLAND ARMY BASE AND APPROVING AND AUTHORIZING EXECUTION OF RELATED AGREEMENTS AND DOCUMENTS WITH THE ARMY. (Commercial Real Estate - 14)
- 20197 14 REQUESTING THE CITY COUNCIL TO ENLARGE THE PORT AREA (MSC-PAC). (Commercial Real Estate - 14)
- 20198 15 SETTING A PUBLIC HEARING ON A PROPOSED AMENDMENT OF PORT ORDINANCE NO. 2832 (EXCLUSION OF 7.8-ACRE EQUITEC PARCEL FROM OAKLAND AIRPORT BUSINESS PARK). (Commercial Real Estate - 14)

Adjourned Regular Meeting
May 25, 2000

- 20199 16 APPROVING PLANS AND SPECIFICATIONS FOR RECONSTRUCTION OF EMBARCADERO BETWEEN 5TH AVENUE AND 16TH AVENUE, EMBARCADERO COVE, OAKLAND, CALIFORNIA, CALLING FOR BIDS THEREFOR; AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF OAKLAND AND EXECUTION OF A STIP GRANT AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION. (Commercial Real Estate - 15S)
- 20200 17 AUTHORIZING NEGOTIATION OF A DEVELOPMENT AND OPERATIONS AGREEMENT WITH COURSECO, INC., GALBRAITH GOLF LLC TO DESIGN, BUILD AND OPERATE THE LEW F. GALBRAITH GOLF COURSE. (Maritime - 21)
- 20201 18 AWARDED CONTRACT TO KIDI, A JOINT VENTURE, FURNISHING PILE DRIVER CREW FOR REPAIRS TO PORT OF OAKLAND DOCKS AND WATERFRONT FACILITIES FOR THE PERIOD COMMENCING MAY 1, 2000, AND ENDING APRIL 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 23S)
- 20202 19 GRANTING AUTHORIZATION TO INCLUDE DEMOLITION OF BUILDING E-240 AND MISCELLANEOUS STRUCTURES, MIDDLE HARBOR TERMINAL, 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime - 24S)
- 20203 20 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH LEWIS ENGINEERING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime - 25S)
- 20204 21 APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH PACIFIC BELL FOR INSTALLATION OF AN UNDERGROUND TELEPHONE SYSTEM IN THE VISION 2000 PROGRAM AREA. (Maritime - 26S)

Adjourned Regular Meeting
May 25, 2000

- 20205 22 APPROVING AND RATIFYING RENEWAL OF PORT'S INSURANCE PROGRAM INCLUDING, AUTOMOBILE PHYSICAL DAMAGE, PUBLIC OFFICIALS ERRORS AND OMISSIONS, PORT LIABILITY, CAPA UMBRELLA EXCESS LIABILITY, CRANES, PHYSICAL DAMAGE; AND AUTHORIZING RENEWAL OF THE COMPUTER AND LOSS OF ACCESS POLICIES. (Operations - 32)
- 20206 23 RATIFYING AND APPROVING ADDENDUM TO PLANS AND SPECIFICATIONS FOR REMOVAL AND DISPOSAL OF HAZARDOUS WASTE, DESIGNATED WASTE, UNIVERSAL WASTE, AND OTHER CONTAMINATED MATERIALS FOR THE PERIOD COMMENCING JULY 1, 2000 AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFORE; AND AWARDING CONTRACT TO AFA CONSTRUCTION, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Operations - 33S)
- 20207 24 RATIFYING AND APPROVING ADDENDUM TO 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, 2000 AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFORE; AND AWARDING CONTRACT TO FOSS ENVIRONMENTAL SERVICES COMPANY, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Operations - 34S)
- 20208 25 CONCERNING CERTAIN APPOINTMENT. (Closed Session - 40)
- 20209 26 FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH MCA NET, 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. (Airport - 1)

Adjourned Regular Meeting
May 25, 2000

Vote on the following ordinances:

Ayes: Commissioners Kiang, Protopappas, Tagami, Uribe
and Vice President Neal - 5

Noes: None

Absent: Commissioner Kramer and President Loh - 2

ORDINANCES:

- 1 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH PACIFIC BELL WIRELESS LLP."

Airport - 2S to print.
- 2 Port Ordinance No. _____ being, "AN ORDINANCE RELINQUISHING AND TRANSFERRING TO THE CITY COUNCIL CONTROL OF A PORTION OF THE PORT AREA."

Commercial Real Estate - 14 to print.
- 3 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2832, BEING "AN ORDINANCE ESTABLISHING STANDARDS AND RESTRICTIONS REGULATING THE USE OF LAND AND THE DESIGN AND CONSTRUCTION OF STRUCTURES AND OTHER IMPROVEMEMTS IN THE OAKLAND AIRPORT BUSINESS PARK, AND REPEALING PORT ORDINANCE NO. 1343, AS AMENDED."

Commercial Real Estate - 14 to print.
- 4 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC BELL FOR INSTALLATION OF AN UNDERGROUND TELEPHONE SYSTEM IN THE VISION 2000 PROGRAM AREA."

Maritime - 26S to print.
- 5 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, ADDING SECTION 2.07 TO CREATE NEW SALARY SCHEDULES AND TO AMEND CERTAIN SECTIONS IN PORT ORDINANCE NO. 867."

Operations - 31 to print.

Adjourned Regular Meeting
May 25, 2000

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: In honor of and out of respect to the memory of the late Herbert Eng.

The next meeting will be an regular meeting held on Tuesday, June 6, 2000 at 3:00 p.m.

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 1

SUBJECT: Authorization to Extend Advertising Agreements
with Carol H. Williams Advertising and MCA Net, Inc.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *[Signature]*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The airport has been tasked through its mission and goals to increase its market share for air passenger services by *five percentage points between FY 1999 and FY 2004* or about one percentage point per year. Each percentage point change is equivalent to 600,000 additional annual passengers. Demand for airport services at OAK is created through consumer and trade advertising and promotions that highlight the many reasons why airport users should choose OAK first for their travel and shipping needs.

In March 1999, pursuant to Board Resolution 99072, the airport entered into a \$177,000 agreement with Oakland-based Carol H. Williams Advertising (CHWA) to conduct market research to determine the airport's target markets, as well as to develop a strategic advertising plan to effectively reach that target market. CHWA defined the airport's target market as adults 25 years of age and older, with an annual income of \$50,000 or greater, and who fly six times or more each year.

In September 1999, the Board authorized a significant expansion of the airport's local and inbound marketing program by \$731,000. It also authorized a first supplemental agreement with CHWA for an additional \$597,300 for campaign creation and production, media placement, ongoing market research, and associated agency services (Board resolution #99378).

At the same time, the Board also authorized a first supplemental agreement with Oakland-based MCA Net, Inc., (MCA) for an additional \$297,000 for such marketing and advertising services as air cargo and sports ad development, radio ad placement, video production, web site design and maintenance, trade show booth redesign, and marketing publications design and production (Board resolution #99379).

ANALYSIS:

That program was successfully implemented and will end in May 2000. It is now time to renew the airport's advertising and promotional program for next year. Based on increased traffic at OAK, it appears that the airport's advertising and promotional programs are indeed making a difference. Passengers are up over 7% with little or no capacity increase. We expect that this increase in traffic will lead to additional service this next fiscal year. Indeed, it has already produced new service to Hawaii by Aloha, late this fiscal year, new service by Continental to Houston to begin in June, and new service by American to begin in July.

Due to increasing costs of media placement, campaign design and production, and agency services in the Bay Area, brought on by the dot.com advertising frenzy, CHWA estimates that costs will increase by \$165,000 just to maintain the existing local passenger marketing program for another fiscal year.

Additionally, Aviation wants to increase the effectiveness of its inbound marketing program with a more targeted focus on airline reservations centers and travel agency consortia to include computer reservations systems reminders of the OAK advantage for each Bay Area booking request.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20184-CHWA

20209-MCA Net
↓ BOARD ACTION TAKEN
Protopappas obtained

[Signature]
Assistant SECRETARY OF THE BOARD

MAY 25 2000

DATE

Current and proposed agency contract needs are set forth below:

Current Program Authorized Expenditures and Contract Requirements:

	CHWA	MCA	Total
Local Advertising	\$629,000	\$231,000	\$860,000
Other Marketing	-0-	66,000	66,000
Other Promotional	40,000	-0-	40,000
Total	\$669,000	\$297,000	\$966,000

Proposed FY 2000-01 Authorized Expenditures and Contract Requirements:

	CHWA	MCA	Total
Local Advertising	\$783,000	\$290,000	\$1,073,000
Other Marketing	40,000	40,000	80,000
Other Promotional	27,000	28,000	55,000
Total	\$850,000	\$358,000	\$1,208,000

RECOMMENDED INCREASE:	\$181,000	\$61,000	\$242,000
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OPTIONS:

Aviation Marketing could maintain an advertising and promotional budget at last year's levels, but it is unlikely that the program would yield the 200,000 growth in passenger volumes in FY1999-2000. Media placement rates have increased 15% since last year's approved budget, so keeping the budget at last year's levels would mean a decrease in the frequency of the ad and radio placements, as well as the airport's reach to its target market. Also, agency fees have also increased by 13%, which means money directed towards advertising would now be absorbed into the fees the agency needs to charge for production and account maintenance.

Aviation Marketing could reduce its budget to pre-contract levels, which would save the Port money, but may not reinforce to the target market the messages, defined in the current ad campaign. The airport would not have the reach and frequency, or would grow at the pace it achieved in FY1999/2000.

Aviation Marketing would like to keep the momentum going with some expansion to the existing program, including campaign redesign and increased fees for media placement and agency services. A small increase in authorized contractual expenditures of \$242,000 for FY2000/2001 should help the department move towards its goal of increasing its market share by five percentage points.

RECOMMENDATIONS:

The Aviation Division recommends the following from the Board:

Authorize a second supplemental agreement for Carol H. Williams Advertising, Inc., in an amount not to exceed \$850,000, to allow for expected cost increases as well as a contingency for additional agency work not presently included.

Authorize a second supplemental agreement for MCANet, Inc., in an amount not to exceed \$358,000, to allow for expected cost increases as well as a contingency for additional agency work not presently included.

Agenda Sheet

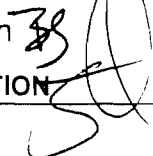
DATE: May 25, 2000

ITEM NO: 11

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBJECT: Adoption of the Final Initial Study Mitigated Negative Declaration, Additions of Mitigation Monitoring and Reporting Program on the Oakland Telecommunication Access Building Project located at 2nd Street and Brush Street and Approval of Building Permit No. 4238

SUBMITTED BY: Omar R. Benjamin 

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Board previously approved a Purchase and Sale Agreement with M. A. Mortenson Development Company ("Mortenson") for a 40,000 s.f. Port-owned parcel at Brush & 2nd Streets.

Design Review And Building Permits:

Mortenson has now applied for a building permit to build a 120,000 square foot Telecommunications Access Building. The estimated cost of the project (not including tenant improvements) is approximately \$26,000,000. The building site consists of two parcels, one of which is owned by the Port of Oakland. The applicant has the second parcel under contract for purchase.

The telecommunications facility has been sited to specifically take advantage of the existing fiber optic infrastructure in adjacent streets, the PG&E substation located on Second Street, and the direct line-of-sight microwave link between the Oakland waterfront and nearby cities such as San Francisco. The applicant intends to lease out space within the buildings to multiple fiber optic, telephone, and cable and internet service providers. It is estimated that a total of 80 to 100 employees would be working in the building, with two-thirds of that total working during daytime hours. The building would be manned in three eight-hour shifts, 24 hours per day, seven days per week. A loading dock would allow trucks to deliver equipment to the building. For security reasons, the building would not be open to the general public.

The proposed four-story structure would be 75 feet 8 inches in height including the screening for telecommunications or mechanical equipment installed on the roof. The surface treatment of the building would consist of stucco façade of variable planes. Inside, the building would be a structure designed to meet the capital-intensive needs of the telecommunications industry. The 120,000 square foot structure would be four stories tall with a surface parking area where parking would be provided for 61 vehicles along Second Street. An average tenant space would be approximately 20,000 square feet in size, with a small control room where three to six employees could work at computers. The control room would be surrounded by electronic equipment.

The Port Design Review Committee (DRC) has reviewed the conceptual plans for this project and recommends its approval. Prior to issuance of building permits the DRC will review final landscaping, streetscaping, treatment of the parking lot screening, and final design details of the building.

California Environmental Quality Act ("CEQA")

In compliance with CEQA, the Port prepared a Draft Initial Study to determine whether the Oakland Telecommunication Access Building would have any significant environmental impacts. The Draft Initial Study concluded that the Project could have potentially significant environmental impacts related to cultural resources, geology, hazardous materials, water quality, and transportation, but that each of these impacts would be mitigated to a less than significant level if the identified mitigation measures are implemented. Consequently, the Port determined that an Environmental Impact Report ("EIR") was not necessary and issued a draft Proposed Mitigated Negative Declaration.

The Draft Initial Study/Mitigated Negative Declaration ("IS/MND") was circulated for public review during March 14, 2000 - April 3rd, 2000 (20 days). Approximately 15 Notices of Availability and 8 Draft IS/MNDs were mailed to the public. At the end of the Public Review period, the Port had received three comment letters from the following local businesses and

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No. 20192

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associations:

- Jack London Neighborhood Association, Oakland, CA
- New Horizons Properties, LLC, Oakland, CA
- George M. Vlazakis, Oakland, CA

The first letter, from the President of the Jack London Neighborhood Association, questioned the floor area ratio (FAR) calculation, which was based on the Building Owner Management Association (BOMA) standards, and excluded non-rentable space such as parking area and stairways. The writer argued that the FAR should be based on gross floor area and therefore the project exceeded the maximum 2.0 FAR permitted in the Light Industrial District by the General Plan.

The second letter was from the owner (New Horizons Properties, LLC) of an adjacent property, a four story concrete warehouse on Second Street currently being converted into an office and work/live structure, the Phoenix Lofts. This letter expressed concerns about the intensity of use proposed for the building (24 hours a day, seven days a week), the FAR calculation, the height of the building (a 76 feet building is equivalent to a seven story building, the letter stated), and the potential visual, air quality and noise impacts on future occupants of the Phoenix Lofts. In particular, the letter requested that the Initial Study evaluate reflected sound of train whistles from the new building façade to the front of the Phoenix Loft building, and suggested the use of sound absorbing materials on the façade of the "telecom access" building, or a petition to Union Pacific for a "no bell/whistle zone" along the Jack London District right-of way.

The third letter was from George Vlazakis, who has a small law office across the street from the proposed project. He focused his concerns on risks to the environment and to human health from radiation and electro-magnetic waves emitted from the equipment located on or in the building. He suggested locating the building in an area isolated from population. He also expressed concerns about air emissions from truck traffic and the back-up generators, and the reduction of light and air circulation due to the height of the building, requesting wider setbacks from streets and sidewalks.

The project and the Draft IS/MND was revised to address the FAR calculations issue, and a Revised Initial Study/Mitigated Negative Declaration was circulated for public review from April 5th through 25th, 2000. The building was decreased by 21,300 square feet and FAR calculations included areas occupied by stairways and elevators (which had been excluded previously) but excluded the parking garage. About 17 Notices of Availability and 6 Revised IS/MNDs were mailed to the public and two comment letters were received from the following local businesses and associations:

- Jack London Neighborhood Association, Oakland, CA
- New Horizons Properties, LLC, Oakland, CA

The letter from the Jack London Neighborhood Association questioned the floor area calculation of the Revised IS/MND, saying that off-street parking should not be excluded from the FAR calculations of a building. The writer also requested information on appeal procedures.

The letter from New Horizons Property commented on the height and square footage of the building, exclusion of off-street parking from the FAR calculation, and proposed landscaping. The writer also stated concerns related to noise from operation of diesel generators.

In response to the comments received on the calculation of the floor area ratio for the building and the noise from the generators, the applicant modified the architectural plans to remove the parking from the first floor and replace it with surface parking along Second Street. The first floor was proposed for electrical equipment and tenant space. The utility yard containing the standby generators was relocated to the Brush Street frontage. The building was reduced by 40 feet in length and 4 feet in width resulting in a gross square footage of 119,990. The height of the four story structure was increased slightly to 75 feet 8 inches (as opposed to 71 ½) because the 13-foot first floor of parking was replaced with tenant space with electronic equipment which requires a higher ceiling height (17 feet).

In response to the five comment letters received, the Port revised the Initial Study/Mitigated Negative Declaration and prepared detailed written responses. These responses were sent to commentors on May 12, 2000 (10 days prior to previously scheduled May 23, 2000 Board Meeting). In compliance with Section 21081.6 (Public Resources Code) the Port prepared a Mitigation Monitoring and Reporting Program and included it in the Final IS/MND.

The MMRP is designed to monitor implementation of mitigation measures during design, construction, and operation of the Project. The authority to monitor and report on implementation of the MMRP is within the Port's jurisdiction. The MMRP sets forth clear responsibility for the implementation of each measure. If dewatering is necessary, a Wastewater Discharge Permit will be obtained from the East Bay Municipal Utility District.

Conditions of Approval:

- 1) Testing of the standby generators shall be restricted to 10 AM to 3 PM, Monday through Friday. Standby generators shall be tested between the hours of 10 am and 3 pm, Monday through Friday for no longer than 20 minutes cumulatively in 4 one-hour period. Only one generator must be tested at any one time in order to comply with City of Oakland noise performance standards (not to exceed 65 dBA at surrounding receptor sites) unless operators can prove that testing of more than one generator would not exceed these performance standards. These restrictions in the testing of the generators shall be included in the tenant leases.
- 2) The applicant shall provide distinctive landscaping and lighting along the building frontage on Second and Brush streets, to enhance a pedestrian and bicycle movement corridor connecting the Jack London District to Mandela Parkway.

The Final Initial Study/Mitigated Negative Declaration for the Project is comprised of three volumes. Volume I contains the Draft IS/MND (dated 3/12/2000). Volume II contains the Revised IS/MND (dated 4/5/2000). Volume III contains the Final IS/MND including the Modified Project Description and modifications to the Revised IS/MND, the comment letters received during the public review periods and the responses of the Port of Oakland to these comments, and the Mitigation Monitoring and Reporting Program.

Pursuant to section 727 of the City Charter, the project has been determined to conform to the land use designation for the site in the Oakland General Plan. The City of Oakland Planning Director has concurred in this determination.

The Purchase and Sale Agreement provided for a future agreement covering responsibilities for any environmental remediation required after the site condition had been analyzed, with a provision for termination at the buyer's election if the parties could not agree on the cost sharing. The majority of the investigation has been completed, and the Port and Mortenson have been working together on an environmental remediation program, which will allow the project to move forward while minimizing the Port's economic exposure.

This remediation program will be incorporated into an amendment to the Purchase and Sale Agreement which will be presented to the Board at a later date.

Recommendation:

It is recommended that the Board:

- Certify that it has considered the Final Initial Study/Mitigated Negative Declaration on the Oakland Telecommunications Access Building Project together with all comments received during the public review process,
- Adopt the Final Mitigated Negative Declaration for the Oakland Telecommunications Access Building Project on the basis of the whole of the record including all information contained in Volumes I, II, and III;
- Adopt the Mitigation Monitoring and Report Program for the Oakland Telecommunications Access Building Project,
- Adopt the Conditions of Approval to mitigate or avoid significant environmental effects, and
- Approve Building Permit No. 4238 with said Conditions of Approval.

Agenda Sheet

DATE: May 25, 2000

⁷⁰ SUBJECT: Adoption of the Mitigated Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program for the Union Point Park Project, located at Embarcadero and Dennison Street

ITEM NO: 12

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The proposed project involves the development of a public park by the City of Oakland and the Unity Council in three phases on a 9-acre site in the vicinity of Embarcadero and Dennison Street along the Oakland Estuary. Development of the park would involve the demolition of a number of existing structures on the northern portion; the southern portion of the site is vacant. In the first development phase, approximately 80 percent of the total park area (those sections located in the central and southern portions of the site) would be developed to include the following elements: a 4.7-acre commons area, playing fields; a one-acre wildlife observation and viewing area; waterfront pedestrian promenade; steps for sitting along the water's edge; community events space; picnic and barbecue areas; multi-purpose games court; several major public art pieces; children's play area; group picnic shelter; expansion of existing restroom; and expansion of existing parking lot. Proposed improvements in the northern waterfront portion of the project site would be completed in the second development phase, and would include the following elements: an estuary interpretive area; courtesy dock for small water craft; a public pier with facilities for a possible water taxi service; and continuation of the waterfront pedestrian promenade to the northern edge of the site. Development in the former Cryer Boatyard on the northern portion of the project site would be completed in the third development phase, and would include the development of a restaurant or other park-oriented public facility and youth center, including indoor gymnasium.

The Union Point Park Project would require the Board of Port Commissioners' approval of a lease with the City of Oakland, as well as approval of a Port of Oakland building permit. In compliance with the California Environmental Quality Act ("CEQA"), the Port prepared an Initial Study to determine whether the Union Point Park Project would cause any significant environmental impacts. The Initial Study concluded that the project could have potentially significant short-term construction-related impacts related to hazardous materials, noise, disturbance of special status species, and other impacts related to seismic safety and parking. However, each of these impacts would be mitigated to a less-than-significant level with implementation of the identified mitigation measures (identified in Attachment A: Mitigation Monitoring and Reporting Program). Consequently, the Port determined that an Environmental Impact Report ("EIR") was not necessary and issued a Proposed Mitigated Negative Declaration.

The Proposed Mitigated Negative Declaration/Initial Study was circulated for public review from March 17, 2000 through April 17, 2000. The notice of availability was mailed to 67 organizations and individuals, posted at the County of Alameda, and published in The Oakland Tribune. Copies of the document were sent to the State Clearinghouse and were available for review in Oakland at the Port Administration Building, Main Library and Cesar Chavez Branch Library.

At the end of the Public Review period, the Port had received three comment letters from the following public agencies: the California Department of Transportation (Caltrans), the San Francisco Bay Conservation and Development Commission (BCDC), and the California Department of Toxic Substances Control (DTSC). Caltrans noted that the project would not have a significant impact to state highway facilities. BCDC reconfirmed

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that the project would be subject to a discretionary BCDC permit. DTSC expressed concerns about hazardous substances, how they will be remediated to a level that is safe for the intended use, and the potential impacts of clean-up activities. Responses to these comment letters are included in the final Initial Study/Mitigated Negative Declaration.

RECOMMENDATION

It is recommended that the Board adopt the Mitigated Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program for the Union Point Park Project.

ATTACHMENT
UNION POINT PARK MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>1. Biological Concerns</p> <p>Although marine birds, in general, are likely to avoid the immediate area during construction activities, short-term disturbances to the Estuary for special status species (i.e., California least tern, brown pelican, etc.) could result. This is a <i>potentially significant</i> impact.</p>	<p>(A) Best management practices will be identified in the project Stormwater Pollution Prevention Plan that will control discharges to receiving waters.</p> <p>(B) A qualified monitor will be stationed at the project site during all water-side pile-driving. If monitoring reveals that foraging activity by special status species (i.e., California least tern, brown pelican, etc.) is taking place, the construction will temporarily cease until the birds leave the area.</p>	<p>(A) Require engineering plans and construction specifications</p> <p>(B) Qualified monitor shall be stationed at the project site.</p>	<p>(A) City of Oakland</p> <p>(B) City of Oakland</p>	<p>(A) Before construction goes out to bid</p> <p>(B) During construction at the project site</p>

UNION POINT PARK MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>2. Seismic Shaking</p> <p>The project site is expected to experience strong seismic shaking during the life-span of structures located there. Seismic shaking and ground failures (i.e., liquefaction) associated with such activity could damage structures and infrastructure at the site. This represents a <i>potentially significant</i> impact related to the proposed development of the project site.</p>	<p>(A) Current Uniform Building Code (1997 Edition) design requirements and City of Oakland seismic regulations shall be followed by the project structural engineer to minimize potential damage due to seismic shaking. The proposed structures should be designed using the 1997 Uniform Building Code, which takes into account the effects of distance from nearby faults, the anticipated magnitude of earthquakes on nearby faults, as well as soil types and their effect on the design seismic force levels.</p>	<p>(A) Incorporate appropriate engineering methods into design.</p>	<p>(A) City of Oakland</p>	<p>(A) Before construction goes out to bid</p>
	<p>(B) Utility connections to the new structures shall be designed to provide sufficient flexibility to withstand the expected ground motion anticipated during an earthquake.</p>	<p>(B) Incorporate appropriate engineering methods into design.</p>	<p>(B) City of Oakland</p>	<p>(B) Before construction goes out to bid</p>

UNION POINT PARK MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>3. Transportation of Hazardous Materials</p> <p>In preparing the project site for development as proposed, existing structures containing hazardous materials would be demolished, and the hazardous materials would be transported for disposal elsewhere. The transportation of hazardous materials could create a significant hazard to the public or the environment, and would represent a <i>potentially significant</i> project-related environmental impact.</p>	<p>The project developer shall be required to develop and implement an abatement plan which addresses the potential risk of exposure to hazardous materials associated with the demolition of existing structures at the project site and with the transportation of hazardous materials from the project site. The abatement plan shall be reviewed and approved by the Port of Oakland prior to the start of any demolition activity at the project site. As part of its review and approval of abatement plans, the Port of Oakland would work collaboratively with the City of Oakland to determine the most appropriate truck haul routes.</p>	<p>Abatement Plan shall be reviewed by the Port of Oakland and Port will provide assistance in developing the Abatement Plan.</p>	<p>Port of Oakland Environmental Health and Safety Compliance (EH&SC) Department</p>	<p>Before construction commences</p>

UNION POINT PARK MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>4. Possible Exposure to Hazardous Materials at the Project Site</p>	<p>(A) Require construction workers to observe appropriate health and safety precautions with contaminated soil and slag;</p>	<p>(A) Oversee contractor compliance during construction.</p>	<p>(A) City of Oakland and Port of Oakland Environmental Health and Safety Compliance (EH&SC) Department</p>	<p>(A) During construction</p>
<p>Possible exposure to hazardous materials found in elevated concentrations in the soils on the southern portion of the project site could result in a significant hazard to the public, and would represent a <i>potentially significant</i> project-related environmental impact.</p>	<p>(B) Place two feet of clean top soil on the Port-owned portion of the property prior to landscaping for the park (two feet of top soil will provide sufficient depth to protect both human and ecological receptors);</p>	<p>(B) Oversee contractor compliance during construction.</p>	<p>(B) City of Oakland and Port of Oakland Environmental Health and Safety Compliance (EH&SC) Department</p>	<p>(B) During construction</p>
	<p>(C) Plant only shallow-rooted plants to ensure that ecological receptors are not exposed to elevated levels of contaminants from ingestion of plant materials; and</p>	<p>(C) Oversee contractor compliance during construction.</p>	<p>(C) City of Oakland and Port of Oakland Environmental Health and Safety Compliance (EH&SC) Department</p>	<p>(C) During construction</p>
	<p>(D) Require that future utility and maintenance workers observe appropriate health and safety precautions to avoid contact with contaminated soil and slag.</p>	<p>(D) Oversee contractor compliance during maintenance operations.</p>	<p>(D) City of Oakland and Port of Oakland Environmental Health and Safety Compliance (EH&SC) Department</p>	<p>(D) During maintenance operations</p>

UNION POINT PARK MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>5. Construction-Related Noise</p> <p>Demolition, site preparation and construction activities at the project site could result in a temporary increase in existing noise levels, although these noise levels would not be regarded as severe. Temporary construction noise, related to foundation work, materials hauled by truck and other construction vehicles circulating in the area beyond normal business hours, could impact sensitive receptors attending nearby Beacon School. This would represent a <i>potentially significant</i> impact associated with project development.</p>	<p>In order to reduce potential noise related to demolition, site preparation and construction activities, the operation of any excessively noisy tools or equipment used in construction shall be limited to the period between 8:00 AM and 8:00 PM on weekdays (except legal holidays) and between 9:00 AM and 8:00 PM on weekends. All construction equipment used at the project site shall be adequately muffled and properly maintained.</p>	<p>Oversee contractor compliance during construction.</p>	<p>City of Oakland</p>	<p>During construction</p>

UNION POINT PARK MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>6. Inadequate On-Site Parking Capacity</p> <p>The proposed development of the project site would not provide an adequate supply of on-site parking space to meet peak park-related parking demand. This would represent a <i>potentially significant</i> impact associated with the proposed project. In addition, increased demand for the limited number of parking spaces at the parking lot at the Union Point Basin Marina could result in potential conflicts between those using the marina (who have become accustomed to generally good parking availability on a first-come, first-served basis) and future park users at peak parking demand periods.</p>	<p>(A) The operator of the Union Point Basin Marina shall modify all boat slip leases to offer lessees the option of purchasing the right to a reserved parking space in the parking lot adjacent to the marina. Parking spaces not identified as "RESERVED" would then be available to both marina users and park users on a first-come, first-served basis.</p> <p>(B) Development of the proposed park shall require the creation of drop-off zones within the parking lot adjacent to the Union Point Basin Marina, and signs shall be installed directing drivers to the appropriate drop-off zones.</p>	<p>(A) Marina operator will coordinate lease modification with Port of Oakland.</p> <p>(B) Require in plans and specifications.</p>	<p>(A) Port of Oakland</p> <p>(B) City of Oakland</p>	<p>(A) Before construction goes out to bid</p> <p>(B) Before construction goes out to bid</p>

UNION POINT PARK MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
6. Inadequate On-Site Parking Capacity (continued)	(C) The parking area located behind the office buildings along 1900 block of Embarcadero shall be used to provide parking for Union Point Park users. Appropriate signs directing park users to this parking area shall be installed at the parking area adjacent to the Union Point Basin Marina, at the intersection of Dennison Street and Embarcadero, and at entry points leading to the parking area behind the office buildings along 1900 Embarcadero.	(C) Placement of signs directing Union Point Park users to nearby parking area.	(C) City of Oakland	(C) During construction
	(D) The project proponents shall install sidewalks along Embarcadero between the parking area and the proposed park where such sidewalks are currently lacking.	(D) Installation of sidewalks.	(D) City of Oakland	(D) During construction

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 13

SUBJECT: Adoption of the Mitigated Negative Declaration / Initial Study and Mitigation Monitoring and Reporting Program, and Approval of the Lease Termination Agreement for the Jack London Village Lease Termination, Demolition, and Interim Parking Lot Project, Located at the Terminus of Alice Street

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND

Oakland Village Corporation (OVC) leases 102,264 square feet of land in Jack London Square for the operation of Jack London Village, a specialty retail shopping center. The land is improved with ten, two-story, wood frame buildings containing 62,932 square feet of net rentable area, interconnected by boardwalks, stairways and landings, wrapped around a central courtyard. The improvements were completed in 1974. The 35-year lease term with two 10-year options would terminate in September 2027.

On September 20, 1999, the Board passed a Resolution approving the execution of a "Option to Purchase Leasehold" with OVC. The 6-month Option Agreement, dated October 26, 1999, sets forth the terms and conditions by which the Port could elect to buyout the Jack London Village leasehold. The Option agreement also provided for a one-month extension of the option term in order to obtain necessary environmental (CEQA) approvals. This extension of term has been granted, so the Purchase Option term will expire on May 26, 2000.

In addition, on February 1, 2000, the Board authorized staff to enter into a professional service contract with Universal Field Services to handle the relocation of the Jack London Village subtenants. The Board also authorized the payment of relocation assistance claims during the option period. This was to assist several subtenants who had expressed a desire relocate their businesses immediately. Relocation payments are normally paid after the ownership is transferred. The subtenant relocation program is now in full force and going smoothly. Two subtenants have already relocated to new locations, while two other stores have decided to go out of business. Staff will continue to update the Real Estate Committee on the status of subtenant relocations.

ANALYSIS

The Jack London Village site is a key element of the proposed Jack London Square Phase II development. The "Estuary Plan" encourages the redevelopment of the Phase II area including the Jack London Village site. The Port is in the process of executing an Exclusive Negotiating Agreement with LCOR/WDG Ventures to be the master developer for the Phase II project. Acquisition of the JL Village leasehold would give the Port control of the site at a critical time; at what staff believes is a reasonable cost.

After the acquisition of Jack London Village is finalized, the plan is to demolish the improvements and construct an interim (surface) parking lot. This would be a temporary use prior to the construction of the Phase II development. The interim parking lot would be used for overflow parking and could support some "A" Square events. Staff is working on plans and specifications for the interim parking lot and will


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recommend their approval to the Board at a later date.

The City of Oakland has approved the General Plan Conformity determination submitted by Port staff.

RECOMMENDED ACTIONS

This Agenda Sheet requests the Board (1) exercise the "Option to Purchase Leasehold" for Jack London Village by executing of the "Lease Termination Agreement, and (2) Adopt the Mitigate Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program for the Jack London Village lease termination, demolition and interim parking lot project.

LEASE TERMINATION

The Termination Agreement would be under the following terms and conditions:

- Purchase Price = \$1,850,000 (full appraised value), plus 50% of the actual cost expended for Shenanigans interior demolition, and related costs for design and construction plans. Total purchase price not to exceed \$2,000,000.
- OVC would be responsible for the termination of all subtenant agreements, and would handle any related evictions. The Port would immediately reimburse OVC for 50% of the actual costs related to tenant lease terminations.
- Escrow would close when all the subtenants have been relocated, or on August 31, 2000, whichever occurs first. The Port would pay interest during the escrow period at a rate not to exceed the current prime interest rate + 1, on a per annum basis.
- OVC agrees to waive all relocation rights to Shenanigans Restaurant and banquet operation, and waive any goodwill claims against the Port. The Port would pay all tenant relocation costs, to the extent required by law.
- OVC would indemnify the Port against environmental contamination resulting from their occupancy. OVC is responsible for any asbestos removal. Asbestos removal costs would be deducted from the purchase price.
- The monthly rent due the Port would be abated, during the escrow period.
- The Port and OVC would share all closing costs.
- Escrow would close when all subtenant leases have been cancelled and the subtenants have been relocated.
- The Port would demolish the Village improvements. OVC would reimburse the Port 50% of the demolition costs, excluding additional costs associated with prevailing wages and pile cutting costs below two-feet.

CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

CEQA Determination

The Jack London Village ("JLV") Lease Termination, Demolition, and Interim Parking Lot Project ("Project") would require the Board of Port Commissioners' approval of the lease termination agreement and approval of plans and specifications for demolition and construction of an interim parking lot. In compliance with the California Environmental Quality Act ("CEQA"), the Port prepared an Initial Study to determine whether Project

would cause any significant environmental impacts. The Initial Study concluded that demolition and construction activities associated with the Project could cause potentially significant short-term impacts related to air quality, hazardous materials, and water quality. However, each of these impacts would be mitigated to a less-than-significant level with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program (Attachment A). Consequently, the Port determined that an Environmental Impact Report ("EIR") was not necessary and issued a Proposed Mitigated Negative Declaration.

The Proposed Mitigated Negative Declaration/Initial Study was circulated for public review from March 17, 2000 through April 17, 2000. The notice of availability was mailed to 197 individuals and organizations (including all individuals who signed the "Save Jack London Village" petition presented to the Board of Port Commissioners in January 2000), posted at the County of Alameda, and published in *The Oakland Tribune*. Copies of the document were sent to the State Clearinghouse and were available for review in Oakland at the Port Administration Building and the Main Library. At the end of the Public Review period, the Port had received five comment letters from the following organizations and individuals: California Department of Transportation (Caltrans), Jack London Neighborhood Association (JLNA), South of the Nimitz Improvement Council (SoNIC), Kathleen Williamson, Susan Matthews (with previously submitted petitions attached). The Initial Study/Mitigated Negative Declaration that is presented for Board approval has been revised to include these comment letters, responses to these comments, and the Mitigation Monitoring and Reporting Program.

Recommendation

It is recommended that the Port of Board Commissioners adopt the Mitigated Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program for the Jack London Village Lease Termination, Demolition, and Interim Parking Lot Project, and approve the Jack London Village Lease Termination Agreement. It is further recommended that the Board authorize the Executive Director to execute the Lease Termination Agreement on behalf of the Port.

Attachment A
JACK LONDON VILLAGE
LEASE TERMINATION, DEMOLITION AND INTERIM PARKING LOT PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
1. Air Quality During demolition, site preparation and construction activities, dust and exhaust from the project site could have a temporary adverse effect on air quality in the immediate vicinity. The BAAQMD ordinarily considers all construction emissions to be <i>potentially significant</i> .	(A) All trucks hauling soil, sand and other loose materials shall be covered, or shall be required to maintain at least two feet of freeboard.	(A) Oversee contractor compliance during construction.	(A) Port of Oakland	(A) During demolition, site preparation, and construction
	(B) All unpaved construction staging areas shall be either paved, watered three times each day, or be treated through the application of non-toxic soil stabilizers.	(B) Oversee contractor compliance during construction.	(B) Port of Oakland	(B) During demolition, site preparation, and construction
	(C) All paved access roads, parking areas and staging areas shall be swept daily.	(C) Oversee contractor compliance during construction.	(C) Port of Oakland	(C) During demolition, site preparation, and construction
	(D) If visible soil material is carried onto adjacent public streets, these streets shall be swept daily with water sweepers.	(D) Oversee contractor compliance during construction.	(D) Port of Oakland	(D) During demolition, site preparation, and construction

**JACK LONDON VILLAGE
LEASE TERMINATION, DEMOLITION AND INTERIM PARKING LOT PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
1. Air Quality (continued)	(E) Exposed stockpiles of dirt, sand, etc. shall be enclosed, covered or watered twice daily, or non-toxic soil binders shall be applied.	(E) Oversee contractor compliance during construction.	(E) Port of Oakland	(E) During demolition, site preparation, and construction
	(F) Traffic speeds of construction vehicles on all roads shall be limited to 15 miles per hour.	(F) Oversee contractor compliance during construction.	(F) Port of Oakland	(F) During demolition, site preparation, and construction
	(G) Sandbags or other erosion control measures shall be installed to prevent loose sand or soil runoff to public roadways.	(G) Oversee contractor compliance during construction.	(G) Port of Oakland	(G) During demolition, site preparation, and construction
	(H) Vegetation in disturbed areas shall be replanted as quickly as possible.	(H) Oversee contractor compliance during construction.	(H) Port of Oakland	(H) During construction

**JACK LONDON VILLAGE
LEASE TERMINATION, DEMOLITION AND INTERIM PARKING LOT PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>2. Hazardous Materials</p> <p>During demolition, which would include excavation and removal of subsurface utilities, construction workers could be exposed to subsurface soil contaminants, and could be handling ACMs and other potentially hazardous materials in the Jack London Village buildings. This would represent a <i>potentially significant</i> impact due to transport, use or disposal of hazardous materials.</p>	<p>Prior to demolition, the Port of Oakland shall require the development and implementation of an abatement plan which addresses the potential risk of exposure to hazardous materials associated with the demolition of existing structures at the project site and with the transportation of hazardous materials from the project site. The Phase I Site Assessment recommended completion of a formal ACM and LBP survey, with sampling and analysis of suspected materials, prior to any demolition activities, including areas which were not surveyed during the 1996 survey (storage and unoccupied areas). The ACM and LBP survey was completed in April, 2000.</p>	<p>Abatement Plan shall be developed and implemented by the contractor. The Port of Oakland will also oversee the abatement activities to ensure contractor compliance.</p>	<p>Port of Oakland Environmental Health and Safety Compliance (EH&SC) Department</p>	<p>During development of plans and specifications, and during demolition/construction</p>

**JACK LONDON VILLAGE
LEASE TERMINATION, DEMOLITION AND INTERIM PARKING LOT PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>3. Water Quality</p> <p>Demolition of existing buildings and construction of an interim parking lot would result in potential changes to the character of runoff from the site. During demolition, dust, exposed soil and debris, possibly containing harmful contaminants, could be washed into the Estuary during heavy rainfall or storm events. Construction of an asphalt-concrete parking lot would involve materials that could be harmful to water quality. Failure to implement appropriate BMPs during the demolition, and subsequently with the construction of the interim parking lot, could result in a <i>potentially significant</i> violation of water quality standards or requirements.</p>	<p>The contractor shall adopt a “small project” SWPPP, with appropriate Best Management Practices, for each stage of the project, including demolition and parking lot design and construction. Mitigation measures could include silt fences, hay bales, and filter fabric to prevent run-off of sediment into the Estuary.</p>	<p>SWPPP shall be reviewed by Port of Oakland and Port will provide assistance in developing SWPPP. The Port of Oakland will perform inspections to ensure contractor compliance and SWPPP implementation.</p>	<p>Port of Oakland Environmental Health and Safety Compliance (EH&SC) Department</p>	<p>During development of plans and specifications, and during demolition/construction</p>

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 14

SUBJECT: Recommendation to Request City Council to Alter Port Area (Delete 7.8-Acre Parcel and Add 4.2-Acre Parcel) and Authorize Executive Director to Enter Into Agreement with City of Oakland and Oakland Base Reuse Authority Regarding Such Alterations and the Port's Leasing of Oakland Army Base West Property.

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION: by CC 27

FACTUAL BACKGROUND:

The Port has been negotiating an Agreement with the City of Oakland and the Oakland Base Reuse Authority (OBRA) regarding the transfer of control and jurisdiction of an approximately 7.8-acre parcel (referred to as the "Equitec Parcel") owned by the Port and located in the Port area (see attached map), in exchange for including within the Port Area an approximately 4.2-acre portion of the Navy's former Fleet Industrial Supply Center, Oakland ("FISCO"), located adjacent to the Oakland Army Base and referred to as the "MSC-PAC" parcel (see attached map), which was conveyed to the Port in 1999, and regarding OBRA's consent to the Army for the Army to lease the Oakland Army Base West ("OAB-West") property for Port use at less than fair market rent.

The 7.8 acre Equitec Parcel proposed for transfer to City Council control and jurisdiction is a vacant parcel located on Edgewater Drive in the Oakland Airport Business Park. In recent months, the City of Oakland has heightened its efforts to attract high technology and biotechnology uses in the vicinity of the subject site, in an effort to expand this market niche for Oakland and build upon the momentum of the recently approved Zhone Technologies project. The City has requested that the Equitec Parcel be transferred to City jurisdiction and control in an effort to cultivate the development of a high technology campus type setting in the area. As the property is not needed for any Port-related purpose, Port staff believes that the appropriate course of action is to alter the Port Area to delete the site from the Port's jurisdiction and transfer jurisdiction and control of the Equitec Parcel to the City Council. However, in consideration for transfer of jurisdiction and control over the Equitec's Parcel to the City Council, Port staff recommends that (1) the City Council pass an ordinance to include within the Port Area the 4.2-acre MSC-PAC parcel and (2) OBRA amend its existing lease with the Army for the eastern side of OAB to include all of OAB-West and simultaneously sublease most of OAB-West to the Port.

Originally the parties contemplated a direct lease of all of OAB-West by the Army to the Port, but the Army is willing to expedite the transaction if the Army's lease is directly to OBRA and the Port subleases from OBRA. This structure also expedites OBRA's goal of temporarily gaining control, until final Army conveyance, of portions of OAB-West (Administration Building and adjacent parking area) for sublease to the Oakland Police Agency and the National Guard Academy.

The staffs of the Port, the City and the OBRA have negotiated an Agreement regarding the aforementioned alterations to the Port Area, the Port's cooperation with the City in developing the Equitec Parcel and adjacent parcels, and the Port and OBRA cooperating to secure for the Port a lease of most of the approximately 195 acres (139 acres of upland and 56 acres of open water) of the OAB which includes Maritime Street and areas of OAB west of Maritime Street. The Port currently leases approximately 63 acres of both upland and open water from the Army located within OAB-West for approximately \$1.1 million in annual rent, but under the proposed sublease the Port would pay no rent.

Under the proposed Port/OBRA/City Agreement:

- OBRA would add all of the OAB-West property to its existing no-rent lease with the Army that now covers only approximately 210 acres east of Maritime Street ("OAB-East"), and simultaneously OBRA would sublease all of OAB-West, except for the former Army Administration Building (Building 1) and adjacent parking area, to the Port on a no-rent basis. The existing Army-Port lease would be terminated. The OBRA-Port sublease will

(2) Approved by Ordinance passed to print

Approved by Resolution

No. 20195, 20196, 20197, 20198

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

Sharon Kuppene

MAY 25 2000

DATE

be drafted so that, to the maximum extent possible, the Port will be in the same position with respect to the subleased premises that it would have been as the direct lessee of the Army, including the Port's right to sublease.

- The Port would consent to the Army-OBRA Lease, and would waive the Port's existing reversionary lease rights to OAB-West, subject to the following: (1) the consent and waiver would apply only to the specific Army-OBRA lease described above, and not with respect to any modification or amendment of the Lease, any subsequent Lease, or any other lease or any sale or other conveyance, involving OAB-West; and (2) the Port's consent and waiver would only be effective upon the effective date of the OBRA-Port Sublease.
- The OBRA-Port sublease will provide that OBRA and the Port will cooperate in developing and implementing an integrated base-wide utilities plan, and that if such a plan cannot be agreed upon by July 14, 2000, that the Port will bifurcate the OAB-West utility system from the OAB-East system and operate it separately from the OAB-East system unless the parties otherwise agree and subject to Army approval.
- In previous negotiations, the Port and OBRA had agreed that in exchange for OBRA's cooperation and assistance in the Port's efforts to secure a no-cost lease of all of OAB-West from the Army, the Port would pay OBRA \$1.25 million upon the effective date of such an Army-Port lease. The proposed agreement now provides that the \$1.25 million payment from the Port to OBRA will be reduced to reflect the exclusion of Building 1 and the Building 1 parking area from the Port's subleased premises.
- The Agreement also includes provisions related to environmental investigation and remediation of the 7.8-acre Business Park parcel, removal of the existing drill track on the site, and a cooperative approach to permit review processing covering any future development applicant and BCDC.

In order to carry out the proposed Agreement, the following actions would be taken by the Board and Council:

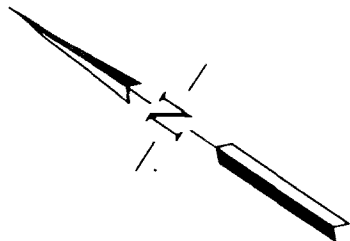
1. Passage of a Port resolution approving and authorizing execution of the Agreement, the OBRA-Port sublease, and such other agreements with OBRA, the City or the Army or other documents necessary or appropriate to complete the contemplated transactions;
2. Passage of a Port Resolution, pursuant to City Charter Section 706(4) and 725, requesting and recommending that the City Council alter the Port Area by including the 4.2-acre MSC-PAC parcel within the Port Area;
3. Passage of a Port ordinance, pursuant to City Charter Section 706(4), 706(15) and 725, in which the Board determines that, subject to inclusion of the MSC-PAC parcel in the Port Area and the effectiveness of the OAB-West Port sublease, the Equitec Parcel has become unnecessary for Port purposes or harbor development, relinquishes and transfers control of the Equitec Parcel to the Council, and requests and recommends that the Council alter the Port Area by excluding the Equitec Parcel from the Port Area. This ordinance would become effective upon expiration of a 30-day referendum period after its final passage on second reading;
4. Passage of an ordinance amending Port ordinance No. 2832, The Oakland Airport Business Park Standards and Restrictions, to delete the Equitec Parcel.
5. Passage of a resolution setting a public hearing on the proposed amendment of Port Ordinance No. 2832 for June 6 2000, as required by Section 3 of that Ordinance.
6. Passage of a City resolution approving and authorizing execution of the Agreement; and

7. Passage of a City ordinance altering the Port Area (to delete the 7.8-acre parcel and include the 4.2-acre parcel) and accepting the Board's relinquishment and transfer of control of the 7.8-acre parcel.
8. Passage of necessary resolution(s) by OBRA to authorize the proposed Army-OBRA lease and OBRA-Port sublease.

The Environmental Planning Department has reviewed this action under the provisions of the Port's CEQA Guidelines and has determined that the action is categorically exempt under Section 15305 (minor alterations to land use) because it will not result in any changes in land use or density maximums. The exclusion of the 7.8-acre parcel from the Port Area will result in the City of Oakland becoming the Lead Agency for any future proposed discretionary project development and related environmental review on that property.

RECOMMENDATION:

Consistent with the terms outlined above, it is recommended that the Board pass a resolution approving the Agreement, the sublease and related agreements with the City, OBRA and the Army, pass a resolution requesting that Council include the 4.2-acre MSC-PAC parcel in the Port Area, give first reading to an ordinance requesting the Council to exclude the Equitec Parcel from the Port Area and relinquishing and transferring control of that parcel to the Council, give first reading to an ordinance excluding the Equitec Parcel for the Airport Business Park Standards and Restrictions, and set a public hearing for the proposed recommendation to the Standards and Restrictions consistent with the terms outlined above.



N56°09'36"E
20.00'
S33°50'24"E
157.75

26NE5 (CITY OF OAKLAND)
N 2098724.62
E 6068158.64

HASSLER WAY

GRANT DEED
OAKLAND EXECUTIVE CENTER
SERIES # 94-336709

10' PT&T ESMT
PARCEL 6
RE: 3608 IM: 03

12.5' PG&E ESMT
UNRECORDED
N33°50'24"W

25' PT&T ESMT.
PARCEL 5
RE: 3608 IM: 03

828.00

REMAINDER AREA OF PARCEL 13
68,011 sq. ft. (1.561 acres)
(68,020 sq. ft. (1.562 acres)
At Ground Level)

N52°04'46"E

10' PG&E ESMT.
RE: 5356 IM: 258

10' PG&E ESMT.
PARCEL "A"
SERIES #79-015567

L=119.26'
R=372.21
Δ=18°21'29"

574°31'06" W (R)

N56°09'36"E
566.01'

20' RAILROAD
RESERVE
AS DEFINED BY
COVENANT
RE: 3512 IM: 04

20' RAILROAD
RESERVE
AS DEFINED BY
COVENANT
RE: 3512 IM: 04

GRANT DEED
ERLBAUM-DeMARTINI
PARTNERSHIP
SERIES # 88-284477

ELMHURST CHANNEL
Drawing AA-1090
Port of Oakland
plan files
110' Wide

"EQUITEC PARCEL"
340,784 SQ FT (7.82 AC)

A24 (26NE7 City)
N 2097153.52
E 6069211.99

96.409
604.09
W
96.609
556.936

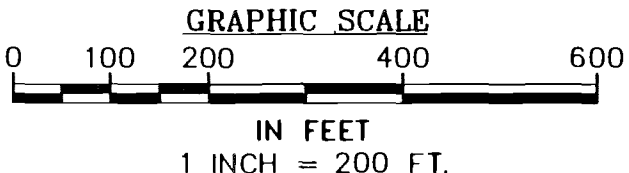
304.98' 39.00'
N33°50'24"W 1891.53' (MON MON)

EDGEWATER DRIVE

25' PT&T ESMT.
PARCEL 1
RE: 3608 IM: 03
25' PG&E ESMT.
PARCEL 1
RE: 536 IM: 900

126' EBMUD ESMT.
PARCEL 1
RE: 1375 IM: 567

10' PG&E ESMT.
PARCEL "B"
SERIES #79-015567

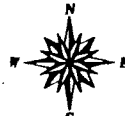


PORT OF OAKLAND

LAND SURVEYS AND MAPPING

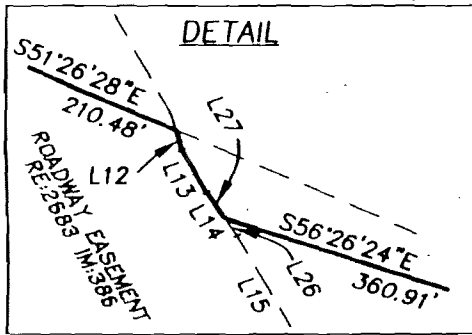


530 Water Street
Oakland, California



"Equitec Parcel"

DRAWN BY: EAD	Field Bk:
CHECKED BY: FAR	Wrk. Ord:
SCALE: 1"= 200'	Data File:
DATE: 4/12/00	Revision:
SHEET 1 OF 1	Rev. date:
ATTACHMENTS:	
FILE LOC.> sims\103119	jm13-rev.dwg



CURVE DATA

CURVE	RADIUS	DELTA	LENGTH
C1	999.93'	04°26'21"	77.47'
C2	999.93'	04°26'21"	77.47'
C3	114.99'	94°09'39"	188.98'
C4	547.96'	25°39'59"	245.47'
C5	84.99'	11°57'15"	17.73'
C6	537.29'	35°59'45"	337.55'
C7	485.64'	18°16'52"	154.95'
C8	137.91'	36°25'02"	87.66'

LINE DATA

LINE	BEARING	DIST.
L1	N41°00'50"E	29.80'
L2	S41°00'50"W	95.35'
L12	S00°04'50"W	10.68'
L13	S14°23'58"E	25.00'
L14	S20°08'19"E	40.00'
L15	S14°23'58"E	85.09'
L16	S14°23'58"E	109.99'
L17	S70°56'23"E	118.93'
L18	S70°40'42"W	99.99'
L19	N81°57'10"W	68.96'
L20	N48°59'10"W	12.14'
L21	N41°00'50"E	10.00'
L22	S81°57'10"E	8.34'
L23	N48°54'49"W	5.00'
L24	S51°26'28"E	41.10'
L25	N73°19'33"W	35.21'
L26	N20°08'19"W	24.55'
L27	S20°08'19"E	15.45'

CITY OF OAKLAND
STAT. 1911 CH. 657

PARCEL SEVEN
S.N. 99-222447

PARCEL 6
NAVY-ARMY TRANSFER
03/12/71

PARCEL SIX
S.N. 99-222447

U.S.A.
CIVIL ACTION 22212-R
4357 O.R. 290

PARCEL TWO
S.N. 99-222447

MON. NO. 8

U.S.A.
PARCEL 4
CIVIL ACTION
83-4605 JPV

MON. NO. 6

KEY

□ MSC-PAC AREA (4.00 ACRES±)

||||| PORT AREA LINE ORD. ~ 11508 C.M.S.

U.S.A.
4189 O.R. 197

ROADWAY EASEMENT
S.N. 79-130905

POINT OF BEGINNING

PARCEL 3
NAVY-ARMY TRANSFER
02/12/71

PARCEL 5
ARMY-NAVY TRANSFER
03/12/71

MSC-PAC

U.S.A.
CIVIL ACTION
22212-R

S.P.Co.
323 O.R. 185

2505 O.R. 251

S.P.Co.
323 O.R. 185

S.P.Co.
1307 DEEDS 224

CITY OF OAKLAND
PARCEL 8
S.N. 98-452325

C.P.R.R.Co.
189 DEEDS 395

SEVENTH STREET

N81°57'40"W 742.71'

1310.94'

1311.08'

ORD. 481 N.S.

S81°57'10"E

S81°57'10"E

GRAPHIC SCALE



(IN FEET)

NOTE:

BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III.
MULTIPLY DISTANCES SHOWN HEREON BY 1.0000705 TO OBTAIN GROUND DISTANCES. AREAS SHOWN ARE BASED ON GROUND DISTANCES. 1 inch = 300' ft.

PORT OF OAKLAND



530 Water Street
Oakland, California

PLAT TO ACCOMPANY LEGAL DESCRIPTION

MSC-PAC

DRAWN BY: JRM

CHECKED BY:

SCALE: 1" = 300'

DATE: 04/11/00

SHEET 1 OF 1

ATLAS REF FILE: MSC-PAC.DWG

FILE LOC.: ..\TRANSBAY\103644

Field Bk:

Wrk. Ord: 103644

Data File:

Rev. No.:

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 21

SUBJECT: Resolution Authorizing Negotiations with the Selected Golf Course Proposer for a Development and Operations Agreement for the New Galbraith Golf Course

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Tay Yoshitani

EXECUTIVE OFFICE RECOMMENDATION:

BACKGROUND:

On March 16, 1999 the City Council ("Council") and the Port Board of Commissioners ("Board") adopted Ordinances authorizing the City Manager and the Port of Oakland ("Port") Executive Director to execute an Amended and Restated Lease ("Lease") for the Lew F. Galbraith golf Course ("Galbraith").

The Lease established the Galbraith Golf Course Advisory Committee ("Committee") consisting of the City Manager (or designee), the Port Executive Director (or designee), a City Council member, a Port Commissioner, and a representative of the golfing community. The Lease specified that the Committee was created for the following purposes:

- To supervise a Request For Proposals process
- To identify and evaluate proposals from private firms to substantially fund, construct and operate the new course
- To recommend the most responsive golf management team to the Council and the Board.

The Committee, with the assistance of a Staff Technical Committee ("Staff") comprised of City and Port staff assisted by golf development consultants, developed and circulated a Term Letter on December 16, 1999 to the golf industry and local businesses. On February 16, 2000 the Committee received two proposals from CourseCo, Inc. Galbraith Golf LLC ("CourseCo") and from Colbert, Burns and McDonnell LLC ("CBM"). Both proposals were reviewed in detail by the Staff and evaluated as to the responsiveness of each proposal based on the following criteria: Direct Related Experience, Financial Capability, Understanding of Project and Rent.

Based on the established criteria, Staff preferred the CourseCo written proposal. However, Staff believed that CBM made a much stronger oral presentation and interviewed better. Therefore, Staff recommended to the Committee a second round of interviews with both proposers. On March 20, 2000, after the second round of interviews and after much discussion, the Committee by a majority vote elected to recommend the CourseCo proposal to the Council and to the Board. It was a difficult decision since both teams are capable of building a first-rate championship quality golf course and of generating substantial economic returns.

ANALYSIS:

Both proposals were based upon a set of identical proforma assumptions:

- Term – 25 years, with one 5-year option


- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20200

BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

MAY 25 2000

DATE

- Design by Johnny Miller Design Ltd.
- Gross revenue of \$2.95 million the first operating year, 10-13% increase during years 2-4, and 5% increases thereafter
- Estimated course construction costs of \$4.5 million
- Port investment of \$2.5 million less actual design costs incurred by the Port
- A comprehensive First Tee youth golf program
- Average daily weighted green fees of \$30, with specific green fees ranging from \$10-36 for weekday play and from \$17-50 for weekend play

The analysis of the two proposals by categorical comparison follows:

<u>COURSE CO, INC.</u>	<u>COLBERT, BURNS & McDONNELL</u>
<u>DIRECT RELATED EXPERIENCE</u>	
Management of Public Courses	
Primarily a golf management company with 11 years experience concentrated in Northern CA and the Bay Area. One of the principals, Black Point Partnership, is a substantial member of Spieker Partners. The majority of the courses (10) are owned by public agencies and all are full service operations.	Jim Colbert and Burns & McDonnell formed the company to lease and manage public owned golf facilities. Colbert has 20 years experience in golf design & development. Colbert divested his holdings (51 courses) and merged with Burns McDonnell about 4 years ago. To date CBM has 2 public agency courses in Kansas opening this Spring.
Construction of Public Courses	
Constructed and developed one golf course. Construction management in renovation projects in the last 8 years.	Colbert, through the former Colbert Golf Company, constructed and developed approximately 7 golf courses for public agencies in addition to the 2 in Kansas
Operating Personnel	
Intends to utilize local talent for staffing and has the corporate infrastructure needed to support the project.	The written proposal does not include a formal staffing plan but does list corporate executives from the former company.
Construction Personnel	
CEO will directly supervise construction. Project Manager has successfully completed more than 100 golf course projects on time, to	Has extensive engineering and construction project management experience and has a strong record and roster of construction

specifications and within budget.	personnel. Colbert would personally oversee the project.
Landfill Experience	
Project Manager has completed 17 golf courses on landfill sites.	Experience in all aspects of landfill work including capping and remediation. Ranger Construction selected for its experience in landfill site construction.
<u>FINANCIAL CAPABILITY</u>	
Company Strength & Continuity	
Good combination of youth and experience in the company with substantial involvement in company policy.	There is little doubt that the Burns McDonnell side is well established with good continuity.
Funding Capability	
Pass most of the income to its principals with individual net worth exceeding \$20 million. Intend to borrow capital to finance the project.	Assets in excess of \$100 million. Intend to borrow capital to finance the project.
<u>UNDERSTANDING OF PROJECT</u>	
General Management & Operations	
Strong outline of personnel and job descriptions and reporting procedures including management systems.	No outline of staffing, job descriptions, reporting procedures or management.
Marketing Plan	
Good detail of development plan including staffing and development of non-traditional, junior, senior and ladies golf programs. Course newsletters provided.	Written proposal lacks detail. Presentation committed to "marketing by the minute" to maximize revenues by eliminating down time at the new course.
Community Involvement	
In depth development of youth program with goals and programs outlines stressing involvement in the First Tee program and partnership with local golf courses for a coordinated junior program.	Exceptional and creative proposal for development of a three-tier educational and training program for local residents and youth. First tier provides on-site training and job opportunities for all golf course-related

	functions. Second tier features partnership with Peralta College District and the Golf Course Superintendent's Association to provide certificate and Associate of Arts degree programs. Third tier involves providing continuing education programs for golf professionals throughout Northern California on a fee basis. Proposal also stresses junior golf through the First Tee program.
Contract Compliance	
Shows history of reaching goals similar to Oakland's. States commitment to diversity and has an expert on board. Raymond Chester and Linda Rawls represent local participation.	Local contractor, Lindquist Van-Hook, for construction of clubhouse and maintenance. Joe Morgan, local partner, for developing an up scale steakhouse.
Golf Course Maintenance	
Excellent analysis of City maintenance standards with suggested modifications. Addresses water quality and conservation issues. Numerous environmental awards: first golf course certified by the Wildlife Habitat Council and the 8 th California course certified as an Audubon Cooperative Sanctuary. Ray Davies, Director of Maintenance and construction, has received the Environmental Steward Award for the Western U.S.	Subscribes to the City maintenance standards and offers CBM standards. Addresses environmental issues through an Audubon International program certification.
Proposed User Fees	
Provided a User Fee schedule based on the RFP. Proposes slightly lower fees for non-residents, based on knowledge of Bay Area golf market.	User Fees in the RFP noted as too conservative. States that pro forma assumptions for play can be exceeded by 12% by more effective marketing and promotion of golf course.
Amenities: Clubhouse, etc.	
Outlines standard design and development concept for a 6500 S.F. clubhouse containing full service amenities with \$75-\$100,000 merchandise inventory for the pro shop. Proposal includes entrance landscaping,	Intends to invest an additional \$2 million for clubhouse and educational facilities. Proposes a larger clubhouse for a destination-quality restaurant, a separate Sports Bar and lounge, and a food and beverage area catering strictly to golfers.

<p>parking lots and golf storage facility.</p>	<p>Combines a standard maintenance facility with educational facilities including several classrooms and a laboratory. Proposal includes entrance landscaping, parking lots and golf storage facility.</p>
<p><u>RENT</u></p>	
<p>Provides an estimated \$39 million in rent over the term of the lease representing \$10.18 million net present value at 8% discount rate. Estimated total project cost between \$8 and \$8.5 million.</p> <p>Minimum rents and percentages:</p> <p>Year 1 – minimum \$100,000; no %</p> <p>Year 2 – minimum \$300,000; no %</p> <p>Year 3 – minimum \$400,000; 15% golf; 4% pro shop; 4% food and beverage</p> <p>Year 4 – minimum \$500,000; 15% golf; 4% + 4%</p> <p>Year 5 – minimum \$351,359; 15% golf; 4% + 4%</p> <p>Years 6 – 10 – 17% golf; 4% + 4%</p> <p>Years 11 – 15 – 20.6% golf; 4% + 4%</p> <p>Years 16 – 20 – 22.5% golf; 4% + 4%</p> <p>Years 21 – 25 – 25% golf; 4% + 4%</p> <p>Years 26 – 30 27.5% golf; 4% + 4%</p> <p>Exceed minimum rent starting in Year 3.</p>	<p>Provides an estimated \$29 million in rent over the term of the lease, representing \$7.4 million net present value at 8% discount rate. Estimated total project cost of \$10.5 million.</p> <p>Minimum rents and percentages:</p> <p>Year 1 – minimum \$100,000; 0% golf; 5% pro shop; 5% food & beverage</p> <p>Year 2 – minimum \$200,000; 0% golf; 5% + 5%</p> <p>Year 3 – minimum \$300,000; 0% golf; 5% + 5%</p> <p>Years 4 – 7 – minimum \$400,000; 10% golf; 5% + 5%</p> <p>Years 8 – 10 – 12% golf; 5% + 5%</p> <p>Years 11 – 20 – 15% golf; 5% + 5%</p> <p>Years 21 – 30 – 20% golf; 5% + 5%</p> <p>Exceed minimum rent starting in Year 6.</p>

The CourseCo proposal features the following key elements:

- Greater financial return to the Port
- Substantial capital investment
- Commitment to sustainable design and management
- Detailed management and operating plan
- Detailed marketing plan
- Detailed community involvement plan
- Strong focus on youth golf programs, including First Tee program

- Strong local participation
- Detailed maintenance program
- Full service clubhouse
- State-of-the-art maintenance facility with a fleet of 75 electric golf carts
- Short game practice facilities, lighted driving range, putting green,
- Bay Area corporate location

Plans and specifications are scheduled for completion in June 2000. The Port is overseeing the design and construction process. Prior to construction, the Port must fulfill its responsibility to cap the landfill. After the landfill is capped and the Port accomplishes all regulatory requirements, the developer/operator will be liable for any breach of the cap. Port engineering staff will continue working closely with the developer.

While CourseCo clubhouse proposal is standard to the golf industry, CBM proposes an alternative vision for the clubhouse (16,000 SF versus CourseCo's 6,500 SF) that features a Joe Morgan Steakhouse restaurant and separate Sports Bar lounge. These elements could fit in very well with the growing hotel and airport developments currently underway adjacent to Galbraith. However, the restaurant would be a destination for residents, visitors and local business people, as well as golfers. The CBM clubhouse vision has a higher risk. The majority of restaurants (up to 90% by industry estimates) do not stay in business longer than 5 years. The golf consultants indicate that in the Bay Area there are several golf course clubhouse "upscale restaurants" that have failed to meet expectations.

CBM proposed a comprehensive youth golf program unique in the public golf course industry. By means of a formal arrangement with the Peralta College District and the Golf Course Superintendents' Association, CBM proposed to train Oakland youth not only on the game of golf, but for employment in the green industry, food service industry, and equipment maintenance and repair industries. This commitment is supported by a facility plan that includes classrooms and a laboratory designed to facilitate educational programs at Galbraith.

To maximize the application of sustainable development principles and practices to the new course, City staff retained CH2M Hill, which has an office in Oakland. The consultant has prepared detailed guidelines for "Greening golf Courses" and "Greening Buildings". After carefully reviewing both proposals, the consultant concluded that the CourseCo proposal was slightly better than the CBM proposal due to greater specificity and achievement of environmental awards.

ENVIRONMENTAL ANALYSIS:

On September 13, 1994, the Board of Port Commissioners approved Resolution 94356, thereby certifying its review and consideration of the Final Supplemental EIR/EIS Oakland Harbor Deep-Draft Navigation Improvements, including adoption of a Mitigation Reporting and Monitoring Program ("MRMP") for measures to mitigate or avoid significant effects on the environment, as set forth in Appendix J ("Mitigation and Monitoring Requirements for the Selected Plan"), the Port identified the loss of golfing recreational uses at the Galbraith Golf Course as a significant land use impact. Among the measures adopted to mitigate this impact, the Port committed to providing a new golf course at the Galbraith site. The MRMP stated that "mitigation measures (will) be specified in the lease agreement between the Port and the City of Oakland for use of the Galbraith site." The subject negotiations with CourseCo are an outcome of diligent

implementation of the mitigation measures and demonstrate the Port's compliance with the requirements of CEQA regarding its mitigation responsibilities.

RECOMMENDATION:

Staff on behalf of the Committee recommends that the Board approve a resolution authorizing exclusive negotiations with CourseCo, Inc., Galbraith Golf LLC for a development and operation agreement(s). If approved, the proposed resolution requires staff to return to the Board with a final agreement(s).

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

Creation of Representation Unit
Creation of Salary Schedules

- Amendments of Salary Schedule Assignments
- Creation of Additional Position

SUBMITTED BY: Robert C. Martinez 

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

FACTUAL BACKGROUND:

I. Creation of Representation Unit – Ordinance (2 Readings)

A) It is requested that the Board create the new Representation Unit I to implement the representation of the following classifications by Western Council of Engineers. It is also requested that the Board approve the movement of these classifications from their current Representation Unit to Representation Unit I as follows:

Classification	Current Rep. Unit	New Rep. Unit
Junior Environmental Planner	D	I
Junior Port Environmental Scientist	D	I
Assistant Port Environmental Planner	D	I
Assistant Port Environmental Scientist	D	I
Associate Port Environmental Planner	D	I
Associate Port Environmental Planner (Part-Time)	D	I
Associate Port Environmental Scientist	D	I
Port Environmental Assessment Supervisor	E	I
Port Environmental Compliance Supervisor	E	I
Associate Port Strategic Planner	D	I
Industrial Hygienist	E	I
Port Principal Safety Administrator	E	I

II. Creation of Salary Schedules in Representation Unit I – Ordinance (2 Readings)

A) It is requested that the Board create the following salary schedules in Representation Unit I to implement their assignments to the classifications of the Environmental Planner Series and the Environmental Scientist Series.

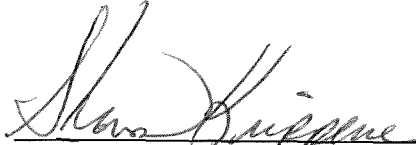
NEW SALARY SCHEDULE #	STEP A	STEP B	STEP C	STEP D	STEP E
926	\$3,795	\$3,985	\$4,186	\$4,436	\$4,702
940.03	\$4,366	\$4,583	\$4,813	\$5,102	\$5,406
954.32	\$5,031	\$5,285	\$5,548	\$5,882	\$6,234
970	\$5,882	\$6,177	\$6,485	\$6,874	\$7,286
971.17	\$5,951	\$6,249	\$6,562	\$6,956	\$7,374
972.30	\$6,019	\$6,319	\$6,635	\$7,034	\$7,456

- MOTION
- RESOLUTION
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Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAY 25 2000

DATE

AMENDMENT OF SALARY SCHEDULE ASSIGNMENT—Ordinance (2 Readings)

A) It is requested that the Board approve the amendment of salary schedule assignment for the following classifications to implement their transfer to Representation Unit I. These amendments will not result in any increase or change in current salaries.

Classification	Current Salary Schedule #	New Salary Schedule #
Junior Environmental Planner	226	926
Junior Port Environmental Scientist	226	926
Assistant Port Environmental Planner	240.03	940.03
Assistant Port Environmental Scientist	240.03	940.03
Associate Port Environmental Planner	254.32	954.32
Associate Port Environmental Planner (Part-Time)	1/163 rd of the monthly compensation fixed in Section 5.406 for each hour of service (254.32HR)	1/163 rd of the monthly compensation fixed in Section 5.406 for each hour of service (954.32HR)
Associate Port Environmental Scientist	254.32	954.32
Port Environmental Assessment Supervisor	539.2	972.3
Port Environmental Compliance Supervisor	539.2	972.3
Associate Port Strategic Planner	254.32	954.32
Industrial Hygienist	534.7	970
Port Principal Safety Administrator	537	971.17

B) It is requested that the Board approve the amendment of salary schedule assignment for the following classification. This amendment is requested to achieve salary parity with the Airport Operations Superintendent, Airside classification.

CLASSIFICATION	CURRENT SALARY SCHEDULE	NEW SALARY SCHEDULE
Airport Operations Superintendent, Landside	513.9 (a--\$5,284; b--\$5,548; c--\$5,825; d--\$6,175; e--\$6,545)	547.8 (a--\$6,293; b--\$6,607; c--\$6,938; d--\$7,354; e--\$7,796) + 19%

IV. CREATION OF ADDITIONAL POSITION—Ordinance (2 Readings)

A) It is requested that the Board create one additional position of the classification of **Commercial Representative V** to implement the recommendation of a desk audit conducted by Mandalay Associates to reclassify a Commercial Representative IV position in the Airport Properties Department and to redesignate the incumbent.

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 5/1899	AS OF 5/2/00	AS OF 5/12/00
Full-Time Employees	612.00 FTE	560.00 FTE	556.00 FTE	555.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	573.40 FTE	569.40 FTE	568.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to two employees going from CIP to Operating and one separation .

TEMPORARY AGENCY WORKER COUNT AS OF 5/9/2000

CATEGORY	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	TOTAL
	A	B	C	D	E	F	
BACKFILL	9	10	1	6	0	0	26
* CIP	1	0	11	4	0	0	16
LEAVE BACKFILL (NON MEDICAL)	0	1	0	0	0	0	1
MEDICAL BACKFILL	1	0	0	0	0	0	1
* SPECIAL PROJECT	3	2	0	9	2	0	16
WORKER'S MP BACKFILL	0	2	0	0	0	0	2
TOTALS	14	15	12	19	2	0	62

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	2/23/00	3/23/00	4/6/00	5/9/00
BACKFILL	27	30	26	28	26
* CIP	18	18	17	17	16
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	0	1	2	1
MEDICAL BACKFILL	4	8	4	2	1
* SPECIAL PROJECTS	11	14	14	16	16
WORKER'S COMP BACKFILL	3	2	2	2	2
TOTALS	63	72	64	67	62

COUNT SUMMARY

CURRENT FTE COUNT	568.40
CURRENT TEMPORARY AGENCY BACKFILLS	26.00
VACANT POSITIONS	<u>21.00</u>
TOTAL	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of representation unit, creation of salary schedules, amendments of salary schedule assignments, and creation of additional position.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 32

SUBJECT: Ratify Renewal of the Port's Insurance Program Including Automobile Liability, Automobile Physical Damage, Public Officials Errors and Omissions, Port Liability, CAPA Umbrella Excess Liability Policy, Cranes, Physical Damage and Authorize the Renewal of the Computer and Loss of Access Policies

SUBMITTED BY: Fred W. Rickert, Chief Financial Officer

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: *[Handwritten signature]*

FACTUAL BACKGROUND:

Due to the change in Board Meeting from May 16, 2000 to May 25, 2000, the Executive Director authorized the renewal of the Port of Oakland's Insurance Program May 20, 2000, subject to ratification by Board of Port Commissioners. These programs have been aggressively marketed. We have increased the local broker joint venturing from 13.5% to 15% by adding the Oakland Association of Insurance Agents, along with local firms Richard Freeman and JLA Risk Services.

COVERAGE	EXPIRING	RENEWAL
AUTOMOBILE LIABILITY	5/20/99 – 5/20/2000 Company – Genesis Limit - \$1,000,000 Units 264 Premium - \$69,450	5/20/00 – 5/20/2001 Company – Genesis Limit - \$1,000,000 Units 260 Premium - \$71,760
AUTOMOBILE PHYSICAL DAMAGE	5/20/99 – 5/20/2000 Company – Genesis Annual Premium – \$25,949	5/20/00 – 5/20/2001 Company – Genesis Annual Premium - \$26,949
PORT LIABILITY	5/20/99 – 5/20/2000 Company – MOAC Limit - \$1,000,000 Premium - \$95,000	5/20/00 – 5/20/2001 Company – MOAC Limit - \$1,000,000 Premium - \$102,500
PUBLIC OFFICIALS ERRORS & OMISSIONS	5/20/99 – 5/20/2000 Company – Coregis Limit - \$1,000,000 Premium – \$28,083	5/20/2000 – 5/20/2001 Company – Coregis Limit - \$1,000,000 Premium -\$20,226
\$150,000,000 Excess provided by CAPA Umbrella		
CAPA, UMBRELLA EXCESS LIABILITY	5/20/99 – 5/20/2000 Company – U.S. & London Limit - \$150,000,000 Premium - \$143,314	5/20/00 – 5/20/2001 Company – U.S. & London Limit - \$150,000,000 Premium -\$124,878

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20205

BOARD ACTION TAKEN

Assistant

[Handwritten signature]
SECRETARY OF THE BOARD

MAY 25 2000

DATE

AIRPORT LIABILITY	5/20/99 – 5/20/2000 Company – AAU Limit - \$200,000,000 Premium – \$180,000	5/20/2000 – 5/20/2001 Company – AAU Limit - \$200,000,000 Premium - \$185,000
CRANES	5/20/99 – 5/20/2000 Company – U.S. & London Limit - \$100,000,000 Premium – \$664,479	5/20/2000 – 5/20/2001 Company – U.S. & London Limit - \$100,000,000 Premium - \$800,000 Estimated
(4) New ZPMC Cranes Ocean Transit from China		\$160,000 <u>\$ 20,000</u> \$980,000
COMPUTERS	6/1/99 – 6/1/2000 Company – Hartford Limit - \$2,792,500 Premium – \$14,584	6/1/2000 – 6/1/2001 Company – Hartford Limit - \$3,100,000 Premium - \$16,772
LOSS OF ACCESS	6/1/99 – 6/1/2000 Company – Lloyds Limit - \$3,000,000 Premium – \$25,750	6/1/2000 – 6/1/2001 Company – Lloyds Limit - \$3,000,000 Premium - \$25,750

RECOMMENDATIONS:

It is recommended that the Board ratify the renewal of the Port's Insurance Program including Automobile Liability, Automobile Physical Damage, Public Officials Errors and Omissions, Port Liability, CAPA Umbrella Excess Liability Policy, Cranes, Physical Damage and authorize the renewal of the Computer and Loss of Access Policies with the insurers, limits and premiums described above, subject to the Port Attorneys review as to form and legality.

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *CCM*

EXECUTIVE OFFICE RECOMMENDATION: *by con*

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Sections 54956.9: 4 matters.
2. Public Employee Appointment: Title: Deputy Port Attorney III.
As provided for under Government Code Sections 54957.
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

(a) Property: Selected Locations
Jack London Square
Oakland, CA 94607

Negotiating Parties: Port and Oakland Portside Associates
Under Negotiation: Price and Terms of Payment

(b) Property: Oakland Army Base
(Headquarters: 100 Alaska Street
Oakland, CA 94626-5000)

Negotiating Parties: Port and City of Oakland
Under Negotiation: Price and Terms of Payment

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

SUMMARY AGENDA OF BOARD CALENDAR
May 25, 2000

AIRPORT

- 2S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement, Building permit and Execution of a Lease with New Tenant Pacific Bell Wireless LLP. (Resolution)
- Recommends approval to extend the ROE and approve the construction of their telecommunication center. Notes that a lease is being prepared.
- 3S Approval of License and Concession Agreement with Pedus Aviation Services, Inc. (9351 Earhart Road, North Airport). (Resolution)
- Recommends approval of the agreement to cover the office space used for their aircraft ground service operations.
- 4S Approval of License and Concession Agreement with Oliver de Silva dba Gallagher & Burk, Inc. for Unimproved Land (Doolittle Drive). (Resolution)
- Recommends approval of the agreement which provides for the use of a corporation yard for their projects on the airport.
- 5S Authorization to Extend Agreement with Keiser & Associates. (Resolution)
- Recommends the continued use of the firm for air cargo marketing.
- 6S Recommendation that the Board Approve the Alameda County 20-Year Transportation Expenditure Plan. (Resolution)
- Notifies of the Alameda County Authority and the plan to put the program to the voters in November and recommends approval of the program.
- 7S Approval of Plans and Specifications for Replacement of Runway 11-29 Lighting System, OIA. (Resolution)
- Recommends their approval and authority to advertise for bids for the project.

Summary Agenda of Board Calendar

May 25, 2000

Page 2

8S Approval of Plans and Specifications for Construction of Aviation Maintenance Facilities Complex, North Airport, OIA. (Resolution)

Recommends their approval and authority to advertise for bids for the maintenance complex.

9S Approval of Submittal of Pre-Application and Application to Federal Aviation Administration (FAA). (Resolution)

Recommends approval to submit the applications for the proposed funding and notes the grants will be used to overlay existing taxiways and the main runway.

COMMERCIAL REAL ESTATE

15S Approval of Plans and Specifications for Reconstruction of Embarcadero Between 5th Avenue and 16th Avenue, Embarcadero Cove. (Resolution)

Recommends their approval and authority to advertise for bids for the roadway improvements.

MARITIME

23S Award of Contract for Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing May 1, 2000 and Ending April 30, 2001, 2002 or 2003. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

Summary Agenda of Board Calendar
May 25, 2000
Page 3

24S Authorization to Include the Demolition of Building E-240 & Miscellaneous Structures, Middle Harbor Terminal, in the Port's Small Business Program. (Resolution)

Recommends approval of the plans and specifications for the demolition project and recommends that the project be included in the Small Business Program.

25S Approval of Consultant Agreement for Construction of Quality Assurance Services for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)

Recommends approval to retain a local team to perform the Quality Assurance inspection for the landfill closure as required by the RWQCB.

26S Authorization to Execute an Agreement with Pacific Bell to Provide Telephone Service for Vision 2000 Program Area. (Resolution)

Recommends approval of the agreement which provides for the telephone service in the new harbor area.

OPERATIONS

33S Ratify Addendum and Award of Contract for Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

Summary Agenda of Board Calendar
May 25, 2000
Page 4

34S

Ratify Addendum and Award of Contact for Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

ORDINANCES:

Port Ordinance No. 3576 being, "AN ORDINANCE RESCINDING RESOLUTION NO. 20042 AND AMENDING ORDINANCE NO. 3542 WITH RESPECT TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT TAXI PERMIT RENEWALS."

Provides for establishing a penalty fee for late taxi cab permit renewals.

Port Ordinance No. 3579 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH VIJAY PATEL, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.6 ACRE PARCEL OF LAND LOCATED A HEGENBERGER AND PARDEE ROADS."

Provides for a purchase and sale Agreement with Vijay Patel for property located at Hegenberger and Pardee Roads.

Agenda Sheet

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property located at Hegenberger and Pardee Roads

DATE: May 2, 2000

ITEM NO: 50

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin *[Signature]*

DUPLICATE OF PRIOR

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

CALENDAR MEMO

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has received an offer from Vijay Patel to purchase an approximately 2.6 acre site with dual frontage on Hegenberger and Pardee Streets located adjacent to the Hilton hotel.

Mr. Patel will be proposing the development of a 125-room Wingate Inn. The Wingate product represents an upper midmarket hotel, which is technology driven and targeted to the business traveler. The guest room is larger than average with separate work and sleep areas, and access to a 24-hour self-serve business center.

ECONOMIC TERMS:

Price: \$15.25 per square foot
\$1,700,000

Deposit: \$100,000

Due Diligence: 60 days

Buyer's Obligations: Marketing and feasibility report
Executed agreement with Wingate Hotels for a Wingate Inn
Evidence of financial capability
Design development plans
Review of applicable ordinances

Closing Date: 45 days after the 60-day due diligence period

Commission: A commission of 6% payable to Coldwell Banker Commercial

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to construction and/or operation of the hotel. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Subject: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property located at Hegenberger and Pardee Roads

This matter has been discussed at a number of Commercial Real Estate Committee meetings.

OPTIONS:

1. Do not sell.
2. Put the parcel on the open market

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Vijay Patel for the purchase of the Hegenberger Road parcel at a price of \$15.25 per square foot.

Agenda Sheet

SUBJECT: Impose late penalty fees on Airport Taxi Cab Permit Renewals

DATE: April 8 2000

ITEM NO: 4S

PROGRAM AREA: -

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

DUPLICATE OF PRIOR CALENDAR MEMO

FACTUAL BACKGROUND

In calendar year 1999, 37 of 92 Airport Taxicab permits were forfeited because a cab company failed to request renewal of their operating permit despite written, certified notification. Port Ordinance No. 3542 requires taxicab permit holders to apply for the renewal of their permit on an annual basis. However, should all Airport authorized permits not be renewed the remaining permits are forfeited and re-issued via a lottery system in which all qualified permit holders are eligible to participate. On February 1, 2000, the Board passed Resolution No. 20042 directing staff to re-issue 25 of the 37 forfeited permits and to hold a lottery for the remaining 12 vacant permits as soon as practical.

While there are a number of financial penalties for infractions of the rules and regulations as they relate to the operation of the cabs, there is no mention of a financial penalty fee for failing to renew a permit. In reviewing the Taxicab Rules and Regulations staff believes that the loss of a permit for non-renewal in a timely manner is too severe a penalty for what might simply be a business mistake, and that some other remedy should be incorporated into the Regulations to provide flexibility in dealing with individual situations.

OPTIONS

- 1) Maintain the current lottery system.
- 2) Waive the lottery and automatically reissue all permits.
Establish a penalty fee system.

ANALYSIS

Given the sizable economic impact the forfeiture would have on cab companies and their drivers who are dependent on the permit to make a living, Option 1 appears to be an extreme solution to a simple oversight. Solution 2 contains no incentive to apply annually for permit renewal or to comply with Airport procedures. Staff recommends the revision of the adopted regulations to include a late permit renewal penalty fee, under which a permit holder would have the opportunity to retain its permit by paying a penalty fee. The late renewal penalty fee would be as follows: a) First occurrence, \$500.00 per permit; b) Second occurrence \$1,000.00 per permit, and c) Third occurrence, permit will be forfeited and re-issued via lottery.

RECOMMENDATION

It is recommended that the Board of Port Commissioners (1) rescind Resolution No. 20042, (2) amend Port Ordinance No. 3542 to incorporate the late renewal penalty fee set forth above and to make all other necessary conforming changes, and (3) direct staff to issue all 37 permits to Friendly Cab Company by imposing a first occurrence penalty fee of \$500.00 per permit.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

APR 18 2000

DATE

Agenda SheetDATE: May 25, 2000ITEM NO: 2S

SUBJECT: Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement, Building Permit and Execution of a Lease with New Tenant Pacific Bell Wireless LLP

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Steven J. Grossman EXECUTIVE OFFICE RECOMMENDATION **FACTUAL BACK GROUND:**

Pacific Bell Wireless LLP (PBW) has entered into a 45-day Right-of-Entry and Indemnity Agreement (ROE) dated May 22, 2000, for telecommunications equipment and antennae space in Terminal II at South Airport. The ROE has a flat fee of \$3,000 per month and allows PBW to begin its site development process immediately, thus expediting the enhancement of service to PBW customers. The telecommunications equipment will enhance the wireless cellular telephone reception of PBW customers within the terminal building complex. Currently, only Terminal I is adequately covered by PBW from an off-airport location. To adequately cover Terminal II, PBW desires to place equipment there.

ANALYSIS:

Currently, the airport only has on-airport wireless coverage provided by GTE and Nextel. Coverage by PBW will benefit PBW's customers who use the airport, which includes cellular telephone users who are both employees and airport passengers.

The ROE expires on July 5, 2000. PBW wishes to extend the Right of Entry to allow time for the processing and approval of a Wireless Telecommunication Lease. Therefore, staff requests that the Board approve the execution of an Agreement to Extend Right of Entry and Indemnity Agreement extending the termination date to November 30, 2000.

PBW wishes to enter into a Wireless Telecommunications Lease with the Port. PBW has agreed to an administration fee of \$5,000 to cover the time and expense of staff in the negotiation and preparation of the agreements. Therefore, staff requests that the Board consider the proposed terms and conditions listed below.

Agreement has been reached on the key business terms and conditions of a proposed Lease, as follows:

Term:	Five-year term with one, mutually agreed, five-year renewal period
Administration Fee:	\$5,000
Rent:	\$3,000 per month with annual CPI increases
Premises:	Approximately 10 square feet of ceiling space in Terminal II
Special Provisions:	90-day mutual cancellation clause, approval clause for equipment changes and additions, a clause requiring the Port's approval for subleasing, additional premises to be added with the Port's approval
Standard Port Provisions:	As determined by the Port Attorney

Approved by Ordinance

passed to print

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Resolution

No. 20185

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAY 25 2000

DATE

Subject: Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement, Building Permit and Execution of a Lease with New Tenant Pacific Bell Wireless LLP

In order to develop the site in a timely manner, PBW has begun the application and plan review process with port staff for a building permit. The building permit will permit PBW to construct a telecommunications facility on Port property including installation of fiber optic cable and related electrical and mechanical equipment.

The estimated value of the work is less than \$25,000.

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing. Granting of the building permit has been determined to be Categoricaly exempt from California Environmental Quality Act under Section 15301, Class 1(a), which exempts minor alterations and additions to existing buildings and facilities.

OPTIONS:

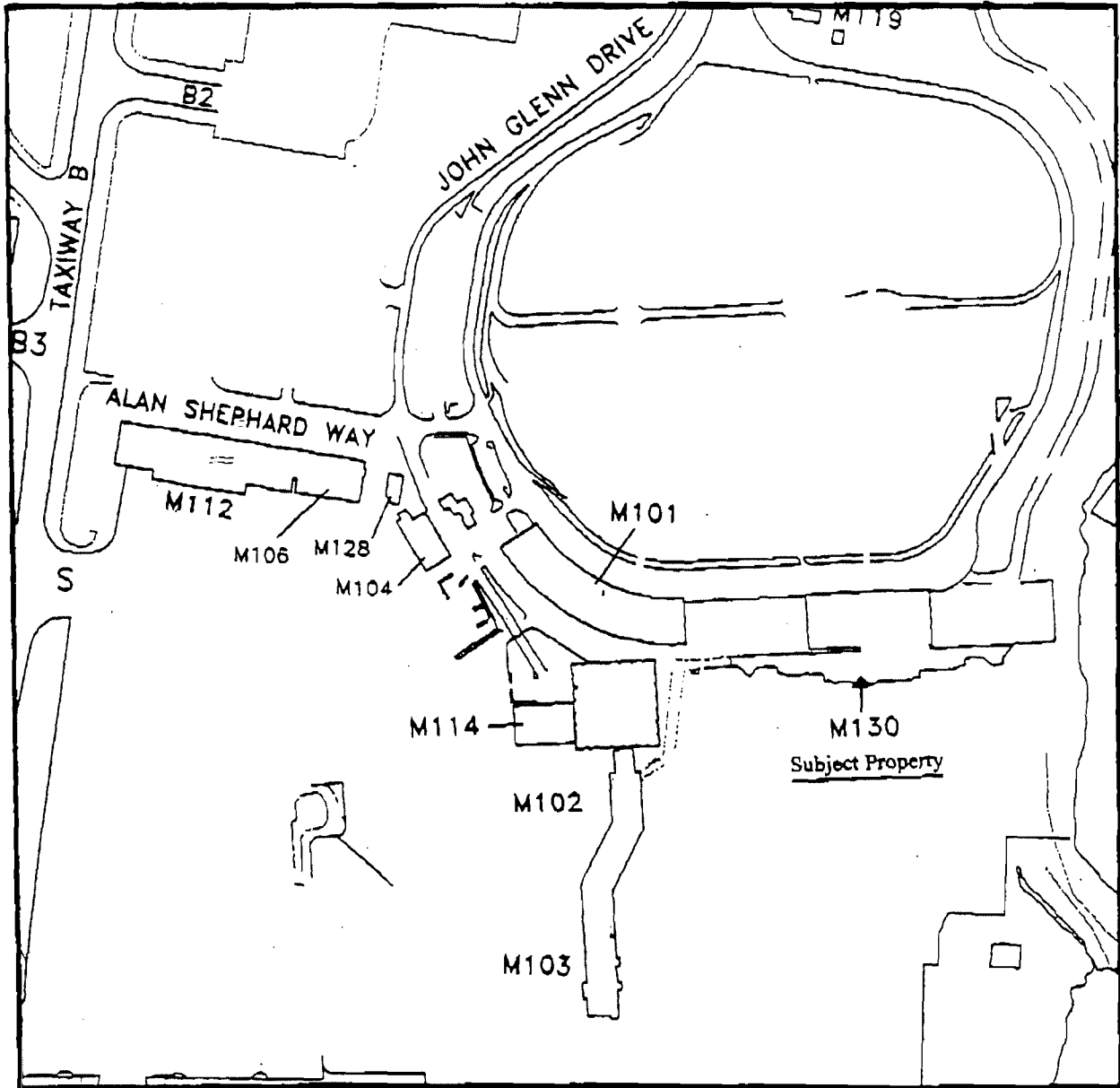
Not applicable.

RECOMMENDATION:

It is recommended that the Board 1) pass a resolution approving and authorizing execution of an Agreement to Extend Right-of-Entry and Indemnity Agreement, 2) pass a resolution approving a building permit to build a telecommunications facility, and 3) give first reading to an ordinance approving and authorizing the execution of a Wireless Telecommunications Lease with Pacific Bell Wireless LLP, all as described above.

**Board of Port Commissioners
Calendar Item**

Approval of Agreement to Extend Right-of-Entry
and Indemnity Agreement, Building Permit and
Execution of a Lease with New Tenant Pacific Bell
Wireless LLP



**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with Pedus Aviation Services, Inc. (9351 Earhart Road, North Airport)

DATE: May 25, 2000
ITEM NO: 3S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Pedus Aviation Services, Inc. (Pedus) is currently under a 45-day Right-of-Entry and Indemnity Agreement (Right-of-Entry) granting occupancy of approximately 93sf of office space in Building L-142 on the North Airport. Pedus uses the premises to support its aircraft ground services operations on the South Airport with aspirations to expand these services to tenants on the North Airport. The Right-of-Entry commenced April 1, 2000; rent is \$250.00 per month plus 10% of Gross Revenues.

ANALYSIS:

The proposed License and Concession Agreement would extend occupancy of the same premises through March 31, 2001. Monthly rent and use would remain the same.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with Pedus Aviation Services, Inc.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20186

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

MAY 25 2000

DATE

Board of Port Commissioners

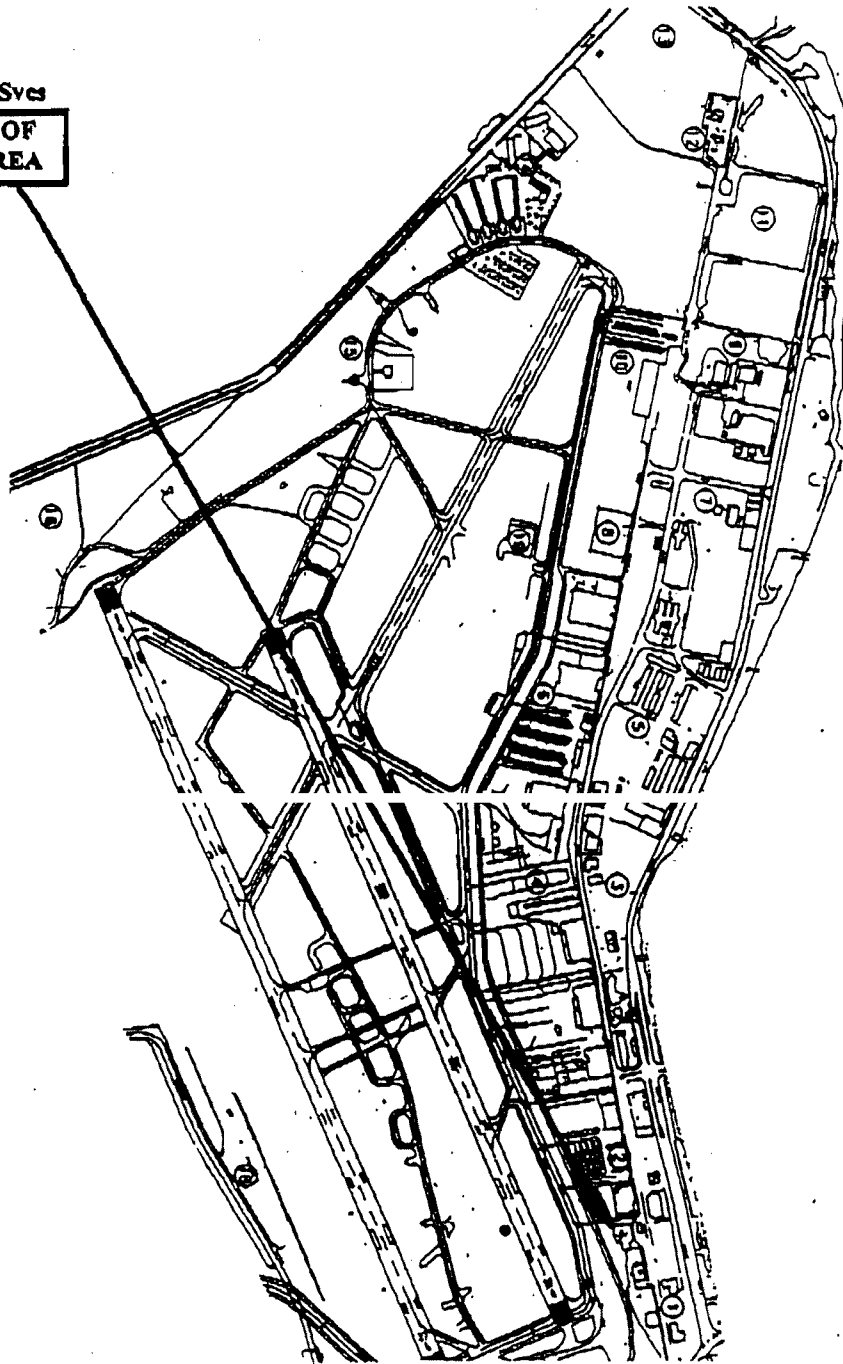
Calendar Item

Approval of License and Concession Agreement with
Pedus Aviation Services, Inc. (9351 Earhart Road, North Airport)

Pedus Aviation Svcs

**BOUNDARY OF
ASSIGNED AREA**

Approx. 93af
(Bldg. L-142)



Airport Properties

Port of Oakland



**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

SUBJECT: Approval of License and Concession Agreement with Oliver de Silva dba Gallagher & Burk, Inc. for Unimproved Land (Doolittle Drive)

ITEM NO: 4S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port entered into a contract with Oliver de Silva dba Gallagher & Burk, Inc. (Gallagher) to construct certain roadway improvements at the Airport. As part of the contract, the Port agreed to provide a place for Gallagher to locate a trailer, store equipment and temporarily store soils removed as part of the work.

Four contiguous undeveloped parcels of land on Doolittle Drive were identified as acceptable for Gallagher's use.

ANALYSIS:

To accommodate growth, the Oakland Airport has planned an expansion of its terminal buildings. This project includes improvements to the roadway leading into the Airport. The roadway project is the first component of the multi-phased airport expansion project. Work on the roadway commenced in February 2000. To facilitate the work, Gallagher's contract provides that the Port will make available a construction staging area. This area would provide a location for an office trailer, parking for heavy equipment and temporary storage for soils excavated from the site. Gallagher would not pay rent for the use of this land.

The Airport evaluated several locations for the construction staging area and identified the four unimproved parcels on Doolittle Drive as the most suitable. The parcels are located on the west side of Doolittle Drive, south of Airport Drive. These parcels are primarily leased on a temporary basis to rental car companies needing additional seasonal vehicle parking. The rental car companies usually rent portions of the land intermittently for thirty to forty-five days. The rental rate for this land is \$.1025 psf/mo. The four parcels contain approximately 70,696sf. If rented on a continuous basis to a long-term tenant, these parcels would provide \$7,246.34 per month (\$86,956.08 per year) of revenue. Since the parcels have been largely unoccupied during the past few years, the temporary rental income has been less than \$15,000 per year. Gallagher would occupy all four parcels.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:


1. Identify a different Airport site for the construction staging area. Staff was unable to locate an appropriate location that would provide an equal amount of space, or one that kept the movement of heavy equipment away from major passenger traffic areas.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20187

BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

MAY 25 2000

DATE

Identify a nearby site not owned by the Port. In the event Gallagher located its construction staging area on land not owned by the Port, it would bill the Port for the cost of the rent, including administrative overhead. It was determined that this option would cost the Port significantly more money than foregoing potential rent from another tenant at the Doolittle site.

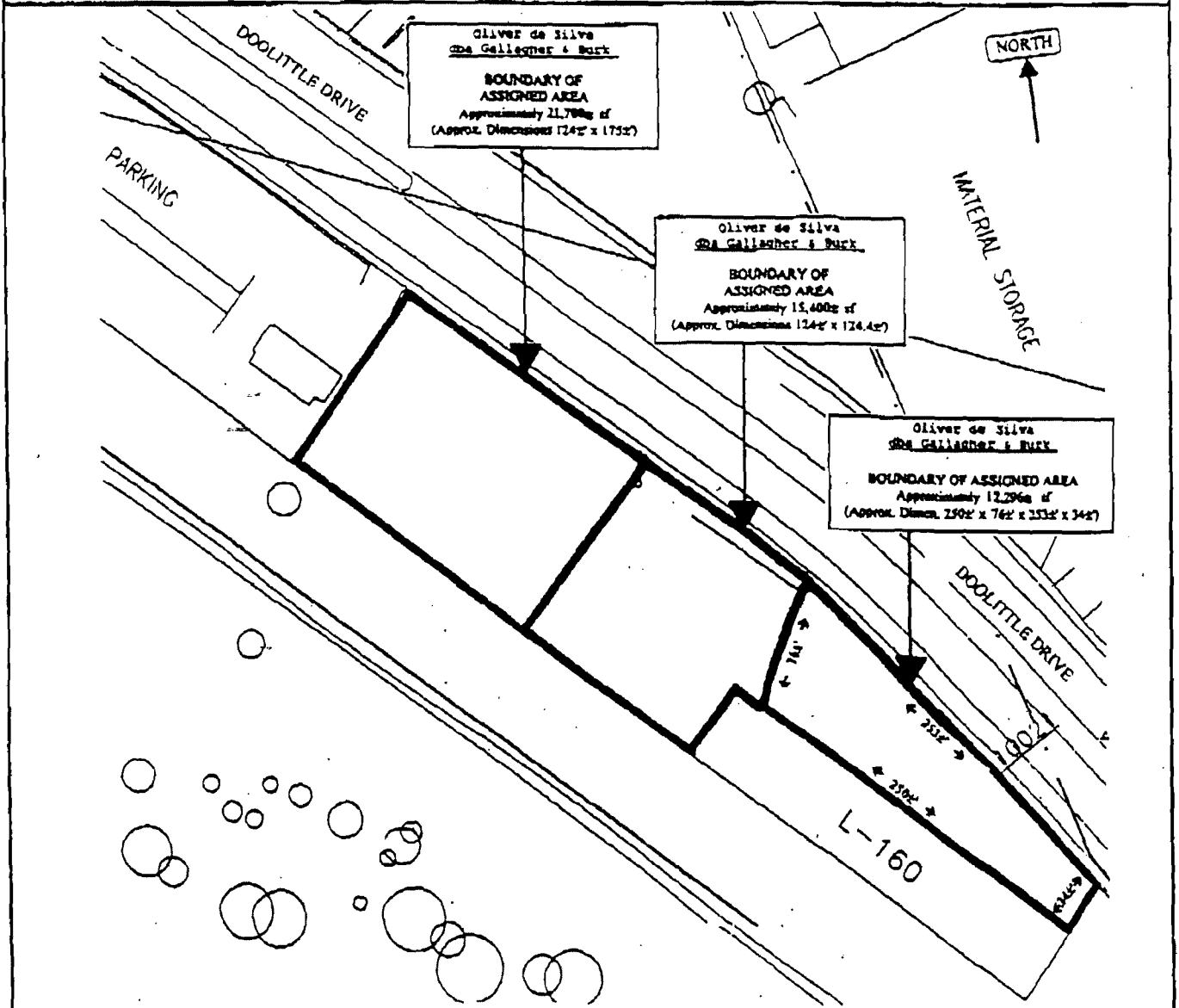
3. Provide the Doolittle site for the construction staging area.

RECOMMENDATION:

It is recommended that the Board approve a License and Concession Agreement with Oliver de Silva dba Gallagher & Burk, Inc. as more fully described above.

**Board of Port Commissioners
Calendar Item**

Approval of License and Concession Agreement
with Oliver de Silva dba Gallagher & Burk, Inc.
for Unimproved Land (Doolittle Drive)



Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to Extend Agreement with Keiser & Associates

DATE: May 25, 2000

ITEM NO: 5S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Aviation Division recommends continuation of the consulting services of Keiser & Associates, Inc. to perform air cargo marketing services for a three-year term beginning July 1, 2000 through June 30, 2003. Specifically, Keiser & Associates will be engaged to:

1. Continue ongoing Airport marketing efforts with domestic and international air cargo carriers, forwarders, express package carriers, shippers, U.S. Postal Service and other governmental agencies to increase air cargo activity at Oakland Airport;
2. Provide recommendations with regard to short-term and long-term air cargo facility requirements.
3. Provide evaluation of emerging trends in the air cargo industry as they affect the Port's air cargo marketing strategy, facility development plans and revenue generation opportunities.
4. Represent the Port of Oakland at various cargo trade shows venues, both domestically and abroad.
5. Represent the Port of Oakland in meetings with existing and potential air cargo carriers and forwarders, both domestically and abroad.

Keiser & Associates expertise, experience and contacts in the air cargo industry have contributed significantly to the growth in cargo experienced by the airport during the last 16 years. They have been very valuable in the airport's successful efforts to develop facility arrangements with FedEx, gain the FedEx Pacific gateway designation, and in coordinating air cargo operations at the airport. In addition, Keiser & Associates works closely with Aviation Marketing to develop new air cargo services.

because of these accomplishments, continuation of the consulting services of Keiser & Associates (Board resolution #98001) is recommended to achieve the air cargo marketing program goals. These services are planned for the next three fiscal year budgets (FY00/01, FY01/02 and FY 02/03). Keiser & Associates is an Oakland-based firm with offices located in Terminal One. Keiser & Associates will subcontract some of the work to Goodman and Associates, a local business area (LBA) and minority-business enterprise (MBE) headed by Harold Goodman, the former FedEx Director in Oakland. Goodman and Associates will work with Keiser & Associates on a variety of assignments that will not be restricted to Oakland but will involve work in a variety of locations throughout the country.

OPTIONS:

To continue growing the air cargo portion of the airport's business as directed by the business plan, Oakland International Airport needs to invest resources towards this effort. This would require creation and staffing of an air cargo marketing staff position.

ANALYSIS:

Keiser & Associates fulfills the role of an air cargo marketing staff person. At this time, the Aviation Marketing department is not budgeted to hire a full-time staff person. Once the Airport Development Program is underway and construction of the cargo projects is cleared to begin, the need for a full-time staff person will be considered and may well be justified.

RECOMMENDATION:

It is recommended that the Board authorize extension of the current agreement for an additional three years, for an amount of \$195,000, under the same terms and conditions of the previous agreement. Further, that the Board authorize the Port's Executive Director to increase this amount by up to an additional amount of \$30,000 to cover required international travel, plus up to an additional \$50,000 to allow for changes in the scope of work that the consultant will be requested to perform for the Port, for a maximum contractual amount of \$275,000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20188

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD

MAY 25 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Recommendation that the Board
Approve the Alameda County 20-Year
Transportation Expenditure Plan

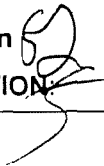
DATE: May 25, 2000
ITEM NO: 6S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steve Grossman

EXECUTIVE OFFICE RECOMMENDATION:



Background

The Alameda County Transportation Authority (ACTA) has approved a countywide expenditure plan, composed of transportation projects and programs that meet identified needs to move people and goods throughout the county. The \$1.4 billion plan would be funded with a twenty-year renewal of the existing half-cent sales tax. In accordance with state law, this plan is being circulated among city councils in the county for approval. Once approved, the plan will go before the voters in November 2000. ACTA has requested that the Board of Port Commissioners, as well as the BART and AC Transit Boards formally approve the plan. This is an enhanced version of the expenditure plan approved by the Board in 1998, but which failed to obtain the required two-thirds vote.

The Port is co-sponsoring the BART – Oakland International Airport Connector, which is a major project in the expenditure plan. The Connector will be a rapid and dependable link between BART and the Airport. We anticipate that the Connector will become operational at the same time the new Airport terminal complex opens. It is projected to carry approximately three million riders annually within ten years, made up of both air passengers and airport employees. The expenditure plan would provide about half the needed funding for the Connector (\$65.8 million).

Other elements of the expenditure plan include: \$318 million for cities to maintain and repair local roads and to fund other local transportation projects; \$312 million for transit maintenance and operations; \$149 million for maintaining and improving paratransit operations throughout the county; \$71 million for non-motorized, mainly bike and pedestrian projects; and \$3 million for transit-oriented development. Other projects in the plan are: \$20 million for AC Transit bus service improvements along the San Pablo-Telegraph Corridor; \$10 million for continued improvements to the ACE commute rail service in southern and eastern Alameda County; \$166 million for first phase extension of BART to Santa Clara County from Fremont; \$66 million for the widening of I-238 between I-880 and I-580; \$9 million for construction of a Union City intermodal station; and \$3.5 million toward the development of the BART Fruitvale Transit Village.

RECOMMENDATION:

It is recommended that the Board approve the Alameda County Twenty-Year Transportation Expenditure Plan. It is also recommended that the Board support placing a proposition on the November 2000 ballot to authorize the extension of the one-half cent retail sales tax to fund the programs and projects described in the Alameda County Twenty-Year Transportation Expenditure Plan.

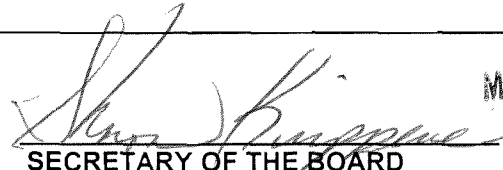
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20189

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

MAY 25 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 7S

SUBJECT: Approval of Plans and Specifications for Replacement of Runway 11-29 Lighting System, OIA

PROGRAM AREA:

- Checked: Airport Operations C.I., Commercial Real Estate, Maritime Operations, Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Plans and specifications have been prepared for the Replacement of Runway 11-29 Lighting System, Oakland International Airport, Oakland, California, and are hereby submitted for approval and authorization to advertise for bids. The runway lighting system is an integral component of the runway operation.

In 1999, the 40-year old primary conduit and high-voltage cable system that feeds electrical power to the Runway 11-29 lighting system was replaced to increase reliability. Additionally, in September 1999, the low-voltage cable system that powers the runway centerline and aircraft threshold lights were replaced as part of an emergency pavement repair project along the first 750 feet of the 10,000-foot runway. Portions of the remaining runway lighting system continue to experience electrical problems and will be replaced as one of the upcoming repair projects to the balance of the runway.

The remaining 9,250 feet of runway is scheduled for pavement repairs and an asphalt overlay in the summer of 2001. The scope of the pavement improvement project originally included the replacement of the balance of the runway lighting system. The number and length of runway shutdowns to accommodate work on the runway is highly dependent on the amount and type of work performed. Consequently, in an effort to reduce these shutdowns to minimize disruptions to Airport operations, the runway lighting system replacement work was removed from the original pavement repairs and asphalt overlay project scope and structured as a separate contract to be performed on a series of early Monday morning shifts.

ANALYSIS:

Low visibility and nighttime operation of the runway are dependent upon the number of fixtures in service. FAA safety regulations require that no more than two adjacent centerline fixtures can be out of service before the runway must be shutdown. The volume of aircraft operations on the runway is so great that the only period that is available to perform any repairs is from Sunday at midnight to six o'clock on Monday morning. Port staff and contractors must schedule all repairs of the runway pavement and lighting system in this six-hour window.

The scope of work consists of removing existing fixtures, conduit, and low-voltage cable, and immediate replacement of the fixtures, conduits and circuits for a small section of the system each early Monday morning. The Monday morning work requires de-energizing electrical power; excavating and paving; installing conduit and cable; performing complicated re-wiring of the old system with the new system; and relocating electrical equipment beyond the safety zone. All work must be completed by the end of each Monday morning shift so the lighting system can be placed back into operation.

- MOTION, RESOLUTION, ORDINANCE, INFORMATION ONLY

Approved by Resolution No. 20190

BOARD ACTION TAKEN

Assistant

Signature of Secretary, DATE: MAY 25 2000

SECRETARY OF THE BOARD

DATE

The short closure periods for such labor-intensive construction requires an electrical contracting firm be employed on this project that has experience in planning and implementing work on airfield lighting systems. Staff proposes that the specifications require contractors to meet minimum airport construction experience as well as equipment availability requirements for this project. Additionally, the contract will also specify a minimum required production rate, terms for scheduling corrective action, and termination of the contract should the contractor fail to meet the required production rate. It is imperative that the production rate be achieved to ensure that all lighting systems in the runway pavement are completed before the runway asphalt overlay project begins in the summer of 2001.

Environmental:

The project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA guidelines pursuant to CEQA 15301, Class 1 (a,c,d and f) maintenance, involving no expansion of use beyond that previously existing.

General Plan:

It has been determined that this project conforms to the City of Oakland General Plan as a continuation of aviation-related use in the Oakland International Airport.

Budget:

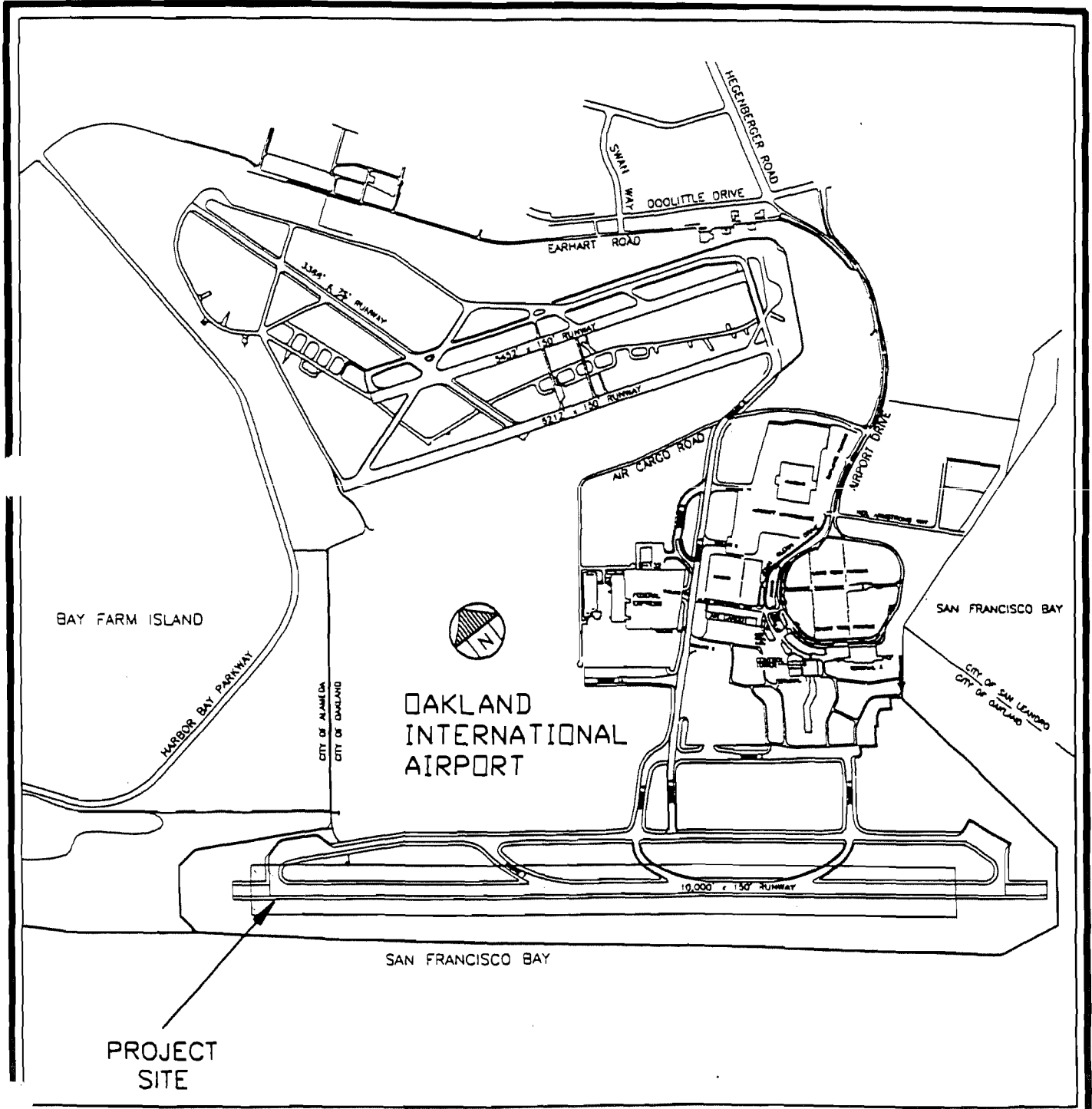
The work is budgeted in CIP Element No. A2.00644.04. The Total Project Cost is estimated to be \$10,000,000. The funding source is Passenger Facility Charges (PFC) APP No. 9.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that plans and specifications for Replacement of Runway 11-29 Lighting System be approved and authorization be granted to advertise for bids to be received on June 28, 2000.



PORT OF OAKLAND



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 9S

SUBJECT: Approval of Submittal of Pre-Application and Application to Federal Aviation Administration (FAA)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *S*

ACTUAL BACKGROUND:

The Airport Improvement Program (AIP) was established by the Airport and Airway Improvement Act of 1982, and amended by the Airport and Airway Safety and Capacity Expansion Act of 1987. Under this program which is administered by the Federal Aviation Administration (FAA), grants are made to public agencies, and in some cases, private owners or entities, for the planning and development of public-use airports. The Port has been notified by the FAA that approximately \$2.8 million in entitlement funds are available to the Port under the Airport Improvement Program (AIP) for federal fiscal year 2000 (10/01/99-09/30/00). Entitlement funds are allocated annually based on the number of enplaning passengers and air cargo traffic units per airport. These entitlement funds are to be used for FAA-approved projects.

ANALYSIS:

In a Federal Register Notice published on April 17, 2000, the FAA announced that June 1, 2000 is the deadline for submission of AIP applications for fiscal year 2000. In order to meet the deadline, the AIP grant pre-application and application must be submitted to the FAA as soon as possible.

The total estimated cost of the Overlay Taxiway D and J project is \$5,580,600. On March 31, 1999, the Port accepted the FAA Grant Offer of \$1,832,551 under AIP-22, which was the first portion of the entitlement funds for the fiscal year 1999. On July 20, 1999, the Port accepted the remainder of fiscal year 1999 grants under AIP-23 in a total amount of \$1,143,764. The Port is now applying \$1,047,670 of the entitlement funds for fiscal year 2000 to fund the rest of the Taxiway project. The remainder of the entitlement funds will be applied to the Overlay Runway 11/29 project. The total estimated cost of the Overlay Runway 11/29 project is \$8.5 million. The Port intends to request multi-year funding to recover the full FAA share for the Overlay Runway 11/29 project. The following shows the fiscal year 2000 funding proposed under this grant:

Project	Estimated Total Project Cost	FAA Share	Port Share
Overlay Taxiway D (south of Taxiway M) and Taxiway J	\$5,580,600	\$1,832,551 (AIP-22) \$1,143,764 (AIP-23) \$1,047,670 (FY-00)	\$731,885 (AIP-22&23) \$824,730 (FY-00)
Overlay Runway 11/29	\$8,500,000	FY 2000 Funding Only \$1,762,510	FY 2000 Funding Only \$424,498

BUDGET:

This work is included in the CIP Item Nos. A1.00626.03 and A2.00641.04.

ENVIRONMENTAL:

This project has been determined to be Categorically Exempt from CEQA and the Port CEQA Guidelines pursuant to Section 15301, Class 1 (a, c, d, and f) and Section 15302, Class 2 (b and c).

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. *20191*

BOARD ACTION TAKEN

Assistant

Sharon K...
SECRETARY OF THE BOARD

MAY 25 2000

DATE

RECOMMENDATION:

It is recommended that the Board approve the submittal of the grant pre-application and application to the Federal Aviation Administration for the above mentioned projects.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: May 25, 2000

ITEM NO: 15S

^{TD}
SUBJECT: Approval of Plans and Specifications for Reconstruction
of Embarcadero Between 5th Avenue and 16th Avenue,
Embarcadero Cove

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

In January 1999, the Board authorized the Executive Director to execute and file an application for funding under the State Transportation Improvement Program of SB45 in the amount of \$707,000 for the reconstruction of Embarcadero between 5th Avenue and the 16th Avenue overcrossing. The City of Oakland has obtained grant funding for a closely-related improvement project entitled the EMBARCADERO BAY TRAIL BIKEWAY PROJECT that includes the same segment of Embarcadero between 5th Avenue and the 16th Avenue overcrossing. Port and City staff agreed to combine the design and construction of these two projects in order to minimize disruption from construction activities and maximize both cost-effectiveness and quality of construction.

Policy OAK-9 of the Estuary Policy Plan (jointly prepared by the City of Oakland (City) and the Port, and adopted by the City Council on June 8, 1999) calls for the improvement of the Embarcadero east of Oak Street as "a multimodal landscaped parkway with bicycle, pedestrian and vehicular facilities." The combined project will create the first segment of the Embarcadero Parkway called for in the Estuary Policy Plan.

Port staff has prepared a Memorandum of Understanding (MOU) between the City and the Port regarding implementation of the combined project. The MOU defines project roles and responsibilities as well as the funding obligations of both parties. The MOU was approved by the City Council on May 2, 2000.

Plans and specifications have been prepared for the combined project entitled, "**RECONSTRUCTION OF EMBARCADERO BETWEEN 5TH AVENUE AND 16TH AVENUE, EMBARCADERO COVE**", and are hereby submitted for approval and authorization to advertise for bids.

The work consists, in general, of replacing the existing roadway pavement; constructing a curb along the north side of the road; extending existing curb, gutter, and sidewalk along the south side of the road; and installing landscaping and irrigation. The design provides for one traffic lane in each direction, one bike lane in each direction, and automobile parking along the south side of the road.

ANALYSIS:

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15301, Class 1 – Repair of Existing Facilities and Section 15302, Class 2 – Replacement of Reconstruction of Existing Facility.

A small portion of the reconstruction of Embarcadero between 5th Avenue and the 16th Avenue overcrossing is within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). A BCDC permit will be obtained prior to construction of the project.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20199

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD



MAY 25 2000

DATE

Budget:

The capital budget for Fiscal Year 2000 provides for this work under CIP Item No. P1.00601.01. The total project cost is estimated to be \$2.4 million. The funding sources for the work are a \$707,000 grant from the State Transportation Improvement Program, a \$690,000 grant from the City of Oakland, and the remaining \$1,003,000 from Port cash.

Project Labor Agreement

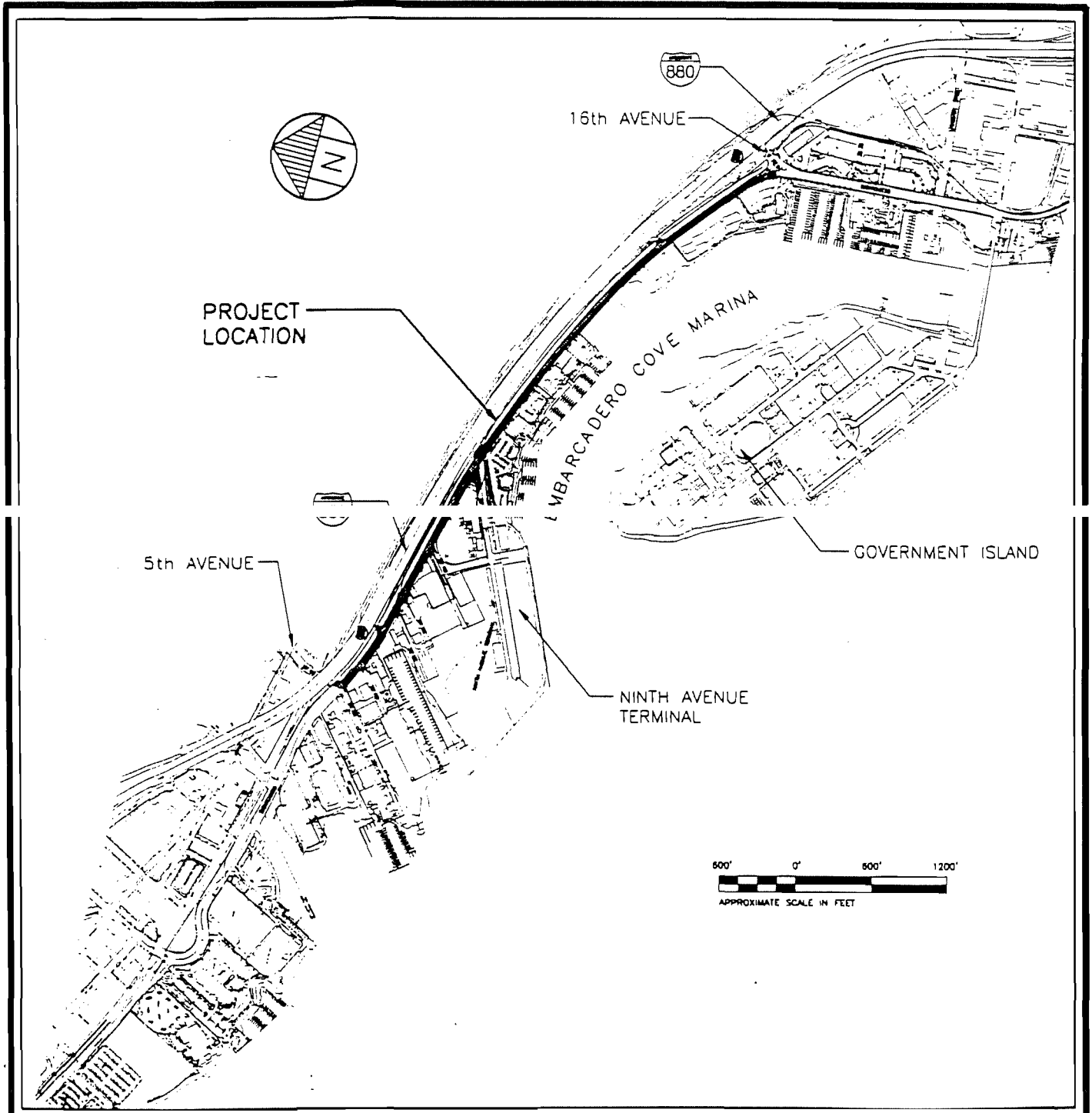
This project is not covered by the Maritime and Aviation Project Labor Agreement (MAPLA). Accordingly, the provisions of the MAPLA do not apply for this work.

RECOMMENDATION:

It is recommended that the plans and specifications be approved and authorization be granted to advertise for bids to be received on June 21, 2000.

It is further recommended that the Board approve and authorize the execution of the Memorandum of Understanding (MOU) between the Port and the City of Oakland regarding the definition of project roles and responsibilities together with the funding obligations for Reconstruction of Embarcadero between 5th Avenue and 16th Avenue Overcrossing.

It is still further recommended that the Board authorize the Executive Director to execute the necessary agreements with the State of California, Department of Transportation regarding the grant funding under the State Transportation Improvement Program of SB45 in the amount of \$707,000.



PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 23S

SUBJECT: Award of Contract for Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing May 1, 2000 and Ending April 30, 2001, 2002 or 2003

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

Four (4) bids were received and opened on April 5, 2000, for **Furnishing Pile Driver Crew for Repairs to Port of Oakland Docks and Waterfront Facilities for the Period Commencing May 1, 2000 and Ending April 30, 2001, 2002 or 2003, Oakland, California.**

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	DIRECT LABOR COSTS PLUS ___% OF LABOR COSTS
KIDI, (A Joint Venture)	Pittsburg, CA				X	43.71%
Dutra Construction Co., Inc.	Alameda, CA			X		52.60%
Vortex Diving, Inc.	Oakland, CA			X		55.00%
Power Engineering Contractors, Inc.	Alameda, CA			X		68.90%

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

ANALYSIS:

Bid Protest:

Two bid protest letters were received from Vortex Diving, Inc. (Vortex) concerning the Dutra Construction and KIDI bids. The second letter was received outside the bid protest period. Vortex questioned the office location of Dutra Construction in relation to local preference points and the responsibility, qualifications, financial ability and resources of KIDI to perform the work of the contract. Vortex requested the bid be postponed until a suitable investigation took place. Port Staff investigated Vortex' comments and determined they were without merit for both the Dutra Construction and KIDI bids. Dutra Construction is certified by the Port's Office of Equal Opportunity as an LIABE. KIDI has current pile driving experience and, although it is not a specification requirement, has their own pile driving equipment. They have access to any larger equipment as may be required. Two letters were sent to Vortex Diving Inc. responding to all of the comments and stating that KIDI remains the lowest responsible bidder.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20201
BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD
DATE MAY 25 2000

Non Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Since the bid of the low bidder, KIDI, is more than 10% lower than the bid of the next lowest bidder, this portion of the policy does not impact the award of this contract.

Accordingly, it is recommended that KIDI be considered to be the lowest responsible bidder for the purposes of this contract. The Port's Office of Equal Opportunity analyzed the bids and concurs with the recommendation.

Subcontractors Listing:

KIDI did not list any subcontractors.

Budget:

The expense budget for Fiscal Year 2000 provides for this work under Harbor Facilities Maintenance.

Project Labor Agreement:

The Plans and Specifications for this project were approved by the Board on March 7, 2000, prior to the adoption of the Maritime and Aviation Project Labor Agreement (MAPLA). Consequently, the MAPLA was not included in the original bidding documents, where it would have required potential bidders to be a party to and bound by the MAPLA for the contract.

It was since determined to be in the best interests of the Port to add the MAPLA as a no cost change order to the contract. This was discussed between Port Staff and KIDI. A letter was received from Senneff-Kelly, KIDI's Legal representation, on April 28, 2000, stating KIDI would be willing to consider signing the MAPLA after satisfactory review. Senneff-Kelly received a copy of the MAPLA from the Port requesting that they review the document and agree to add the MAPLA as a no cost change order to the contract. A subsequent letter was received from Senneff-Kelly via fax on May 11, 2000, (original to follow) stating that they have reviewed the MAPLA, and that KIDI intends to sign the Letter of Assent upon award of the contract to KIDI.

RECOMMENDATION:

It is recommended that KIDI be found to be a responsible bidder, that the contract for the above project be awarded to KIDI for the amount of its bid with the provision that KIDI agree to be a party to and bound by the MAPLA as a no cost change order, and that the other bids be rejected and the bid securities returned to the other bidders.

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 24S

SUBJECT: Authorization to Include the Demolition of Building E-240 & Miscellaneous Structures, Middle Harbor Terminal, in the Port's Small Business Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Plans and Specifications have been prepared for the **Demolition of Building E-240 & Miscellaneous Structures, Middle Harbor Terminal**, and are hereby submitted for approval and authorization to advertise for proposals.

The work consists of demolition of buildings E-240 and E-242, and the wastewater treatment facility, EF-20, in the old Union Pacific Railroad Company roundhouse area on Middle Harbor Road. These structures were abandoned by the previous tenant and are in the way of future development.

ANALYSIS:

It is believed to be in the best interests of the Port to include this project in the Port's Small Business Program. This program allows small local contractors to attain experience in public sector work. To ensure that this work is completed on time for the subsequent development of the site, the proposal documents and advertisement will be modified to encourage all contractors to pick up Plans and Specifications. The contractors will be informed that the Port will initially only consider proposals from small local contractors. If no responsive proposals are received, all companies on record as having received Plans and Specifications will be invited to submit proposals on a newly scheduled proposal submission date.

Environmental:

Demolition of these structures qualifies for a categorical exemption from CEQA pursuant to State CEQA Guidelines Section 15301 (subsection I (3)), which exempts demolition of small structures. A Notice of Exemption was prepared for the proposed demolition and will be filed with the County of Alameda.

General Plan:

Pursuant to Sec. 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

Budget:

The Total Project Cost is estimated to be \$50,000.

The Capital Budget for Fiscal Year 2000 provides for this work under CIP M3.00410.10. The funding source is Port Bonds

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20202

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAY 25 2000

DATE

Project Labor Agreement:

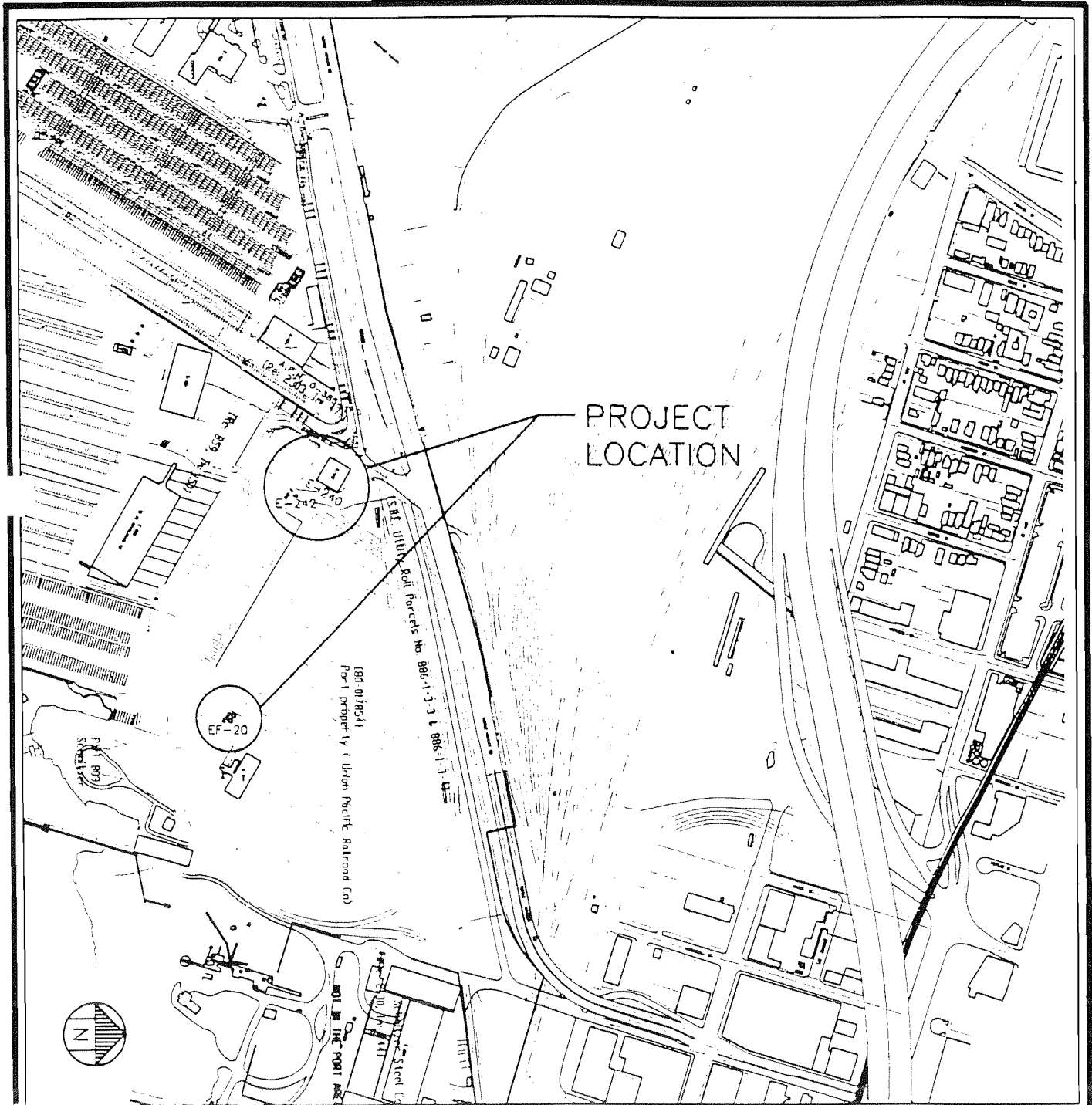
The provisions of the Port of Oakland Maritime and Aviation Project labor Agreement (MAPLA) apply for this work.

However, if a qualifying small local contractor submits a proposal that is acceptable to the Port and said contractor is otherwise eligible for exemption from the MAPLA under the program established in the MAPLA's Appendix "G" – Letter of Understanding re: Small Business Utilization Program, it is the Port's intention to exercise the exemption and to award the contract under that program.

RECOMMENDATION:

It is recommended that the project, **Demolition of Building E-240 & Miscellaneous Structures, Middle Harbor Terminal**, be included in the Port's Small Business Program, and that it be found to be in the best interests of the Port to dispense with competitive bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor who submits an acceptable proposal.

It is further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on informal proposals, if the attempt to secure an acceptable proposal from a small local contractor is not successful.



PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 25S

SUBJECT: Approval of Consultant Agreement for Construction
Quality Assurance Services for the Closure of Landfill
at the Former Lew F. Galbraith Golf Course

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port has made a commitment to the community to replace the former Lew F. Galbraith Golf Course with a new course by early 2002. To accomplish this goal, the Port has implemented a three-phase construction program. The Phase I work consisted of site preparation, excavating, stockpiling, and moisture conditioning a majority of the dredged material pumped in from the -42 ft. berth deepening project. The Phase II work, which was awarded on March 21, 2000, consists of moisture conditioning the remaining dredged material, constructing a cap over the existing landfill areas, and providing rough grading and drainage for the new golf course. The Phase III work will consist of constructing the final golf course grades, irrigation, planting, parking, and the new clubhouse.

During the Phase II design, the Port was notified that the Regional Water Quality Control Board (RWQCB) would require a Construction Quality Assurance Plan (CQA), and that this plan would require implementation by a firm independent from the Phase II contractor. The basic intent of the CQA plan is to outline the procedures to document that the construction of the final cover system for the former landfill is performed in conformance with the plans and specifications. The implementation of the plan requires that qualified individuals perform rigorous and repetitive lab tests and visual site inspections on a daily basis. These results must then be carefully collected and organized at all times, with a final certification package going to the RWQCB for approval.

Without a completed CQA plan, the scope of the inspection and testing services required during the construction phase was not well defined. The original thinking was to coordinate the work through one of the Port's fiscal year testing companies. However, as the CQA plan moved closer to completion and the scope of the inspection and testing services required by the regulatory agencies was better defined, it became clear that the actual scope to implement the CQA plan would be beyond the normal range of services provided by the Port's available fiscal year testing companies. With the Phase II construction scheduled to commence shortly, the decision was made to interview other companies capable of performing the CQA services with the intent of recommending a highly qualified team to perform the work.

BASIS OF SELECTION:

In view of the time constraints, five firms; four of which are in the Local Impact Area and one in the Local Business Area, and known to the Port and other Port contractors for their excellent work; were informally interviewed and asked for a proposal. These firms were: Consolidated Engineering Laboratories, Inc., Golder Associates, Lewis Engineering, Signet Testing Labs, and Subsurface Consultants, Inc. The team chosen includes three of the five firms considered, and Port staff is confident that this team can perform the necessary work in a timely manner.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20203

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAY 25 2000

DATE

Port staff has reviewed the qualifications received and recommends that a team comprised of three consultants perform the work. Each consultant was selected to perform tasks that best represented their professional engineering expertise. The recommended team and functions are as follows: Lewis Engineering to perform as the CQA officer; Subsurface Consultants, Inc., to provide field inspection; and Signet Testing Labs to provide testing services. Lewis Engineering is a small, women-owned business and will act as the prime consultant, with Subsurface and Signet as subconsultants.

Except for Lewis Engineering, the Port's Office of Equal Opportunity (OEO) has worked with each of the firms originally solicited for the work and is familiar with their positive outreach efforts. Lewis Engineering has not contracted with the Port before and recently submitted certification documentation for the Port's review. OEO evaluated their paperwork and has certified Lewis Engineering as both a women-owned business and a local business enterprise. OEO concurs with the recommendation of the consultant team. The EEO-1 Work Force Report/Professional Services Questionnaire form is on file.

Below is a table reflecting the make up of the team.

Team	Location	% of Work*	OEO Status**	Classification
Lewis Engineering	Piedmont, CA	37%	WBE/LBABA	Prime
Subsurface Consultants, Inc.	Oakland, CA	39%	LIABE	Subconsultant
Signet Testing Labs	Oakland, CA	25%	LIABE	Subconsultant

* The percentages are estimates only and may vary depending upon the final scope of work performed.

** WBE=Women-owned Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABA=Local Business Area Business Enterprise

Budget:

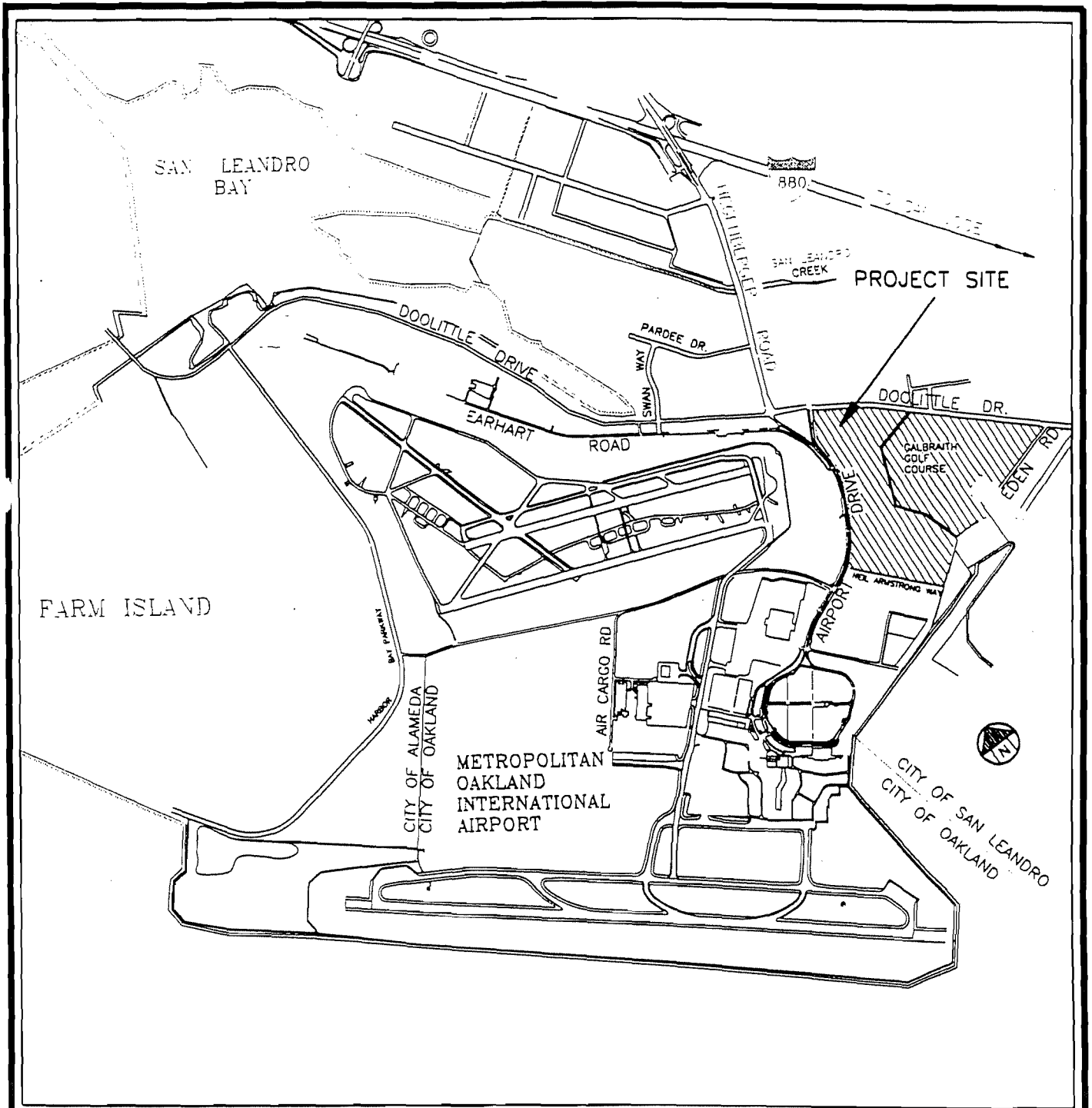
Staff is currently developing a scope of work and negotiating fees with Lewis Engineering. It is anticipated that the maximum compensation for these services will not exceed \$250,000. It is recommended that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations. In addition, it is requested that the Executive Director be authorized to approve up to an additional \$50,000 for potential changes in scope.

The cost of the addition of the CQA work remains within the total project cost for the Phase I and Phase II work. The work is budgeted under CIP Element No. MA.02870.19. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the services described above are professional services; and
2. Authorize the preparation and execution of an agreement with Lewis Engineering in accordance with the above provisions.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to Execute an Agreement with Pacific Bell to Provide Telephone Service for the Vision 2000 Program Area

DATE: May 25, 2000

ITEM NO: 26S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port of Oakland and Pacific Bell have had close cooperation during master planning stages to provide telephone service for the Vision 2000 Program and the Harbor Transportation Center. As part of the construction of 7th Street Realignment and the New Road project, the Port will install all underground telephone conduits (a total of 6) and manholes to be used by Pacific Bell for installing necessary telephone cables.

An agreement has been prepared by Pacific Bell for the installation of an underground telephone system in the Vision 2000 Program area. The agreement requires Pacific Bell to absorb the incremental cost for two (2) of the six (6) conduits in the Realigned 7th Street. These two conduits specifically will not serve any Vision 2000 Program development and are for Pacific Bell's use only. As part of the agreement, the Port will pay to Pacific Bell the sum of approximately \$85,000. This sum represents the difference between the Port's CIAC (Contribution in Aid of Construction) tax cost for the conduit system and Pacific Bell's cost which is the incremental cost for the 2 conduits installed for non Port-related uses and the cost of all conduit materials used in serving the Port and Port tenants in accordance with PUC Rule 15.

Pacific Bell will install the required telephone cables to serve Port tenants in the Port's Vision 2000 Program area. The Port will need to grant an easement(s) to Pacific Bell within the Port's property.

On May 19, 1997, the Board of Port Commissioners certified the Final EIS/EIR on Disposal and Reuse of Fleet Industrial Supply Center, Oakland / Vision 2000 Maritime Development (Port Resolution 97272) whereby it determined that there would be no significant impacts on public utility systems, including telephone systems. Further, the Berths 55-58 Project EIR, certified on April 20, 1999, (Port Resolution 99153) determined that upgrades to all systems would be necessitated, but these upgrades would result in no significant impacts.

This work is budgeted under CIP Item No. M6.00583.01. The funding source is Port revenue bonds.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving and authorizing the Executive Director to execute an agreement with Pacific Bell to provide telephone service for the Vision 2000 Program area with the above provisions. It is also recommended that the Board give first reading to an ordinance authorizing the Executive Director to grant any necessary easements or rights-of-way for the underground system.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATIONAL ONLY

Approved by Resolution

No. 20204

BOARD ACTION TAKEN

[Signature]

SECRETARY OF THE BOARD

MAY 25 2000

DATE

Agenda Sheet


DATE: May 25, 2000

ITEM NO: 33S

^{TD}
 SUBJECT: Ratify Addendum and Award of Contract for Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

Five (5) bids were received and opened on April 19, 2000, for **Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003.**

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	DIRECT LABOR COSTS PLUS ___% OF LABOR COSTS
AFA Construction, Inc.	Oakland, CA			X		18.25%
Foss Environmental Services Co.	Alameda, CA			**		22.00%
Dillard Trucking, Inc., dba Dillard Environmental Services, Inc.	Byron, CA				X	59.00%
Universal Environmental, Inc.	Benicia, CA					90.00%
DECON Environmental Services, Inc.	Hayward, CA				X	97.00%

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise
 ** Bidder was not certified by Port's Office of Equal Opportunity as an LIABE at time of receipt of bids

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

ANALYSIS:


Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Since the bid of the low bidder, AFA Construction, Inc., is more than 10% lower than the bid of the next lowest bidder, this portion of the policy does not impact the award of this contract.

Accordingly, it is recommended that AFA Construction, Inc. be considered to be the lowest responsible bidder for the purposes of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with this recommendation.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20206
 BOARD ACTION TAKEN


 SECRETARY OF THE BOARD
 DATE MAY 25 2000

Assistant

Addenda:

Addendum No. 1 revised Section 01100, Summary of Work, by providing payment for project team personnel (general foremen, supervisors, superintendents, managers, engineers, and scientists) separately from direct labor cost workers, and clarified bid items for tools and equipment and materials.

Subcontractors Listing:

AFA Construction, Inc. listed the following subcontractor:

SUBCONTRACTOR	LOCATION	MBE	WBE	LIABE	LBABE
Denbeste Transportation, Inc.	Windsor, CA	X	X		

Budget:

The cost of inventorying, profiling, packaging, manifesting, collecting, loading, transporting, and legally disposing of non-project related hazardous waste, designated waste, universal waste and other contaminated materials is included in the Operating Budget for Fiscal Year 2000-01. The funding source is Port cash. In some circumstances, however, either the capital budget or an appropriate liability account will cover work that may be performed under this contract.

RECOMMENDATION:

It is recommended that AFA Construction, Inc. be found to be a responsible bidder, that Addendum No. 1 be ratified, that the contract for the above project be awarded to AFA Construction, Inc. for the amount of its bid, and that the other bids be rejected and the bid securities returned to the other bidders.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: May 25, 2000

ITEM NO: 34S

^{TD}
 SUBJECT: Ratify Addendum and Award of Contract for Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

Four (4) bids were received and opened on April 19, 2000, for **Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment for Port of Oakland Facilities for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003.**

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	DIRECT LABOR COSTS PLUS ___% OF LABOR COSTS
Foss Environmental Services Co.	Alameda, CA			**		18%
Dillard Trucking, Inc., dba Dillard Environmental Services, Inc.	Byron, CA				X	59%
Universal Environmental, Inc.	Benicia, CA					100%
Jonas & Associates, Inc.	Walnut Creek, CA		X			125%

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

** Bidder was not certified by Port's Office of Equal Opportunity as an LIABE at time of receipt of bids

A copy of the bid canvass is on file. The low bid is within the project budget for this work.

ANALYSIS:

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Since the bid of the low bidder, Foss Environmental Services Co., is more than 10% lower than the bid of the next lowest bidder, this portion of the policy does not impact the award of this contract.

Accordingly, it is recommended that Foss Environmental Services Co. be considered to be the lowest responsible bidder for the purposes of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with this recommendation.

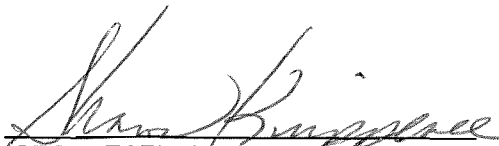
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20207

BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

MAY 25 2000

DATE

Addenda:

Addendum No. 1 revised Section 01100, Summary of Work, by providing payment for project team personnel (general foremen, supervisors, superintendents, managers, engineers, and scientists) separately from direct labor cost workers, and clarified bid items for tools and equipment and materials.

Subcontractors Listing:

Foss Environmental Services Co. listed the following subcontractors:

SUBCONTRACTOR	LOCATION	MBE	WBE	LIABE	LBABE
Sterling Environmental Corp.	Oakland, CA			X	
CST Environmental, Inc.	San Leandro, CA	X		X	
Scott Co. of California	San Leandro, CA			X	
Francis Construction, Inc.	Hayward, CA				*

* Bidder was not certified by Port's Office of Equal Opportunity as an LBABE at time of receipt of bids

Budget:

The cost of spill response, abatement, environmental clean-up and emergency utility repair work is included in the Operating Budget for Fiscal Year 2000-01. The funding source is Port cash. Either the operating or capital budget will cover other work that may be performed under this contract.

RECOMMENDATION:

It is recommended that Foss Environmental Services Co. be found to be a responsible bidder, that Addendum No. 1 be ratified, that the contract for the above project be awarded to Foss Environmental Services Co. for the amount of its bid, and that the other bids be rejected and the bid securities returned to the other bidders.

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND

D. W. K.

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CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Regular Meeting of the Board of Port Commissioners
Tuesday, June 6, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh

READING OF THE MINUTES:

April 18, 2000.

To be deferred - May 2, 2000; May 12, 2000; and
May 25, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Aviation

Maritime

Audit, Budget and Finance

Regular Meeting
June 6, 2000

READING OF SUMMARY ITEMS: (Marked "S")

10 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Authorization to Negotiate on the Open Market to Procure a Modular Building for the Airport Badging Office. (Resolution)
- 2S Approval of an Amendment to Port Ordinance 1149 to Increase North Field Fees by Current CPI. (Ordinance)
- 3S Airport Public Parking Lot and Valet Parking Rate Modification. (Ordinance)

COMMERCIAL REAL ESTATE

- 11 HEARING: Amendment of Port Ordinance 2832 Exclusion of 7.8-Acre Equitec Parcel from Oakland Airport Business Park.
- 12 Recommended Approval of a New Lease Agreement with Local 91, I.L.W.U., Walking Boss's Union for 1,200 Square Feet in Port Building J-120 at 1851 Embarcadero. (Resolution)
- 13 Authorization to Dispense with Formal Bidding Procedures and Execute a Change Order for Demolition of Building K-516 and Sign Structure, Oakland Airport Business Park. (Resolution)

Regular Meeting
June 6, 2000

MARITIME

- 21 Ratify Change Order for Construction of 7th Street Realignment and the New Road. (Resolution)
- 22 Ratify Change Order for Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A at Berths 55/56, Inner Harbor Channel. (Resolution)
- 23 Approval of Change Order for Construction of Container Yard Phase 1B at Berths 55/56, Inner Harbor Channel. (Resolution)
- 24 This item not used.
- 25S Extension of Evergreen Marine Corp. Terminal Use Agreement at Ben E. Nutter Terminal. (Resolution)
- 26S Authorization to Include the Construction of Sanitary Sewer to Building D-833, Vision 2000, in the Port's Small Business Program. (Resolution)
- 27S Authorization to Solicit Proposals for Sale of Container Crane X-401 at Sealand Terminal. (Resolution)
- 28S Award of Contract for Furnishing Labor, Materials and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003. (Resolution)
- 29S Approval to Reimburse BART for Their Plan Review and Site Inspection Expenses Related to the Construction of 7th Street Realignment and the New Road, Harbor Transportation Center. (Resolution)
- 30S Extend Completion and Termination Dates for California State Coastal Conservancy Grant and Consultant Contract (Laurel Marcus Associates) to Study Upland Disposal and Reuse Sites for Dredged Materials. (Resolution)

Regular Meeting
June 6, 2000

OPERATIONS

- 31 Personnel Items: Title Change. (Ordinance)
- 32 Recommendation that the Board Consider Alternative Actions with Regard to a Living Wage Ordinance. (Resolution)
- 33S Request for Approval to Execute an Agreement with Martin Associates for an Economic Impact Study. (Resolution)
- 34S Uncollectible Accounts. (Resolution)

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

BUILDING PERMIT APPLICATIONS: ("S")

JRL Candies dba See's Candies, installation of a new display sign approximately 2 feet high and 4 feet wide.

Continental Airlines, installation of a new curbside ticketing podium in front of Terminal 1.

Vote on the following resolutions:

Ayes: Commissioners Kiang, Kramer, Protopappas, Tagami, Uribe and Vice President Neal - 6

Noes: None

Absent: President Loh - 1

RESOLUTIONS:

- 20210 1 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PROCURE A MODULAR BUILDING FOR THE AIRPORT BADGING OFFICE WITHOUT COMPETITIVE BIDDING AND AUTHORIZING SAID PROCUREMENT ON THE OPEN MARKET. (Airport - 1)

Regular Meeting
June 6, 2000

- 20211 2 APPROVING AND AUTHORIZING EXECUTION OF 1) LEASE AGREEMENT AND 2) RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH LOCAL 91, I.L.W.U., WALKING BOSS'S UNION. (Commercial Real Estate - 12)
- 20212 3 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR DEMOLITION OF BUILDING K-516 AND SIGN STRUCTURE, OAKLAND AIRPORT BUSINESS PARK, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Commercial Real Estate - 13)
- 20213 4 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC., FOR CONSTRUCTION OF 7TH STREET REALIGNMENT AND THE NEW ROAD, OAKLAND, CALIFORNIA. (Maritime - 21)
- 20214 5 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH PORT OF OAKLAND CONSTRUCTORS, A JOINT VENTURE, FOR CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime - 22)
- 20215 6 APPROVING ISSUANCE OF CHANGE ORDERS FOR CONTRACT WITH O.C. JONES & SONS, INC., FOR CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1B, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime - 23)
- 20216 7 AUTHORIZING AND APPROVING EXECUTION OF A SECOND SUPPLEMENTAL AGREEMENT WITH EVERGREEN MARINE CORP. (TAIWAN) LTD. (Maritime - 25S)
- 20217 8 GRANTING AUTHORIZATION TO INCLUDE CONSTRUCTION OF SANITARY SEWER TO BUILDING D-833, VISION 2000, 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime - 26S)

Regular Meeting
June 6, 2000

- 20218 9 DECLARING PORT CONTAINER CRANE X401 AT THE SEALAND TERMINAL SURPLUS TO PORT NEEDS AND AUTHORIZING THE SOLICITATION OF PROPOSALS TO PURCHASE SAID CRANES. (Maritime - 27S)
- 20219 10 AWARDING CONTRACT TO D & K PAINTING, INC., FOR FURNISHING LABOR, MATERIALS AND EQUIPMENT FOR SPOT PAINTING PORT OF OAKLAND CRANES FOR THE PERIOD COMMENCING JULY 1, 2000, AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 28S)
- 20220 11 APPROVING AND AUTHORIZING REIMBURSEMENT AGREEMENT WITH BAY AREA RAPID TRANSIT DISTRICT FOR PLAN REVIEW AND SITE INSPECTION EXPENSES RELATED TO CONSTRUCTION OF 7TH STREET REALIGNMENT AND THE NEW ROAD HARBOR TRANSPORTATION CENTER. (Maritime - 29S)
- 20221 12 AUTHORIZING THE EXTENSION OF COMPLETION AND TERMINATION DATES FOR GRANT AGREEMENT WITH CALIFORNIA STATE COASTAL CONSERVANCY TO STUDY UPLAND DISPOSAL AND REUSE SITES FOR DREDGED MATERIAL. (Maritime - 30S)
- 20222 13 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH LAUREL MARCUS 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. (Maritime - 30S)
- 20223 14 CONSIDERING ALTERNATIVE ACTIONS WITH REGARD TO A LIVING WAGE ORDINANCE AND DETERMINING THAT AS A MATTER OF PUBLIC POLICY THE PORT SHOULD ENSURE THAT COMPANIES PROVIDING SERVICE TO THE PORT AND RECIPIENTS OF PORT FINANCIAL SUBSIDIES PROVIDE ADEQUATE COMPENSATION TO THEIR EMPLOYEES AND DIRECTING STAFF TO PREPARE A LIVING WAGE ORDINANCE FOR BOARD APPROVAL. (Operations - 32)

Regular Meeting
June 6, 2000

- 20224 15 FINDING AND DETERMING THAT A PROPOSED AGREEMENT WITH MARTIN ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 33S)
- 20225 16 FINDING CERTAIN ACCOUNTS RECEIVABLE TO BE UNCOLLECTIBLE AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO WRITE OFF SAME FROM THE BOOKS OF THE PORT. (Operations - 34S)
- 20226 17 GRANTING AIR TERMINAL SERVICES, INCORPORATED, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20227 18 GRANTING CONTINENTAL AIRLINES, INC., PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)

Vote on the following ordinances:

Ayes: Commissioners Kiang, Kramer, Protopappas, Tagami
 Uribe and Vice President Neal - 6

Noes: None

Absent: President Loh - 1

ORDINANCES:

- 1 Port Ordinance No. 3580 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH PACIFIC BELL WIRELESS LLP."

 Final.
- 2 Port Ordinance No. 3581 being, "AN ORDINANCE RELINQUISHING AND TRANSFERRING TO THE CITY COUNCIL CONTROL OF A PORTION OF THE PORT AREA."

 Final.

Regular Meeting
June 6, 2000

3 Port Ordinance No. 3582 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2832, BEING "AN ORDINANCE ESTABLISHING STANDARDS AND RESTRICTIONS REGULATING THE USE OF LAND AND THE DESIGN AND CONSTRUCTION OF STRUCTURES AND OTHER IMPROVEMEMTS IN THE OAKLAND AIRPORT BUSINESS PARK, AND REPEALING PORT ORDINANCE NO. 1343, AS AMENDED."

Final.

4 Port Ordinance No. 3583 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC BELL FOR INSTALLATION OF AN UNDERGROUND TELEPHONE SYSTEM IN THE VISION 2000 PROGRAM AREA."

Final.

5 Port Ordinance No. 3584 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, ADDING SECTION 2.07 TO CREATE NEW SALARY SCHEDULES AND TO AMEND CERTAIN SECTIONS IN PORT ORDINANCE NO. 867."

Final.

6 Port Ordinance No. ____ being, "AN ORDINANCE AMENDING SECTION 9 OF PORT ORDINANCE 1149 RELATING TO CHARGES FOR USE OF FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Airport - 2S to print.

7 Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCED 2613 AS AMENDED, FIXING CERTAIN REVISED PARKING RATES IN THE PORT'S PUBLIC AUTOMOBILE PARKING FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Airport - 3S to print.

8 Port Ordinance No. ____ being, "AN ORDINANCE AMENDING SECTION 5.026 OF PORT ORDINANCE NO. 867 TO RETITLE THE POSITION OF EXECUTIVE SECRETARY TO EXECUTIVE ASSISTANT."

Operations - 31 to print.

Regular Meeting
June 6, 2000

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be an regular meeting held on Tuesday, June 20, 2000 at 3:00 p.m.

Agenda Sheet

SUBJECT: Authorization To Negotiate On The Open Market To Procure A Modular Building For The Airport Badging Office

DATE: June 6, 2000

ITEM NO: 1

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND

The Airport is responsible for issuing badges which permit access to various areas within the Airport boundary. This function is one of the Airport's most critical operations. Airport Security standards including the badging function are mandated by federal regulations. In excess of 10,000 badges have been issued and must be accounted for under Federal regulations.

The badging process consists of the applicant obtaining and filing an application in person, the taking of a photo-identification, and 2.5 hour training which is administered by Airport Staff. These functions are taking place in bifurcated areas in building M102 due to lack of appropriate space. Badge applicants are airport employees (tenant, concession employees included), employees of companies performing services within the airport such as construction workers. The central office is so undersized for the operation, that several pieces of computer equipment remain uninstalled due to lack of space. The public waiting area has been set up in the mezzanine and many applicants have to stand while waiting to complete the process which can often take up to 1.5 hours. Supervisors and other related staff have offices that are remote to the central activity.

ANALYSIS

The accommodations required for the badging office will continue to increase, particularly as the Airport Development Program is implemented. The purchase and installation of a modular building to be housed by Gate 18 (former site of an airline tenant) will provide an effective remedy to the current situation. The modular building is temporary in nature and provides the flexibility and cost effectiveness that is required in light of the impending Terminal Expansion Project. The modular building will help to alleviate congestion in M102 by removing the pedestrian traffic to outside of the terminal building. The modular building will provide for a more productive office system, by providing space for equipment, waiting areas, training rooms, as well as enabling the department personnel to be in one location. The modular building is estimated to cost approximately \$120,000.

Staff has researched the availability of vendors for this product and found it was limited. Open market procurement based on the solicitation of quotes was determined to be acceptable by the Port Purchasing Manager.

OPTIONS

The no project alternative would continue to provide an undesirable working environment for the Badging office employees as well as the public utilizing the facilities.

Staff explored the option of remodeling existing space within the terminal building M102. This option did not alleviate the pedestrian traffic throughout the building and was cost prohibitive for a short term solution.

The option of procuring a modular trailer provides the most operational and economic benefit.

RECOMMENDATION

It is recommended that the Board authorize the open market procurement of a modular trailer to support the Airport Security Badging Function.

CECA

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20210

BOARD ACTION TAKEN



SECRETARY OF THE BOARD

JUN 6 2000

DATE

Assistant

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 6, 2000

ITEM NO: 12

SUBJECT: Recommended Approval of a New Lease Agreement with Local 91, I.L.W.U., Walking Boss's Union for 1,200 square feet in Port Building J-120 at 1851 Embarcadero

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

[Handwritten signature]

Local 91, I.L.W.U., Walking Boss's Union, came to the Port of Oakland last month in search of a new location for their administrative and dispatching offices which are currently in San Francisco. Port staff showed the president of Local 91 all the Port of Oakland office space vacant and available. It is proposed to allow Local 91 to lease 1,200 square feet in Port building number J-120, located at 1851 Embarcadero.

The following is a summary of the principal terms and conditions of the proposed lease:

- 1. The lease term is for five years with no option to extend.
2. The monthly rent shall be \$1,200 based on \$1.00 per square foot for 1,200 square feet of office space.
3. The monthly rent shall be adjusted every 12 months based on the percentage change in the Consumer Price Index for the 12 month period immediately preceding the adjustment date. In no event shall the rental rate decrease.
4. A security deposit equal to three times the monthly rent shall be required. The deposit shall be adjusted by the same percentage and on the same date as any adjustments to the monthly rent.
5. The premises shall be used solely as office space.
6. The premises shall be taken "as is."
7. The lessee will be responsible for proposed improvements including a new front door at the entrance and locking interior access doors to the public restrooms.
8. The lessee shall carry insurance in the amounts and types of coverages required by the Port's Risk Management Department.
9. The lessee shall be responsible for all maintenance and repair to the premises, excluding the roof, skylights and exterior walls which the Port shall maintain.
10. The lessee shall pay for all utilities.
11. The lessee shall pay for taxes and assessments including possessory interest taxes.
12. The lessee shall obtain all licenses and permits.
13. Lessee has the right to sublet a portion of the premises to Local 34, I.L.W.U., Ship Clerks' Association, solely for office space, upon Port approval of the sublease agreement.
14. The lease contains the Port's standard provisions regarding equal employment, nondiscrimination and the employment resources development and affirmative action programs.

- MOTION
[X] RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20211

BOARD ACTION TAKEN

[Handwritten signature: Stan Kippene]

SECRETARY OF THE BOARD

JUN 6 2000

DATE

Assistant

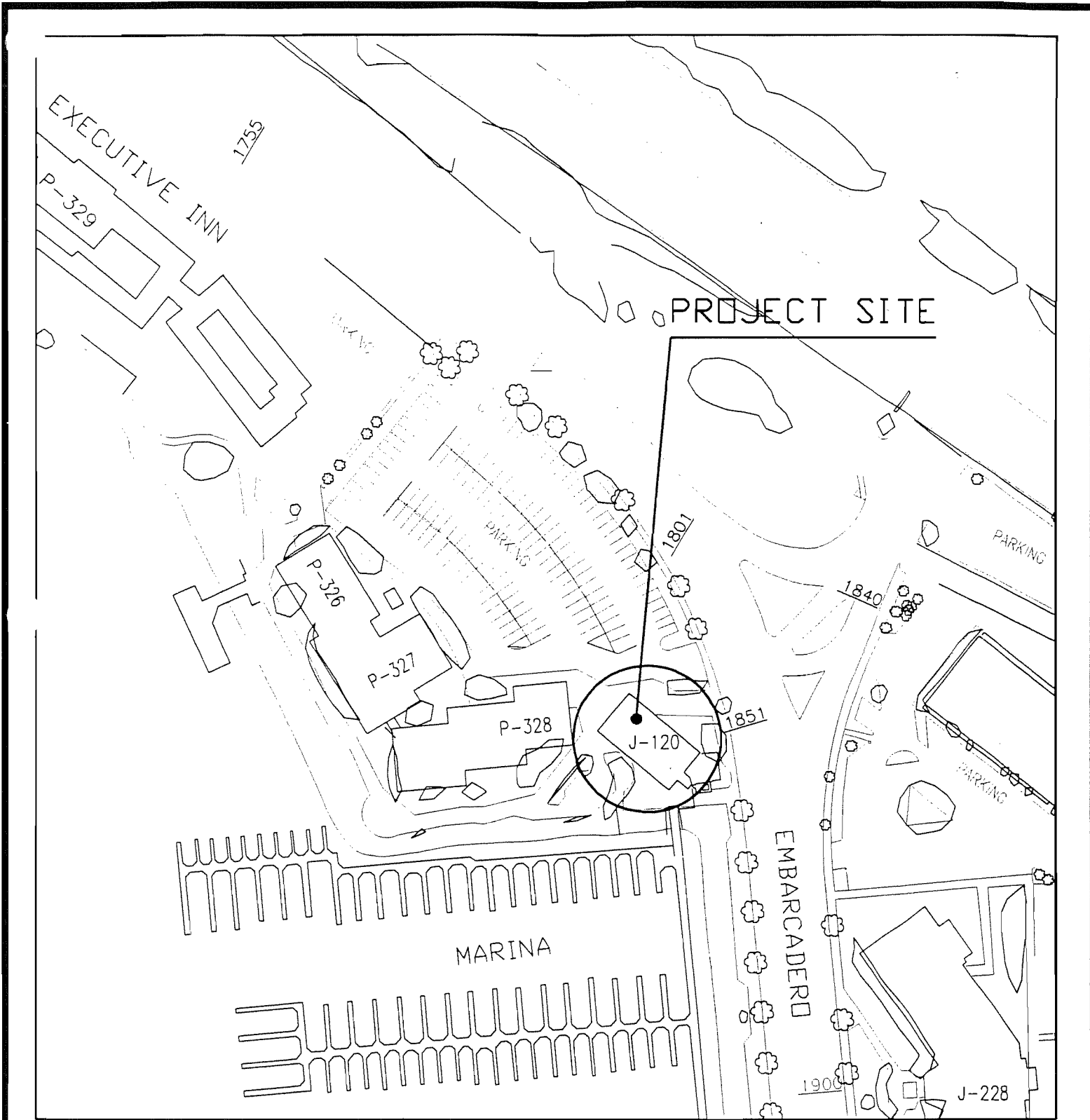
Local 91 would temporarily occupy the site on an interim basis under a Holdharmless/ Right of Entry Agreement which would not exceed ninety (90) days.

This project has been determined to conform to the City of Oakland General Plan as a continuation of real estate asset management uses.

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) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

Recommendation:

It is recommended the Port give first reading to an ordinance authorizing the Executive Director to sign a Lease with Local 91, I.L.W.U., the Walking Boss's Union and an interim Holdharmless/Right of Entry Agreement as outlined above.



PORT OF OAKLAND

COMMERCIAL
REAL ESTATE

Agenda Sheet

DATE: June 6, 2000

ITEM NO: 13

JHW
SUBJECT: Authorization to Dispense with Formal Bidding Procedures and Execute a Change Order for Demolition of Building K-516 and Sign Structure, Oakland Airport Business Park

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *JKW*

FACTUAL BACKGROUND

Building K-516 is a 30-year-old reinforced concrete/masonry domed structure, which is now vacant. The previous tenant was Century 21 Cinema. The building is located at 8201 Oakport Street, adjacent to the old Ramada hotel site on Hegenberger Road. The Commercial Real Estate Department (CRED) is marketing the 16-acre parcel for sale for a new hotel development.

Vacating the site and demolition of Building K-516 has been delayed due to legal action against the Port by the previous tenant. Recently the court ruled in the Port's favor and the tenant was evicted in April 2000.

Building K-516 is visible from Highway 880 and from offices in the Business Park, and because of delayed maintenance to the building, is an eyesore in its present condition.

The demolition project will include the removal of the theater sign structure on Oakport Street adjacent to Highway 880.

ANALYSIS:

Because of the delays already incurred in vacating Building K-516, CRED has requested that the building be demolished immediately to prepare the property for sale and limit the liability exposure for the Port.

It is proposed to dispense with formal bidding procedures and solicit competitive proposals to perform the work from demolition contractors currently under contract with the Port. Upon receipt of the proposals for the project, it is recommended that the Port negotiate and execute a contract change order with the lowest cost proposer.

Environmental:

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 15301.

General Plan:

Conformity to the City of Oakland General Plan Land Use Element has not been made, nor is one necessary, as the project does not meet the \$250,000 public improvement threshold. A consistency determination will be made on the future use of the site when the new development is determined.

Budget:

The cost of the contract change order is estimated to be \$200,000.

The Capital Budget for Fiscal Year 2000 provides for this work under CIP No. PM.00733.02. The funding source is Port cash.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. *20212*

BOARD ACTION TAKEN

Assistant

Sharon Kipp
SECRETARY OF THE BOARD

JUN 6 2000

DATE

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply for this work.

OPTIONS:

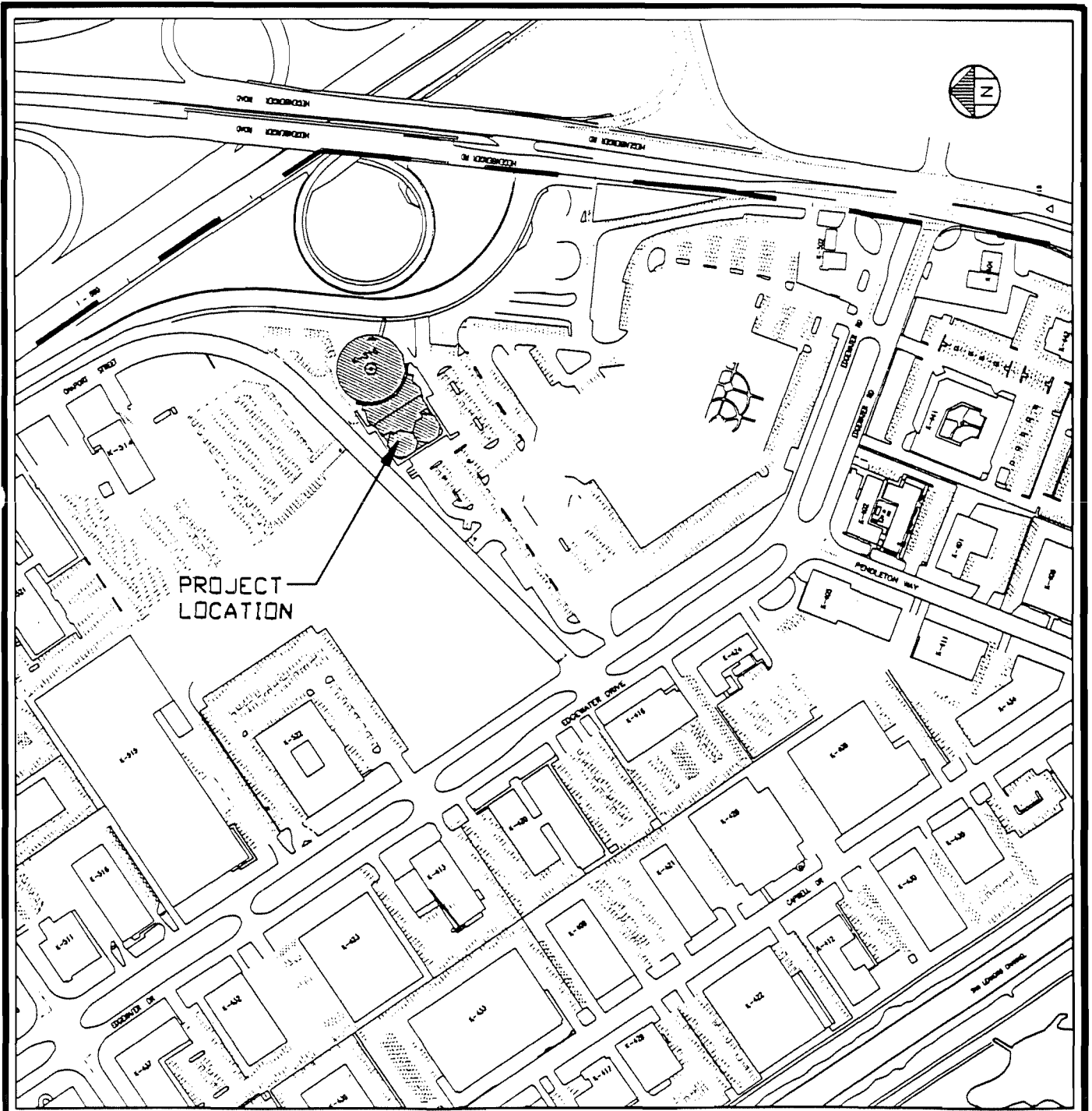
There were two options to consider in light of the urgency of the situation:

One option is to dispense with formal bidding procedures and solicit competitive proposals from general demolition contractors to perform the work.

The second option is to dispense with formal bidding procedures and solicit competitive change order proposals only from demolition contractors currently under contract with the Port, to perform the work. The advantage of this option is that the contractor is already under contract with the Port, and therefore, no execution of a new agreement is necessary.

RECOMMENDATION:

It is recommended that the Board find it to be in the best interest of the Port to dispense with formal bidding procedures for the project. It is also recommended that the Board authorize the Executive Director to negotiate and execute a contract change order with the lowest proposing contractor currently under contract with the Port to perform the demolition work.



PORT OF OAKLAND

Agenda Sheet

JHO
SUBJECT: Ratify Change Order for Construction of 7th Street
Realignment and The New Road

DATE: June 6, 2000

ITEM NO: 21

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Gallagher and Burk, Inc. for the **CONSTRUCTION OF 7TH STREET REALIGNMENT AND THE NEW ROAD, OAKLAND, CALIFORNIA**, which became effective on October 5, 1999, at lump sum and unit prices totaling \$12,513,874. The project consists of constructing new roadway; asphalt concrete overlay of existing roadway; new railroad tracks and circuitry; street light poles with foundations and lamps; sanitary sewer system; storm drainage system; utility trenches; traffic signal systems; signage; pavement markings and striping; landscaping and irrigation.

ANALYSIS:

The contract documents directed the Contractor to obtain engineered fill for the project from stockpiles adjacent to the site. The plans indicated that all the project fill would come from these stockpiles, however as the Contractor excavated into the existing fill, much of the material was unsuitable for the intended purpose and yielded only enough material for 30% of the required fill. The remainder of the fill (approximately 115,000 cubic yards) had to come from other stockpile locations within the Vision 2000 program area. As the material was at a greater distance from this project location and was in a different stockpile condition, the Contractor had to change his method of loading, idling and placing the material. These changes have led to increased costs to accomplish the work.

This change order pays the Contractor the difference between his bid unit price for the placement of Port-supplied engineered fill and the actual cost. All equipment, material and labor are being tracked on force account as described in the contract to determine the actual cost of the work. This work is still in progress, and since it is being done on a force account (time and materials basis), the cost of the work will not be known until it is complete. However, it is estimated that the cost for the additional work will be \$593,000.

BUDGET ANALYSIS:

The funding for this change order will be covered by CIP Element M6.00599.01 Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board ratify a change order estimated to cost \$593,000 to Gallagher & Burk for the above-described work.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20213

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUN 6 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 6, 2000

ITEM NO: 22

SUBJECT: Ratify Change Order for Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A at Berths 55/56, Inner Harbor Channel

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port presently has a contract with Port of Oakland Constructors for the CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA, which became effective on October 25, 1999, at lump sum and unit prices totaling \$57,063,086.

ANALYSIS:

The contract documents directed the Contractor to excavate the bank and place the material in stockpiles, which would then be tested for environmental suitability and placed on other Vision 2000 projects. The contract provided stockpile space for approximately 125,000 cubic yards of material.

This change order pays the Contractor for loading, transporting and placing in a new location approximately 75,000 cubic yards of excavated material.

BUDGET ANALYSIS:

The funding for this change order will be covered by CIP Element M6.00599.01, Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes.

RECOMMENDATION:

It is recommended that the Board ratify a Change Order in the amount of \$256,624 to Port of Oakland Constructors for the above-described work.

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- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20214 BOARD ACTION TAKEN Assistant

SECRETARY OF THE BOARD

JUN 6 2000 DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

JHD
SUBJECT: Approval of Change Order for Construction of Container Yard Phase 1B at Berths 55/56, Inner Harbor Channel

DATE: June 6, 2000

ITEM NO: 23

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port has a contract with O.C. Jones & Sons, Inc. for **CONSTRUCTION OF CONTAINER YARD PHASE 1B AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA**, which became effective on December 15, 1999, at lump sum and unit prices totaling \$20,782,063. The Project includes site demolitions; grading existing material to accept fill; placing materials excavated from the Inner Harbor Channel shoreline to raise grades; furnishing and installing utilities; paving the site with asphalt concrete and concrete pavers; and constructing the gate complex.

ANALYSIS:

As part of the work, the Contractor is required to re-grade and compact the existing on-site soils in an effort to obtain a uniform subgrade beneath the new container yard pavements. Weak and/or unstable subgrade soils were encountered in many of the locations previously covered by Navy buildings. Although this type of subgrade was anticipated during design, its pervasiveness significantly exceeds expectations at the time of construction contracting. It has been determined that the extent of interconnected silty clay lenses and the high water table was greater than anticipated from the design investigations. Activities such as subgrade preparation, overexcavation and recompaction, and placement of stockpile material can not proceed in accordance with contract specifications at locations where this subgrade condition exists until corrective action has been completed.

During the design stages alternate methods of stabilization were recommended for the conditions which might be encountered. Typically, in the Port's plans and specifications, these types of conditions are handled on a Force Account basis in accordance with the change order provisions of the contract. Thus, the Contractor was directed to identify the extent of this subgrade condition and to test alternative solutions. Alternative solutions have included natural drying; mechanical mixing and aeration; replacement of subgrade soils with rock; and addition of lime/cement additives to the subgrade materials.

Due to the size of the site, more effort than usual has been expended to find the best solution(s). Finding the most economical and fastest solution(s) has significant beneficial impact on a site as large as the Phase 1B Project. At this stage of the process, it has been determined that treating the subgrade with a lime /cement mixture is the most economical with respect to time and dollars. Since the stabilization to the subgrade is critical to the overall schedule, the Contractor has been directed to commence the operations. The solutions tried and developed on this project will be applied beneficially to adjacent Vision 2000 projects under construction at 7th Street, the JIT, and the Phase 1A Yard. It also will be applied to the final designs and bid documents for the Berths 57/58 projects.

BUDGET ANALYSIS:

It is anticipated that the cost of the work will be between \$1.4 and \$1.85 million. The work covered by the change order will be divided into unit price and force account items, which will give staff the best control on the final costs. The funding for this change order will be covered by CIP Element M6.00599.01, Budget Variance, the element in the Vision 2000 Program budget established to fund such project changes. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board approve a Change Order in an amount of up to \$1,850,000 to O.C. Jones & Sons, Inc. for the work described above.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20215

BOARD ACTION TAKEN

[Signature]

Assistant SECRETARY OF THE BOARD

JUN 6 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS
Title Change

DATE: June 6, 2000

ITEM NO: 31

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

FACTUAL BACKGROUND:

I. TITLE CHANGE—Ordinance (2 Readings)

A) It is requested that the Board approve the title change for the following classification. The new title is in concert with industry standards. This change will not result in a change in salary.

CURRENT TITLE	NEW TITLE
Executive Secretary	Executive Assistant

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 621.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 6/1/99	AS OF 5/12/00	AS OF 5/26/00
Full-Time Employees	612.00 FTE	558.00 FTE	555.00 FTE	559.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	571.40 FTE	568.40 FTE	572.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

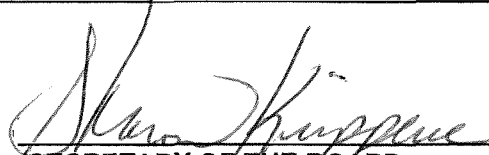
** Count increase due to three new appointments one separation .

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

JUN 6 2000

DATE

TEMPORARY AGENCY WORKER COUNT AS OF 5/25/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	14	10	1	6	0	0	31
* CIP	1	0	11	4	0	0	16
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	2	2	0	0	0	0	4
* SPECIAL PROJECT	5	2	0	7	2	0	16
WORKER'SMP BACKFILL	0	2	0	0	0	0	2
TOTALS	22	16	12	17	2	0	69

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	3/23/00	4/6/00	5/9/00	5/25/00
BACKFILL	27	26	28	26	31
* CIP	18	17	17	16	16
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	1	2	1	0
MEDICAL BACKFILL	4	4	2	1	4
* SPECIAL PROJECTS	11	14	16	16	16
WORKER'S COMP BACKFILL	3	2	2	2	2
TOTALS	63	64	67	62	69

COUNT SUMMARY

CURRENT FTE COUNT	572.40
CURRENT TEMPORARY AGENCY BACKFILLS	31.00
VACANT POSITIONS	18.00
TOTAL	621.40

RECOMMENDATION


It is recommended that the Board of Port Commissioners approve the preceding title change.

**Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet**

**SUBJECT: Recommendation that the Board
Consider Alternative Actions with
Regard to a Living Wage Ordinance**

Date: June 6, 2000

Item No. 32

SUBMITTED BY: John Glover 

EXECUTIVE OFFICE RECOMMENDATION:


PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

The East Bay Alliance for a Sustainable Economy, a coalition of labor leaders and living wage advocates, has requested that the Board adopt a Living Wage ordinance, similar to the ordinance enacted by the Oakland City Council in March 1998, which would establish a higher minimum wage floor than the State of California minimum wage and provide certain medical and leave benefits.

In summary, the City of Oakland ordinance establishes a wage floor of \$8.30 per hour with medical benefits, and \$9.55 without medical benefits, and a minimum of twelve days of paid leave per year. This ordinance applies to two primary categories of employers: contractors providing services to the City, and City financial assistance recipients (CFAR's). It also applies to tenants and subcontractors of CFAR's. There are exemption provisions for very small companies and for certain young, temporary workers and trainees. Details of the City ordinance were provided in a staff report presented at the January 18, 2000 Board Meeting.

In addition to those employers covered under the City ordinance, advocates of such an ordinance for the Port seek to have the Board include the employees of Port tenants.

Staff respectfully recommends that the Board's deliberation on the enactment of a Living Wage ordinance be guided by the following principles drawn from the Board's Portwide goals and the City Charter:

1. The Port's mission is to manage and conduct its business activities to provide benefits for citizens and businesses in the Oakland community. Included in those benefits are opportunities for meaningful employment.
2. As a public agency, the Port should ensure, insofar as practicable, that individuals employed to serve the needs of the Port are fairly compensated, taking into account the cost of living in the Bay Area. The State of California minimum wage does not currently provide adequate compensation to allow workers to maintain an acceptable standard of living unless assisted by other income sources.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY


Approved by Resolution

No. 20223

JUN 6 2000

BOARD ACTION TAKEN

DATE


SECRETARY OF THE BOARD
Assistant

3. As a major provider of facilities for the conduct of private businesses that operate in highly competitive industries, and which are the direct providers of the Port benefits accruing to the community, the Port has a responsibility to ensure that Port tenants are not competitively disadvantaged by Port standards and policies.
4. The Board of Port Commissioners is charged with fiduciary responsibility for the operation of the Port, and therefore must ensure to the best of its ability that the Port's policies provide for its business activities to be carried out in a financially prudent manner, particularly in light of the need to fund the Port's \$1.7 billion capital improvement program in order to remain competitive.
5. The Port, as a department of the City of Oakland, should insofar as practicable align its social equity policies with those of the City, and should therefore seriously consider a Living Wage ordinance similar to the City's ordinance.

We believe all of these principles are valid and important. Unfortunately, they do not align neatly behind any one decision on the proposed Living Wage ordinance. The Board must use its wisdom and judgment to balance these five principles in deciding which course the Port will pursue.

Staff Analysis:

The history in this and other communities of the impacts of living wage ordinances is of limited assistance in providing guidance to the Board. Living Wage ordinances have a relatively short history, and assessing the impacts has proved to be an inexact science. Analysts with opposing points of view regarding the appropriateness of living wage ordinances have come to significantly different conclusions about their impacts, even when evaluating the same agency. Living Wage advocates point out the valuable contribution to the quality of life of low-paid employees, and find that most costs are absorbed easily by the overall economy. Critics note the reduction in numbers of jobs and the replacement of low-skill workers with those with higher skills as wages are increased, and find more severe impacts on the agencies imposing the living wage.

As reported to the Board on January 18, Port staff analysis indicates that the likely financial impact on the Port of an ordinance similar to the City ordinance would currently be in the range of \$350,000 to \$540,000 annually. We estimate that with Port expansion projects completed, in 2005 the impact would be \$600,000 to \$900,000 annually. (The lower figures reflect the inclusion of tips in calculating wages.)

The University of California Center for Labor Research and Education conducted a study of the impact of a living wage ordinance on Port tenants, and concluded that 2700 tenant employees would benefit from such an ordinance. The study estimated that the additional wages and benefits provided would amount to approximately \$12,000,000 annually. They also concluded that few, if any, of these costs would be borne by the Port.

Port staff believes that the methodology of the U.C. Berkeley study may have overstated the cost estimates. We are also uncomfortable with the assumptions used in reaching their conclusion that few of the costs would be passed on to the Port, and believe that the impact on the Port could be significant. As noted above, however, no empirical data is available to assess such impacts. Staff research has identified only one agency with a living wage ordinance that applies to tenants, and it is too recently adopted for its impacts to be known. Therefore, in assessing the likely results on the Port's operations of a living wage ordinance that includes tenants, the Board must be guided by assumptions, however carefully crafted, rather than by empirical data generated through research. Given the magnitude of potential costs identified by the U.C. Berkeley study, we view this lack of information as a very serious issue.

Alternatives:

Staff has identified the following three options to help frame the Board's discussion:

1. ***Determine that the enactment of a living wage ordinance is not in the best interests of the Port, and drop the proposal from further consideration.*** This is the most fiscally conservative alternative. It is responsive to principles 3 and 4 above, but does not address the remaining three principles.
2. ***Determine that as a matter of public policy the Port should ensure that companies providing services to the Port and recipients of Port financial subsidies provide adequate compensation to their employees, and direct staff to prepare a living wage ordinance for Board approval.*** This alternative is directly responsive to the leadership of the City in adopting its living wage ordinance. It would address the Port's responsibility to the community, and while the likely financial impact is significant, staff could manage operations to absorb the impact without serious detriment to the Port's critical operations. This alternative addresses each of the five principles.
3. ***Determine that not only Port service providers and Port subsidy recipients, but also tenants of the Port, should be subject to provisions of such a Port ordinance, and direct staff to prepare a living wage ordinance that includes Port tenants.*** This alternative responds most strongly to principles 1 and 2, weighting them more heavily than principles 3 and 4. Of serious concern to staff is the potential magnitude of its financial impact on the Port.

RECOMMENDATION:

It is recommended that the Board consider the above three alternatives in light of the five principles suggested by staff along with any other considerations the Board may elect to discuss and, if appropriate, direct staff to prepare an ordinance reflecting the decision of the Board.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 6, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *CCM*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Sections 54956.9: 3 matters.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

(a) Property: Selected Locations
Jack London Square
Oakland, CA 94607

Negotiating Parties: Port and Oakland Portside Associates
Under Negotiation: Price and Terms of Payment

(b) Property: Oakland Army Base
(Headquarters: 100 Alaska Street
Oakland, CA 94626-5000)

Negotiating Parties: Port and City of Oakland
Under Negotiation: Price and Terms of Payment

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

SUMMARY AGENDA OF BOARD CALENDAR
June 6, 2000

AIRPORT

2S Approval of an Amendment to Port Ordinance 1149 to Increase North Field Fees by Current CPI. (Ordinance)

Provides for the annual increase based on the CPI.

3S Airport Public Parking Lot and Valet Parking Rate Modification. (Ordinance)

Recommends approval to increase the parking rates.

MARITIME

25S Extension of Evergreen Marine Corp. Terminal Use Agreement at Ben E. Nutter Terminal. (Resolution)

Recommends approval to extend the existing agreement while a new TUA is being prepared.

26S Authorization to Include the Construction of Sanitary Sewer to Building D-833, Vision 2000, in the Port's Small Business Program. (Resolution)

Recommends approval to include the project in the Port's Small Business Program.

27S Authorization to Solicit Proposals for Sale of Container Crane X-401 at Sealand Terminal. (Resolution)

Notifies of the obsolete crane and recommends that it be declared surplus and sold.

28S Award of Contract for Furnishing Labor, Materials and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

Summary Agenda of Board Calendar

June 6, 2000

Page 2

29S Approval to Reimburse BART for Their Plan Review and Site Inspection Expenses Related to the Construction of 7th Street Realignment and the New Road, Harbor Transportation Center. (Resolution)

Recommends approval of the agreement which provides for BART to monitor construction and plans of Port projects in the BART "Operating envelope".

30S Extend Completion and Termination Dates for California State Coastal Conservancy Grant and Consultant Contract (Laurel Marcus Associates) to Study Upland Disposal and Reuse Sites for Dredged Materials. (Resolution)

Recommends approval to extend the dates by two months to allow for completion of the project.

OPERATIONS:

33S Request for Approval to Execute an Agreement with Martin Associates for an Economic Impact Study. (Resolution)

Recommends approval to update the Port's economic input study last done in 1993.

34S Uncollectible Accounts. (Resolution)

Recommends approval to write off certain accounts deemed to be uncollectible.

ORDINANCES:

Port Ordinance No. 3580 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH PACIFIC BELL WIRELESS LLP."

Provides for approving an agreement with Pacific Bell Wireless LLP at the Airport.

Summary Agenda of Board Calendar
June 6, 2000
Page 3

Port Ordinance No. 3581 being, "AN ORDINANCE RELINQUISHING AND TRANSFERRING TO THE CITY COUNCIL CONTROL OF A PORTION OF THE PORT AREA."

Provides for transferring to the City Council Control of a portion of the Port area in the Oakland Airport Business Park.

Port Ordinance No. 3582 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2832, BEING "AN ORDINANCE ESTABLISHING STANDARDS AND RESTRICTIONS REGULATING THE USE OF LAND AND THE DESIGN AND CONSTRUCTION OF STRUCTURES AND OTHER IMPROVEMEMTS IN THE OAKLAND AIRPORT BUSINESS PARK, AND REPEALING PORT ORDINANCE NO. 1343, AS AMENDED."

Provides for removing the Equitec site from the Oakland Airport Business Park.

Port Ordinance No. 3583 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC BELL FOR INSTALLATION OF AN UNDERGROUND TELEPHONE SYSTEM IN THE VISION 2000 PROGRAM AREA."

Provides for approving the execution and delivery of easement documents to Pacific Bell for installation of an underground telephone system.

Port Ordinance No. 3584 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, ADDING SECTION 2.07 TO CREATE NEW SALARY SCHEDULES AND TO AMEND CERTAIN SECTIONS IN PORT ORDINANCE NO. 867."

Provides for creating new salary schedules.

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 2S

SUBJECT: Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement, Building Permit and Execution of a Lease with New Tenant Pacific Bell Wireless LLP

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION

DUPLICATE OF PRIOR CALENDAR MEMO

FACTUAL BACK GROUND:

Pacific Bell Wireless LLP (PBW) has entered into a 45-day Right-of-Entry and Indemnity Agreement (ROE) dated May 22, 2000, for telecommunications equipment and antennae space in Terminal II at South Airport. The ROE has a flat fee of \$3,000 per month and allows PBW to begin its site development process immediately, thus expediting the enhancement of service to PBW customers. The telecommunications equipment will enhance the wireless cellular telephone reception of PBW customers within the terminal building complex. Currently, only Terminal I is adequately covered by PBW from an off-airport location. To adequately cover Terminal II, PBW desires to place equipment there.

ANALYSIS:

Currently, the airport only has on-airport wireless coverage provided by GTE and Nextel. Coverage by PBW will benefit PBW's customers who use the airport, which includes cellular telephone users who are both employees and airport passengers.

The ROE expires on July 5, 2000. PBW wishes to extend the Right of Entry to allow time for the processing and approval of a Wireless Telecommunication Lease. Therefore, staff requests that the Board approve the execution of an Agreement to Extend Right of Entry and Indemnity Agreement extending the termination date to November 30, 2000.

PBW wishes to enter into a Wireless Telecommunications Lease with the Port. PBW has agreed to an administration fee of \$5,000 to cover the time and expense of staff in the negotiation and preparation of the agreements. Therefore, staff requests that the Board consider the proposed terms and conditions listed below.

Agreement has been reached on the key business terms and conditions of a proposed Lease, as follows:

- Term: Five-year term with one, mutually agreed, five-year renewal period
- Administration Fee: \$5,000
- Rent: \$3,000 per month with annual CPI increases
- Premises: Approximately 10 square feet of ceiling space in Terminal II
- Special Provisions: 90-day mutual cancellation clause, approval clause for equipment changes and additions, a clause requiring the Port's approval for subleasing, additional premises to be added with the Port's approval
- Standard Port Provisions: As determined by the Port Attorney

Approved by Ordinance

passed to print

MAY 25 2000

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20185

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

DATE

Sharon Kippel

Subject: Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement, Building Permit and Execution of a Lease with New Tenant Pacific Bell Wireless LLP

In order to develop the site in a timely manner, PBW has begun the application and plan review process with port staff for a building permit. The building permit will permit PBW to construct a telecommunications facility on Port property including installation of fiber optic cable and related electrical and mechanical equipment.

The estimated value of the work is less than \$25,000.

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing. Granting of the building permit has been determined to be Categorically exempt from California Environmental Quality Act under Section 15301, Class 1(a), which exempts minor alterations and additions to existing buildings and facilities.

OPTIONS:

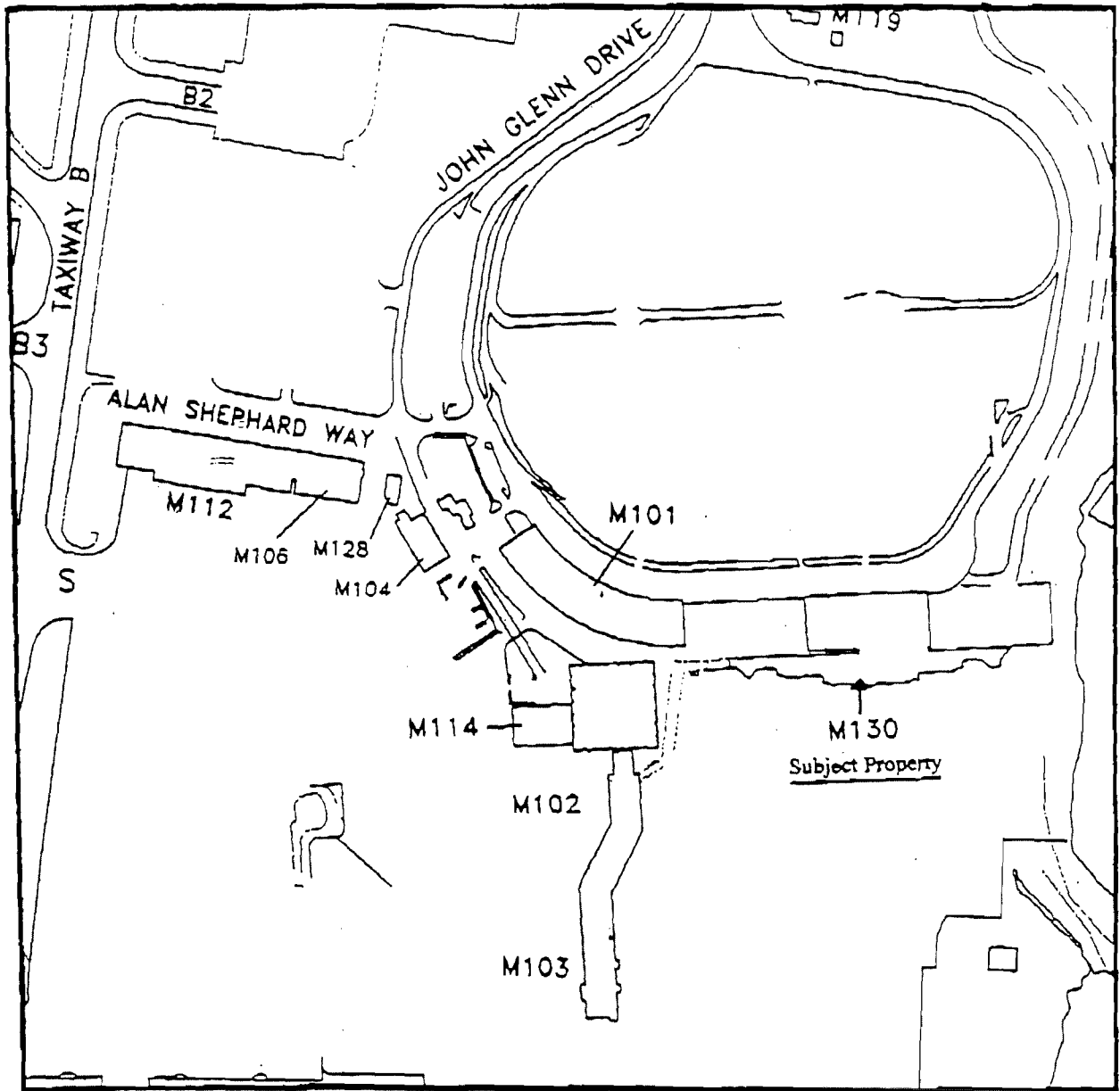
Not applicable.

RECOMMENDATION:

It is recommended that the Board 1) pass a resolution approving and authorizing execution of an Agreement to Extend Right-of-Entry and Indemnity Agreement, 2) pass a resolution approving a building permit to build a telecommunications facility, and 3) give first reading to an ordinance approving and authorizing the execution of a Wireless Telecommunications Lease with Pacific Bell Wireless LLP, all as described above.

**Board of Port Commissioners
Calendar Item**

Approval of Agreement to Extend Right-of-Entry
and Indemnity Agreement, Building Permit and
Execution of a Lease with New Tenant Pacific Bell
Wireless LLP



Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 14

SUBJECT: Recommendation to Request City Council to Alter Port Area (Delete 7.8-Acre Parcel and Add 4.2-Acre Parcel) and Authorize Executive Director to Enter Into Agreement with City of Oakland and Oakland Base Reuse Authority Regarding Such Alterations and the Port's Leasing of Oakland Army Base West Property.

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION: by cc2

DUPLICATE OF PRIOR

CALENDAR MEMO

FACTUAL BACKGROUND:

The Port has been negotiating an Agreement with the City of Oakland and the Oakland Base Reuse Authority (OBRA) regarding the transfer of control and jurisdiction of an approximately 7.8-acre parcel (referred to as the "Equitec Parcel") owned by the Port and located in the Port area (see attached map), in exchange for including within the Port Area an approximately 4.2-acre portion of the Navy's former Fleet Industrial Supply Center, Oakland ("FISCO"), located adjacent to the Oakland Army Base and referred to as the "MSC-PAC" parcel (see attached map), which was conveyed to the Port in 1999, and regarding OBRA's consent to the Army for the Army to lease the Oakland Army Base West ("OAB-West") property for Port use at less than fair market rent.

The 7.8 acre Equitec Parcel proposed for transfer to City Council control and jurisdiction is a vacant parcel located on Edgewater Drive in the Oakland Airport Business Park. In recent months, the City of Oakland has heightened its efforts to attract high technology and biotechnology uses in the vicinity of the subject site, in an effort to expand this market niche for Oakland and build upon the momentum of the recently approved Zhong Technologies project. The City has requested that the Equitec Parcel be transferred to City jurisdiction and control in an effort to cultivate the development of a high technology campus type setting in the area. As the property is not needed for any Port-related purpose, Port staff believes that the appropriate course of action is to alter the Port Area to delete the site from the Port's jurisdiction and transfer jurisdiction and control of the Equitec Parcel to the City Council. However, in consideration for transfer of jurisdiction and control over the Equitec's Parcel to the City Council, Port staff recommends that (1) the City Council pass an ordinance to include within the Port Area the 4.2-acre MSC-PAC parcel and (2) OBRA amend its existing lease with the Army for the eastern side of OAB to include all of OAB-West and simultaneously sublease most of OAB-West to the Port.

Originally the parties contemplated a direct lease of all of OAB-West by the Army to the Port, but the Army is willing to expedite the transaction if the Army's lease is directly to OBRA and the Port subleases from OBRA. This structure also expedites OBRA's goal of temporarily gaining control, until final Army conveyance, of portions of OAB-West (Administration Building and adjacent parking area) for sublease to the Oakland Police Agency and the National Guard Academy.

The staffs of the Port, the City and the OBRA have negotiated an Agreement regarding the aforementioned alterations to the Port Area, the Port's cooperation with the City in developing the Equitec Parcel and adjacent parcels, and the Port and OBRA cooperating to secure for the Port a lease of most of the approximately 195 acres (139 acres of upland and 56 acres of open water) of the OAB which includes Maritime Street and areas of OAB west of Maritime Street. The Port currently leases approximately 63 acres of both upland and open water from the Army located within OAB-West for approximately \$1.1 million in annual rent, but under the proposed sublease the Port would pay no rent.

Under the proposed Port/OBRA/City Agreement:

- OBRA would add all of the OAB-West property to its existing no-rent lease with the Army that now covers only approximately 210 acres east of Maritime Street ("OAB-East"), and simultaneously OBRA would sublease all of OAB-West, except for the former Army Administration Building (Building 1) and adjacent parking area, to the Port on a no-rent basis. The existing Army-Port lease would be terminated. The OBRA-Port sublease will

Approved by Resolution

No. 20195, 20196, 20197 + 20198

(2) Approved by Ordinance passed to print

[Signature]

MAY 25 2000

- MOTION
RESOLUTION
ORDINANCE

INFORMATION ONLY

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

DATE

be drafted so that, to the maximum extent possible, the Port will be in the same position with respect to the subleased premises that it would have been as the direct lessee of the Army, including the Port's right to sublease.

- The Port would consent to the Army-OBRA Lease, and would waive the Port's existing reversionary lease rights to OAB-West, subject to the following: (1) the consent and waiver would apply only to the specific Army-OBRA lease described above, and not with respect to any modification or amendment of the Lease, any subsequent Lease, or any other lease or any sale or other conveyance, involving OAB-West; and (2) the Port's consent and waiver would only be effective upon the effective date of the OBRA-Port Sublease.
- The OBRA-Port sublease will provide that OBRA and the Port will cooperate in developing and implementing an integrated base-wide utilities plan, and that if such a plan cannot be agreed upon by July 14, 2000, that the Port will bifurcate the OAB-West utility system from the OAB-East system and operate it separately from the OAB-East system unless the parties otherwise agree and subject to Army approval.
- In previous negotiations, the Port and OBRA had agreed that in exchange for OBRA's cooperation and assistance in the Port's efforts to secure a no-cost lease of all of OAB-West from the Army, the Port would pay OBRA \$1.25 million upon the effective date of such an Army-Port lease. The proposed agreement now provides that the \$1.25 million payment from the Port to OBRA will be reduced to reflect the exclusion of Building 1 and the Building 1 parking area from the Port's subleased premises.
- The Agreement also includes provisions related to environmental investigation and remediation of the 7.8-acre Business Park parcel, removal of the existing drill track on the site, and a cooperative approach to permit review processing covering any future development applicant and BCDC.

In order to carry out the proposed Agreement, the following actions would be taken by the Board and Council:

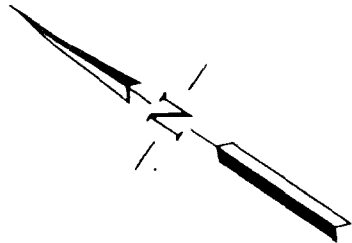
1. Passage of a Port resolution approving and authorizing execution of the Agreement, the OBRA-Port sublease, and such other agreements with OBRA, the City or the Army or other documents necessary or appropriate to complete the contemplated transactions;
2. Passage of a Port Resolution, pursuant to City Charter Section 706(4) and 725, requesting and recommending that the City Council alter the Port Area by including the 4.2-acre MSC-PAC parcel within the Port Area;
3. Passage of a Port ordinance, pursuant to City Charter Section 706(4), 706(15) and 725, in which the Board determines that, subject to inclusion of the MSC-PAC parcel in the Port Area and the effectiveness of the OAB-West Port sublease, the Equitec Parcel has become unnecessary for Port purposes or harbor development, relinquishes and transfers control of the Equitec Parcel to the Council, and requests and recommends that the Council alter the Port Area by excluding the Equitec Parcel from the Port Area. This ordinance would become effective upon expiration of a 30-day referendum period after its final passage on second reading;
4. Passage of an ordinance amending Port ordinance No. 2832, The Oakland Airport Business Park Standards and Restrictions, to delete the Equitec Parcel.
5. Passage of a resolution setting a public hearing on the proposed amendment of Port Ordinance No. 2832 for June 6 2000, as required by Section 3 of that Ordinance.
6. Passage of a City resolution approving and authorizing execution of the Agreement; and

7. Passage of a City ordinance altering the Port Area (to delete the 7.8-acre parcel and include the 4.2-acre parcel) and accepting the Board's relinquishment and transfer of control of the 7.8-acre parcel.
8. Passage of necessary resolution(s) by OBRA to authorize the proposed Army-OBRA lease and OBRA-Port sublease.

The Environmental Planning Department has reviewed this action under the provisions of the Port's CEQA Guidelines and has determined that the action is categorically exempt under Section 15305 (minor alterations to land use) because it will not result in any changes in land use or density maximums. The exclusion of the 7.8-acre parcel from the Port Area will result in the City of Oakland becoming the Lead Agency for any future proposed discretionary project development and related environmental review on that property.

RECOMMENDATION:

Consistent with the terms outlined above, it is recommended that the Board pass a resolution approving the Agreement, the sublease and related agreements with the City, OBRA and the Army, pass a resolution requesting that Council include the 4.2-acre MSC-PAC parcel in the Port Area, give first reading to an ordinance requesting the Council to exclude the Equitec Parcel from the Port Area and relinquishing and transferring control of that parcel to the Council, give first reading to an ordinance excluding the Equitec Parcel for the Airport Business Park Standards and Restrictions, and set a public hearing for the proposed recommendation to the Standards and Restrictions consistent with the terms outlined above.



N56°09'36"E
20.00'
S33°50'24"E
157.75'

26NE5 (CITY OF OAKLAND)
N 2098724.62
E 6068158.64

HASSLER WAY

GRANT DEED
OAKLAND EXECUTIVE CENTER
SERIES # 94-336709

10' PT&T ESMT
PARCEL 6
RE: 3608 IM: 03

12.5' PG&E ESMT
UNRECORDED
N33°50'24"W

25' PT&T ESMT.
PARCEL 5
RE: 3608 IM: 03

828.00

REMAINDER AREA OF PARCEL 13
88,011 sq. ft. (1.561 acres)
[68,020 sq. ft. (1.562 acres)
At Ground Level]

L=119.26'
R=372.21
Δ=18°21'29"

574°31'06" W (R)

GRANT DEED
ERLBAUM-D·MARTINI
PARTNERSHIP
SERIES # 88-284477

N56°09'36"E 566.01'

20' RAILROAD
RESERVE
AS DEFINED BY
COVENANT
RE: 3512 IM: 04

20' RAILROAD
RESERVE
AS DEFINED BY
COVENANT
RE: 3512 IM: 04

"EQUITEC PARCEL"
340,784 SQ FT (7.82 AC)

10' PG&E ESMT.
RE: 5356 IM: 258

10' PG&E ESMT.
PARCEL "A"
SERIES #79-015567

ELMHURST CHANNEL
Drawing AA-1090
Port of Oakland
plan files
110' Wide

A24 (26NE7 City)
N 2097153.52
E 6069211.99

N52°04'46"E

604.96'

556°09'36"W 553.02'

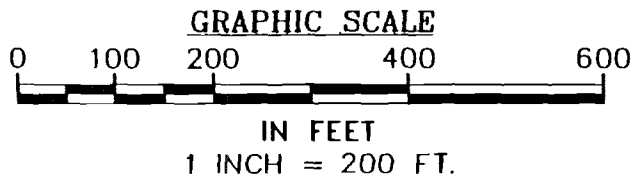
304.98'
N33°50'24"W 1891.53' (MON MON)

EDGEWATER DRIVE

25' PT&T ESMT.
PARCEL 1
RE: 3608 IM: 03
25' PG&E ESMT.
PARCEL 1
RE: 536 IM: 900

10' PG&E ESMT.
PARCEL "B"
SERIES #79-015567

126' EBMUD ESMT.
PARCEL 1
RE: 1375 IM: 567



PORT OF OAKLAND

LAND SURVEYS AND MAPPING

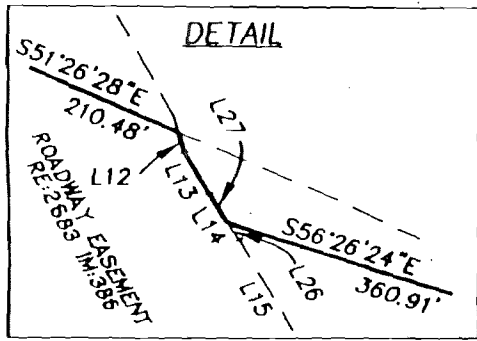


530 Water Street
Oakland, California



"Equitec Parcel"

DRAWN BY: EAD	Field Bk:
CHECKED BY: FAR	Wrk. Ord:
SCALE: 1" = 200'	Data File:
DATE: 4/12/00	Revision:
SHEET 1 OF 1	Rev. date:
ATTACHMENTS:	
FILE LOC.> sims\10311	1lpm13-rev.dwg



CURVE DATA

CURVE	RADIUS	DELTA	LENGTH
C1	999.93'	04°26'21"	77.47'
C2	999.93'	04°26'21"	77.47'
C3	114.99'	94°09'39"	188.98'
C4	547.96'	25°39'59"	245.47'
C5	84.99'	11°57'15"	17.73'
C6	537.29'	35°59'45"	337.55'
C7	485.64'	18°16'52"	154.95'
C8	137.91'	36°25'02"	87.66'

LINE DATA

LINE	BEARING	DIST.
L1	N41°00'50"E	29.80'
L2	S41°00'50"W	95.35'
L12	S00°04'50"W	10.68'
L13	S14°23'58"E	25.00'
L14	S20°08'19"E	40.00'
L15	S14°23'58"E	85.09'
L16	S14°23'58"E	109.99'
L17	S70°56'23"E	118.93'
L18	S70°40'42"W	99.99'
L19	N81°57'10"W	68.96'
L20	N48°59'10"W	12.14'
L21	N41°00'50"E	10.00'
L22	S81°57'10"E	8.34'
L23	N48°54'49"W	5.00'
L24	S51°26'28"E	41.10'
L25	N73°19'33"W	35.21'
L26	N20°08'19"W	24.55'
L27	S20°08'19"E	15.45'

CITY OF OAKLAND
STAT. 1911 CH. 657

PARCEL SEVEN
S.N. 99-222447

PARCEL 6
NAVY-ARMY TRANSFER
03/12/71

PARCEL SIX
S.N. 99-222447

U.S.A.
CIVIL ACTION 22212-R
4357 O.R. 290

ROADWAY EASEMENT
S.N. 79-130905
POINT OF BEGINNING

PARCEL 3
NAVY-ARMY TRANSFER
02/12/71

PARCEL 5
ARMY-NAVY TRANSFER
03/12/71

U.S.A.
CIVIL ACTION
22212-R

S.P.Co.
323 O.R. 185

2505 O.R. 251

S.P.Co.
323 O.R. 185

S.P.Co.
1307 DEEDS 224

CITY OF OAKLAND
PARCEL 8
S.N. 98-452325

C.P.R.R.Co.
189 DEEDS 395

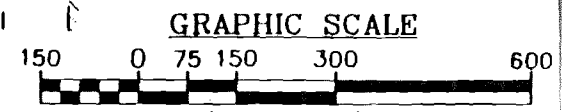
U.S.A.
PARCEL 4
CIVIL ACTION
83-4605 JPV

PARCEL TWO
S.N. 99-222447

KEY

MSC-PAC AREA (4.00 ACRES±)

PORT AREA LINE ORD. ~ 11508 C.M.S.



NOTE:
BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III.
MULTIPLY DISTANCES SHOWN HEREON BY 1.0000705 TO OBTAIN GROUND DISTANCES. AREAS SHOWN ARE BASED ON GROUND DISTANCES. 1 inch = 300' ft.

PORT OF OAKLAND



530 Water Street
Oakland, California

PLAT TO ACCOMPANY LEGAL DESCRIPTION

MSC-PAC

DRAWN BY: JRM	Field Bk:
CHECKED BY:	Wrk. Ord: 103644
SCALE: 1" = 300'	Data File:
DATE: 04/11/00	Rev. No.:
SHEET 1 OF 1	
ATLAS REF FILE: MSC-PAC.DWG	
FILE LOC. > \TRANSBAY\103644	

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: May 25, 2000

ITEM NO: 265

SUBJECT: Authorization to Execute an Agreement with Pacific Bell to Provide Telephone Service for the Vision 2000 Program Area

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

DUPLICATE OF PRIOR

CALENDAR MEMO

FACTUAL BACKGROUND:

The Port of Oakland and Pacific Bell have had close cooperation during master planning stages to provide telephone service for the Vision 2000 Program and the Harbor Transportation Center. As part of the construction of 7th Street Realignment and the New Road project, the Port will install all underground telephone conduits (a total of 6) and manholes to be used by Pacific Bell for installing necessary telephone cables.

An agreement has been prepared by Pacific Bell for the installation of an underground telephone system in the Vision 2000 Program area. The agreement requires Pacific Bell to absorb the incremental cost for two (2) of the six (6) conduits in the Realigned 7th Street. These two conduits specifically will not serve any Vision 2000 Program development and are for Pacific Bell's use only. As part of the agreement, the Port will pay to Pacific Bell the sum of approximately \$85,000. This sum represents the difference between the Port's CIAC (Contribution in Aid of Construction) tax cost for the conduit system and Pacific Bell's cost which is the incremental cost for the 2 conduits installed for non Port-related uses and the cost of all conduit materials used in serving the Port and Port tenants in accordance with PUC Rule 15.

Pacific Bell will install the required telephone cables to serve Port tenants in the Port's Vision 2000 Program area. Port will need to grant an easement(s) to Pacific Bell within the Port's property.

On May 19, 1997, the Board of Port Commissioners certified the Final EIS/EIR on Disposal and Reuse of Fleet Industrial Supply Center, Oakland / Vision 2000 Maritime Development (Port Resolution 97272) whereby it determined that there would be no significant impacts on public utility systems, including telephone systems. Further, the Berths 55-58 Project EIR, certified on April 20, 1999, (Port Resolution 99153) determined that upgrades to all systems would be necessitated, but these upgrades would result in no significant impacts.

This work is budgeted under CIP Item No. M6.00583.01. The funding source is Port revenue bonds.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving and authorizing the Executive Director to execute an agreement with Pacific Bell to provide telephone service for the Vision 2000 Program area with the above provisions. It is also recommended that the Board give first reading to an ordinance authorizing the Executive Director to grant any necessary easements or rights-of-way for the underground system.

... Bdltrs15-16PacBellMH1.doc

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20204

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

MAY 25 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND


Agenda Sheet

DATE: May 25, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

- Creation of Representation Unit
- Creation of Salary Schedules
- Amendments of Salary Schedule Assignments
- Creation of Additional Position

SUBMITTED BY: Robert C. Martinez 

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

FACTUAL BACKGROUND:

I. Creation of Representation Unit—Ordinance (2 Readings)

A) It is requested that the Board create the new Representation Unit I to implement the representation of the following classifications by Western Council of Engineers. It is also requested that the Board approve the movement of these classifications from their current Representation Unit to Representation Unit I as follows:

Classification	Current Rep. Unit	New Rep. Unit
Junior Environmental Planner	D	I
Junior Port Environmental Scientist	D	I
Assistant Port Environmental Planner	D	I
Assistant Port Environmental Scientist	D	I
Associate Port Environmental Planner	D	I
Associate Port Environmental Planner (Part-Time)	D	I
Associate Port Environmental Scientist	D	I
Port Environmental Assessment Supervisor	E	I
Port Environmental Compliance Supervisor	E	I
Associate Port Strategic Planner	D	I
Industrial Hygienist	E	I
Port Principal Safety Administrator	E	I


II. Creation of Salary Schedules in Representation Unit I—Ordinance (2 Readings)

A) It is requested that the Board create the following salary schedules in Representation Unit I to implement their assignments to the classifications of the Environmental Planner Series and the Environmental Scientist Series.

NEW SALARY SCHEDULE #	STEP A	STEP B	STEP C	STEP D	STEP E
926	\$3,795	\$3,985	\$4,186	\$4,436	\$4,702
940.03	\$4,366	\$4,583	\$4,813	\$5,102	\$5,406
954.32	\$5,031	\$5,285	\$5,548	\$5,882	\$6,234
970	\$5,882	\$6,177	\$6,485	\$6,874	\$7,286
971.17	\$5,951	\$6,249	\$6,562	\$6,956	\$7,374
972.30	\$6,019	\$6,319	\$6,635	\$7,034	\$7,456

- MOTION
- RESOLUTION
- ORDINANCE

Approved by Ordinance
passed to print


SECRETARY OF THE BOARD

MAY 25 2000

DATE

AMENDMENT OF SALARY SCHEDULE ASSIGNMENT – Ordinance (2 Readings)

- A) It is requested that the Board approve the amendment of salary schedule assignment for the following classifications to implement their transfer to Representation Unit I. These amendments will not result in any increase or change in current salaries.

Classification	Current Salary Schedule #	New Salary Schedule #
Junior Environmental Planner	226	926
Junior Port Environmental Scientist	226	926
Assistant Port Environmental Planner	240.03	940.03
Assistant Port Environmental Scientist	240.03	940.03
Associate Port Environmental Planner	254.32	954.32
Associate Port Environmental Planner (Part-Time)	1/163 rd of the monthly compensation fixed in Section 5.406 for each hour of service (254.32HR)	1/163 rd of the monthly compensation fixed in Section 5.406 for each hour of service (954.32HR)
Associate Port Environmental Scientist	254.32	954.32
Port Environmental Assessment Supervisor	539.2	972.3
Port Environmental Compliance Supervisor	539.2	972.3
Associate Port Strategic Planner	254.32	954.32
Industrial Hygienist	534.7	970
Port Principal Safety Administrator	537	971.17

- B) It is requested that the Board approve the amendment of salary schedule assignment for the following classification. This amendment is requested to achieve salary parity with the Airport Operations Superintendent, Airside classification.

CLASSIFICATION	CURRENT SALARY SCHEDULE	NEW SALARY SCHEDULE
Airport Operations Superintendent, Landside	513.9 (a--\$5,284; b--\$5,548; c--\$5,825; d--\$6,175; e--\$6,545)	547.8 (a--\$6,293; b--\$6,607; c--\$6,938; d--\$7,354; e--\$7,796) + 19%

IV. CREATION OF ADDITIONAL POSITION – Ordinance (2 Readings)

- A) It is requested that the Board create one additional position of the classification of **Commercial Representative V** to implement the recommendation of a desk audit conducted by Mandalay Associates to reclassify a Commercial Representative IV position in the Airport Properties Department and to redesignate the incumbent.

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 615.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 5/1899	AS OF 5/2/00	AS OF 5/12/00
Full-Time Employees	612.00 FTE	560.00 FTE	556.00 FTE	555.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	573.40 FTE	569.40 FTE	568.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to two employees going from CIP to Operating and one separation .

TEMPORARY AGENCY WORKER COUNT AS OF 5/9/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	9	10	1	6	0	0	26
* CIP	1	0	11	4	0	0	16
LEAVE BACKFILL (NON MEDICAL)	0	1	0	0	0	0	1
MEDICAL BACKFILL	1	0	0	0	0	0	1
* SPECIAL PROJECT	3	2	0	9	2	0	16
WORKER'SMP BACKFILL	0	2	0	0	0	0	2
TOTALS	14	15	12	19	2	0	62

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	2/23/00	3/23/00	4/6/00	5/9/00
BACKFILL	27	30	26	28	26
* CIP	18	18	17	17	16
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	0	1	2	1
MEDICAL BACKFILL	4	8	4	2	1
* SPECIAL PROJECTS	11	14	14	16	16
WORKER'S COMP BACKFILL	3	2	2	2	2
TOTALS	63	72	64	67	62

COUNT SUMMARY

CURRENT FTE COUNT	568.40
CURRENT TEMPORARY AGENCY BACKFILLS	26.00
VACANT POSITIONS	<u>21.00</u>
TOTAL	615.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of representation unit, creation of salary schedules, amendments of salary schedule assignments, and creation of additional position.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

**SUBJECT: Approval of an Amendment to Port Ordinance
1149 to increase North Field Fees by current CPI**

DATE: June 6, 2000
ITEM NO: 2S

SUBMITTED BY: Steven J. Grossman *SG*

- PROGRAM AREA:**
- Airport Operations
 - Commercial Real Estate
 - Maritime Operations
 - Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

In May 1979, The Board adopted a policy of linking rates and charges of certain North Airport activities and properties to the previous calendar year's Consumer Price Index for Urban Wage Earners and Clerical Workers(CPI-W). The San Francisco-Oakland area calendar year April 1999 to April 2000 CPI-W increase was 3.6%. Therefore, fees governing aircraft parking, assigned ramp spaces, T-hangars and office space in said T-hangars, Port-A-Ports and Tiedowns would be increased 3.6% effective July 1, 2000.

Proposed monthly rates are as follows:

	<u>Present</u>	<u>Proposed</u>
Blimp	\$1032	\$1069
Tiedown, Taxi-in/Taxi-out	\$130	\$135
Tiedown, 40 ft. or less	\$91	\$94
Tiedown, 50 ft. or less	\$129	\$134
Tiedown, 75 ft. or less	\$193	\$200
Tiedown, 100 ft. or less	\$215	\$223
Tiedown, 125 ft. or less	\$335	\$347
Tiedown, 150 ft. or less	\$488	\$506
Tiedown, 175 ft. or less	\$648	\$671
Tiedown, 200 ft. or less	\$799	\$828
Tiedown, over 200 ft.	\$964	\$999
T-hangar - 780 sq. ft.	\$236	\$244
T-hangar - 1040 sq. ft.	\$315	\$326
T-hangar - 1060 sq. ft.	\$320	\$332
T-hangar - 1340 sq. ft.	\$405	\$420
T-hangar - 2050 sq. ft.	\$621	\$643
T-hangar - 840 sq. ft.	\$196	\$203
T-hangar - 960 sq. ft.	\$223	\$231
T-hangar - 1110 sq. ft.	\$259	\$268
T-hangar - 1152 sq. ft.	\$271	\$281
T-hangar - 1596 sq. ft.	\$370	\$383
Port-A-Port, single engine	\$202	\$209
Port-A-Port, light twin engine	\$245	\$254
Ramp Space, 1060 sq. ft.	\$141	\$146
Ramp Space, 1340 sq. ft.	\$189	\$196
Ramp Space, 2050 sq. ft.	\$284	\$294
Ramp Space, unspecified	\$99	\$103
T-hangar office space(per sq. ft.)	\$.2344	\$.2428

The Board of Port Commissioners hereby finds and determines that the imposition of the above changes pursuant to Section 1 of this ordinance is exempt from the requirements of the California Environmental Quality Act under California Public Resources Code Section 21080(b)(8) and Sections 15273 and 15061(b)(3) of Title 14 of the California Code of Regulations. The basis for the exemption under Sections 21080(b)(8) and 15273 is that the rates are established and imposed for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas. In addition, in view of the minor amount of the rate increase under Section 15061(b)(3), it can be seen with certainty that there is no possibility that imposition of the rates referenced herein will have a significant affect on the environment.

RECOMMENDATION:

It is recommended that the Board approve an amendment to Port Ordinance 1149 establishing the above fee schedule for monthly fees effective July 1, 2000, as proposed.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Approved by Ordinance
passed to print**

BOARD ACTION TAKEN
Assistant

[Signature]
SECRETARY OF THE BOARD

JUN 6 2000
DATE

Bureau of Labor Statistics Data

Data extracted on: May 16, 2000 (12:38 PM)

Consumer Price Index-Urban Wage Earners and Clerical Workers

Series Catalog:

Series ID : CWURA422SA0

Not Seasonally Adjusted

Area : San Francisco-Oakland-San Jose, CA

Item : All items

Base Period : 1982-84=100

Data:

Series ID	Jan 1999	Feb 1999	Mar 1999	Apr 1999	May 1999	Jun 1999	Jul 1999	Aug 1999	Sep 1999	Oct 1999	Nov 1999	Dec 1999	A
CWURA422SA0	1999: No Data	165.7	1999: No Data	168.8	1999: No Data	168.3	1999: No Data	170.0	1999: No Data	171.2	1999: No Data	170.9	16
Series ID	Jan 2000	Feb 2000	Mar 2000	Apr 2000	May 2000	Jun 2000	Jul 2000	Aug 2000	Sep 2000	Oct 2000	Nov 2000	Dec 2000	A
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Series ID	Pct Change Apr 1999 to Apr 2000												
CWURA422SA0	3.6												



[San Francisco Information Office Home Page](#)



[Data Home Page](#)

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Airport Public Parking Lot and Valet Parking Rate Modification

DATE: June 6, 2000

ITEM NO: 3S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND

After a comprehensive review of the current rate structure for the Airport Valet Parking operation and the Airport Public Parking Lots, staff recommends that parking rates be modified. The proposed effective date of this change would be July 1, 2000. The last rate change for the Airport Valet Parking operation occurred in January, 1999. The last rate change for the parking lots occurred in April, 1998. Expenses have increased in both lots due to higher operational costs. The following rate changes are proposed:

PUBLIC PARKING – Current Rate

Short Term Parking 20 min. increments		Long Term Parking <u>Minutes</u> <u>Amount</u>		Economy Term Parking <u>Minutes</u> <u>Amount</u>	
		No rate structure in minutes is offered		No rate structure in minutes is offered	
<u>Minutes</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>
0 – 20	\$ 1.00	0 – 1	\$ 5.00	0 – 1	\$ 4.00
20 – 40	2.00	1 – 24	10.00	1 – 24	8.00
40 – 60	3.00	<u>AFTER 24 HOURS</u>		<u>AFTER 24 HOURS</u>	
etc. up to the daily max. of \$20		0 – 1	\$ 5.00	0 – 1	\$ 4.00
		1 – 24	10.00	1 – 24	8.00

PUBLIC PARKING – Proposed Rate

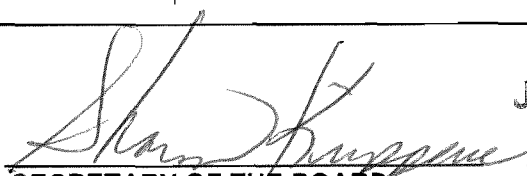
Short Term Parking \$1.00 per 20 min. increments		Long Term Parking <u>Minutes</u> <u>Amount</u>		Economy Term Parking <u>Minutes</u> <u>Amount</u>	
		No rate structure in minutes is offered		No rate structure in minutes is offered	
<u>Minutes</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>
0 – 20	\$ 1.00	0 – 1	\$ 6.00	0 – 1	\$ 5.00
20 – 40	2.00	1 – 24	12.00	1 – 24	10.00
40 – 60	3.00	<u>AFTER 24 HOURS</u>		<u>AFTER 24 HOURS</u>	
up to 5 hours		0 – 1	\$ 6.00	0 – 1	\$ 5.00
5-24 hours daily max. of \$25		1 – 24	12.00	1 – 24	10.00
Second and each additional day \$1.00 per 20 min. increments					
<u>Minutes</u>	<u>Amount</u>				
0 – 20	\$ 1.00				
20 – 40	2.00				
40 – 60	3.00				
up to 5 hours					
5-24 hours daily max. of \$30					

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

JUN 6 2000

DATE

VALET PARKING

<u>Current Rate</u>		<u>Proposed Rate</u>	
<u>Hours</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>
0 – 2	\$ 8.00	0 – 2	\$ 10.00
2 – 4	18.00	2 – 4	20.00
4 – 24	25.00	Daily Max	30.00
Second and each additional day		Second and each additional day	
<u>Hours</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>
0 – 2	\$ 8.00	0 – 2	\$ 10.00
2 – 24	25.00	Daily Max	30.00
Disabled parking (discount parking for first two hours only)		Disabled parking (discount parking for first two hours only)	
<u>Hours</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>
0 – 2	\$ 5.00	0 – 2	\$ 7.00

RECOMMENDATION:

It is recommended that the Port Ordinance which establishes public parking rates be amended to modify the Airport Public Parking Lot fee structure and the Valet Parking fee structure as specified.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Extension of Evergreen Marine Corp. Terminal Use Agreement at Ben E. Nutter Terminal

Date: June 6, 2000

Item No. 255

SUBMITTED BY: Raymond A. Boyle *sed for*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Evergreen Marine Corp. (Taiwan) Ltd. has a five-year Terminal Use Agreement (TUA) at the Ben E. Nutter Terminal, which is scheduled to expire June 30, 2000. Marine Terminals Corporation (MTC) provides terminal services at the facility.

ANALYSIS:

The current Agreement contains various economic incentives from the dockage and wharfage rates published in the Port's tariff. Dockage and wharfage in the present TUA are assessed as separate, individual charges. The Port recently proposed a new five-year TUA that has similar economic incentives. However, the proposal is for dockage and wharfage to be assessed as a single charge on a per loaded TEU basis, as this would streamline billing practices. Evergreen would also continue to be eligible for additional year-end discounts from the per loaded TEU rate based on contract year volume.

Port staff met with senior Evergreen representatives on May 19th. They expressed their desire to continue using Oakland, but need additional time to evaluate the Port's proposed rate levels. Therefore, both Evergreen and the Port desire that the term of the current TUA be extended until July 31, 2000.

ALTERNATIVES:

None. The extension is required in order to avoid full assessment of the Port's tariff rates, as this would keep Evergreen competitive with TUAs for other shipping lines. It will also maintain and strengthen the cordial business relationship that has developed between Evergreen and the Port over the years. From a practical perspective, there is no other course of action to pursue at this time.

The proposed modification to the Agreement was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and Port CEQA Guidelines and was determined Categorically Exempt per Section 15301 (p) which exempts such Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and where the Agreement involves negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving the proposed term extension of Evergreen's Terminal Use Agreement, as outlined above.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20216 JUN 6 2000

BOARD ACTION TAKEN **DATE**

[Signature]

Assistant

SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

JHW
SUBJECT: Authorization to Include the Construction of Sanitary Sewer to Building D-833, Vision 2000, in the Port's Small Business Program

DATE: June 6, 2000

ITEM NO: 265

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND:

Plans and specifications are being prepared for CONSTRUCTION OF SANITARY SEWER TO BUILDING D-833, VISION 2000, OAKLAND, CALIFORNIA. Currently, Building D-833 is serviced by a segment of the Navy sewer system that will be decommissioned in August 2000 to make way for Vision 2000 construction projects. However, the building will be occupied beyond August by Port employees and hence must be connected to an active sewer system. This contract will construct a sewer line to connect D-833 to an active sewer system at an estimated cost of \$130,000.

It would be in the best interests of the Port to include this project in the Port's Small Business Program. Under the terms of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA), projects estimated at or below \$300,000 can, at the sole discretion of the owner, be exempted from the MAPLA to increase participation of small and historically disadvantaged Local Impact Area construction businesses.

CEQA and NEPA requirements were completed, respectively, with Board certification of the Final EIR/EIS on September 2, 1997, and the signing of the Record of Decision by the Navy on August 27, 1997. A First Supplemental Memorandum of Agreement with the State Historic Preservation Officer was fully executed on April 11, 1997, and with the Advisory Council on Historic Preservation on April 30, 1997.

Pursuant to Sec. 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

The Capital Budget for Fiscal Year 2000 provides for this work under CIP Item No. M6.00543.01. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the project be included in the Port's Small Business Program and that the Board dispense with formal bidding procedures and authorize the Executive Director to execute a contract for this work based on informal bidding.

It is further recommended that the Executive Director be authorized to execute a contract based on informal bidding with any contractor if the attempt to secure an acceptable bid from a local small business is not successful.

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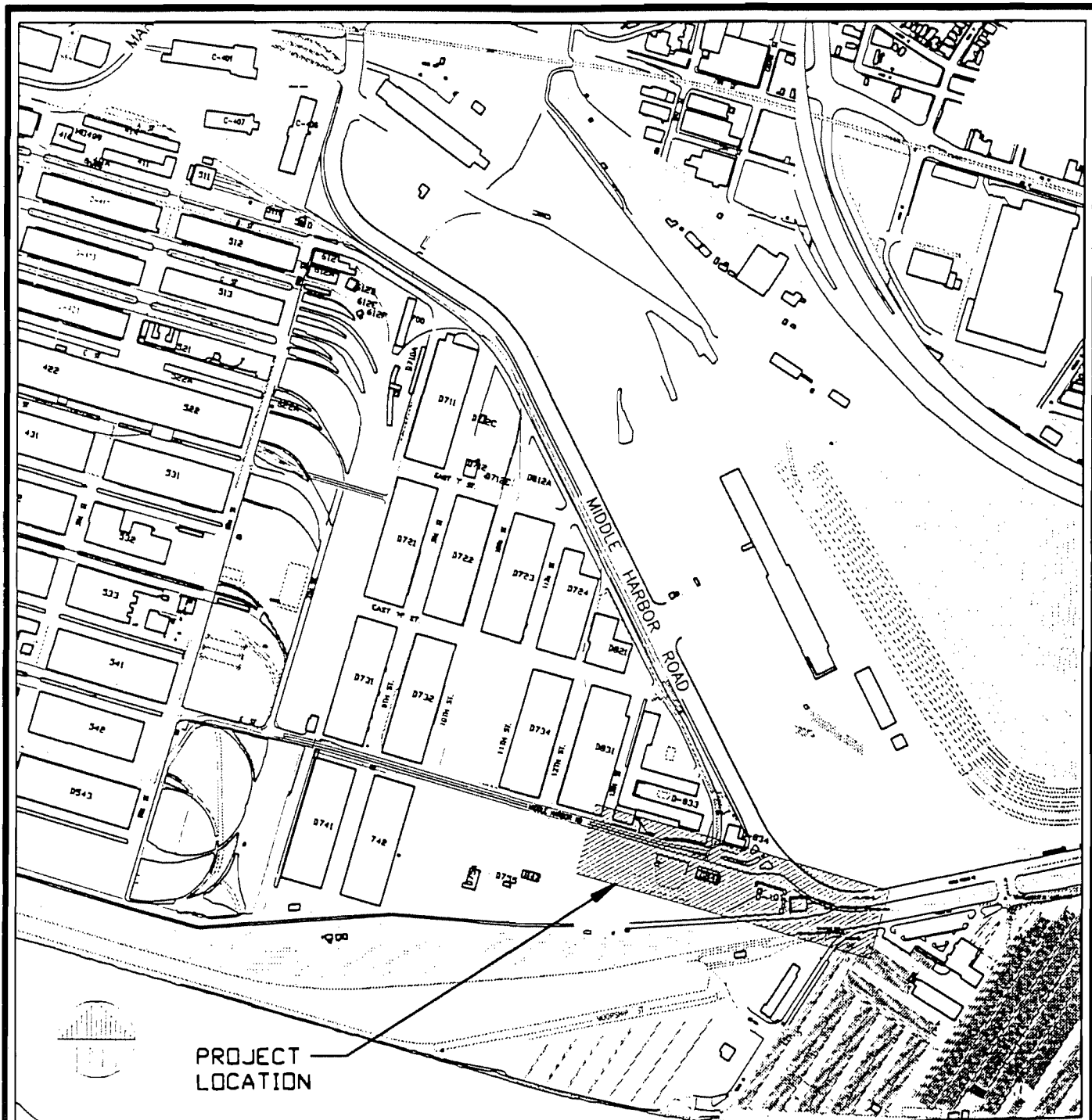
- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20217 BOARD ACTION TAKEN

[Signature] JUN 6 2000 DATE
Assistant SECRETARY OF THE BOARD

Authorization to Include the Construction of
Sanitary Sewer to Building D-833, Vision 2000,
in the Port's Small Business Program

June 6, 2000



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

^{TD}
SUBJECT: Authorization to Solicit Proposals for Sale of
Container Crane X401 at Sealand Terminal

DATE: June 6, 2000
ITEM NO: 275

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port purchased Paceco A-frame crane X401 (S/N 241) in 1965. This crane is located at Berth 22, Sealand Terminal.

The Paceco crane is a 50-foot gauge, first generation crane with a lift height of 60 feet above dock and an outreach of 109.6 feet. Today's modern, fourth generation cranes have, as a minimum, 100 feet lift height and 150 feet outreach. The limited lift height and shorter outreach require this crane to be modified to work on Panamax and Post Panamax ships. To bring this crane to the fourth generation crane standards would require structural and equipment modifications estimated to cost more than the value of the crane. It would be more economical to sell it and replace it with a new crane.

The recommended method for selling cranes is to advertise for proposals for purchasing the cranes with no fixed date for receipt of proposals. After receipt of a reasonable number of proposals, negotiations would be held with the interested parties and the best deal possible negotiated. Organizations that are interested in purchasing used cranes are generally fairly large, and their staff requires time to determine the value of the crane to their operations and to get approval of their management to make an offer. The formal procedure of disposing of surplus public property is to either auction the property or to solicit bids. The formality of the regular bidding process would unnecessarily restrict the Port's ability to make the best possible deal. The number of used cranes available for sale and the number of potential buyers are so limited that each deal is based on negotiations. A few organizations have already expressed preliminary interest in purchasing the crane.

RECOMMENDATION:

It is recommended that Paceco container crane X401 be declared surplus equipment; the offering for sale of the crane be approved; and the Executive Director be authorized to receive proposals for the sale of the crane, report back to the Board on the proposals received, and to make a recommendation for award of sale of the crane or other action by the Board.

6-06-00SrplsCrn

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20218

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUN 6 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 6, 2000

ITEM NO: 28S

JHW
SUBJECT: Award of Contract for Furnishing Labor, Materials and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

Five (5) bids were received and opened on May 10, 2000, for **Furnishing Labor, Materials and Equipment for Spot Painting Port of Oakland Cranes for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
D & K Painting Company, Inc.	Millbrae, CA					\$59.73/hour
Zantic Construction Painting	San Bruno, CA					\$61.25/hour
Blair & Sons, Inc.	Benicia, CA					\$65.90/hour
Pan Latino Painting, Inc.	Millbrae, CA					\$71.90/hour
Stylianos Stavropoulos dba S.S. Painting & Decorating	Burlingame, CA					\$79.00/hour

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

A copy of the bid canvass is on file. The Engineer's estimate for the yearly cost is approximately \$200,000.

Bid Protest:

The second low bidder, Zantic Construction Painting, sent a protest letter on May 11, 2000 alleging that the low bidder, D & K Painting Company, Inc. (D & K), and the fourth low bidder, Pan Latino Painting, Inc., are owned by the same person. Staff's investigation determined that the two companies were located at different addresses; the State of California corporate records list a different Agent for Service of Process for each company; the State of California Statement by Domestic Stock Corporation submitted by the two companies list different officers; the Contractors Licenses for the two companies list different personnel currently associated with each company; the Bid Bond document for each company is signed by a different person. Additionally, D & K has written a letter to the Port stating that D & K has no connection with Pan Latino Painting, Inc. Therefore, staff finds and recommends that the protest letter be found to be without validity.

Project Labor Agreement:

When the Plans and Specifications for this project were approved by the Board on April 4, 2000, it was questionable whether or not the Maritime and Aviation Project Labor Agreement (MAPLA) covered the work of this contract. Consequently, the MAPLA was not included in the original bidding documents, where it would have required potential bidders to be a party to and bound by the MAPLA.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20219

BOARD ACTION TAKEN

[Signature]
 ASSISTANT SECRETARY OF THE BOARD

JUN 6 2000

DATE

It was since determined to be in the best interests of the Port to add the MAPLA as a no cost change order to the contract. This was discussed between Port Staff and D & K. D & K had earlier been provided a copy of the MAPLA and was familiar with its terms. D & K indicated that they have reviewed the MAPLA, and that D & K intends to sign the Letter of Assent upon award of the contract to D & K.

Non Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy, for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the location of the bidders and their subcontractors, and the length of time in those locations. Based on the comparison of the modified bid amounts, D & K remains the low bidder.

Accordingly, it is recommended that D & K be considered to be the lowest responsible bidder for the purpose of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with this recommendation.

Budget:

The cost of this work is included in the Operating Budget for Fiscal Year 2000-2001. The funding source is Port cash.

RECOMMENDATION

It is recommended that D & K Painting Company, Inc. be found to be a responsible bidder, that the contract for the above project be awarded to D & K Painting Company, Inc. for the amount of its bid, and that the other bids be rejected and the bid securities returned to the respective bidders.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

JHJ
SUBJECT:

Approval to Reimburse BART for their Plan Review and Site Inspection Expenses Related to the Construction of 7th Street Realignment and the New Road, Harbor Transportation Center

DATE: June 6, 2000

ITEM NO: 29S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The plans and specifications for the Construction of 7th Street Realignment and the New Road were approved by the Board on August 3, 1999. Some of this work will be done near the BART tracks and within the BART right of way which requires a BART permit. Conditions of the permit require the applicant to pay for plan review and necessary field inspection. BART has reviewed the plans and specifications but they also need to review the contractor's work plans for all construction activities within 100 feet of the BART operating envelope. During construction, BART will provide inspectors to monitor the contractor's operations. The Port is required to sign an agreement to reimburse BART for these services.

The estimated cost of this work is \$60,000.

CEQA and NEPA requirements were completed, respectively, with Board certification of the final EIR/EIS on September 2, 1997, and the signing of the Record of Decision by the Navy on August 27, 1997. On April 20, 1999, the Board of Port Commissioners certified the Berths 55-58 Project EIR, and approved the project together with the recommended mitigation measures and all feasible air quality mitigation measures.

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

The Capital Budget for Fiscal Year 1999 provides for this work under CIP Item No. M6.00547.01 and M6.00599.01. The funding source will be Port bonds.

RECOMMENDATION:

It is recommended that the Board approve entering into the necessary agreement with BART and reimbursing them for their plan review and site inspection expenses related to the Construction of 7th Street and the New Road.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20220
BOARD ACTION TAKEN

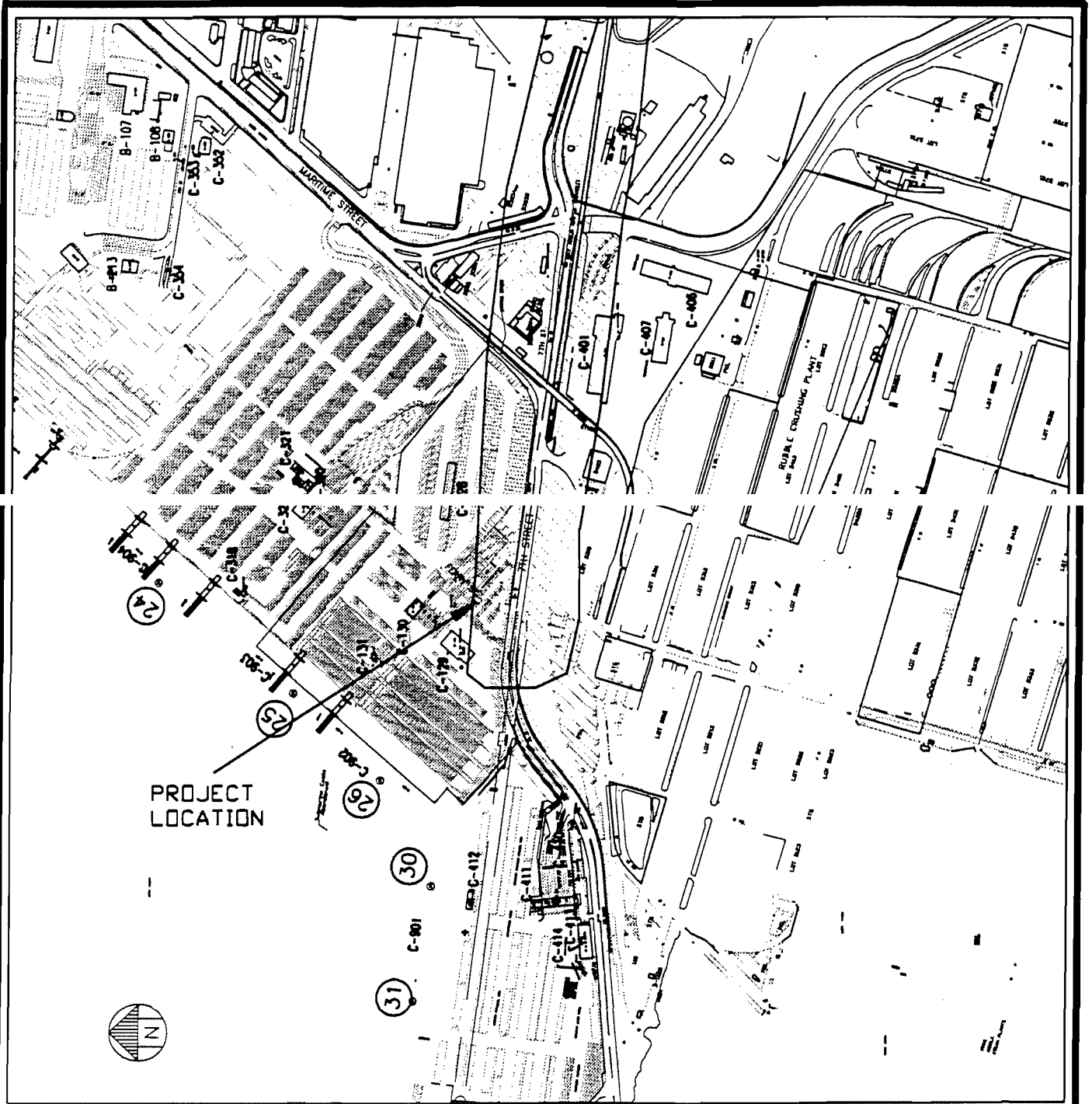
Assistant

[Signature]
SECRETARY OF THE BOARD

JUN 6 2000
DATE

Approval to Reimburse BART for Their
Plan Review and Site Inspection
Expense Related to the
Construction of 7th St.
Realignment and the new road

June 6, 2000



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

JHW

SUBJECT: Extend Completion and Termination Dates for California State Coastal Conservancy Grant and Consultant Contract (Laurel Marcus Associates) to Study Upland Disposal and Reuse Sites for Dredged Materials

DATE: June 6, 2000

ITEM NO: 305

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND:

On June 18, 1996, the Board of Port Commissioners approved and authorized the Executive Director to accept a grant from the California State Coastal Conservancy (Conservancy) for \$520,000 to complete a study of potential upland facilities to be used for the regional re-handling of dredged material (Resolution No. 96217). The Port and its consultant team is finalizing work on the project, completed cooperatively with the Conservancy, the Bay Conservation and Development Commission (BCDC), the Bay Planning Coalition, the Bay Dredging Action Coalition, the National Heritage Foundation, the Save San Francisco Bay Association, the Audubon Society, and the California Environmental Trust.

The agreement between the Port and the Conservancy that initiated the study calls for work to be completed by June 30, 2000, and the job and all accounts to be closed by September 30, 2000. While the study is close to completion, the Port may require the consultant team to perform some residual work beyond the June 30 date. The Conservancy has verbally agreed to extend the Port's contract by two (2) months, to November 30, 2000. The completion date will be extended three (3) months, to September 30, 2000. The contract extensions would have no impact on project scope or project budget.

To complete the work for the grant, the Port contracted with Laurel Marcus and Associates (LMA) to perform much of the study as the lead consultant (Contract No. 97188, approved by the on Board June 9, 1997). By reference to the Port's contract with the Conservancy, LMA's contract is due to expire on June 30, 2000. Extension of LMA's contract three months to the new completion date (September 30, 2000) will allow LMA to complete its work on the project. This contract extension also would have no impact on project scope or project budget.

Budget Status:

The contract extension would have no impact on project budget. The grant awarded to the Port allowed expenditures of up to \$520,000 to complete the study. Approximately \$200,000 remains in the budget; any funds remaining in the project following completion of the project will revert to the Conservancy.

Recommendation:

It is recommended that the Board authorize:

- 1. A two-month extension of the Port's contract with the California State Coastal Conservancy; and
2. A two-month extension of the Port's contract with Laurel Marcus Associates.

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- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20221

BOARD ACTION TAKEN

Assistant

[Signature] SECRETARY OF THE BOARD

JUN 6 2000 DATE

6/18

Agenda Sheet

SUBJECT: California State Coastal Conservancy Grant
To Study Upland Disposal and Reuse Sites
for Dredged Materials

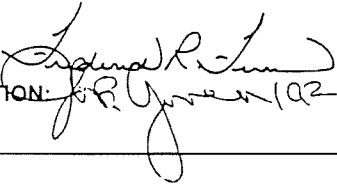
Date: June 18, 1996

Item No. 21

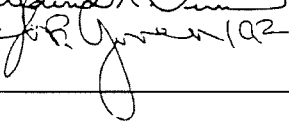
PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Frederick R. Ferrin



EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

Port staff has negotiated an agreement for a grant from the California State Coastal Conservancy ("Conservancy") to study upland disposal and reuse sites for material dredged from the San Francisco Bay. The grant is intended to further develop upland disposal sites for dredged material as recommended in the Draft Programmatic Environmental Impact Statement/Report for the Long Term Management Strategy (LTMS).

FOR INFORMATION ONLY

The development of cost-effective sites capable of accepting dredged material determined to be Non-Suitable for Unconfined Aquatic Disposal (NUAD), as well as clean material, is critical to the Port's ability to provide adequate water depth for modern container ships that call at Port marine terminals. The LTMS regulatory agencies and the Conservancy agree that the Port would be the most appropriate local agency to administer the grant. The Port's leadership in administering this grant would ensure that the local regulated community would have a voice in determining the most appropriate disposal options for various types of dredged materials.

The Conservancy has indicated that it intends to make the Port of Oakland a grant offer of \$550,000 from their general grant funds. However, their offer is conditioned on the Board passing a Resolution to accept the grant offer before June 30, 1996, the last day of the State's fiscal year.

FOR INFORMATION ONLY

RECOMMENDATION:

It is recommended that the Board accept a grant offer of \$550,000 from the California State Coastal Conservancy to study upland disposal and reuse sites for dredged material, authorize the preparation of an agreement for the acceptance, and authorize the Executive Director to execute the agreement.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN DATE


SECRETARY OF THE BOARD

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Request for Approval to Execute an Agreement with Martin Associates for an Economic Impact Study

Date: June 6, 2000

Item No. 33S

SUBMITTED BY: John Glover 

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

In 1993, the Board of Port Commissioners approved the execution of a professional services agreement with Martin Associates to conduct an economic impact study of the Port's commercial real estate activity. The results of the detailed study have been used to compare commercial real estate development alternatives and to demonstrate the range of economic benefits, including jobs, industry sales, income and taxes, generated by the Port's commercial real estate activities. Because of the consultant's reliance on interviews rather than regionalized input/output models of estimated impacts, Martin Associates is unique in its ability to identify the specific local communities that benefit from Port-related activity and from the additional benefits of goods and services purchased by persons employed in the industry.

An update of the commercial real estate economic impact model is now needed to assist in maintaining broad-based political and community support for the Port's commercial real estate activities. The estimated cost of this work is \$40,000, if performed by Martin Associates and would take approximately four months to complete.

The consultant emphasizes a methodology that is designed to produce defensible results; all impact estimates are traceable from the interview to final results. This credibility is important in presenting the results of the study to community and political leaders as evidence of the Port's benefits to a jurisdiction. Martin Associates will provide an economic impact report on the Port's commercial real estate activities, by community, along with a computer model that can be used to test the economic impacts of changes in such factors as the use of space and size of development.

In addition to developing the Port's commercial real estate economic impact model, Martin Associates has also generated economic impact models for our aviation and maritime activities. We currently use the employment and economic impact numbers generated from all three models in reports issued by the Port. This consistency across all divisions provides us with a higher level of confidence in the integrity of the impacts we report.

Martin Associates has extensive experience in the field of economic impact modeling, having performed work for the ports of San Francisco, Portland, Seattle, Longview (WA), Sacramento and Philadelphia; for airports in San Francisco, San Jose and Sacramento; and for the Pacific Maritime Association and the Bay Area Economic Forum.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20224
BOARD ACTION TAKEN

DATE JUN 6 2000


Assistant SECRETARY OF THE BOARD

RECOMMENDATION:

It is recommended that the Board authorize the preparation and execution of an Agreement with Martin Associates in the amount of \$40,000. It is further recommended that the Executive Director be authorized to increase the compensation under this contract by an amount not to exceed \$10,000, if he determines that additional compensation is necessary to complete the project.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Uncollectible Accounts

DATE: June 6, 2000

ITEM NO: 34S

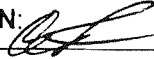
SUBMITTED BY: Robert Martinez



PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The Director of Finance has requested the Port Attorney's opinion on whether certain accounts receivable, listed and identified on the attachment hereto, may be written off the books of the Port as of June 6, 2000. The sums indicated on the attachment represent aged accounts receivable arising from, among other things, damage to Port property, rent utilities, land fees, concession fees and aircraft storage charges. These accounts represent total receivables as of May 31, 2000, in a sum estimated at \$220,015.77. The last Board write-off approval was on November 16, 1999, in the amount of \$1,034,480.80. As a matter of practice, the Board approves write-offs twice a year.

The Finance Division reports that it has pursued collection of the above-described receivables, in addition to efforts made by the affected operating department, without success. The Finance Division, after failing to obtain payment, referred the accounts which Finance believed warranted further collection, to the Port Attorney requesting that further collection efforts be pursued (see attachment). Efforts by the Port Attorney to obtain collection on the accounts referred for collection have included service of demand letters on the account holders and filing proofs of claim for receivables where the account holders are in bankruptcy.

The Finance Division reports that these accounts receivable have been maintained on the books of the Port as assets. It is my opinion that the accounts receivable listed on the attachment are at present uncollectible for such reasons as: (i) dispute as to amount due, together with the absence of sufficient proof to recover; (ii) the bankruptcy of the respective debtor(s); (iii) financial inability to pay by certain account holders.

For the foregoing reasons, it is my advice to the Director of Finance that the accounts receivable listed on the attachment hereto do not represent accounts upon which the Port has a present expectation of receiving the revenue represented thereby and, therefore, they may be written off the books as uncollectible accounts.

RECOMMENDATION:

A resolution authorizing these accounts to be written off the books of the Port has been prepared and appears upon today's calendar for your consideration and action. The resolution provides that, although the accounts would be written off, the Port Attorney is authorized to, and shall continue to, take such action as may be appropriate to effect the collection of the debts represented thereby, including, but not limited to, filing suit and/or referring accounts to appropriate collection agencies. The Director of Finance and the respective operating division directors join with me in recommending adoption of the resolution.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20225

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

JUN 6 2000

DATE

Account Number	Account Name	Write-Off Amount
261	ADMIRAL TELECOMMUNICATIONS	\$ 4,366.12
425	ALAMO RENT-A-CAR	80,225.00
	CALIFORNIA ARCHITECTURAL PRODUCTS	286.22
8322	TAEASA AIRLINES	134,567.79
8506	TOWER AIR	856.86
	GRAND TOTAL WRITE-OFFS	<u>\$220,301.99</u>

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND

COMMISSIONERS

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KATHY NEAL
First Vice President

DAVID KRAMER
Second Vice President

FRANK KIANG
JOHN PROTOPAPPAS
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PETER URIBE

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Oakland, California 94607

Telephone (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Regular Meeting of the Board of Port Commissioners
Tuesday, June 20, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh

READING OF THE MINUTES:

May 2, 2000; May 12, 2000; and May 25, 2000.

Deferred: June 6, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

Introduction of Port Scholarship Winners

COMMITTEE REPORTS:

Administration

Commercial Real Estate

City/Port Liaison

Regular Meeting
June 20, 2000

READING OF SUMMARY ITEMS: (Marked "S")

6 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Amendment of Ordinance 1149 to Permit Waiver of Certain Landing Fees at Oakland Airport as Part of a Marketing Incentive Program and Authorization of Certain Related Actions. (Ordinance & Resolution)

- 2 Waiver of Condition of Approval of Modification to Lease and Concession Agreement (Food and Beverage Facilities) with Air Terminal Services, Inc. (#1 Airport Drive, South Airport). (Resolution)

- 3S Amendment of Contract with United States Department of Agriculture (USDA) for Wildlife Management Services. (Resolution)

- 4S Authorization to Execute an Agreement with PG&E to Provide a Detailed Engineering Study for the Upgrade of PG&E Electrical Power Feeder to the Airport, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 11 Amendment to Parking Management Agreement with Pansini Oakland Associates, a California Limited Partnership. (Resolution)

- 12 First Reading of an Ordinance to Establish Parking Rates in Jack London Square. (Ordinance)

Regular Meeting
June 20, 2000

- 13 Assignment of the El Torito Restaurant Lease from Prandium Inc. to Acapulco Acquisition Corporation. (Resolution)
- 14 Ratify Change Order for Upgrade of the Existing Security System at Jack London Square. (Resolution)
- 15S Approval of Plans and Specifications for Construction of Berthing Facilities for Former USS Potomac and Lightship Relief, Jack London Square. (Resolution)

SUPPLEMENTAL ITEM ADDED TO THE AGENDA:

(Requires Finding and Determination that Need to Take Action Arose After Posting of Agenda)

-
- 16 **HELD OVER** Recommendation to Award the Alameda/Oakland Ferry Service (AOFS) Vessel Purchase and Contract in Accordance with the Agreement with the City of Alameda and the Requirements of the Caltrans Funding Agreement Approved by the Board in October 1999. (Resolutions)

MARITIME

- 21 New Agreement for Assignment of Berths 57/58 to SSA Terminals. (Ordinance)
- 22 Ratify Addenda and Award of Contract for Construction of Berths 57/58 Container Wharf, Fill, and Middle Harbor Shoreline Modifications, Vision 2000. (Resolution)
- 23 Approval of Change Order for Construction of 7th Street Realignment and the New Road. (Resolution)
- 24S Modification of Hanjin Shipping Company's Terminal Use Agreement Designating Sinotrans as a Primary User. (Resolution)

Regular Meeting
June 20, 2000

- 25S Authorization to Include the Design/Build Construction of Crane Spare Parts Storage Building in the Small Business Program. (Resolution)
- 26S This item not used.

OPERATIONS

- 31 Personnel Items: Appointment; Annual Salary Adjustments; and Creation of Additional Positions. (Ordinance)
- 32 Approval to Authorize Estimated Allocations for Operating and Maintenance Expenses to Provide Authority to Pay the Bills Effective July 1, 2000. (Resolution)
- 33 This number not used.

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

BUILDING PERMIT APPLICATIONS: ("S")

United Parcel Service, replacement of the existing pre-fabricated guard house with a new pre-fabricated structure of the same size.

Vote on the following Resolutions:

Ayes: Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh - 7

Noes: None

Absent: None

RESOLUTIONS:

- 20228 1 AUTHORIZING CERTAIN MARKETING INCENTIVE PROGRAMS AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT. (Airport - 1)

Regular Meeting
June 20, 2000

- 20229 2 WAIVING CONDITION OF APPROVAL OF MODIFICATION TO LEASE AND CONCESSION AGREEMENT (FOOD AND BEVERAGE) WITH AIR TERMINAL SERVICES, INCORPORATED RELATING TO SUBLEASE WITH NATIONAL YOUTH ENTERPRISE INSTITUTE. (Airport - 2)
- 20230 3 AUTHORIZING EXECUTION OF AN AMENDMENT TO THAT CERTAIN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE WILDLIFE SERVICES. (Airport - 3S)
- 20231 4 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH PACIFIC GAS AND ELECTRIC FOR A DETAILED ENGINEERING STUDY CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport - 4S)
- 20232 5 AUTHORIZING A SECOND AMENDMENT TO THE PARKING AGREEMENT WITH PANSINI OAKLAND ASSOCIATES. (Commercial Real Estate - 11)
- 20233 6 CONSENTING TO ASSIGNMENT OF LEASE FROM PRANDIUM INC. TO ACAPULCO ACQUISITION CORPORATION. (Commercial Real Estate - 13)
- 20234 7 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH MCMILLAN TECHNOLOGY, INC., UPGRADE OF EXISTING SECURITY SYSTEM AT JACK LONDON SQUARE, OAKLAND, CALIFORNIA. (Commercial Real Estate - 14)
- 20235 8 APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF BERTHING FACILITIES FOR FORMER USS POTOMAC AND LIGHTSHIP RELIEF, JACK LONDON SQUARE, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Commercial Real Estate - 15S)
- 20236 9 FINDING AND DETERMINING THAT NEED TO TAKE ACTION AROSE AFTER POSTING OF AGENDA RELATING TO PURCHASE OF A NEW VESSEL FOR THE ALAMEDA/OAKLAND FERRY. (Commercial Real Estate - 16)

Regular Meeting
June 20, 2000

- 20237 10 RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF BERTHS 57/58 CONTAINER WHARF, FILL, AND MIDDLE HARBOR SHORELINE MODIFICATIONS, VISION 2000, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR; AND AWARDING CONTRACT TO BERTHS 57/58 CONSTRUCTORS, A JOINT VENTURE, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 22)
- 20238 11 APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC. FOR CONSTRUCTION OF 7TH STREET REALIGNMENT AND THE NEW ROAD, OAKLAND, CALIFORNIA. (Maritime - 23)
- 20239 12 AUTHORIZATING EXECUTION OF FIFTH SUPPLEMENTAL AGREEMENT WITH HANJIN SHIPPING COMPANY LTD. (Maritime - 24S)
- 20240 13 GRANTING AUTHORIZATION TO INCLUDE DESIGN/BUILD CONSTRUCTION OF CRANE SPARE PARTS STORAGE BUILDING, 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime - 25S)
- 20241 14 APPOINTING HAROLD JONES TO THE POSITION OF DIRECTOR OF PORT COMMUNICATIONS. (Operations - 31)
- 20242 15 AUTHORIZING THE EXPENDITURE OF CERTAIN MONEYS PROPOSED TO BE MADE BY THE ESTIMATED BUDGET OF THE PORT OF OAKLAND FOR THE FISCAL YEAR 2000-01. (Operations - 32)
- 20243 16 GRANTING UNITED PARCEL SERVICE, INC. PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)

Regular Meeting
June 20, 2000

Vote on the following Ordinances:

Ayes: Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh - 7

Noes: None

Absent: None

ORDINANCES:

1 Port Ordinance No. 3585 being, "AN ORDINANCE AMENDING SECTION 9 OF PORT ORDINANCE 1149 RELATING TO CHARGES FOR USE OF FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Final.

2 Port Ordinance No. 3586 being, "AN ORDINANCE AMENDING PORT ORDINANCE 2613 AS AMENDED, FIXING CERTAIN REVISED PARKING RATES IN THE PORT'S PUBLIC AUTOMOBILE PARKING FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT."

Final.

3 Port Ordinance No. 3587 being, "AN ORDINANCE AMENDING SECTION 5.026 OF PORT ORDINANCE NO. 867 TO RETITLE THE POSITION OF EXECUTIVE SECRETARY TO EXECUTIVE ASSISTANT."

Final.

4 Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCE 1149 WAIVING CERTAIN LANDING FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT PURSUANT TO A MARKETING INCENTIVE POLICY."

Airport - 1 to print.

5 Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3044, FIXING CERTAIN REVISED PARKING RATES AT THE PARKING FACILITIES IN JACK LONDON SQUARE."

Commercial Real Estate - 12 to print.

Regular Meeting
June 20, 2000

6 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH SSA TERMINALS."

Maritime - 21 to print.

7 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE ADDITIONAL POSITIONS."

Operations - 31 to print.

8 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING SECTIONS 2.01, 2.03, 2.05 AND 2.07, AND ADDING SECTION 1.33995 TO PORT ORDINANCE NO. 867 RATIFYING AND FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT."

Operations - 31 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: To Thursday, June 29, 2000, at the hour of 12:00 noon.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 1

SUBJECT: Amendment of Ordinance 1149 to permit waiver of certain landing fees at Oakland Airport as part of a Marketing Incentive Program and Authorization of Certain Related Actions

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven Grossman
EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

In February 1999, the US Department of Transportation's Federal Aviation Administration (FAA) issued its final Policy and Procedures concerning the use of airport revenues.

In summary, the Policy allows airports to spend airport funds for marketing and promotion of an airport, including the full costs of activities directed toward promoting competition at an airport, public and industry awareness of airport facilities and new air service and competition at the airport.

Permitted airport marketing and promotional expenditures include such expenditures as cooperative advertising, where the airport advertises new air service with or without matching funds and advertising of general or specific airline services to the airport.

While direct subsidies are not permitted, this Policy allows airport management to discount or waive certain airport fees during a promotional period, provided it is offered to all users of the airport and such users are willing to provide the same type and level of new services consistent with the promotional offering.

As a result of this Policy pronouncement, more and more airports are adopting formal airport incentives including marketing activities and promotional support for new air service. Indeed, many airlines are requesting marketing support dollars as a pre-condition for adding new air service at an airport.

In the past, the Board has approved marketing budget dollars for promotion of new air service to attract new passenger and air cargo service, but not for airport-related fee waivers. Aviation will continue to utilize these already budgeted marketing and promotional dollars to encourage and support expanded air service at OAK.

The waiver of airport landing fees requires the Board to amend Ordinance 1149, the airport's rates and charges ordinance. The Board is requested to delegate the authority to provide this incentive to attract new air service to the Director of Aviation to be used as an incentive to attract and support new passenger and air cargo service, subject to conditions specified below.

Finally, the Policy also allows for airport marketing support of local or regional destination marketing organizations (DMO) under certain conditions, such as including specific information about the airport. These organizations are responsible for helping to generate increased convention, tourism and visitors to a community or region, much of which translate into increased inbound airline passengers.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20228
BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

JUN 20 2000

DATE

development, however, is not allowed. Some airports, including San Jose airport, are actually contracting with local regional DMO's to operate certain aspects of the airport's inbound marketing program.

ANALYSIS:

Based on OAK's average passenger operation, a new daily B737-300 passenger flight at OAK produces about 75,000 new airline passengers each year. Based on OAK's experience for the latest fiscal year, each new OAK passenger produces about \$4.00 added revenues for the airport in terms of parking lot, AirBart, car rental and restaurant and concession revenues, or over \$300,000 annually. Additionally, a new daily B737-300 passenger flight adds 41.6 million pounds of increased landed weight at OAK annually, producing \$45,000 increased landing fees, plus other related revenues. Waiver of 90 days of landing fees would amount to waiver of only about \$11,500 in landing fees in order to attract nearly \$350,000 in increased airport revenues for each daily flight added.

Similarly, a new daily B747-400 freighter flight generates about 242 million pounds of additional landed weight at OAK, producing \$262,000 increased landing fees annually in addition to aircraft parking space and cargo facilities rentals. Waiver of 90 days of landing fees for this type of freighter operation would amount to waiver of \$65,000 in landing fees in order to attract nearly \$300,000 in increased airport revenues for each daily flight added.

Finally, airlines are often encouraged to make multi-million dollar investments in operating routes from OAK and there are no assurances that these new routes will be commercially successful. This new policy helps to reduce some of the startup risks associated with such large airline commercial risks.

OPTIONS:

1. Do not allow airport landing fee waivers to be used as an additional marketing incentive to encourage new passenger and air cargo service. Airline assets are mobile and there are three airports serving the Bay Area, in addition to Sacramento airport serving Solano county and other counties to the East. This option could well force a carrier to choose another airport in or near the Bay Area to provide new nonstop passenger or cargo service – an airport that provides such marketing incentives.
2. Authorize airport landing fee waivers to be used as an additional marketing incentive on a case by case basis, based on Board approval. This option forces the airport to offer this marketing incentive on a conditional basis, i.e., subject to Board approval in each instance. Without actual assurance, a carrier might not be willing to risk the Board's approval of this incentive. It could also fly in the face of making such incentives available to all carriers, an FAA requirement.
3. Adopt a policy making use of airport landing fee waivers as an additional marketing incentive for a limited duration and delegate the Director of Aviation the authority to oversee such a support and incentive program consistent with federal law and regulations, as approved by the Port Attorney.

RECOMMENDATIONS:

Option 3 is the recommended option. It is recommend that the Board adopt a policy permitting the use of airport landing fee waivers as an additional marketing incentive to encourage development of new nonstop passenger and air cargo service at OAK, consistent with federal law and regulation, as approved by the Port Attorney, for a promotional period not to exceed 90 days, for up to two daily flights, for each new nonstop passenger or air cargo route implemented at OAK. This policy would thus add the waiver of airport landing fees to the airport's current practice of using budgeted airport marketing and promotional dollars to support new passenger and air cargo service, consistent with federal law and regulation, including the execution of any contracts related thereto.

Further, it is recommended that the Board delegate to the Director of Aviation the authority to oversee implementation of this added marketing incentive program through waiver of landing fees, including the authority to execute amendments to agreements with existing airlines to implement the fee waiver and to execute fee waiver agreements with new airlines, consistent with federal law and regulation, as approved by the Port Attorney.

Finally, it is recommended that the Board amend Ordinance 1149 to permit a waiver of airport landing fees and charges if such written agreements are entered into.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 2

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBJECT: Waiver of Condition of Approval of Modification to Lease and Concession Agreement (Food and Beverage Facilities) with Air Terminal Services, Inc. (#1 Airport Drive, South Airport)

SUBMITTED BY: Steven J. Grossman
EXECUTIVE OFFICE RECOMMENDATION

BACKGROUND:

At its meeting of July 20, 1999, the Board conditionally approved modifications to the Lease and Concession Agreement (Food and Beverage Facilities) with Air Terminal Services, Inc. with regards to the operation of a coffee cart at the Oakland International Airport by the National Youth Enterprise Institution (YEI).

Among other things, the Lease and Concession modification provided that the percentage rent payable by YEI would be reduced from 15% to 10% of gross revenues once YEI upgraded its kiosk facility at the Airport. Approval of the rent reduction was conditioned upon the upgrade taking place before November 30, 1999.

Due to factors beyond its control, YEI was not able to complete its upgrade until April 2000. The Board is being requested to waive the condition that the new facility be in place before November 30, 1999 and to reaffirm the rent reduction effective May 1, 2000, the first day of the month immediately following the upgrade.

ANALYSIS:

Due to the importance of the cart's physical appearance to the overall success of the business operation, the design and color scheme was subjected to extensive review. A local architectural firm volunteered its time to assist YEI with creating an appearance that worked well in the airport environment yet reflected the spirit and theme of Castlemont High School. Coordination of the students input with the architect and airport staff extended the period of time anticipated for design, construction and delivery of the kiosk facility. The extended review resulted in a much-improved appearance and appears to have stimulated higher sales from the kiosk. YEI has made the required investment of \$25,000 and it is appropriate to place the agreed upon percentage rent rate in effect.

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) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

- 1. Waive the condition that the new kiosk facility be in place no later than November 30, 1999 and establish a percentage rental rate of 10% of gross sales. This option does not penalize YEI for taking the time to assure that it maximized the visual impact of its cart and that it invested its money in the best way possible.
2. Do not waive the condition and continue to charge YEI percentage rent at the rate of 15% of gross sales. This option would penalize YEI for failing to act in a timely manner to replace its coffee cart. Since YEI was actively working with Port staff to assure an attractive kiosk facility and the 6-month time delay was minimal compared to the length of time the cart will be operating; this option is not recommended.

RECOMMENDATION:

It is recommended that the Board adopt a resolution approving a Modification to Lease and Concession Agreement (Food and Beverage Facilities) with Air Terminal Services, Inc. as previously approved in its Resolution 99303, but waiving the requirement that YEI have its new kiosk facility in operation not later than November 30, 1999.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No.

20229
BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD
DATE JUN 20 2000

Agenda Sheet

SUBJECT: Amendment to Parking Management Agreement with Pansini Oakland Associates, a California Limited Partnership

DATE: June 20, 2000

ITEM NO: 11

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Pansini Oakland Associates, a California Limited Partnership, has a Parking Management Agreement with the Port of Oakland dated January 4, 1994 and amended July 7, 1997. The agreement covers the management of the 2,600 stall parking operation in Jack London Square. The area covered by the management agreement includes seven surface parking lots and two parking structures. The agreement is due to expire December 31, 2000. The existing management fee is \$11,516.00 per month. The Port of Oakland receives all the gross revenue from the parking operation and reimburses the operator for normal operating expenses.

It is proposed to extend the agreement for one year with an option to extend the term for one additional year. The extension would allow the Port of Oakland the ability to utilize the expertise of the existing operator during the proposed construction and buildout of Jack London Square. It will be especially important to provide the most efficient use of our resources and to provide the most convenient and accessible parking to all of our customers. All of the remaining terms and conditions in the agreement, including the management fee, would remain the same.

RECOMMENDATION:

I. recommended the Board of Port Commissioners authorize the Executive Director to execute an amendment to the Parking Management Agreement with Pansini Oakland Associates, a California Limited Partnership, as outlined above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20232

BOARD ACTION TAKEN



Assistant SECRETARY OF THE BOARD

JUN 20 2000

DATE

Agenda Sheet

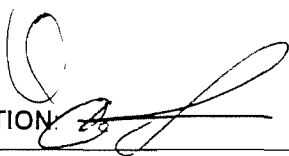
DATE: June 20, 2000

SUBJECT: First Reading of an Ordinance to Establish Parking Rates in Jack London Square

ITEM NO: 12

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port of Oakland currently has 2,600 parking stalls in the Jack London Square portfolio. On an annual basis, a comparison analysis of parking rates in Jack London Square and downtown Oakland is performed. As a result of the analysis, it is now proposed to adjust the rates as follows (a site map is attached for reference):

<i>Location</i>	<i>Program</i>	<i>Proposed Rates</i>
Washington St. Garage	5 th - 7 th Level Monthly Parking	\$80.00
	1 st - 7 th Level Monthly Parking	\$133.00
*Half-Moon Lot (Oak Street)	Discounted Monthly Parking For Port Employees	\$20.00
Washington Street Garage	Unvalidated Rates	\$1.25 - 1 st hr. \$1.25 each add'l ½ hr \$13.00 (12 - hr Max)
Washington Street Garage	Validated Rates	Free - 1 st hr. \$1.00 each add'l ½ hr \$11.00 (12 - hr Max)
Underground Garage	Unvalidated Rates	\$1.50 - 1 st hr. \$1.50 each add'l ½ hr \$15.00 (12 - hr Max)
Underground Garage	Validated Rates	Free - 1 st hr. \$1.50 each add'l ½ hr \$13.00 (12 - hr Max)
Lots 5, 7 and 9	Monthly Parking Tenants and their employees and berthers	\$74.00
Lots 5, 7 and 9	Unvalidated Rates	\$1.25 - 1 st hr. \$1.25 each add'l ½ hr \$13.00 (12 - hr Max)

- MOTION
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Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD



JUN 20 2000

DATE

Lots 5, 7 and 9	<i>Validated Rates</i>	Free -1 st hr. \$1.00 each add'l ½ hr \$11.00 (12 - hr Max)
Lot 11	<i>Monthly Parking</i>	\$74.00
Potomac Yard	<i>Monthly Parking</i>	\$74.00
Amtrak Lot	<i>Monthly Parking</i>	\$74.00
Amtrak Lot	<i>Short-term Public</i>	\$0.75 per hour; \$3.00 for up to 4 hours max
Amtrak Lot	<i>Long-term Amtrak riders</i>	\$3.50 per 24 hours
<i>Validation Programs</i>		
	<i>Merchant Validations (1 hour free)</i>	\$25.00 per book (100 stamps, \$.25 each)
	<i>Valometer for high volume merchants (1 hour free)</i>	\$0.25 per validation Collect up front from merchants on set number of validation on descending meter
	<i>Office Tenants (1 hour free)</i>	\$125.00 per book (100 stamps, \$1.25 each)
	<i>12-hour validation</i>	\$75.00 per sheet (10 stamps, \$7.50 each)
	<i>Port of Oakland visitors and clients (4 hour free)</i>	\$300 per book (100 stamps, \$3.00 each)
	<i>Port Valometers (1 hour free)</i>	Free
	<i>On line validations (excluding cinema, as per lease)</i>	\$.25 per validation
Current Valet Program Lot #2 - Broadway Underground Garage	<i>Operated by Licensee Collected on a per car basis from Licensee and paid to the Port</i>	\$3.00 per car up to 4 hrs \$6.00 per car beyond 4 hrs up to 12 hrs
Port operated Valet program		\$10.00 with validation \$15.00 w/o validation

As part of the proposed parking rate adjustments, we have developed an alternative proposal for the Port of Oakland employees. The parking lot on Oak and Embarcadero Streets is the proposed location for employee parking, at a discounted rate of \$20.00 per month. Pansini Oakland Associates, the parking management company for Jack London Square, would coordinate a shuttle service to the lot as well as the 12th Street Bart Station, in 12-minute intervals, from 6:30 am –10:30 am and 3:00 PM – 7:00 PM.

Depending on the utilization of the Oak Street lot, this program may be extended to the employees of Jack London Square tenants. It is also proposed to use this shuttle service as a parking mitigation factor for future development in Jack London Square. This proposal is a more efficient use of a now under-utilized parking resource.

The above outlined parking program was discussed and recommended for full Board consideration at the meeting on June 7, 2000 Commercial Real Estate Committee.

RECOMMENDATION:

It is recommended that a first reading of an ordinance establishing new parking rates and revisions to the existing program in Jack London Square, as outlined above, be authorized.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 20, 2000

SUBJECT: Assignment of the El Torito Restaurant Lease from Prandium Inc. to Acapulco Acquisition Corporation

ITEM NO: 13

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

El Torito Restaurant is a tenant at 66 Jack London Square. El Torito currently occupies 10,670 sq. ft. and their minimum rent is \$12,881.94 per month (\$1.21 per sq. ft.). In addition, El Torito pays common area maintenance charges and is subject to percentage rent. The lease expires October 31, 2010. Prandium Inc. (Prandium), parent company of El Torito Restaurants has entered into an agreement to sell substantially all of their El Torito restaurants to Acapulco Acquisition Corporation (Acapulco) in a stock sale transaction. Acapulco currently owns 37 Acapulco restaurants in Southern California, and one in Oregon. Acapulco also owns, through a subsidiary, 9 restaurants. "El Paso Cantina" Prandium is requesting the Port to approve an assignment of their lease to Acapulco with no changes to the existing lease.

El Torito's gross sales were approximately 45% lower than other restaurants in Jack London Square last year. At the close of escrow, Restaurant Associates, a restaurant and food service company headquartered in New York, will provide management support to all of the newly acquired El Torito restaurants and Acapulco restaurants.

At this time, Acapulco does not anticipate converting El Torito's Restaurant into an Acapulco restaurant, however, Acapulco will be holding a complete review of the El Torito's menu, quality, operations and management by the end of this year with the intent of increasing their gross sales. In conjunction with this assignment, Port staff will work with Acapulco Acquisition Corp. on a mutually satisfactory agreement, which will specify the elements of their review, and time schedule for implementing resulting changes, as well as specifics related to capital improvements and other performance issues.

The above Assignment was discussed and recommended for full Board consideration at the June 7, 2000 Commercial Real Estate Committee.

RECOMMENDATION:

It is recommended that the Board of Port Commissioners approve the assignment of lease from Prandium Inc. to Acapulco Acquisition Corporation as outlined above and subject to review of the final assignment documents by the Port Attorney.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20233
BOARD ACTION TAKEN

Assistant

Sharon Kippone
SECRETARY OF THE BOARD

JUN 20 2000
DATE

Agenda Sheet

SUBJECT: Ratify Change Order for Upgrade of the Existing Security System at Jack London Square

DATE: June 20, 2000

ITEM NO: 14

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port of Oakland has a contract with McMillan Technology, Inc. for **UPGRADE OF THE EXISTING SECURITY SYSTEM AT JACK LONDON SQUARE, OAKLAND, CALIFORNIA**, which became effective on September 8, 1999, at lump sum and unit prices totaling \$781,213. The work consists of upgrading the existing security system, including the closed circuit television system and the emergency aid stations.

ANALYSIS:

During the installation of the new security system equipment, the Contractor noted that many of the data/picture problems that we are encountering are due to the outdated fiber optic transmitters at the Washington Street Garage (WSG) and the Security Control Center (SCC). These are the units that take data and pictures from copper wires and transform them to fiber optic cable for the long runs between these locations. The transmitters that were installed 10 years ago were state-of-the-art at the time; however, they are no longer serviceable.

The Contractor proposed installing a card rack at both locations that will utilize the existing fibers but perform at a higher level. This card rack system will reduce the number of fibers required, thus providing spare fibers for the WSG expansion. The rack is also much more serviceable than the existing transformers. The proposal is a lump sum price of \$53,908.

The Engineering staff reviewed the proposal and determined that this was a very prudent proposal. The proposal was then presented to the Commercial Real Estate Division and they elected to accept the proposal.

Due to the long lead time required for the acquisition of the electronic components, and since this contract is nearly complete, the Contractor was directed to proceed with this work.

BUDGET STATUS:

The budget for this project has sufficient funds to cover this change order. The work was budgeted under CIP No. P1.00465.02

RECOMMENDATION:

It is recommended that the Board ratify a change order in the amount of \$53,908 to McMillan Technology, Inc. for providing and installing the new fiber transmitters.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20234

BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

JUN 20 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 16

SUBJECT: Recommendation to Award the Alameda/Oakland Ferry Service (AOFS) Vessel Purchase and Contract in accordance with the Agreement with the City of Alameda and the Requirements of the Caltrans funding agreement approved by the Board in October 1999.

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION: [Signature]

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

FACTUAL BACKGROUND:

In October 1999 the Board authorized staff, together with the City of Alameda, to apply for \$4,750,000 from the State of California for the purpose of purchasing an additional vessel to service the Alameda/Oakland ferry operations.

The City of Alameda and the Port operate the Alameda/Oakland ferry by agreement. The City of Alameda acts as the lead agency so they apply for funds and administer subsidies and other grants as appropriate and authorized by both public agencies as required in the agreement.

The Port and the City of Alameda have been operating the ferry under mutual agreement since 1990 and we have entered into contracts with the service providers. Over the years the service has been provided by the Red and White Fleet and the Blue and Gold Fleet.

Today the Alameda/Oakland ferry service operates 15 round trips between Oakland/Alameda and San Francisco every weekday and provides weekend service, Angel Island service on weekends during the summer as well as service to weekday Giants games at Pac Bell Park.

During the last 6 months the City of Alameda hired consultants to put together minimum operating specifications in preparation for issuing a RFP. The RFP's were sent out to all qualified boat builders in March.

OPTIONS:

held over for June 29th

- MOTION
RESOLUTIONS
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20236 for action

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

JUN 20 2000

DATE

The Port staff concurs with the process used to select a boat builder, which meets the requirements of the State of California Grant agreement. Under the terms of the state grant the funds must be committed during the fiscal year in which the grant is awarded. Therefore, it is necessary to make the award of the contract prior to June 30, 2000, failure to award by the end of June 2000 will result in the loss of the \$4,750,00 grant for this project. The grant fund would be re-appropriation of the funds for rail transit uses anywhere in the State.

The vessel that is recommended to be built is the Nichols Brothers New 315 passenger vessel for \$4,750,000. The Port staff does not recommend the smaller Bay Ship and Yacht Vessel that has seating for only 208 passenger.

ANALYSIS:

A very extensive analysis developed by the Public Works Department of the City of Alameda is attached. This analysis is a result of the staff and consultants analyzing the proposals that were submitted as well as the clarifications that were requested. As the ferry service has continued to grow in ridership (it is projected to increase at a steady rate of 8 to 10% a year) it is important that the vessel purchased with these funds meet the needs of the service now and in the future.

Note: Attached is a City of Alameda, Department of Public Works Memorandum to the Mayor and the City Council dated June 16, 2000. Also attached is a revised letter from the City of Alameda, Dated June 20, 2000 which indicates that the Bay Ship and Yacht Vessel is disqualified due to the fact that the RFP was specific as to the seating capacity. This would leave two vessels that meet the minimum qualifications with the Nichols Brothers New 315 Passenger Vessel still the recommendation of the Peer Review committee, consultants and staff.

RECOMMENDATION:

It is recommended that the Board concur with the recommendation of the Peer Review Committee, staff and consultants to award of the Alameda/Oakland ferry vessel construction contract to Nichols Brothers Boat Works of Washington State for a new 315 seated passenger vessel under the requirements of the RFP. This vessel is within the budget for the grant, it meets the seated passenger capacity required in the RFP, it provides the passenger comfort and other criteria established by the RFP. Further that the Board authorizes the Executive Director to execute any funding agreements in connection with the Ferry vessel grant as required by the funding agencies if necessary. It is further recommended that the Board approve the payment of the Port's portion of the Local Match to the City of Alameda of \$350,000.

City of Alameda

Interdepartment Memorandum

June 16, 2000

To: Honorable Mayor and
Council Members

From: Matthew T. Naclerio
Public Works Director

Re: Recommendation to Award the Alameda/Oakland Ferry Service (AOFS) Vessel Purchase Contract and to Authorize City Manager to Enter Into Agreement with Selected Vendor and Enter into Fund Transfer Agreement No. 04A1048 with Caltrans

BACKGROUND

In November 1999, the City was awarded a \$4.75 million State grant to purchase a spare vessel for the Alameda/Oakland Ferry Service (AOFS). The grant requires the contract for procurement to be awarded by June 30, 2000; however, Caltrans informed the City verbally on June 9, 2000 that the City must award the contract by June 20, 2000 (see Exhibit 1). If the City fails to award a contract by then and does not provide signed agreements to Caltrans within a few days, Caltrans will reassign the funds to an intercity rail project. We are working with Caltrans to extend this administratively imposed deadline (see Exhibit 2).

The State grant specifically requires the City to include a peer review process in developing the Procurement Documents and evaluating the proposals. The City hired a consultant, Walther Engineering Services, Inc., to develop Procurement Documents. The City also established a Peer Review Committee consisting of experts in ferry vessels and operations to assist in document development and proposal evaluation. The Committee includes an outside consultant and representatives from the City of Vallejo, Blue & Gold Fleet and the Golden Gate Bridge Transportation District.

The City operates the Alameda/Oakland Ferry Service under a Joint Powers Agreement with the Port of Oakland. Under the terms of this agreement, vessel purchases must be approved by both agencies. The Port of Oakland has agendaized this item for their June 20, 2000 Board Meeting prior to the Council's evening meeting.

On March 7, 2000, Council adopted Procurement Documents and authorized staff to issue a Request for Proposals (RFP) for the AOFS Vessel 2000 Purchase (No. P.W. 02-00-04). Proposals were due on May 15, with Final and Last Offers required 2 weeks prior to Council award. The RFP included

evaluation criteria and delineated process. The evaluation methodology and criteria were established in the RFP and were meant to provide a level playing field for all vendors. The RFP stated that the proposals would be ranked based on these evaluation criteria.

Proposals were evaluated in three parts: 1. Minimum Requirements, 2. Technical Proposal and 3. Cost Proposal. All proposals had to meet the minimum requirements. Technical proposals were evaluated for operational characteristics (steering, visibility, speed), comfort (passenger arrangement, noise/vibration), accessibility (ADA, boarding, circulation), shipyard performance (workmanship, delivery experience) and compliance with specifications. The cost proposals were evaluated using a 10 year life cycle cost analysis. Finally, pursuant to the RFP, local vendors were given a 5% local business preference on the cost score.

On April 25, 2000, the City received copies of the State of California Department of Transportation Fund Transfer Agreement No. 04A1048. This agreement establishes the terms and conditions for the City to receive grant funds. One of the terms requires that the City procure the vessel through a competitive process. Therefore the City has no ability to enter into a sole source negotiation with any vendor. Any negotiation must be fair and competitive and must allow all vendors an equal opportunity.

DISCUSSION/ANALYSIS

On May 15, 2000, the City received eight proposals. Six were for new vessels and two were for refurbishment of existing vessels. None of the new vessel proposals were within budget and the two refurbished vessels exceeded the optimal age criteria (both were over ten years old). After the initial evaluation by the Peer Review Committee, the Consultant submitted a written request for clarifications and suggested modifications to each Vendor. In order to allow Vendors adequate time to revise their proposals and allow adequate time for the Peer Review Committee to evaluate the revised proposals, the City extended the time period for the Last and Best Offers to June 6, 2000. The additional time also helped to assure that every opportunity was given to allow vendors to submit their most competitive bid.

On June 6, 2000, the City received Last and Best offers from four Vendors. Two of the proposals were for refurbishing existing vessels, two were for new vessels that were priced at the grant amount, and the remainder were for new vessels that exceeded the grant amount. Revised costs for refurbishing an existing vessel ranged from \$4,001,036 to \$4,330,000 compared to the original cost proposals of \$4,438,250 to \$5,433,500. Revised costs for new vessels ranged from \$4,750,000 to \$7,330,757 compared to the original cost for new vessels of \$5,596,500 to \$7,573,600.

An evaluation comparison of Last and Best Offers was conducted by the Peer Review Committee. Based on the established evaluation system, and the project budget, the Peer Review Committee ranked the four that were within budget as follows:

1. Nichols Brothers Boat Builder new 315 passenger vessel for \$4,750,000
2. Nichols Brothers refurbished vessel for \$4,330,000
3. Bay Ship and Yacht new 342 passenger vessel for \$4,750,000
4. Bay Ship and Yacht refurbished vessel for \$4,001,036

A listing of all last and best offers is attached as Exhibit 3.

Since the life cycle analysis indicated a new vessel is a better value, given the relatively small difference in initial cost for a new versus rebuilt vessel; and, since there are also significantly larger maintenance costs associated with a used vessel, staff focused its review on the two proposals for new vessels.

The major differences between the two new vessels which are both within the grant amount are:

1. Seated Capacity

- Nichols Brothers New Vessel - 315 seats
- Bay Ship & Yacht New Vessel - 208 seats

Nichols Brothers provides 50% more seated capacity on their new vessel than Bay Ship & Yacht proposes. The specifications require a capacity of 350 passengers plus or minus 10%. The grant request specifically references this requirement and cannot be modified. The West End Ferry Service currently operates using the Encinal, a 384 seated passenger vessel, as the primary vessel. Existing ridership exceeds 225 passengers per trip at least once every day during the peak season (Memorial Day through Labor Day). In addition, the evening peak period run routinely exceeds 225 passengers. The vessel is a 30 year investment and the proposed seating capacity of 350 passengers was based on the anticipated ridership growth during that 30 year period. Anticipated growth in service, projected from the past 10 year ridership trends, indicates that a capacity of 350 passengers will be required within the next 10 years. The Port of Oakland is particularly concerned about this issue since midday and excursion ridership is primarily from Oakland and tends to result in the highest peak season demands.

The passenger capacity of all of the existing vessels used in our ferry services thus far has been determined by seated capacity. Bay Ship and Yacht is proposing to establish a capacity which includes a combination of standing (33%) and seated (66%) passengers. The passenger capacity calculation being proposed by Bay Ship & Yacht has not been previously approved by the United States Coast Guard (USCG). Bay Ship & Yacht had submitted letters from the local USCG office which confirm that the method used by Bay Ship and Yacht is adequate. The City's Consultant has contacted both the local and Washington, DC USCG offices and has been told that the rule is subject to interpretation with respect to what portion of the aisles can be included in the calculation. The Peer Review Committee noted that a final decision could effect whether the vessel met our minimum passenger capacity requirement. During the evaluation process it was also noted that the

USCG had not allowed standees on vessels with speeds exceeding 25 knots. Another concern raised by the Committee was potential safety issues for standees.

2. Passenger Space Allocation

- Nichols Brothers 12.9 sft per passenger
- Bay Ship and Yacht 8.4 sft per passenger

Nichols Brothers vessel provides 35% more space per passenger than Bay Ship and Yacht. At 8.4 square foot per passenger the Bay Ship and Yacht proposal provides 16% less space than the existing City owned vessels, Bay Breeze and the Encinal, which provide 10 sft per passenger. To provide the 8.4 sft per passenger, Bay Ship and Yacht has included passenger space on the foredeck. The Peer Review Committee raised concerns of potential safety issues for allowing passenger access to the foredeck since it is very exposed to wind, spray, and weather conditions and could become slippery.

3. Noise/Vibration

To improve passenger comfort the technical specifications established maximum noise levels and vibration standards. Passengers complained about a harsh ride, excessive noise, and vibration with the Harbor Bay Express II. One way of reducing noise and vibration is to isolate the hull from the cabin structure. This, in effect, provides shock absorbers for the cabin. Nichols Brothers' housing is isolated from the hull structure which reduces both noise and vibration. Bay Ship and Yacht is not using this construction technique and no other special measures were identified to address this concern.

4. Local Preference

BS&Y is a local business and therefore received a 5% preference which was applied to their cost score.

5. Passenger Circulation and Access

Nichols Brothers vessel provided the best passenger access and circulation of all fourteen proposals. The circulation provides an efficient distribution of passengers which allows them to easily access all areas of the vessel, minimizes conflicts between passengers by segregating high-use facilities (bar, ticket stand) from passenger access corridors, and easily accommodates bicyclists. The Bay Ship and Yacht proposal does not distribute passengers as efficiently. It requires most passengers to traverse a single corridor creating a choke point, locates high use facilities within main travel corridors, and requires bicycles to traverse the passenger cabin in route to bike storage.

6. USCG Certification

Nichols Brothers' proposed vessel design has been previously certified by the USCG. The vessel design proposed by BS&Y has been built in other countries, but has not yet been certified for passenger ferry use in the United States. Although the Peer Review Committee believes that the

vessel can be certified, there is a high probability that modifications may be required and increased costs may be encountered.

7. Time line

Although funds are required to be obligated by June 30, 2000, Caltrans informed the City verbally on June 9, 2000 (see Exhibit 1) that the City must award the contract by June 20, 2000. If the City fails to award a contract by then and does not provide signed agreements to Caltrans within a few days, Caltrans will reassign the funds to an intercity rail project. We are working with Caltrans to extend this administratively imposed deadline (see Exhibit 2).

Alternative Analysis

To provide all Vendors with optimal consideration, staff re-reviewed the four proposals that were within budget. The Bay Ship & Yacht New Vessel was re-evaluated assuming a 315 passenger capacity (originally a 342 passenger capacity was identified by the Vendor in their proposal), since that would meet minimum requirements and would maximize engine reliability and comfort. The revised ranking, with Committee concurrence, resulted in the following:

1. Nichols Brothers New Vessel 315 passenger \$4,750,000
2. (Tie) Bay Ship and Yacht New Vessel 315 passenger \$4,750,000
2. (Tie) Nichols Brothers refurbished vessel for \$4,330,000
4. Bay Ship and Yacht refurbished vessel for \$4,001,036

Although the revised evaluation resulted in improvements in engine reliability, and passenger comfort for Bay Ship and Yacht's proposal, Nichols Brothers proposal ranked higher overall based on the total number of seated passengers, total passenger area, inclusion of methods to reduce noise and vibration for passenger comfort, superior access and circulation, partnership experience of the builder/design team and prior USCG approvals for the design submitted.

CONCLUSION

The Peer Review Committee (PRC) unanimously ranked the Nichols Brothers \$4,750,000 new vessel highest, using the evaluation criteria established in the RFP and approved by Council. The Port of Oakland concurred with this recommendation. The grant requires the City to procure a vessel using a competitive process; therefore, Council cannot reject all proposals and select a vendor through sole source negotiations. Caltrans has stated that they will recommend reprogramming the funds to an intercity rail project if the City fails to award the contract by June 20, 2000. The Nichols Brothers vessel provides 50% more seated capacity than Bay Ship and Yacht. In addition, Nichols Brothers has previously delivered on time and within budget a very satisfactory vessel, Bay Breeze, to the City of Alameda. Current ridership exceeds 225 passengers at least once every day during the peak season, and projected ridership (based on the past ten year ridership trends) is anticipated to exceed 350 passengers within ten years.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The purchase of a spare ferry vessel is identified under CIP 98-40. Total ferry vessel acquisition project funding is \$5.5 million, of which \$4.75 million is provided in State grant funds. The City and Port of Oakland will each provide \$375,000.

Sales tax for this vessel will accrue to the City no matter which Vendor receives the bid since the procurement documents specify the delivery of the vessel to Alameda, California.

RECOMMENDATION

It is recommended that the City Council:

1. Award the Alameda/Oakland Ferry Vessel purchase contract in the amount of \$4,750,000 plus \$435,000 contingencies to Nichols Brothers Boat Builders; and
2. Authorize the City Manager to Enter Into Agreement with Nichols Brothers which is in substantial form as the contract on file in the City Clerk Office; and
3. Authorize the City Manager to Enter into Fund Transfer Agreement No. 04A1048 with Caltrans on file in the City Clerk Office.

Respectfully submitted

Matthew T. Naclerio
Public Works Director

MTN:dl

Attachments:

- Exhibit 1 - Caltrans E-mail
- Exhibit 2 - Letter to Caltrans
- Exhibit 3 - Last and Best Offers

FORWARDED

City of Alameda

Interdepartment Memorandum

June 20, 2000

To: Honorable Mayor and
Council Members

From: Matthew T. Naclerio
Public Works Director

Re: Supplemental Report on Recommendation to Award the Alameda/Oakland Ferry Service (AOFS) Vessel Purchase Contract and to Authorize City Manager to Enter Into Agreement with Selected Vendor and Enter into Fund Transfer Agreement No. 04A1048 with Caltrans

BACKGROUND

In the staff report which was submitted Thursday June 15, 2000 to Council, staff had included a proposal from Bay Ship & Yacht for a 342 passenger, (208 seated and 134 standing) \$4,750,000 vessel. Staff believed that this proposal met Minimum Requirements which stated that Passenger Capacity of 350+/-10% was required.

DISCUSSION/ANALYSIS

Subsequent to issuance of the Council report staff has reviewed the definition for passenger capacity identified on page 36 of the RFP. The definition states: "Passenger Capacity defines the total number of seats fitted both inside the passenger saloon and outside on the observation deck, and the number which the USCG has approved for the vessel, *whichever is lower.*"

Given this definition, and the fact that Bay Ship and Yachts proposal included a total of 208 seats, this proposal does not meet minimum requirements and should not have been considered further. This information does not materially alter the ranking since the first and second ranked vessels were both Nichols Brothers vessels. The revised rankings are as follows:

1. Nichols Brothers New 315 Passenger \$4,750,000
2. Nichols Used Vessel Catalina Express \$4,330,000

Honorable Mayor and
Council members

Page 2
June 20, 2000

BUDGET CONSIDERATION/FINANCIAL IMPACT

The purchase of a spare ferry vessel is identified under CIP 98-40. Total ferry vessel acquisition project funding is \$5.5 million, of which \$4.75 million is provided in State grant funds. The City and Port of Oakland will each provide \$375,000.

Sales tax for this vessel will accrue to the City no matter which Vendor receives the bid since the procurement documents specify the delivery of the vessel to Alameda, California.

RECOMMENDATION

This report is for information purposes only. The recommendations in the original staff report remains unchanged.

Respectfully submitted

Matthew T. Naclerio
Public Works Director

MTN:dl

Attachments:

Exhibit 1 - RFP Page 36 Definitions

FORWARDED

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: New Agreement for Assignment of Berths 57/58 to SSA Terminals

Date: June 20, 2000

Item No. 21

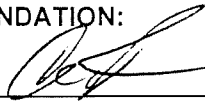
SUBMITTED BY: Raymond A. Boyle



PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The Port's Vision 2000 Program includes development of a second marine cargo terminal at Berths 57/58 with up to approximately 150 acres, a wharf of approximately 3,600 feet, and six super post-Panamax gantry cranes capable of an outreach of 22 containers which lift 115 feet over dock and have a capacity of 65 long tons.

Earlier this year the Port had issued a Request For Proposal (RFP) for the new Berth 57/58 complex. The successful respondent was SSA Terminals (SSAT). In Oakland, SSAT operations include the Charles P. Howard Terminal (Berths 67/68) and Matson Container Terminal (Berths 32-34). The negotiations have been detailed, very complex and required substantial time and effort of a comprehensive nature from the Port's senior staff, legal, financial, engineering and environmental disciplines. The commitment of time and effort from SSAT has also been significant. The result of these negotiations has been a proposed Agreement to develop the second new container terminal since Berth 30 was completed in 1991.

ANALYSIS:

The proposed Agreement with SSAT for Berths 57/58 is beneficial to the Port and pledges the commitment of a major world-wide terminal operating company to the Port for a base term of 15 years and two separate and additional options of 5 years each. The present schedule anticipates the terminal will be completed and available for occupancy in January, 2002.

Port staff has carefully evaluated the Port's financial return over the 15 year initial term assuming minimum guaranteed revenues only and have determined that the project will provide sufficient revenue for debt service and contribution towards the Port's return for the value of the land in its prior unimproved state. The Port will receive additional revenue sharing during each contract year if SSAT solicits growth levels which exceed the Minimum Annual Guarantee ("MAG")/Breakpoint ("BP") levels. Commencing each contract year SSAT shall be assessed either a Base Rate level or an Incentive Rate level, depending on the annual amount of Interior Point Intemodal ("IPI") level of discretionary cargo committed to the Port for each contract year. During the first 10 years of the Agreement, SSAT will be assessed the following all-inclusive rates per loaded TEU for dockage, wharfage, wharf demurrage, wharf storage and crane rental for the six assigned cranes:

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

JUN 20 2000

BOARD ACTION TAKEN DATE



Assistant

SECRETARY OF THE BOARD

Contract Year	Annual Guarantee/ Breakpoint [BP] [Loaded TEUs]	BASE RATES \$/TEU		IPI Guarantee/BP [Loaded TEUs]	INCENTIVE RATES If IPI Guarantee Made \$/TEU		Contract Year End Additional Discount Above IPI Breakpoint \$/TEU
		to BP	above BP		to BP	above BP	
1	345,000	\$71.50	\$39.10	42,090	\$69.50	\$38.09	\$5.00
2	345,000	\$71.50	\$39.10	42,090	\$69.50	\$38.09	\$5.00
3	345,000	\$71.50	\$39.10	43,815	\$69.50	\$38.09	\$7.00
4	345,000	\$71.50	\$39.10	50,025	\$69.50	\$38.09	\$7.00
5	345,000	\$71.50	\$39.10	56,235	\$69.50	\$38.09	\$7.00
6	345,000	\$75.50	\$44.10	62,445	\$74.50	\$43.09	\$8.00
7	360,000	\$75.50	\$44.10	68,760	\$74.50	\$43.09	\$8.00
8	360,000	\$75.50	\$44.10	74,880	\$74.50	\$43.09	\$8.00
9	360,000	\$75.50	\$44.10	74,880	\$74.50	\$43.09	\$8.00
10	360,000	\$75.50	\$44.10	74,880	\$74.50	\$43.09	\$8.00

The above Base Rates and Incentive Rates are subject to future increases as any dockage, wharfage, wharf demurrage, wharf storage and crane rental rate increases are applied to the Port's marine terminal tariff. These increases shall be based upon the percentage allocation for the Port's tariff charges which reflect the terminal's activity. However, SSAT will be subject to an increase of no more than 2.0% in any contract year and SSAT will be subject to an additional cap of no more than a 6.0% increase during each 5 year period of the Agreement. As we move forward with construction there is a possibility that the full 150 acres will not be ready for occupancy on the scheduled opening date. In the event this occurs, the Annual Guarantee/Breakpoint will be adjusted to reflect the reduced area.

Commencing with the 11th contract year, as well as at the beginning of each option period exercised, the MAG/BP levels shall be adjusted by the percentage increase in the Fair Market Value (FMV) of the land and water areas within the premises for the previous 5 year period. Adjustment to the FMV for years 11 – 15 shall not exceed \$5.00/sqft. for land and \$2.50/sqft. for berthing area.

SSAT Oakland equity partners as well as all regular users of the Charles P. Howard Terminal as of December 31, 2001 along with the Grand Alliance (NYK, P&O Nedlloyd, OOCL, Hapag-Lloyd) and Matson Navigation will be considered Primary Users of the facility.

ALTERNATIVES:

None. SSAT was the only respondent to RFPs that will occupy the entire area of the new facility upon completion of construction. SSAT has also indicated it will work closely with the Port to increase intermodal cargo through the Oakland gateway.

Environmental review for the proposed Berths 57/58 project was conducted in conformance with the California Environmental Quality Act (CEQA). The construction of the Berths 57/58 container yard was evaluated in the Berths 55-58 project Environmental Impact Report (EIR), which identified a number of significant environmental impacts associated with the Vision 2000 program. The plan selected in the Berths 55-58 EIR avoided certain potential impacts and provided mitigation measures to reduce potential project impacts to a level of being less than significant, except for the impacts associated with freeway traffic and air quality. Project modifications to avoid potentially significant impacts are included in the project plans and specifications. The EIR did identify all feasible air quality mitigation measures and yet implementation of these measures does not reduce the impacts to less than significant. The EIR also documents why the Port cannot feasibly reduce the impacts of freeway traffic.

On April 20, 1999 the Board of Port Commissioners certified the Berths 55-58 Project EIR, approved the project and adopted the recommended mitigation measures together with all feasible air quality mitigation measures.

RECOMMENDATION:

Approval of the Agreement with SSA Terminals for assignment of Berths 57/58, as outlined above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

7D
PROJECT: Ratify Addenda and Award of Contract for Construction of Berths 57/58 Container Wharf, Fill, and Middle Harbor Shoreline Modifications, Vision 2000, Oakland, California

DATE: June 20, 2000

ITEM NO: 22

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *JKW*

FACTUAL BACKGROUND:

Three (3) bids were received and opened on May 24, 2000, for Construction of **Berths 57/58 Container Wharf, Fill, and Middle Harbor Shoreline Modifications, Vision 2000, Oakland, California**

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Berths 57/58 Constructors, a JV of Manson Construction Co., and Dutra Construction Co., Inc.	Richmond, CA			**		\$ 61,701,177.00
Port of Oakland Constructors, a JV of General Construction Co., and Seaworks, Inc.	Poulsboro, WA					\$ 63,986,603.00
Inter-Harbor Constructors, a JV of FCI Constructors, Inc. and Miller/Thompson Constructors, Inc.	Oakland, CA			**		\$ 64,944,720.00

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

** Not certified as an LIABE or LBABE since joint venture is less than one year

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

The Total Bid Price for this project included the Total Base Bid Price plus the lowest of three alternates for the storm drain system. The lowest Total Bid Price for each of the three Bidders was their respective Total Base Bid Price plus Storm Drain Alternate 1 Total Price. This amount is shown in the Total Bid Prices listed above.

Addenda:

The Board of Port Commissioners, on March 21, 2000 approved the Plans and Specifications for this project to advertise for bids to be received on May 17, 2000. Addenda 1 through 5 were issued by the Chief Engineer to extend the bid opening to May 24, 2000; revise estimated bid quantities and include three alternatives for the storm drainage system; add demolition of seven buildings located in the project site; clarify the excavation and placement of earthwork, rock fill and unsuitable materials; and issue other minor changes to the project plans and project manuals. The changes to the physical work of the Contract were not substantial.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20237

BOARD ACTION TAKEN

Assistant

Sharon Kruppner
 SECRETARY OF THE BOARD

JUN 20 2000

DATE

ANALYSIS:

Bid Protest:

A bid protest letter was received from the second low bidder, Port of Oakland Constructors, claiming that Berths 57/58 Constructors did not submit the required Non-Collusion Affidavit by one of its joint venture partners, Dutra Construction Co., Inc.

The response of Berths 57/58 Constructors to the protest was that Dutra Construction Co., Inc. executed a Power of Attorney authorizing Manson Construction Co., the other partner of the joint venture, to sign and submit contract documents on behalf of Berths 57/58 Constructors. Manson Construction Co. submitted the Non-Collusion Affidavit with the bid with their understanding that submission of one affidavit complied with the bid. Subsequently, Dutra Construction Co., Inc. executed and submitted a separate Non-Collusion Affidavit to the Port.

Port staff has determined that the failure to submit the second Non-Collusion Affidavit at bid time is inconsequential and a minor irregularity, and that it does not impact the amount or the position of the bid.

Non Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) depending on the business location of the bidders and their subcontractors, and the length of time at those locations, if the bids are within 10% or \$1,000,000 (one million dollars), whichever is less, of the apparent low bidder's Total Bid Price. Since the bid of the second low bidder is more than \$1,000,000 above that of the apparent low bidder, this portion of the Policy does not impact the award of the Contract. Therefore, Berths 57/58 Constructors, a joint venture of Manson Construction Co., and Dutra Construction Co., Inc. remains the low bidder.

The Port's Office of Equal Opportunity (OEO) analyzed the bids for compliance with the Policy, and concurs with this recommendation.

Accordingly, it is recommended that Berths 57/58 Constructors, a joint venture of Manson Construction Co., and Dutra Construction Co., Inc. be considered to be the lowest responsible bidder for the purposes of this Contract.

Subcontractor Listing:

Berths 57/58 Constructors listed 11 subcontractors and a disposal company. The remainder of the work will be done by the joint venture partners of Berths 57/58 Constructors.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Disposal Company)	LOCATION	MBE	WBE	LIABE	LBABE	“\$” AND “%” OF EACH SUBCONTRACTOR’S BID TO PRIME CONTRACTOR
Manson Construction Co. Prime JV	Richmond, CA				X	\$33,239,160/53.9%
Dutra Construction Co., Inc. Prime JV	Alameda, CA			X		\$13,585,537/22.0%
Waste Solutions Group Hazardous Soil Disposal	San Francisco, CA					\$296,340 / 0.5%
Rosendin Electric Inc. Electrical	San Jose, CA					\$2,907,400 / 4.7%
Regional Steel Corp. Reinforcing steel	Tracy, CA	X				\$3,982,749 / 6.5%
MJB Pipeline Mechanical	Mt. Eden, CA				X	\$581,440 / 0.9%
MJB Pipeline Storm drain	Mt. Eden, CA				X	\$937,449 / 1.5%

SUBCONTRACTORS SUBCONTRACTING AREA (Including Disposal Company)	LOCATION	MBE	WBE	LIABE	LBABE	"\$" AND "% OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
MJB Pipeline Storm drain	Mt. Eden, CA				X	\$937,449 / 1.5%
LTM Construction Co. Crane rail installation	Oakland, CA	X		X		\$200,000 / 0.3%
Geotechnics America, Inc. Wick drains	Matthews, NC					\$1,025,398 / 1.7%
Geo-Con CDSM	Sacramento, CA					\$2,600,000 / 4.2%
Enviro Survey, Inc. Asbestos Abatement	San Francisco, CA					\$121,017 / 0.2%
Carefree Greens Hydroseeding	New Castle, CA					\$20,548 / 0.0%
Aman Environmental Service Demolition	Oakland, CA			X		\$1,599,171 / 2.6%
Ogiso Environmental Grading/base course	Oakland, CA	X		X		\$604,968 / 1.0%

Budget:

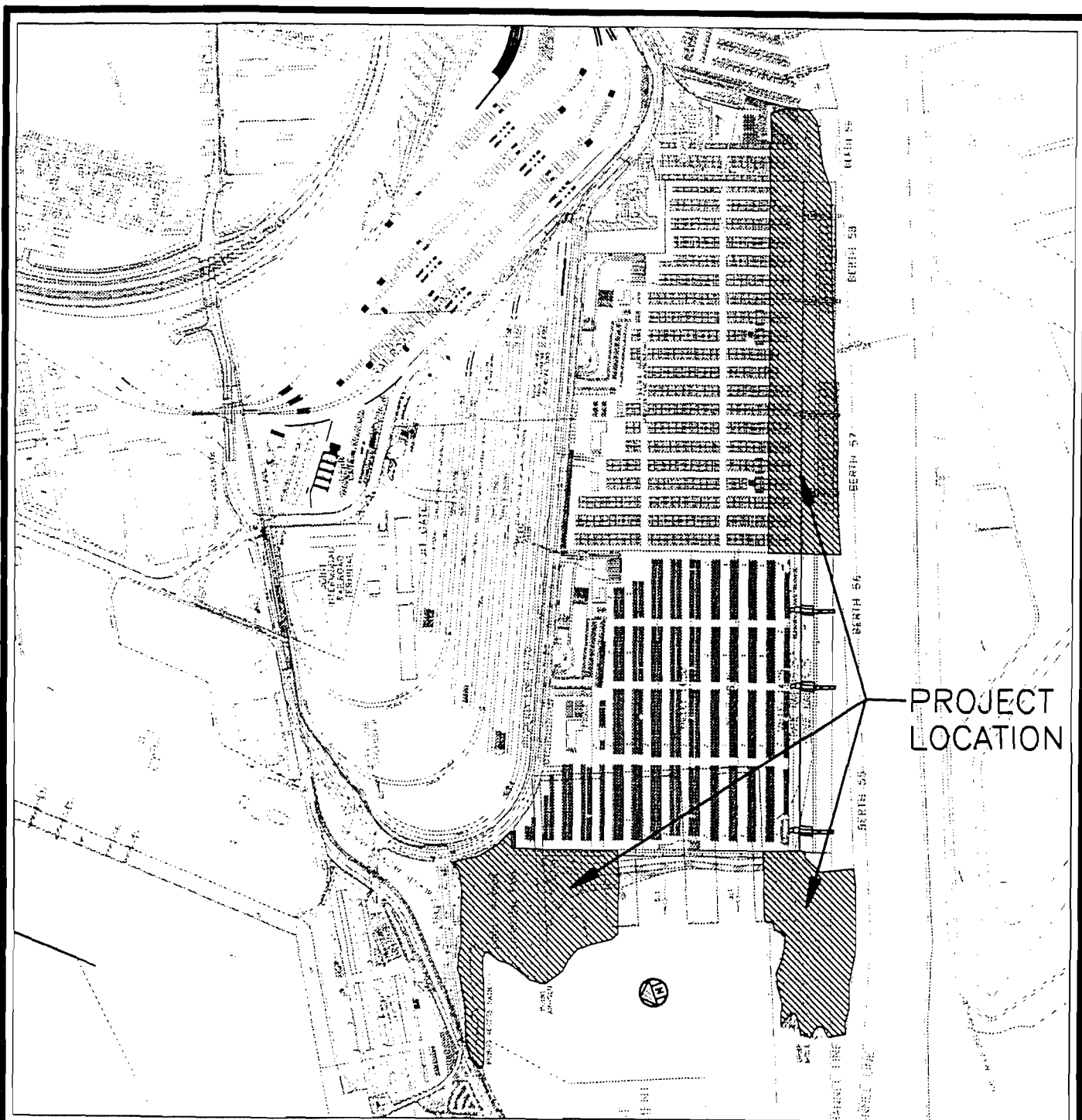
The project is budgeted under CIP Item Nos.: M6.00585.01, M6.00585.02, M6.00548.02 and M6.00548.03. The low bid is within the project budget for this work. The funding source is Port Bonds.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that the failure to submit a second Non-Collusion Affidavit be found to be inconsequential and a minor irregularity, that Addenda Nos. 1 through 5 be ratified, that Berths 57/58 Constructors, a joint venture of Manson Construction Co., and Dutra Construction Co., Inc. be found to be the lowest responsible bidder, and that the contract for the above project be awarded to Berths 57/58 Constructors, a joint venture of Manson Construction Co., and Dutra Construction Co., Inc. for the amount of its bid, and that the other bids be rejected and the bid securities returned to the other bidders.



PORT OF OAKLAND

Agenda Sheet

DATE: June 20, 2000

^{TD}
SUBJECT: Approval of Change Order for Construction of
7th Street Realignment & The New Road

ITEM NO: 23

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Gallagher and Burk for the **CONSTRUCTION OF 7TH STREET REALIGNMENT & THE NEW ROAD, OAKLAND, CALIFORNIA**, which became effective on October 5, 1999, at lump sum and unit prices totaling \$12,493,874.00. The project consists of constructing new roadway; asphalt concrete overlay of existing roadway; new railroad tracks and circuitry; street light poles with foundations and lamps; sanitary sewer system; storm drainage system; utility trenches; electric, telephone and water lines; traffic signal systems; signage; pavement markings and striping; landscaping and irrigation.

ANALYSIS:

A major component of the work involved in the design of the 7th Street Realignment & the New Road was relocation of an existing East Bay Municipal Utility District (EBMUD) water main that services the Port's Seventh Street terminals and the new Vision 2000 projects. Work with EBMUD commenced as soon as practical on how and where to relocate existing services and pipelines and locate the new lines. EBMUD is typically responsible for the design and construction of the waterline facilities they will own. In this case the Port was able to negotiate that we would do the new construction and they would do the connections to their remaining pipelines. This actually accelerates the installation process.

A problem that always occurs is that EBMUD will not commence their design work until the developer, in this case the Port, is complete with its design effort on the roadway grades and alignments. The Port did not have the time to wait for EBMUD to complete their work before going to bid on this project. Therefore we included in the bid documents the preliminary layout of the waterline that EBMUD used to establish the agreement between the Port and EBMUD for funding of EBMUD's efforts. The layout schematic and did not provide all of the details for construction or a complete materials listing.

Staff knew of this issue at the time and proceeded with an understanding that the information would be forthcoming before the bids were to be received. Unfortunately, EBMUD was unable to complete their design prior to bidding. Staff was faced with two basic options: (1) proceed with inserting no additional information and negotiating a change order when the design was completed; or (2) estimate what additional information would be needed and have the Contractor bid on that work and negotiate a change order for any differences based on the final design. Staff selected the first option.

EBMUD provided detailed plans for the water line after the bid. These were then provided to the Contractor. The Contractor provided an estimate of the additional costs. Unit prices, including markups have been negotiated for the work. These unit prices have been compared to the estimate that EBMUD furnished to do the work itself and against other water line work the Port has had done. It was determined that the negotiated prices are at or below comparable prices. The final costs may be reduced depending upon the amount of work and material provided by EBMUD which can not be determined until the work is commenced. This change order will pay the Contractor for the additional costs to install the water line as shown on the final plans provided by EBMUD.

BUDGET ANALYSIS:

The cost of the Change Order based on the negotiated unit prices is estimated to be \$600,000. The funding for this Change Order will be covered by CIP Element No. M6.00599.01 Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board approve a Change Order estimated to cost \$600,000.00 to Gallagher & Burk for the above-described work.

3-20EBMUD7thSt

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20238

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUN 20 2000

DATE

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

- Appointment
- Annual Salary Adjustments
- Creation of Additional Positions

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CWF*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C. I.

FACTUAL BACKGROUND:

I. APPOINTMENT – Resolution (1 Reading)

A) It is requested that the Board approve the appointment of a candidate to the position of **Director of Port Communications** at a salary rate within Salary Grade 16 (\$7,765 to \$12,036 per month) effective June 21, 2000.

II. ANNUAL SALARY ADJUSTMENTS (COLA) – Ordinance (2 Readings)

A) It is requested that the Board approve a **3.6% cost of living (COLA) increase** to all salary schedules assigned to classifications in **Representation Units A, B, D, and E** to be effective June 24, 2000.

B) It is requested that the Board approve a **3.5% cost of living (COLA) increase** to all salary schedules assigned to classifications in **Representation Units C and I** to be effective June 24, 2000, pursuant to the provision in WCE's MOU.

III. CREATION OF ADDITIONAL POSITIONS – Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following additional positions as indicated below. Positions were approved in the FY 1999-2000 Staffing Plan to be filled at any level (Junior, Assistant, or Associate) within the Civil Engineer and Port Electrical Mechanical Engineer classification series. In addition, WCE MOU provides for advancement of junior level engineers to assistant level engineers after they have successfully completed 18 months of satisfactory service. It has also been established practice to promote assistant level engineers after they have successfully competed in the Civil Service examination process for associate level engineer and are reachable on the Eligible List. These additional positions are needed to ensure that enough positions exist in each level within both classification series to accommodate appointments at any level. Creation of these positions does not increase the FTE count approved in the FY 1999-2000 Staffing plan.

CLASSIFICATION TITLE	NUMBER OF ADDITONA POSITIONS	NEW FTE INCREASE NOT TO EXCEED
Assistant Civil Engineer	5	8
Civil Engineer	10	
Assistant Port Electrical/Mechanical Engineer	3	4
Port Electrical/Mechanical Engineer	5	

Approved by Ordinances
passed to print

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20241

BOARD ACTION TAKEN

Assistant

Sharon King
SECRETARY OF THE BOARD

JUN 20 2000

DATE

- B) It is requested that the Board approve the creation of one additional position of the classification of **Deputy Port Attorney III** in the Port Attorney's Office to implement the appointment of a new employee to the position on June 30, 2000.

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 621.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 6/15/99	AS OF 5/26/00	AS OF 6/9/00
Full-Time Employees	612.00 FTE	556.00 FTE	559.00 FTE	560.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	569.40 FTE	572.40 FTE	573.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to one new appointment.

TEMPORARY AGENCY WORKER COUNT AS OF 6/8/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	10	10	1	6	0	0	27
* CIP	1	0	11	4	0	0	16
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	2	2	0	0	0	0	4
* SPECIAL PROJECT	4	2	0	7	1	0	14
WORKER'SMP BACKFILL	0	1	0	0	0	0	1
TOTALS	17	15	12	17	1	0	62

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	4/6/00	5/9/00	5/25/00	6/8/00
BACKFILL	27	28	26	31	27
* CIP	18	17	16	16	16
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	2	1	0	0
MEDICAL BACKFILL	4	2	1	4	4
* SPECIAL PROJECTS	11	16	16	16	14
WORKER'S COMP BACKFILL	3	2	2	2	1
TOTALS	63	67	62	69	62

COUNT SUMMARY

CURRENT FTE COUNT	573.40
CURRENT TEMPORARY AGENCY BACKFILLS	27.00
VACANT POSITIONS	<u>21.00</u>
TOTAL	621.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding appointment, annual salary adjustments, and creation of additional positions.

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 32

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBJECT: Approval to Authorize Estimated Allocations for Operating and Maintenance Expenses to Provide Authority to Pay the Bills Effective July 1, 2000

SUBMITTED BY: Fred Rickert, Chief Financial Officer

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND

The FY 2000-01 Operating Budget was presented to the Board on June 6, 2000. Also included in the June 6 presentation were the proposed FY 2001-02 and FY 2002-03 Operating Budgets. The Board requested that the approval of the proposed FY 2000-01 take place at the July 5 Board meeting, giving the commissioners more time to acquaint themselves with budget policies and procedures.

At this meeting the Board will further review the proposed FY 2000-01 Operating Budget. We ask that the Board approve and authorize allocations for Port operating and maintenance expenses to provide authority to pay the bills effective July 1, 2000.

A concerted effort has been made to maintain baseline budget at the FY 1999-2000 level, without inflationary increases from the previous year. Reallocations of the operating budget were made from lower priority areas into programs and projects that are essential. Each new program submitted was evaluated as to whether it was discretionary or non-discretionary, with non-discretionary items being those which were considered obligatory and crucial in achieving greater organizational efficiency and effectiveness. After an analysis of the Port's compensation and merit program, a fiscal goal of an operating ratio before departmental credits of 67% or an operating margin prior to capital costs of approximately \$63.0 million was established.

The proposed operating expenses for FY 2000-01 total \$128.6 million less charges to capital costs of \$24.7 million, which is 8% or \$7.3 million higher than the previous year's anticipated expenses. This increase in operating expenses is mainly due to the following: \$1.8 million for filling vacant positions as well as interim temporary help and overtime; \$1.5 million for cost of living allowance, \$1.8 million for step increases, \$0.6 million new compensation and merit program; \$1.1 million for 14 limited-duration positions to support the capital program, \$4.0 million for new programs and increases in existing programs; and \$2.1 million for twenty-four new operating positions, including promotions. These costs are offset by \$5.6 million through capitalization of staff and support costs for work directly related to the capital improvement program.

RECOMMENDATION

It is recommended that the Board of Port Commissioners pass a resolution authorizing the expenditure of funds for certain Port operations and maintenance expenses and provide authority to pay the bills effective July 1, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20242

Assistant SECRETARY OF THE BOARD

JUN 20 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall



EXECUTIVE OFFICE RECOMMENDATION:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Pursuant to subdivision (a) of Sections 54956.9:

City of Oakland v. Pacific Gas & Electric Company, U.S. District Court Case No. C-97-00894-SBA (Lot 12).

George Louie v Southwest Airlines, et al, Alameda County Superior Court Caset No. 824478-7.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 4 matters.

3. CONFERENCE WITH LABOR NEGOTIATOR:

Agency Negotiator: Robert Martinez

Employee Organization: All Representation Units Except F & H

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

SUMMARY AGENDA OF BOARD CALENDAR
June 20, 2000

AIRPORT

3S Amendment of Contract with United States
Department of Agriculture (USDA) for Wildlife
Management Services. (Resolution)

Recommends approval to increase the presence of
the USDA operation at the Airport.

4S Authorization to Execute an Agreement with PG&E to
Provide a Detailed Engineering Study for the
Upgrade of PG&E Electrical Power Feeder to the
Airport, OIA. (Resolution)

Recommends approval to execute the agreement which
provides for the study to add power capacity to
the Airport.

COMMERCIAL REAL ESTATE

15S Approval of Plans and Specifications for
Construction of Berthing Facilities for Former USS
Potomac and Lightship Relief, Jack London Square.
(Resolution)

Recommends their approval and authority to
advertise for bids for the improvements.

MARITIME

24S Modification of Hanjin Shipping Company's Terminal
Use Agreement Designating Sinotrans as a Primary
User. (Resolution)

Notifies of the relationship of the two carriers
and recommends approval of the modification which
would provide for a Sinotran's ship to be included
in the Hanjin primary user agreement.

25S Authorization to Include the Design/ Build
Construction of Crane Spare Parts Storage Building
in the Small Business Program. (Resolution)

Recommends approval to add the construction of the
crane parts building to the Small Business
Program.

Summary Agenda of Board Calendar

June 20, 2000

Page 2

26S Approval of the Vision 2000 Street Name Change.
(Resolution)

Recommends approval for the naming of the
reconfigured streets in the Outer Harbor area.

ORDINANCES:

Port Ordinance No. 3579 being, "AN ORDINANCE
MAKING CERTAIN FINDINGS AND DETERMINATIONS IN
SUPPORT OF, AND AUTHORIZING EXECUTION OF A
PURCHASE AND SALE AGREEMENT WITH VIJAY PATEL, FOR
THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.6
ACRE PAREL OF LAND LOCATED AT HEGENBERGER AND
PARDEE ROADS."

Provides for a purchase and sale Agreement with
Vijay Patel for property located at Hegenberger
and Pardee Roads.

Port Ordinance No. 3585 being, "AN ORDINANCE
AMENDING SECTION 9 OF PORT ORDINANCE 1149 RELATING
TO CHARGES FOR USE OF FACILITIES AT METROPOLITAN
OAKLAND INTERNATIONAL AIRPORT."

Provides for the annual increase based on the CPI.

Port Ordinance No. 3586 being, "AN ORDINANCE
AMENDING PORT ORDINANCED 2613 AS AMENDED, FIXING
CERTAIN REVISED PARKING RATES IN THE PORT'S PUBLIC
AUTOMOBILE PARKING FACILITIES AT METROPOLITAN
OAKLAND INTERNATIONAL AIRPORT."

Provides for an increase in the parking rates at
the Airport.

Port Ordinance No. 3587 being, "AN ORDINANCE
AMENDING SECTION 5.026 OF PORT ORDINANCE NO. 867
TO RETITLE THE POSITION OF EXECUTIVE SECRETARY TO
EXECUTIVE ASSISTANT."

Provides for the position of Executive Secretary
retitled to Executive Assistant.

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 50

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property located at Hegenberger and Pardee Roads

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin *[Signature]*

DUPLICATE OF PRIOR

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

CALENDAR MEMO

FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has received an offer from Vijay Patel to purchase an approximately 2.6 acre site with dual frontage on Hegenberger and Pardee Streets located adjacent to the Hilton hotel.

Mr. Patel will be proposing the development of a 125-room Wingate Inn. The Wingate product represents an upper midmarket hotel, which is technology driven and targeted to the business traveler. The guest room is larger than average with separate work and sleep areas, and access to a 24-hour self-serve business center.

ECONOMIC TERMS:

Price: \$15.25 per square foot
\$1,700,000

Deposit: \$100,000

Due Diligence: 60 days

Buyer's Obligations: Marketing and feasibility report
Executed agreement with Wingate Hotels for a Wingate Inn
Evidence of financial capability
Design development plans
Review of applicable ordinances

Closing Date: 45 days after the 60-day due diligence period

Commission: A commission of 6% payable to Coldwell Banker Commercial

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to construction and/or operation of the hotel. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Subject: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property located at Hegenberger and Pardee Roads

This matter has been discussed at a number of Commercial Real Estate Committee meetings.

OPTIONS:

1. Do not sell.
2. Put the parcel on the open market

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Vijay Patel for the purchase of the Hegenberger Road parcel at a price of \$15.25 per square foot.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

**SUBJECT: Approval of an Amendment to Port Ordinance
1149 to increase North Field Fees by current CPI**

DATE: June 6, 2000

ITEM NO: 25

SUBMITTED BY: Steven J. Grossman *SG*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

In May 1979, The Board adopted a policy of linking rates and charges of certain North Airport activities and properties to the previous calendar year's Consumer Price Index for Urban Wage Earners and Clerical Workers(CPI-W). The San Francisco-Oakland area calendar year April 1999 to April 2000 CPI-W increase was 3.6%. Therefore, fees governing aircraft parking, assigned ramp spaces T-hangars and office space in said T-hangars, Port-A-Ports and Tiedowns would be increased 3.6% effective July 1, 2000.

Proposed monthly rates are as follows:

	<u>Present</u>	<u>Proposed</u>
Blimp	\$1032	\$1069
Tiedown, Taxi-in/Taxi-out	\$130	\$135
Tiedown, 40 ft. or less	\$91	\$94
Tiedown, 50 ft. or less	\$129	\$134
Tiedown, 75 ft. or less	\$193	\$200
Tiedown, 100 ft. or less	\$215	\$223
Tiedown, 125 ft. or less	\$335	\$347
Tiedown, 150 ft. or less	\$488	\$506
Tiedown, 175 ft. or less	\$648	\$671
Tiedown, 200 ft. or less	\$799	\$828
Tiedown, over 200 ft.	\$964	\$999
T-hangar - 780 sq. ft.	\$236	\$244
T-hangar - 1040 sq. ft.	\$315	\$326
T-hangar - 1060 sq. ft.	\$320	\$332
T-hangar - 1340 sq. ft.	\$405	\$420
T-hangar - 2050 sq. ft.	\$621	\$643
T-hangar - 840 sq. ft.	\$196	\$203
T-hangar - 960 sq. ft.	\$223	\$231
T-hangar - 1110 sq. ft.	\$259	\$268
T-hangar - 1152 sq. ft.	\$271	\$281
T-hangar - 1596 sq. ft.	\$370	\$383
Port-A-Port, single engine	\$202	\$209
Port-A-Port, light twin engine	\$245	\$254
Ramp Space, 1060 sq. ft.	\$141	\$146
Ramp Space, 1340 sq. ft.	\$189	\$196
Ramp Space, 2050 sq. ft.	\$284	\$294
Ramp Space, unspecified	\$99	\$103
T-hangar office space(per sq. ft.)	\$.2344	\$.2428

The Board of Port Commissioners hereby finds and determines that the imposition of the above changes pursuant to Section 1 of this ordinance is exempt from the requirements of the California Environmental Quality Act under California Public Resources Code Section 21080(b)(8) and Sections 15273 and 15061(b)(3) of Title 14 of the California Code of Regulations. The basis for the exemption under Sections 21080(b)(8) and 15273 is that the rates are established and imposed for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas. In addition, in view of the minor amount of the rate increase under Section 15061(b)(3), it can be seen with certainty that there is no possibility that imposition of the rates referenced herein will have a significant affect on the environment.

RECOMMENDATION:

It is recommended that the Board approve an amendment to Port Ordinance 1149 establishing the above fee schedule for monthly rentals effective July 1, 2000, as proposed.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Approved by Ordinance
passed to print**

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUN 6 2000

DATE

Bureau of Labor Statistics Data

Data extracted on: May 16, 2000 (12:38 PM)

Consumer Price Index-Urban Wage Earners and Clerical Workers

Series Catalog:

Series ID : CWURA422SA0

Not Seasonally Adjusted

Area : San Francisco-Oakland-San Jose, CA

Item : All items

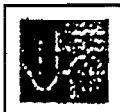
Base Period : 1982-84=100

Data:

Series ID	Jan 1999	Feb 1999	Mar 1999	Apr 1999	May 1999	Jun 1999	Jul 1999	Aug 1999	Sep 1999	Oct 1999	Nov 1999	Dec 1999	A 19
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Series ID	Jan 2000	Feb 2000	Mar 2000	Apr 2000	May 2000	Jun 2000	Jul 2000	Aug 2000	Sep 2000	Oct 2000	Nov 2000	Dec 2000	A 20
CWURA422SA0	2000: No Data	172.5	2000: No Data	174.8	2000: No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data
Series ID	Pct Change Apr 1999 to Apr 2000												
CWURA422SA0	3.6												



[San Francisco Information Office Home Page](#)



[Data Home Page](#)

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Airport Public Parking Lot and Valet Parking Rate Modification

DATE: June 6, 2000

ITEM NO: 3S

SUBMITTED BY: Steven J. Grossman *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND

After a comprehensive review of the current rate structure for the Airport Valet Parking operation and the Airport Public Parking Lots, staff recommends that parking rates be modified. The proposed effective date of this change would be July 1, 2000. The last rate change for the Airport Valet Parking operation occurred in January, 1999. The last rate change for the parking lots occurred in April, 1998. Expenses have increased in both lots due to higher operational costs. The following rate changes are proposed:

PUBLIC PARKING – Current Rate					
Short Term Parking 20 min. increments		Long Term Parking		Economy Term Parking	
<u>Minutes</u>	<u>Amount</u>	<u>Minutes</u>	<u>Amount</u>	<u>Minutes</u>	<u>Amount</u>
		No rate structure in minutes is offered		No rate structure in minutes is offered	
0 – 20	\$ 1.00	<u>Hours</u>	<u>Amount</u>	0 – 1	\$ 4.00
20 – 40	2.00	0 – 1	\$ 5.00	1 – 24	8.00
40 – 60	3.00	1 – 24	10.00	<u>AFTER 24 HOURS</u>	
etc. up to the daily max. of \$20		<u>AFTER 24 HOURS</u>		0 – 1	\$ 4.00
		0 – 1	\$ 5.00	1 – 24	8.00
		1 – 24	10.00		

PUBLIC PARKING – Proposed Rate					
Short Term Parking \$1.00 per 20 min. increments		Long Term Parking		Economy Term Parking	
<u>Minutes</u>	<u>Amount</u>	<u>Minutes</u>	<u>Amount</u>	<u>Minutes</u>	<u>Amount</u>
		No rate structure in minutes is offered		No rate structure in minutes is offered	
0 – 20	\$ 1.00	<u>Hours</u>	<u>Amount</u>	0 – 1	\$ 5.00
20 – 40	2.00	0 – 1	\$ 6.00	1 – 24	10.00
40 – 60	3.00	1 – 24	12.00	<u>AFTER 24 HOURS</u>	
up to 5 hours		<u>AFTER 24 HOURS</u>		0 – 1	\$ 5.00
5-24 hours daily max. of \$25		0 – 1	\$ 6.00	1 – 24	10.00
Second and each additional day		1 – 24	12.00		
\$1.00 per 20 min. increments					
<u>Minutes</u>	<u>Amount</u>				
0 – 20	\$ 1.00				
20 – 40	2.00				
40 – 60	3.00				
up to 5 hours					
5-24 hours daily max. of \$30					

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

JUN 6 2000

DATE

[Signature]

VALET PARKING

<u>Current Rate</u>		<u>Proposed Rate</u>	
<u>Hours</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>
0 - 2	\$ 8.00	0 - 2	\$ 10.00
2 - 4	18.00	2 - 4	20.00
4 - 24	25.00	Daily Max	30.00
Second and each additional day		Second and each additional day	
<u>Hours</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>
0 - 2	\$ 8.00	0 - 2	\$ 10.00
2 - 24	25.00	Daily Max	30.00
Disabled parking (discount parking for first two hours only)		Disabled parking (discount parking for first two hours only)	
<u>Hours</u>	<u>Amount</u>	<u>Hours</u>	<u>Amount</u>
0 - 2	\$ 5.00	0 - 2	\$ 7.00

RECOMMENDATION:

It is recommended that the Port Ordinance which establishes public parking rates be amended to modify the Airport Public Parking Lot fee structure and the Valet Parking fee structure as specified.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: PERSONNEL ITEMS
Title Change

DATE: June 6, 2000

ITEM NO: 31

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. [Signature]

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

I. TITLE CHANGE—Ordinance (2 Readings)

A) It is requested that the Board approve the title change for the following classification. The new title is in concert with industry standards. This change will not result in a change in salary.

CURRENT TITLE	NEW TITLE
Executive Secretary	Executive Assistant

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 621.40 FTE

EMPLOYEES	AS OF 2/1/99	AS OF 3/1/99	AS OF 3/12/99	AS OF 3/23/99
Full-Time Employees	612.00 FTE	558.00 FTE	555.00 FTE	559.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators		3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)	11.00 FTE*	8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	571.40 FTE	568.40 FTE	572.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to three new appointments one separation .

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUN 6 2000

DATE

TEMPORARY AGENCY WORKER COUNT AS OF 5/25/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	14	10	1	6	0	0	31
* CIP	1	0	11	4	0	0	16
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	2	2	0	0	0	0	4
* SPECIAL PROJECT	5	2	0	7	2	0	16
WORKER'SMP BACKFILL	0	2	0	0	0	0	2
TOTALS	22	16	12	17	2	0	69

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	3/23/00	4/6/00	5/9/00	5/25/00
BACKFILL	27	26	28	26	31
* CIP	18	17	17	16	16
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	1	2	1	0
MEDICAL BACKFILL	4	4	2	1	4
* SPECIAL PROJECTS	11	14	16	16	16
WORKER'S COMP BACKFILL	3	2	2	2	2
TOTALS	63	64	67	62	69

COUNT SUMMARY

CURRENT FTE COUNT	572.40
CURRENT TEMPORARY AGENCY BACKFILLS	31.00
VACANT POSITIONS	18.00
TOTAL	621.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding title change.

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 3S

SUBJECT: Amendment of Contract with United States Department of Agriculture (USDA) for Wildlife Management Services

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND

On August 31, 1999, the Board authorized the execution of a contract with USDA for a Wildlife Hazard Assessment and a Wildlife Hazard Management Plan. (Resolution 99345) The contract was executed in March 2000 and was for the USDA to maintain a 20-hour per week presence for the contract duration of 13 months.

USDA began performing services associated with the Wildlife Hazard Management Plan earlier this year and after evaluating the work performed to date, Airport and USDA staff have determined that a part-time presence is insufficient. Therefore, it is recommended that USDA maintain a full time presence due to the extensive presence of wildlife on the airport as well as the frequency in occurrence of bird strikes.

OPTIONS

1. Amend the existing USDA contract to provide for one full time employee for the remainder of the contract.
2. Assign an Airport Operations staff member to work exclusively with USDA to perform this function.

ANALYSIS

Staff recommends Option 1. Wildlife management is an integral component of the Airport's safety program. It is imperative for the Airport to maintain a high level of airfield safety relative to wildlife management while developing a comprehensive plan. The USDA staff currently assigned to this duty is best qualified to perform these duties, as there are no available or specially trained Airport employees that could be assigned to work only on this project.

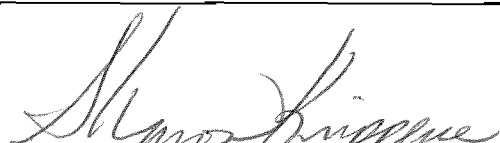
RECOMMENDATION

It is recommended that the Board revise the existing USDA contract to provide for a full time staff presence. This will increase the current contract of \$42,000 for 13 months of service by approximately \$32,000 for the remaining ten months, for a new total of approximately \$74,000

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20230

BOARD ACTION TAKEN Assistant


SECRETARY OF THE BOARD

JUN 20 2000

DATE

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 45

SUBJECT: Authorization to Execute an Agreement with PG&E to Provide a Detailed Engineering Study for the Upgrade of PG&E Electrical Power Feeder to the Airport, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND

The maximum capacity of the existing 12kV power feeder (between PG&E's substation and Airport substation SS-1) is 10 MVA (MegaVolt-Amps). The Port paid PG&E to construct this feeder and a spare set of conduits to better assure service to the Airport. This feeder is owned and operated by PG&E. Currently the Port is using 8 MVA or 80% of the feeder capacity to support the existing loads at the airport. The Port anticipates an increased power demand of an additional 20 MVA associated with the Airport Development Program (ADP). To meet this increased power demand, PG&E proposed to the Port that they upgrade the existing 12kV power feeder to 115kV. Upon reviewing PG&E's proposal, staff agrees with PG&E's recommendation.

Upgrading the feeder to 115kV will allow the Port to purchase power (from whatever provider) at transmission rates which are lower than the distribution level rates used for the 12kV delivery of power. If such a change is instituted, it will become necessary to also upgrade the transformers at the SS-1 delivery point to the Airport.

While the Port requests PG&E to confirm their recommendation and provide a construction cost estimate, PG&E requests the Port to pay for the actual cost of the Detailed Engineering Study. This study will provide the Port a detailed description of the work; construction cost breakdown of the 115kV line, an approximate construction schedule and any land acquisition and relevant regulatory information. PG&E will also provide a Special Facilities Agreement based on this study. If the Port decides to proceed with the project staff would then seek Board's approval to execute the Special Facilities Agreement for the construction work.

Environmental:

The Engineering study is not subject to the requirements of the California Environmental Quality Act (CEQA).

Budget:

An agreement has been prepared under which PG&E will prepare a Detailed Engineering Study and cost estimate for this upgrade. The estimated cost for this study is \$35,000.

The project is budgeted under CIP No. A2.00803.05 and will be funded by Port cash.

RECOMMENDATION:

It is recommended that the Executive Director be authorized to execute an agreement with PG&E for the Detailed Engineering Study.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20231

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

JUN 20 2000

DATE

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 155

^{TD}
SUBJECT: Approval of Plans and Specifications for Construction of Berthing Facilities for Former USS Potomac and Lightship Relief, Jack London Square

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Plans and specifications have been prepared for **Construction of Berthing Facilities for Former USS Potomac and Lightship Relief, Jack London Square**, and are hereby submitted for approval and authorization to advertise for bids.

This project would construct berthing facilities for the Potomac and the Lightship Relief and construct public access improvements in the area west of the firehouse. The work consists, in general, of furnishing and installing concrete pavers, light poles, benches, fencing, handrails, gates and displays; trees, shrubs, vines and irrigation; conduit and electrical systems; constructing concrete footings, foundations, and bands; removing, drydocking, sandblasting, repairing and repainting an existing steel float; and furnishing and installing an aluminum ramp system.

ANALYSIS:

Environmental

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303(c), new construction of limited numbers of small facilities or structures, and Port CEQA Guidelines Section 15311(f), minor shoreline improvements.

General Plan

Pursuant to Sec. 727 of the City Charter, the Port has determined that this project conforms to the policies of the City of Oakland General Plan. The letter of determination has been sent to the City of Oakland Planning Director who concurs with this determination.

Budget

This work is budgeted under CIP item Number P1.00469.03. The total project cost is estimated to be \$885,000. This project will be constructed using Port Cash and Federal Funds. The Federal funding approved for this project in the current State Transportation Improvement Program (STIP) includes \$470,000 from the Transportation Equity Act for the 21st Century (TEA-21.)

The California Department of Transportation, Caltrans, is currently processing the documents necessary to obtain the Authorization to Proceed with Construction for the TEA-21 portion of the funding.

Project Labor Agreement

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this work.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20235

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUN 20 2000

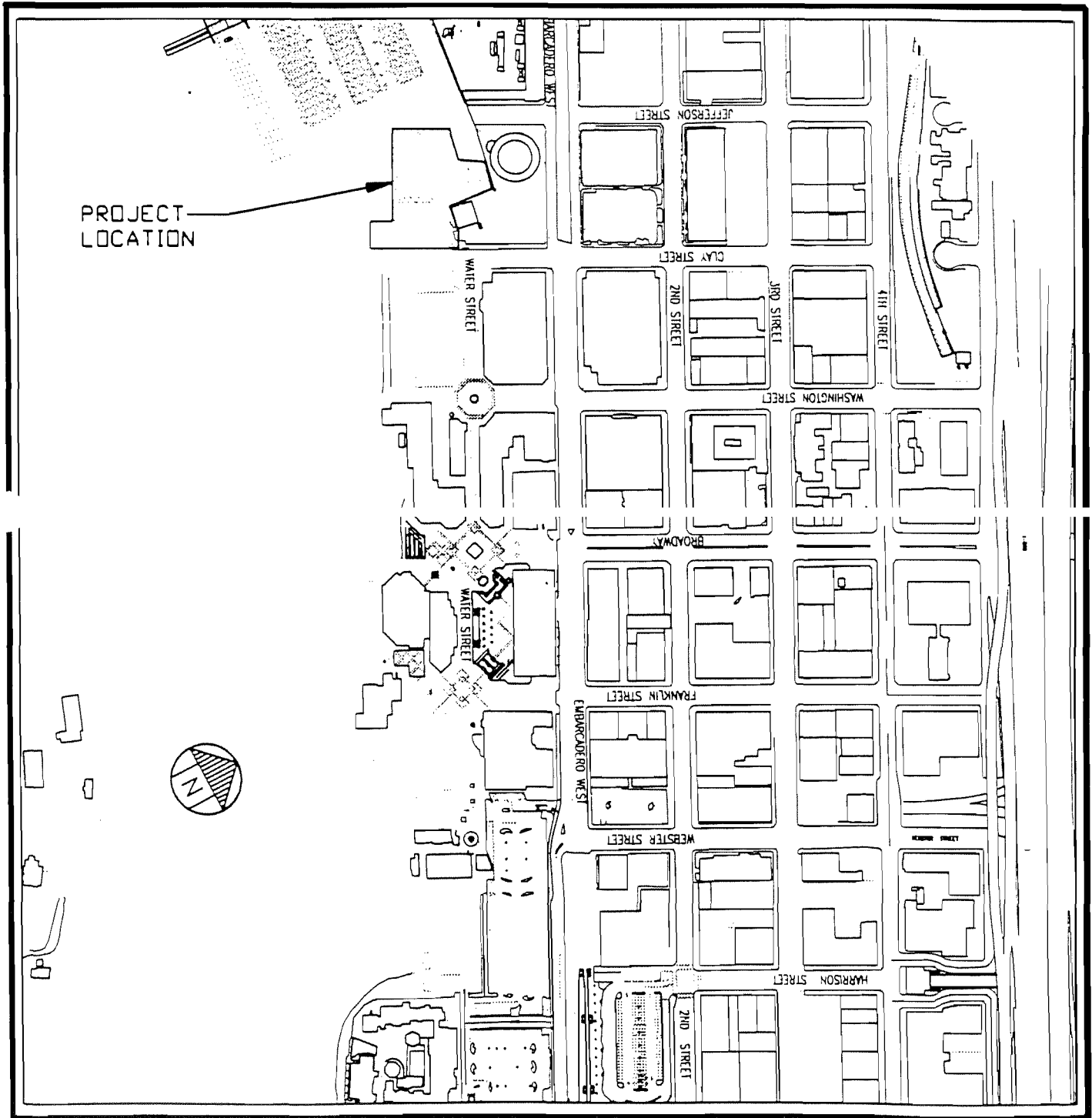
DATE

Other

The use of Federal funds will require compliance with Disadvantaged Business Enterprise (DBE) goals established in accordance with the Federal Disadvantaged Business Enterprise Program (49 CFR 26). The DBE goal recommended for the project is 20%.

RECOMMENDATION

It is recommended that the Plans and Specifications be approved and authorization be given to advertise for bids after the authorization documents are completed by Caltrans, with the bids to be received 21 days after advertisement for bid.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Modification of Hanjin Shipping Company's Terminal Use Agreement Designating Sinotrans as a Primary User

Date: June 20, 2000

Item No. 24S

SUBMITTED BY: Raymond A. Boyle *RB*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

Hanjin Shipping Company (Hanjin) currently calls at Ben E. Nutter Terminal, but will transfer operations to their new Berth 55/56 Terminal upon its completion in January, 2001. Hanjin, in addition to their own cargo, also carries cargo for Sinotrans, an intra-Asia carrier. Sinotrans cargo is treated as primary cargo under the Port's precept of vessel controls, with all economics benefiting Hanjin under their Terminal Use Agreement (TUA). This relationship has existed for several years.

Now, because of regulatory issues, Sinotrans will deploy one of their own vessels. This vessel will carry the same cargo that Hanjin's vessel would carry, the majority of the cargo being Hanjin's and is expected to call Oakland the latter part of July, 2000. In consideration of Sinotrans' and Hanjin's long-term relationship and the benefits it has provided the Port, Hanjin has requested that the Port allow this Sinotrans vessel, and any other Sinotrans vessels, to be treated as a primary user under Hanjin's TUA. Once Hanjin moves to the new Berth 55/56 Terminal, Sinotrans would be considered a primary user under the terms of Hanjin's new Preferential Assignment Agreement, as well.

ANALYSIS:

The inclusion of Sinotrans as a primary user under Hanjin's TUA would not materially affect Port revenues for the remaining term of the Agreement, which is scheduled to end on December 31, 2000. However, as a goodwill gesture towards Hanjin it would benefit the Port immeasurably. Hanjin and the Port have spent significant time and effort finalizing the Preferential Assignment Agreement for the new Berth 55/56 Terminal and the Port desires to maintain this relationship. In addition, Sinotrans will be a primary user under the terms of Hanjin's new Preferential Assignment Agreement at the Berth 55/56 Terminal.

ALTERNATIVES:

None. The modification is required in order to avoid full assessment of the Port's tariff rates for Sinotrans' vessels or cargo carried on these vessels.

The proposed modification to the Agreement was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and Port CEQA Guidelines and was determined Categoricaly Exempt per Section 15301 (p) which exempts such Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and where the Agreement involves negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving the proposed modifications of Hanjin's Agreements, as outlined above.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20239 JUN 20 2000
 BOARD ACTION TAKEN DATE

[Signature]
 Assistant SECRETARY OF THE BOARD

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 25S

^{TD}
SUBJECT: Authorization to Include the Design/Build Construction of Crane Spare Parts Storage Building in the Small Business Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port currently stores crane spare parts in a climate-controlled building constructed for that purpose. That building, located at the corner of 3rd and Brush Streets, must be demolished because the site has been sold.

No existing Port building is suitable for this purpose, so a new crane spare parts storage building must be constructed. Again, it must be climate-controlled because of the sensitive nature of some of the components to be stored there. A new site for the storage building has been selected adjacent to the U.S. Customs Building on 7th Street.

The work consists, in general, of designing and building the 30-foot x 50-foot storage building with electricity, lighting, heating, ventilation, storage racks, roll-up doors and other facilities that are required by codes and regulation.

ANALYSIS:

It is believed to be in the best interest of the Port to include this design/build project in the Port's Small Business Program. The program allows small local contractors to attain experience in public sector work. It is also believed that in order to ensure small local contractor participation in this work, it will be necessary to remove this project from the formal competitive bidding process and, instead, engage in an outreach program by soliciting proposals only from small local contractors. If this attempt is unsuccessful, the Port will then solicit proposals from other qualified contractors.

This project has been determined to be categorically exempt from requirements of California Environmental Quality Act pursuant to Port's CEQA guidelines.

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

The project is budgeted under CIP Item No. MM.01170.03. The funding source is Port bonds.

This work is covered by the terms of the Maritime and Aviation Project Labor Agreement (MAPLA). However, if a certified small contractor is the successful proposer, the work will be exempted from that coverage in accordance with the small local business provisions of the MAPLA.

RECOMMENDATION:

It is recommended that the project Design/Build Construction of Crane Spare Parts Storage Building be included in the Port's Small Business Program, and that it be found to be in the best interest of the Port to dispense with formal bidding procedures.

It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor, said contract to be based on informal competitive proposals and to be for an amount not to exceed \$300,000.

It is further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on informal competitive proposals, if the attempt to secure an acceptable proposal from a small contractor is not successful.

brdagndalCraneStorage620

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20240

BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

JUN 20 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND

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530 Water Street
Oakland, California 94607

Telephone (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Adjourned Regular Meeting of the Board of Port Commissioners
Thursday, June 29, 2000, 12:00 noon

ROLL CALL:

Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh

COMMERCIAL REAL ESTATE (Continued from June 20, 2000 Meeting)

11 Recommendation to Award the Alameda/Oakland Ferry
Service (AOFS) Vessel Purchase and Contract in
Accordance with the Agreement with the City of
Alameda and the Requirements of the Caltrans
Funding Agreement Approved by the Board in October
1999. (Resolution)

Vote on the following resolution:

Ayes: Commissioners Kiang, Tagami, Uribe and
President Loh - 4

Noes: None

Absent: Commissioners Kramer, Neal and Protopappas - 3

20244 APPROVING AWARD OF CONTRACT FOR THE PURCHASE OF A
VESSEL FOR THE ALAMEDA/OAKLAND FERRY; APPROVING
ACCEPTANCE OF A GRANT FROM THE STATE OF CALIFORNIA; AND
APPROVING PAYMENT OF LOCAL MATCH.
(Commercial Real Estate - 11)

APPEARANCES: (Public comment on non-agenda items may be
received by the Board during this time. Please
fill out a speaker card and present it to the
Secretary of the Board.)

ADJOURNMENT: The next meeting will be an regular meeting held
on Wednesday, July 5, 2000 at 3:00 p.m.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: June 29, 2000

ITEM NO: 11

SUBJECT: Recommendation to Award the Alameda/Oakland Ferry Service (AOFS) Vessel Purchase and Contract in accordance with the Agreement with the City of Alameda and the Requirements of the Caltrans funding agreement approved by the Board in October 1999.

SUBMITTED BY: Omar Benjamin

PROGRAM AREA:

- Overall Operations
Commercial Real Estate
Maritime Operations
Airport Operations

EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND:

In October 1999 the Board authorized staff, together with the City of Alameda, to apply for \$4,750,000 from the State of California for the purpose of purchasing an additional vessel to service the Alameda/Oakland ferry operations.

The City of Alameda and the Port operate the Alameda/Oakland ferry by agreement. The City of Alameda acts as the lead agency so they apply for funds and administer subsidies and other grants as appropriate and authorized by both public agencies as required in the agreement.

The Port and the City of Alameda have been operating the ferry under mutual agreement since 1990 and we have entered into contracts with the service providers. Over the years the service has been provided by the Red and White Fleet and the Blue and Gold Fleet.

Today the Alameda/Oakland ferry service operates 15 round trips between Oakland/Alameda and San Francisco every weekday and provides weekend service, Angel Island service on weekends during the summer as well as service to weekday Giants games at Pac Bell Park.

During the last 6 months the City of Alameda hired consultants to put together minimum operating specifications in preparation for issuing a RFP. The RFP's were sent out to all qualified boat builders in March.

OPTIONS:

- RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20244 BOARD ACTION TAKEN

[Signature] SECRETARY OF THE BOARD

JUN 29 2000 DATE

Subject: Recommendation to Award the Alameda/Oakland Ferry Service (AOFS) Vessel Purchase and Contract in accordance with the Agreement with the City of Alameda and the Requirements of the Caltrans funding agreement approved by the Board in October 1999.

Page 2 of 2

The Port staff concurs with the process used to select a boat builder, which meets the requirements of the State of California Grant agreement. Under the terms of the state grant the funds must be committed during the fiscal year in which the grant is awarded. Therefore, it is necessary to make the award of the contract prior to June 30, 2000, failure to award by the end of June 2000 will result in the loss of the \$4,750,00 grant for this project. The grant fund would be re-appropriation of the funds for rail transit uses anywhere in the State.

The vessel that is recommended to be built is the Nichols Brothers New 315 passenger vessel for \$4,750,000. The Port staff does not recommend the smaller Bay Ship and Yacht Vessel that has seating for only 208 passenger.

ANALYSIS:

A very extensive analysis developed by the Public Works Department of the City of Alameda is attached. This analysis is a result of the staff and consultants analyzing the proposals that were submitted as well as the clarifications that were requested. As the ferry service has continued to grow in ridership (it is projected to increase at a steady rate of 8 to 10% a year) it is important that the vessel purchased with these funds meet the needs of the service now and in the future.

Note: Attached is a City of Alameda, Department of Public Works Memorandum to the Mayor and the City Council dated June 16, 2000. Also attached is a revised letter from the City of Alameda, Dated June 20, 2000 which indicates that the Bay Ship and Yacht Vessel is disqualified due to the fact that the RFP was specific as to the seating capacity. This would leave two vessels that meet the minimum qualifications with the Nichols Brothers New 315 Passenger Vessel still the recommendation of the Peer Review committee, consultants and staff.

RECOMMENDATION:

It is recommended that the Board concur with the recommendation of the Peer Review Committee, staff and consultants to award of the Alameda/Oakland ferry vessel construction contract to Nichols Brothers Boat Works of Washington State for a new 315 seated passenger vessel under the requirements of the RFP. This vessel is within the budget for the grant, it meets the seated passenger capacity required in the RFP, it provides the passenger comfort and other criteria established by the RFP. Further that the Board authorizes the Executive Director to execute any funding agreements in connection with the Ferry vessel grant as required by the funding agencies if necessary. It is further recommended that the Board approve the payment of the Port's portion of the Local Match to the City of Alameda of \$350,000.

City of Alameda

Interdepartment Memorandum

June 16, 2000

To: Honorable Mayor and
Council Members

From: Matthew T. Naclerio
Public Works Director

Re: Recommendation to Award the Alameda/Oakland Ferry Service (AOFS) Vessel Purchase Contract and to Authorize City Manager to Enter Into Agreement with Selected Vendor and Enter into Fund Transfer Agreement No. 04A1048 with Caltrans

BACKGROUND

In November 1999, the City was awarded a \$4.75 million State grant to purchase a spare vessel for the Alameda/Oakland Ferry Service (AOFS). The grant requires the contract for procurement to be awarded by June 30, 2000; however, Caltrans informed the City verbally on June 9, 2000 that the City must award the contract by June 20, 2000 (see Exhibit 1). If the City fails to award a contract by then and does not provide signed agreements to Caltrans within a few days, Caltrans will reassign the funds to an intercity rail project. We are working with Caltrans to extend this administratively imposed deadline (see Exhibit 2).

The State grant specifically requires the City to include a peer review process in developing the Procurement Documents and evaluating the proposals. The City hired a consultant, Walther Engineering Services, Inc., to develop Procurement Documents. The City also established a Peer Review Committee consisting of experts in ferry vessels and operations to assist in document development and proposal evaluation. The Committee includes an outside consultant and representatives from the City of Vallejo, Blue & Gold Fleet and the Golden Gate Bridge Transportation District.

The City operates the Alameda/Oakland Ferry Service under a Joint Powers Agreement with the Port of Oakland. Under the terms of this agreement, vessel purchases must be approved by both agencies. The Port of Oakland has agendized this item for their June 20, 2000 Board Meeting prior to the Council's evening meeting.

On March 7, 2000, Council adopted Procurement Documents and authorized staff to issue a Request for Proposals (RFP) for the AOFS Vessel 2000 Purchase (No. P.W. 02-00-04). Proposals were due on May 15, with Final and Last Offers required 2 weeks prior to Council award. The RFP included

evaluation criteria and delineated process. The evaluation methodology and criteria were established in the RFP and were meant to provide a level playing field for all vendors. The RFP stated that the proposals would be ranked based on these evaluation criteria.

Proposals were evaluated in three parts: 1. Minimum Requirements, 2. Technical Proposal and 3. Cost Proposal. All proposals had to meet the minimum requirements. Technical proposals were evaluated for operational characteristics (steering, visibility, speed), comfort (passenger arrangement, noise/vibration), accessibility (ADA, boarding, circulation), shipyard performance (workmanship, delivery experience) and compliance with specifications. The cost proposals were evaluated using a 10 year life cycle cost analysis. Finally, pursuant to the RFP, local vendors were given a 5% local business preference on the cost score.

On April 25, 2000, the City received copies of the State of California Department of Transportation Fund Transfer Agreement No. 04A1048. This agreement establishes the terms and conditions for the City to receive grant funds. One of the terms requires that the City procure the vessel through a competitive process. Therefore the City has no ability to enter into a sole source negotiation with any vendor. Any negotiation must be fair and competitive and must allow all vendors an equal opportunity.

DISCUSSION/ANALYSIS

On May 15, 2000, the City received eight proposals. Six were for new vessels and two were for refurbishment of existing vessels. None of the new vessel proposals were within budget and the two refurbished vessels exceeded the optimal age criteria (both were over ten years old). After the initial evaluation by the Peer Review Committee, the Consultant submitted a written request for clarifications and suggested modifications to each Vendor. In order to allow Vendors adequate time to revise their proposals and allow adequate time for the Peer Review Committee to evaluate the revised proposals, the City extended the time period for the Last and Best Offers to June 6, 2000. The additional time also helped to assure that every opportunity was given to allow vendors to submit their most competitive bid.

On June 6, 2000, the City received Last and Best offers from four Vendors. Two of the proposals were for refurbishing existing vessels, two were for new vessels that were priced at the grant amount, and the remainder were for new vessels that exceeded the grant amount. Revised costs for refurbishing an existing vessel ranged from \$4,001,036 to \$4,330,000 compared to the original cost proposals of \$4,438,250 to \$5,433,500. Revised costs for new vessels ranged from \$4,750,000 to \$7,330,757 compared to the original cost for new vessels of \$5,596,500 to \$7,573,600.

An evaluation comparison of Last and Best Offers was conducted by the Peer Review Committee. Based on the established evaluation system, and the project budget, the Peer Review Committee ranked the four that were within budget as follows:

1. Nichols Brothers Boat Builder new 315 passenger vessel for \$4,750,000
2. Nichols Brothers refurbished vessel for \$4,330,000
3. Bay Ship and Yacht new 342 passenger vessel for \$4,750,000
4. Bay Ship and Yacht refurbished vessel for \$4,001,036

A listing of all last and best offers is attached as Exhibit 3.

Since the life cycle analysis indicated a new vessel is a better value, given the relatively small difference in initial cost for a new versus rebuilt vessel; and, since there are also significantly larger maintenance costs associated with a used vessel, staff focused its review on the two proposals for new vessels.

The major differences between the two new vessels which are both within the grant amount are:

1. Seated Capacity

- Nichols Brothers New Vessel - 315 seats
- Bay Ship & Yacht New Vessel - 208 seats

Nichols Brothers provides 50% more seated capacity on their new vessel than Bay Ship & Yacht proposes. The specifications require a capacity of 350 passengers plus or minus 10%. The grant request specifically references this requirement and cannot be modified. The West End Ferry Service currently operates using the Encinal, a 384 seated passenger vessel, as the primary vessel.

Existing ridership exceeds 225 passengers per trip at least once every day during the peak season (Memorial Day through Labor Day). In addition, the evening peak period run routinely exceeds 225 passengers. The vessel is a 30 year investment and the proposed seating capacity of 350 passengers was based on the anticipated ridership growth during that 30 year period. Anticipated growth in service, projected from the past 10 year ridership trends, indicates that a capacity of 350 passengers will be required within the next 10 years. The Port of Oakland is particularly concerned about this issue since midday and excursion ridership is primarily from Oakland and tends to result in the highest peak season demands.

The passenger capacity of all of the existing vessels used in our ferry services thus far has been determined by seated capacity. Bay Ship and Yacht is proposing to establish a capacity which includes a combination of standing (33%) and seated (66%) passengers. The passenger capacity calculation being proposed by Bay Ship & Yacht has not been previously approved by the United States Coast Guard (USCG). Bay Ship & Yacht had submitted letters from the local USCG office which confirm that the method used by Bay Ship and Yacht is adequate. The City's Consultant has contacted both the local and Washington, DC USCG offices and has been told that the rule is subject to interpretation with respect to what portion of the aisles can be included in the calculation. The Peer Review Committee noted that a final decision could effect whether the vessel met our minimum passenger capacity requirement. During the evaluation process it was also noted that the

USCG had not allowed standees on vessels with speeds exceeding 25 knots. Another concern raised by the Committee was potential safety issues for standees.

2. Passenger Space Allocation

- Nichols Brothers 12.9 sft per passenger
- Bay Ship and Yacht 8.4 sft per passenger

Nichols Brothers vessel provides 35% more space per passenger than Bay Ship and Yacht. At 8.4 square foot per passenger the Bay Ship and Yacht proposal provides 16% less space than the existing City owned vessels, Bay Breeze and the Encinal, which provide 10 sft per passenger. To provide the 8.4 sft per passenger, Bay Ship and Yacht has included passenger space on the foredeck. The Peer Review Committee raised concerns of potential safety issues for allowing passenger access to the foredeck since it is very exposed to wind, spray, and weather conditions and could become slippery.

3. Noise/Vibration

To improve passenger comfort the technical specifications established maximum noise levels and vibration standards. Passengers complained about a harsh ride, excessive noise, and vibration with the Harbor Bay Express II. One way of reducing noise and vibration is to isolate the hull from the cabin structure. This, in effect, provides shock absorbers for the cabin. Nichols Brothers' housing is isolated from the hull structure which reduces both noise and vibration. Bay Ship and Yacht is not using this construction technique and no other special measures were identified to address this concern.

4. Local Preference

BS&Y is a local business and therefore received a 5% preference which was applied to their cost score.

5. Passenger Circulation and Access

Nichols Brothers vessel provided the best passenger access and circulation of all fourteen proposals. The circulation provides an efficient distribution of passengers which allows them to easily access all areas of the vessel, minimizes conflicts between passengers by segregating high-use facilities (bar, ticket stand) from passenger access corridors, and easily accommodates bicyclists. The Bay Ship and Yacht proposal does not distribute passengers as efficiently. It requires most passengers to traverse a single corridor creating a choke point, locates high use facilities within main travel corridors, and requires bicycles to traverse the passenger cabin in route to bike storage.

6. USCG Certification

Nichols Brothers' proposed vessel design has been previously certified by the USCG. The vessel design proposed by BS&Y has been built in other countries, but has not yet been certified for passenger ferry use in the United States. Although the Peer Review Committee believes that the

vessel can be certified, there is a high probability that modifications may be required and increased costs may be encountered.

7. Time line

Although funds are required to be obligated by June 30, 2000, Caltrans informed the City verbally on June 9, 2000 (see Exhibit 1) that the City must award the contract by June 20, 2000. If the City fails to award a contract by then and does not provide signed agreements to Caltrans within a few days, Caltrans will reassign the funds to an intercity rail project. We are working with Caltrans to extend this administratively imposed deadline (see Exhibit 2).

Alternative Analysis

To provide all Vendors with optimal consideration, staff re-reviewed the four proposals that were within budget. The Bay Ship & Yacht New Vessel was re-evaluated assuming a 315 passenger capacity (originally a 342 passenger capacity was identified by the Vendor in their proposal), since that would meet minimum requirements and would maximize engine reliability and comfort. The revised ranking, with Committee concurrence, resulted in the following:

1. Nichols Brothers New Vessel 315 passenger \$4,750,000
2. (Tie) Bay Ship and Yacht New Vessel 315 passenger \$4,750,000
2. (Tie) Nichols Brothers refurbished vessel for \$4,330,000
4. Bay Ship and Yacht refurbished vessel for \$4,001,036

Although the revised evaluation resulted in improvements in engine reliability, and passenger comfort for Bay Ship and Yacht's proposal, Nichols Brothers proposal ranked higher overall based on the total number of seated passengers, total passenger area, inclusion of methods to reduce noise and vibration for passenger comfort, superior access and circulation, partnership experience of the builder/design team and prior USCG approvals for the design submitted.

CONCLUSION

The Peer Review Committee (PRC) unanimously ranked the Nichols Brothers \$4,750,000 new vessel highest, using the evaluation criteria established in the RFP and approved by Council. The Port of Oakland concurred with this recommendation. The grant requires the City to procure a vessel using a competitive process; therefore, Council cannot reject all proposals and select a vendor through sole source negotiations. Caltrans has stated that they will recommend reprogramming the funds to an intercity rail project if the City fails to award the contract by June 20, 2000. The Nichols Brothers vessel provides 50% more seated capacity than Bay Ship and Yacht. In addition, Nichols Brothers has previously delivered on time and within budget a very satisfactory vessel, Bay Breeze, to the City of Alameda. Current ridership exceeds 225 passengers at least once every day during the peak season, and projected ridership (based on the past ten year ridership trends) is anticipated to exceed 350 passengers within ten years.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The purchase of a spare ferry vessel is identified under CIP 98-40. Total ferry vessel acquisition project funding is \$5.5 million, of which \$4.75 million is provided in State grant funds. The City and Port of Oakland will each provide \$375,000.

Sales tax for this vessel will accrue to the City no matter which Vendor receives the bid since the procurement documents specify the delivery of the vessel to Alameda, California.

RECOMMENDATION

It is recommended that the City Council:

1. Award the Alameda/Oakland Ferry Vessel purchase contract in the amount of \$4,750,000 plus \$435,000 contingencies to Nichols Brothers Boat Builders; and
2. Authorize the City Manager to Enter Into Agreement with Nichols Brothers which is in substantial form as the contract on file in the City Clerk Office; and
3. Authorize the City Manager to Enter into Fund Transfer Agreement No. 04A1048 with Caltrans on file in the City Clerk Office.

Respectfully submitted

Matthew T. Naclerio
Public Works Director

MTN:dl

Attachments:

- Exhibit 1 - Caltrans E-mail
- Exhibit 2 - Letter to Caltrans
- Exhibit 3 - Last and Best Offers

FORWARDED

City of Alameda

Interdepartment Memorandum

June 20, 2000

To: Honorable Mayor and
Council Members

From: Matthew T. Naclerio
Public Works Director

Re: Supplemental Report on Recommendation to Award the Alameda/Oakland Ferry Service (AOFS) Vessel Purchase Contract and to Authorize City Manager to Enter Into Agreement with Selected Vendor and Enter into Fund Transfer Agreement No. 04A1048 with Caltrans

BACKGROUND

In the staff report which was submitted Thursday June 15, 2000 to Council, staff had included a proposal from Bay Ship & Yacht for a 342 passenger, (208 seated and 134 standing) \$4,750,000 vessel. Staff believed that this proposal met Minimum Requirements which stated that Passenger Capacity of 350+/-10% was required.

DISCUSSION/ANALYSIS

Subsequent to issuance of the Council report staff has reviewed the definition for passenger capacity identified on page 36 of the RFP. The definition states: "Passenger Capacity defines the total number of seats fitted both inside the passenger saloon and outside on the observation deck, and the number which the USCG has approved for the vessel, *whichever is lower.*"

Given this definition, and the fact that Bay Ship and Yachts proposal included a total of 208 seats, this proposal does not meet minimum requirements and should not have been considered further. This information does not materially alter the ranking since the first and second ranked vessels were both Nichols Brothers vessels. The revised rankings are as follows:

1. Nichols Brothers New 315 Passenger \$4,750,000
2. Nichols Used Vessel Catalina Express \$4,330,000

Honorable Mayor and
Council members

Page 2
June 20, 2000

BUDGET CONSIDERATION/FINANCIAL IMPACT

The purchase of a spare ferry vessel is identified under CIP 98-40. Total ferry vessel acquisition project funding is \$5.5 million, of which \$4.75 million is provided in State grant funds. The City and Port of Oakland will each provide \$375,000.

Sales tax for this vessel will accrue to the City no matter which Vendor receives the bid since the procurement documents specify the delivery of the vessel to Alameda, California.

RECOMMENDATION

This report is for information purposes only. The recommendations in the original staff report remains unchanged.

Respectfully submitted

Matthew T. Naclerio
Public Works Director

MTN:dl
Attachments:
Exhibit 1 - RFP Page 36 Definitions

FORWARDED

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JK

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 20244

RESOLUTION APPROVING AWARD OF CONTRACT FOR THE PURCHASE OF A VESSEL FOR THE ALAMEDA/OAKLAND FERRY; APPROVING ACCEPTANCE OF A GRANT FROM THE STATE OF CALIFORNIA; AND APPROVING PAYMENT OF LOCAL MATCH

WHEREAS, in October 1999 the Board of Port Commissioners ("Board") authorized Port staff, together with the City of Alameda, to apply for a \$4,750,000 grant from the State of California for the purpose of purchasing an additional vessel to service the Alameda/Oakland ferry operations and to issue a Request for Proposals ("RFP") to supply said vessel; and

WHEREAS, the City of Alameda and the Port operate the Alameda/Oakland ferry by agreement between the parties under which the City of Alameda acts as the lead agency for operation of the ferry service, including entering into contracts, subject to the Board's consent; and

WHEREAS, the City of Alameda, in consultation with Port staff, issued an RFP and conducted a review process for selection of a boat builder to supply a new vessel; and

WHEREAS, the State of California has approved the grant of funds to purchase a new ferry vessel and the City of Alameda, in consultation with Port staff, has recommended awarding the contract to provide a new ferry vessel to Nichols Brothers Boat Works; now therefore be it

RESOLVED, that the Board of Port Commissioners hereby concurs with the award of a contract to provide a new ferry vessel to Nichols Brothers Boat Works in accordance with Agenda Sheet Item No 16, dated June 20, 2000 (the "Agenda Item"); and be it

FURTHER RESOLVED, that the Board hereby approves acceptance of a grant from the State of California for the purchase of the vessel and approves the payment of the Port's portion of the local match of \$350,000 in accordance with the Agenda Item; and be it

FURTHER RESOLVED, that the Executive Director is hereby authorized to execute such agreements as shall be required to implement this resolution, provided that such agreements 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 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 **an adjourned regular meeting held June 29, 2000**

Passed by the following vote:

Ayes: **Commissioners Kiang, Tagami, Uribe and President Loh - 4**

Noes: **None**

Absent: **Commissioners Kramer, Neal and Protopappas - 3**

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND

COMMISSIONERS

JOHN LOH
President

KATHY NEAL
First Vice President

DAVID KRAMER
Second Vice President

FRANK KIANG
JOHN PROTOPAPPAS
PHILLIP H. TAGAMI
PETER URIBE

530 Water Street
Oakland, California 94607

Telephone (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

Regular Meeting of the Board of Port Commissioners
Wednesday, July 5, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Kiang, Kramer, Neal, Protopappas,
Tagami, Uribe and President Loh

PRESENTATION: Vice President Kramer

READING OF THE MINUTES:

Deferred - June 6, 2000; and June 20, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Audit/Budget & Finance

Commercial Real Estate

Maritime

Regular Meeting
July 5, 2000

READING OF SUMMARY ITEMS: (Marked "S")

9 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Approval of Lease Agreement with and Building Permit for Dollar Rent A Car Systems, Inc. for Land for a Service Facility (Doolittle Drive and Langley Street, North Airport). (Ordinance & Resolution)
- 2S Approval of Agreements with Utility Companies to Obtain Easements on Port Properties and to Pay Appropriate Relocation Costs Under the Airport Roadway Project. (Resolution)
- 3S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Oakland Fuel Facilities Corporation (Adjacent to Gate "A", South Airport). (Resolution)
- 4S Approval of License and Concession Agreement with Pegasus Aviation, Inc. (8991 Earhart Road, North Airport). (Resolution)

Regular Meeting
July 5, 2000

SUPPLEMENTAL ITEM ADDED TO THE AGENDA:

(Requires Finding and Determination that Need to
Take Action Arose After Posting of Agenda)

- 5 First Reading of Ordinance Approving Acquisition
of Land From the Manuel Silveira Borges and
Alvarina Reis Borges 1998 Trust for Use as
Mitigation Land for Burrowing Owl Habitat Purposes
(Eastern Alameda County). (Resolution & Ordinance)

COMMERCIAL REAL ESTATE

- 11S Assignment of Lease from Third Buttner Trust to
Edgar M. Buttner Trust. (Resolution)
- 12S Recommended Finding of Public Convenience or
Necessity for Approval of the Alcoholic Beverage
License for Vinex Imports, 7303 Edgewater Drive,
Building A, Unit D (Building No. K610).
(Resolution)

MARITIME

- 21 Ratify and Approval Change Orders for
Reconstruction of 7th Street and the Construction
of the New Road. (Resolution)
- 22 Approval to Enter into Agreement with the Oakland
Base Reuse Authority to Provide for Electrical
Interconnection to the Oakland Army Base via the
Port's Electrical Substation. (Resolution)
- 23 Selection of Consultant to Prepare a Feasibility
Study on Public Access Connections to the Port of
Oakland's Middle Harbor Shoreline Park.
(Resolution)
- 24 Approve Change Orders for Construction of
Container Wharf, Dike, Fill and Container Yard
Phase 1A, at Berths 55/56, Inner Harbor Channel.
(Resolution)

Regular Meeting
July 5, 2000

- 25 Approval of Consultant Services Contract with Baseline Environmental Consulting to Address Regional Water Quality Control Board Compliance Issues, Vision 2000 Project. (Resolution)
- 26S Approval of Plans and Specifications for Improvement of Yard Lighting, Berths 35-37, Ben E. Nutter Terminal. (Resolution)

OPERATIONS

- 31 Personnel Items: Appointment; and Amendment of Salary Grade Assignment. (Resolution & Ordinance)
- 32 Approval of the Annual Operating Budget for Fiscal Year Ending June 30, 2001. (Resolution)
- 33 This item not used.
- 34 Reimbursement of Medicare Part B. (Resolution and Ordinance)
- 35S Authorization to Purchase Motor Vehicles and Sell Surplus Vehicles. (Resolution)
- 36S Authorization to Include Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing August 1, 2000 and Ending June 30, 2001, 2002 or 2003 in the Port's Small Business Program. (Resolution)
- 37S Travel Authorization. (Resolution)

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

Regular Meeting
July 5, 2000

BUILDING PERMIT APPLICATIONS: ("S")

Nexsite Group, Inc., installation of a new cellular telephone equipment cabinet and a column mounted antenna to provide improved cellular coverage within the Airport complex.

Vote on the following resolutions:

Ayes: Commissioners Kiang, Kramer, Neal, Tagami, Protopappas,
Uribe and President Loh - 7
Noes: None
Absent: None

RESOLUTIONS:

- 20245 1 GRANTING DOLLAR RENT A CAR SYSTEMS, INC.,
PERMISSION TO PERFORM CERTAIN WORK. (Airport - 1)

- 20246 2 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENTS
WITH METROPOLITAN FIBER SYSTEMS OF CALIFORNIA,
PACIFIC GAS & ELECTRIC COMPANY, AT&T AND EAST BAY
MUNICIPAL UTILITY DISTRICT GRANTING EASEMENTS ON
PORT PROPERTY FOR THE AIRPORT ROADWAY PROJECT.
(Airport - 2S)

- 20247 3 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN
AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY
AGREEMENT WITH OAKLAND FUEL FACILITIES
CORPORATION. (Airport - 3S)

- 20248 4 APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH PEGASUS
AVIATION, INC. (Airport - 4S)

- 20249 5 FINDING AND DETERMINING THAT NEED TO TAKE ACTION
Arose AFTER POSTING OF AGENDA RELATING TO
ACQUISITION OF LAND FOR BURROWING OWL HABITAT
PURPOSES. (Airport - 5)

- 20250 6 CONSENTING TO ASSIGNMENT OF LEASE FROM THIRD
BUTTNER TRUST TO EDGAR M. BUTTNER TRUST.
(Commercial Real Estate - 11S)

Regular Meeting
July 5, 2000

- 20251 7 FINDING AND DETERMINING THAT PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL'S ISSUANCE OF A TYPE 20 OFF SALE BEER AND WINE LICENSE TO VINEX IMPORTS, 7303 EDGEWATER DRIVE, BUILDING A (OAKLAND AIRPORT BUSINESS PARK).
(Commercial Real Estate - 12S)
- 20252 8 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC., FOR CONSTRUCTION OF 7TH STREET REALIGNMENT AND THE NEW ROAD, OAKLAND, CALIFORNIA. (Maritime - 21)
- 20253 9 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH THE OAKLAND BASE REUSE AUTHORITY TO PROVIDE FOR ELECTRICAL INTERCONNECTION TO THE PORT'S ELECTRICAL SYSTEM AT THE OAKLAND ARMY BASE, OAKLAND. (Maritime - 22)
- 20254 10 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.
(Maritime - 23)
- 20255 11 APPROVING ISSUANCE OF CHANGE ORDERS FOR CONTRACT WITH PORT OF OAKLAND CONSTRUCTIONS, A JOINT VENTURE, FOR CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA.
(Maritime - 24)
- 20256 12 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NORDHAV INC. DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING FOR CONSULTING SERVICES CONSTITUES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime - 25)
- 20257 13 APPROVING PLANS AND SPECIFICATIONS FOR IMPROVEMENT OF YARD LIGHTING, BERTHS 35-37, BEN E. NUTTER TERMINAL, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFORE. (Maritime - 26S)

Regular Meeting
July 5, 2000

- 20258 14 CONCERNING CERTAIN APPOINTMENT. (Operations - 31)
- 20259 15 APPROVING ANNUAL OPERATING BUDGET AND AUTHORIZING THE EXPENDITURE OF CERTAIN MONEYS OF THE PORT OF OAKLAND FOR THE FISCAL YEAR 2000-2001. (Operations - 32)
- 20260 16 FIXING THE PORT'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT FOR EMPLOYEES AND ANNUITANTS IN REPRESENTATION UNITS D AND E, AND CERTAIN CONFIDENTIAL EMPLOYEES IN REPRESENTATION UNITS A, B, C, F, G, H AND I, BELONGING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM. (Operations - 34)
- 20261 17 FINDING AND DETERMINING THAT IT IN THE BEST INTEREST OF THE PORT TO PURCHASE NEW VEHICLES AND EQUIPMENT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SELL SURPLUS VEHICLES. (Operations - 35S)
- 20262 18 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR FURNISHING LABOR, MATERIALS AND EQUIPMENT FOR PAVING, GRADING AND ASSOCIATED CONTACTOR'S SERVICES FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JULY 1, 2000, AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Operations - 36S)
- 20263 19 CONCERNING CERTAIN TRAVEL. (Operations - 37S)
- 20264 20 GRANTING ~~NEXSITE GROUP~~ PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)

*BAY AREA CELLULAR TELEPHONE
Company, DOING BUSINESS AS
CELLULAR ONE, ↑*

Regular Meeting
July 5, 2000

20265 21 1) APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A DEFENSE FUNDING AGREEMENT AND PARTIAL SETTLEMENT REGARDING INDEMNITY ("DFA") WITH ZURICH AMERICAN INSURANCE COMPANY AS SUCCESSOR IN INTEREST TO ZURICH INSURANCE COMPANY U.S. BRANCH BY OPERATION OF LAW ("ZURICH"), 2) ACCEPTING ZURICH, CAN INSURANCE COMPANIES INCLUDING CONTINENTAL INSURANCE COMPANY FOR ITSELF AND AS SUCCESSOR TO CERTAIN POLICIES ISSUED BY HARBOR INSURANCE COMPANY ("CAN"), AND CENTURY INDEMNITY COMPANY'S ONE MONTH EXTENSION OF THE SECOND EXTENSION TO THE DEFENSE FUNDING AGREEMENT AND PARTIAL SETTLEMENT AGREEMENT REGARDING INDEMNITY ("2ND DFA"), AND 3) FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SURSURFACE CONSULTANTS, INC. ("SCI") FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT ALL CONCERNING THE NINTH AVENUE TERMINAL.
(Closed Session - 40)

Vote on the following Ordinances except Numbers 7 and 8:
Ayes: Commissioners Kiang, Kramer, Neal, Tagami, Protopappas,
 Uribe and President Loh - 7
Noes: None
Absent: None

Vote on Number 7:
Ayes: Commissioners Kiang, Kramer, Neal, Protopappas,
 Uribe and President Loh - 6
Noes: None
Abstained: Commissioner Tagami - 1
Absent: None

Vote on Number 8:
Ayes: Commissioners Kiang, Kramer, Tagami,
 Protopappas and President Loh - 5
Noes: Commissioners Neal and Uribe - 2
Absent: None

Regular Meeting
July 5, 2000

ORDINANCES:

- 1 Port Ordinance No. 3588 being, "AN ORDINANCE AMENDING PORT ORDINANCE 1149 WAIVING CERTAIN LANDING FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT PURSUANT TO A MARKETING INCENTIVE POLICY."

Final.
- 2 Port Ordinance No. 3589 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3044, FIXING CERTAIN REVISED PARKING RATES AT THE PARKING FACILITIES IN JACK LONDON SQUARE."

Final.
- 3 Port Ordinance No. 3590 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH SSA TERMINALS."

Final.
- 4 Port Ordinance No. 3591 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE ADDITIONAL POSITIONS."

Final.
- 5 Port Ordinance No. 3592 being, "AN ORDINANCE AMENDING SECTIONS 2.01, 2.03, 2.05 AND 2.07, AND ADDING SECTION 1.33995 TO PORT ORDINANCE NO. 867 RATIFYING AND FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT."

Final.
- 6 Port Ordinance No. _____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH DOLLAR RENT A CAR SYSTEMS, INC."

Airport - 1 to print.

Regular Meeting
July 5, 2000

7 Port Ordinance No. _____ being, "AN ORDINANCE AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH THE MANUEL SILVEIRA BORGES AND ALVARINA REIS BORGES 1998 TRUST FOR PURCHASE OF LAND LOCATED ON CHRISTEN ROAD IN EASTERN ALAMEDA COUNTY FOR BURROWING OWL HABITAT PURPOSES."

Airport - 5 to print.

8 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING SECTION 5.092 OF PORT ORDINANCE NO. 867."

Operations - 31 to print.

9 Port Ordinance No. _____ being, "AN ORDINANCE AMENDING SECTION 2 OF PORT ORDINANCE NO. 1166 AS AMENDED BY PORT ORDINANCE 3287 AND AMENDING SECTION 3(d)(1) AND SECTION 6(a) OF PORT ORDINANCE NO. 1166 AS AMENDED BY PORT ORDINANCE NO. 3273 RELATING TO THE COST OF EMPLOYEE AND RETIREE GROUP HEALTH INSURANCE."

Operations - 34 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ELECTION OF OFFICERS: As provided for in the By-Laws
(to be postponed to July 18, 2000)

ADJOURNMENT: The next meeting will be an regular meeting held on Tuesday, July 18, 2000 at 3:00 p.m.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 1

SUBJECT: Approval of Lease Agreement with and Building Permit for Dollar Rent A Car Systems, Inc. for land for a Service Facility, (Doolittle Drive and Langley Street, North Airport)

PROGRAM AREA:

- Checked box: Airport Operations
Empty box: Commercial Real Estate
Empty box: Maritime Operations
Empty box: Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Dollar Rent A Car Systems, Inc. ("Dollar") requests that the Board approve and authorize the Executive Director to sign a Lease Agreement with Dollar and approve a building permit for Dollar to construct a service facility on the site at the North Field of Oakland International Airport.

Dollar has operated an Airport rental car concession under agreements with the Port dating back to the 1970s. Dollar rents counter space, ready return parking lot space and also pays the Port 9.5% of its gross receipts.

Dollar services and stages its Airport rental cars from a service facility located on Bigge Street, near 98th Avenue in Oakland. Dollar proposes to lease land and construct a new service facility on the Airport's North Field.

ANALYSIS:

The site Dollar proposes to lease is 3.40 acres (148,196 square feet) located at the intersection of Doolittle Drive and Langley Street. The proposed lease terms are:

- Term: 20 years
Initial Rent: \$.0926 per square foot per month (\$13,722.95 per month)
Rent Adjustments: Initial rent to be adjusted by CPI upon beneficial occupancy; subsequent rent adjustments by CPI every 30 months, not to exceed 6% per year.
Construction Period: 12 months maximum
Construction Rent: \$.0463 per square foot during the maximum 12-month construct period.
Potential Expansion: Right of first refusal to lease up to four adjacent parcels ranging in size from 1/4 to 2 acres, when the Port determines each is available.

Dollar submitted a site development and building plan for the proposed leased premises. Dollar has applied for a Port building permit to construct an 8,802 square foot single story administrative office and vehicle service building, a fueling facility covered by a canopy with two (2) 6,000 gallon above-ground fuel tanks and a 2,946 square foot car wash.

The Port's Office of Equal Opportunity reports that Dollar has 40 employees in its Oakland-based rental car operation. The new service facility will add at least 25 employees to Dollar's Oakland-based operation.

Approved by Ordinance passed to print

- Empty box: MOTION
Checked box: RESOLUTION
Checked box: ORDINANCE
Empty box: INFORMATION ONLY

Approved by Resolution

No. 20245

BOARD ACTION TAKEN

Signature of Sharon Kuppner, Assistant Secretary of the Board

JUL - 5 2000

DATE

The Port plans to extend new electrical, water, fire suppression water and sanitary sewer infrastructure to bring adequate utilities to the Dollar site. The Dollar lease would obligate the Port to upgrade the North Field utility infrastructure. The estimated \$1.7 million utility construction costs would be recovered in less than 10 years from revenue generated from Dollar's lease alone. Rent from other tenants served by the new utilities would shorten the cost recovery period.

The project has been determined to conform to the City of Oakland General Plan as a continuation of aviation related uses at the *Oakland International Airport*.

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is part of Project B.5. Replacement Rental Car Service Facilities in the EIR. The EIR evaluates the impacts associated with this project and provides mitigation measures to be implemented with this project. The EIR was certified on 6/29/99 by the Board of Port Commissioners. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this project component of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

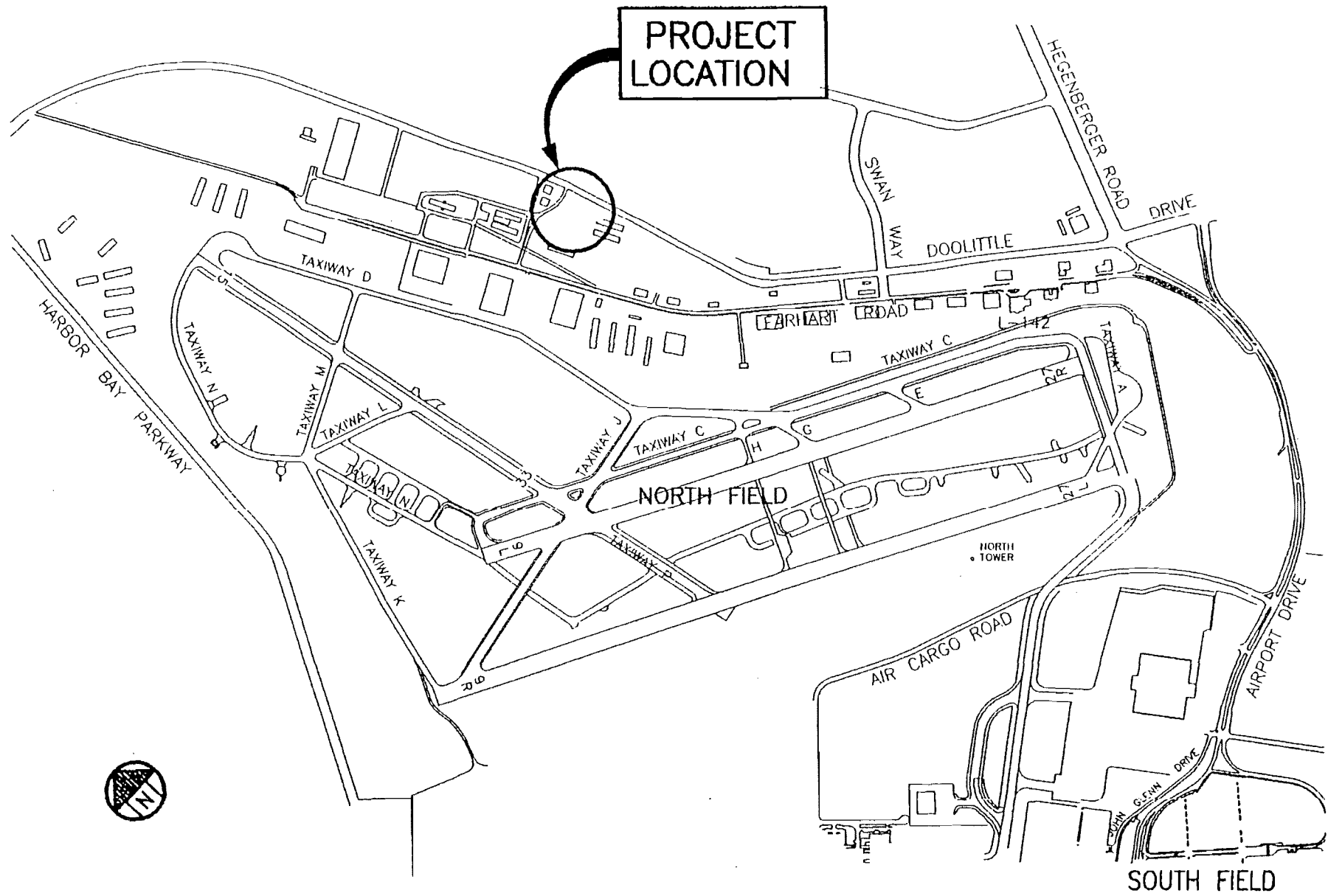
Options:

1. Take no action, leaving the existing land undeveloped.
2. Seek another aviation-related tenant to lease and develop this North Airport site. No other rental car tenant has expressed interest in this site at this time.
3. Pass an ordinance to approve a lease agreement with Dollar Rent A Car Systems, Inc. and a resolution approving a building permit for Dollar's development of a service facility on the site, contingent upon Port approval of lighting, fencing, landscaping and signage.

RECOMMENDATION:

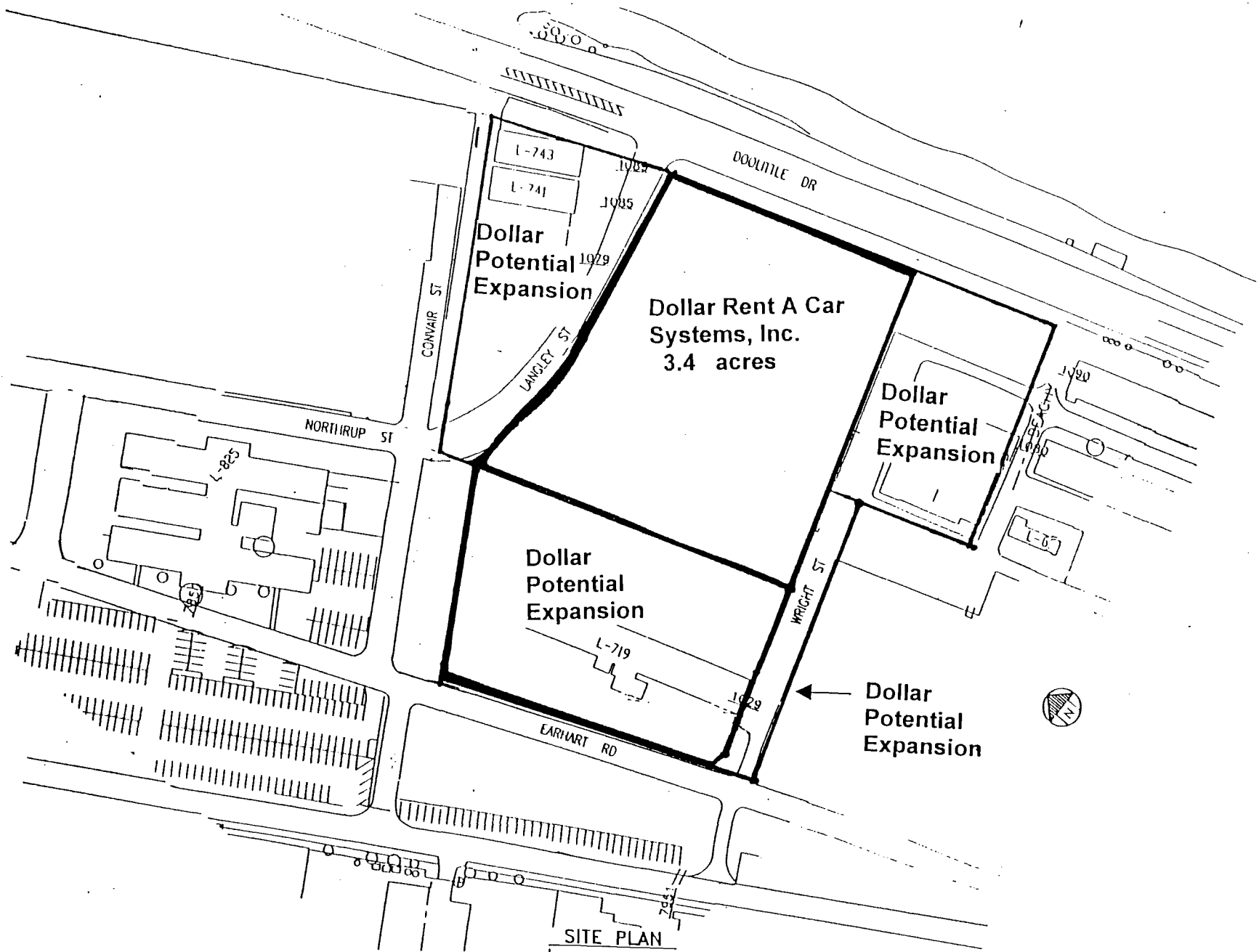
It is recommended that the Board:

- a) Pass an ordinance approving the lease with Dollar Rent A Car Systems, Inc. and authorizing the Executive Director to execute the Lease Agreement, as described above.
- b) Pass a resolution approving a building permit for Dollar Rent A Car Systems, Inc. as described above.



PROJECT
LOCATION

LOCATION MAP



Agenda Sheet

DATE: July 5, 2000

ITEM NO: 5

SUBJECT: First Reading of Ordinance Approving Acquisition of Land From the Manuel Silveira Borges and Alvarina Reis Borges 1998 Trust for Use As Mitigation Land for Burrowing Owl Habitat Purposes (Eastern Alameda County)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

This action would approve a purchase agreement for approximately \$350,000 for the acquisition of 69.2 acres of land (APN 099B-7020-001-04), located in eastern Alameda County, from the Manuel Silveira Borges and Alvarina Reis Borges 1998 Trust (Borges), for use as mitigation land for mitigation of Burrowing Owl habitat taken as part of the Airport Development Program.

The California Department of Fish and Game has approved a Mitigation Agreement with the Port covering this site for mitigation of Burrowing Owl habitat. The Board authorized entering into negotiations for the purchase of this property in February 2000. In addition, the Port has already deposited \$500,000 with Fish and Game to satisfy the mitigation requirements. However if the Port purchases the property, the \$500,000 will be refunded.

ANALYSIS:

Burrowing Owl habitat mitigation property is becoming less and less available, particularly in an urban environment. Availability of habitat mitigation land is now a rare opportunity. The proposed purchase satisfies the requirements in the Mitigation Agreement between the Port of Oakland and the California Department of Fish and Game.

Acquisition of the Borges property presents a valuable opportunity that would minimize the cost of any future habitat mitigation requirements that the Port may face. If acquired at this time, the 69.2 acres of the land could not only meet the current need for approximately 40 acres of Borrowing Owl habitat, but the remainder could be held for future requirements for additional acreage of mitigation land or sold to a third party for mitigation credits.

By taking no action, suitable habitat mitigation land may not be available. This could delay needed Port projects that require habitat mitigation.

The appraised value of the Borges land is \$346,050 (\$5,000 per acre). The Borges have agreed to accept the appraised value as the purchase price for the property. If the Port chose to purchase mitigation credits, the minimum cost would be approximately \$400,000 (\$10,000 per credit). By purchasing the Borges land, the Port not only saves money but also has additional land for future use.

Approved by Ordinance
passed to print

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20249

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

JUL - 5 2000
DATE

Subject: First Reading of Ordinance Approving Acquisition of Land From the Manuel Silveira Borges and Alvarina Reis Borges 1998 Trust for Use As Mitigation Land for Burrowing Owl Habitat Purposes (Eastern Alameda County)

Page 2 of 2

Acquisition of land has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 13 of Guidelines, Section 15313, which covers acquisition of land for preservation of habitat.

OPTIONS:

- 1) Take no action.
- 2) Purchase credits at a price of \$400,000 for Borrowing Owl habitat mitigation purposes.
- 3) Approve acquisition of the Borges property for a purchase price of \$346,050.

RECOMMENDATION:

It is recommended that the Board approve first reading of an ordinance approving and authorizing the Executive Director to execute a purchase contract for the acquisition of the Borges property (APN 099B-7020-001-04, totaling approximately 69.2 acres) for use as mitigation land Burrowing Owl habitat purposes, at a purchase price of \$346,050, plus closing costs of approximately \$3,000, from the Manuel Silveira Borges and Alvarina Reis Borges 1998 Trust.

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 21

JHD
SUBJECT:

Ratify and Approve Change Orders for Reconstruction of 7th Street and the Construction of the New Road

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Gallagher & Burk, Inc., for the **CONSTRUCTION OF 7TH STREET REALIGNMENT AND THE NEW ROAD, OAKLAND, CALIFORNIA**, which became effective on November 19, 1999, at lump sum and unit prices totaling \$12,493,874. The project consists of constructing new roadway; asphalt concrete overlay of existing roadway; new railroad tracks and circuitry; street light poles with foundations and lamps; sanitary sewer system; storm drainage system; utility trenches; electric, telephone and water lines; traffic signal systems; signage; pavement markings and striping; landscaping and irrigation.

ANALYSYS:

During the grade preparation for the placement of embankment at Station M-35 to M-38 and M-50 to M-55, the Contractor discovered large unanticipated areas of bay mud that would not support his construction equipment. The Port geotechnical consultant, Kleinfelder, examined these areas and recommended that they be over-excavated and 30" of the unsuitable material be removed. Geotextile fabric was to be placed and the area backfilled with aggregate base rock. The Contractor was directed to perform this work on Force Account, using Port-supplied aggregate base rock. The cost for the work was \$36,987.34.

As part of the construction of the roadway, new storm drain lines are being installed to serve existing and new design features. One existing storm drain line needed to be replaced to meet the needs of the new Union Pacific Intermodal Yard. Not all necessary information was available from Union Pacific at the time of the bid to properly size the line. The information has since been received and the line must be installed now to maintain the construction sequence of the roadway. A change order for the work has been negotiated. The agreed lump sum price for this work is \$77,310.00. The Union Pacific will reimburse the Port for 75% of the cost of this change order.

BUDGET ANALYSIS:

The total cost of the two Change Orders based on the agreed lump sum price for this work, is \$114,297.34. The funding for this Change Order is budgeted in CIP Element M6.00599.01, Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board approve two change orders for the above-described work: one in the amount of \$36,987.34 to excavate and stabilize soft areas in the roadway grade and the other for \$77,310.00 for the installation of a new 60" storm drain line.

D:\... Bdltrs\7-5RatifyCOs7th-NewRoad.doc

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20252

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUL - 5 2000

DATE

Construction of 7th Street & The New Road
 CIP Element No. M6.00547.01
 As of June 20, 2000

<u>Description</u>	<u>Jan. 99 CIP Budget</u>	<u>Current Budget</u>	<u>Current w/Proposed Changes</u>
Port Labor	\$ 1,380,000.00	\$ 1,380,000.00	\$ 1,380,000.00
Consultant - Design	\$ 2,950,000.00	\$ 1,750,000.00	\$ 1,750,000.00
- CM		\$ 1,750,000.00	\$ 1,750,000.00
Other / Misc.*	\$ -	\$ 1,035,000.00	\$ 1,035,000.00
Construction	\$ 13,614,000.00	\$ 13,086,874.00	\$ 13,801,171.34
Total**:	\$ 17,944,000.00	\$ 19,001,874.00	\$ 19,716,171.34

*Other / Misc. included contract labor, other agency construction, and misc. items.

**Increase covered by funds from M6.00599.01, Budget / Award Variance.

As of 6/20/00, these two C.O.s reduced the Variance funds by \$114,297.34. However, UP will reimburse the Port for 75% of the cost of the change order (\$77,310) to install the new storm drain system.

With the proposed change orders to Gallagher & Burk for 1) unsuitable subgrade and 2) new storm drain, approx. \$6.4M of the variance funds have been authorized for the entire V2K program.

ASD

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Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 5, 2000

SUBJECT: Approval to Enter into Agreement with the Oakland Base Reuse Authority to Provide for Electrical Interconnection to the Oakland Army Base via the Port's Electrical Substation

ITEM NO: 22

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Oakland Army Base (OAB) was recommended for closure in 1995 by the Defense Base Closure and Realignment Commission (BRAC) and was approved for closure by the President of the United States pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510).

The Oakland Base Reuse Authority (OBRA) has been designated as the Local Reuse Authority (LRA) that is responsible for administering the reuse and closure of the base and has prepared a Final Reuse Plan (Reuse Plan) that represents the community's preferred reuse vision for OAB.

On June 15, 1999, the Port acquired fee title to the entire 530 acres of the Fleet Industrial Supply Center-Oakland (FISCO) from the Department of the Navy including ownership of the Navy's Davis Electrical Substation.

As provided for under Section 2929 of the Final National Defense Authorization Act Procedures (NDA Act Procedures), low cost Central Valley Project power is made available to the Local Reuse Authority responsible for redevelopment and reuse of closed military bases for the purpose of encouraging economic reuse and development.

ANALYSIS:

To satisfy the provisions of the Federal Government's conveyance of FISCO, the Port must provide continuity of 115 KiloVolt (kV) power (transformed to 12 kV by Davis Substation) through third party electrical circuits to OAB and Treasure Island.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20253

BOARD ACTION TAKEN

Assistant

Secretary of the Board signature

JUL - 5 2000

DATE

Island or OAB, but is only required to allow Davis Substation to be used to transform and transmit electrical power to Treasure Island and OAB. Whatever agencies are responsible for operating Treasure Island or OAB are responsible for securing their own source of electric power. OBRA has shown an interest in using Davis Substation for receiving WAPA power for OAB; and has tentatively agreed to take delivery of electric power through Davis Substation under the same interconnection terms with San Francisco for Treasure Island.

Under the terms of the Interconnection Agreement with San Francisco and the Port, San Francisco and the Port would share 50-50 in the costs of maintaining and operating Davis Substation. Under the new agreement(s), San Francisco, OBRA and the Port would be responsible for 1/3 each of the total operating costs. In addition, San Francisco is currently provided with 50% of the capacity of Davis Substation i.e. 20 MegaVolt Amperes (MVA). However, the Port reserved the right to reduce the capacity provided to San Francisco to 13.3 MVA in order to accommodate future interconnections at OAB, at which time San Francisco's share of costs would be reduced proportionately. The term of the Interconnection Agreement in either event would be not greater than 10 years.

ENVIRONMENTAL DOCUMENTATION:

The EDPP, as prepared by the Port and approved by the Government, is described in the Vision 2000 EIR/EIS and other certified/approved environmental documents.

The City of Oakland, as lead agency under the California Environmental Quality Act (CEQA), has performed an Initial Study and approved a Mitigated Negative Declaration, dated July 2, 1998, for the interim leasing of OAB (Notice of Determination dated July 29, 1998). The City of Oakland is also preparing to commence work on a Programmatic Environmental Impact Report that is expected to be completed within the next 10-12 months. As lead agency under the National Environmental Policy Act (NEPA), the Army has prepared and approved an Environmental Assessment and a Finding of No Significant Impact (FONSI) for same dated October 1997. The Army has also prepared an Environmental Impact Statement dated September 1999 for the Disposal and Reuse of OAB to support conveyance, but it is currently on hold until the above-described consistency determination problems are worked out with BCDC. A Record of Decision (ROD) is expected some time in late Spring or early Summer of 2001.

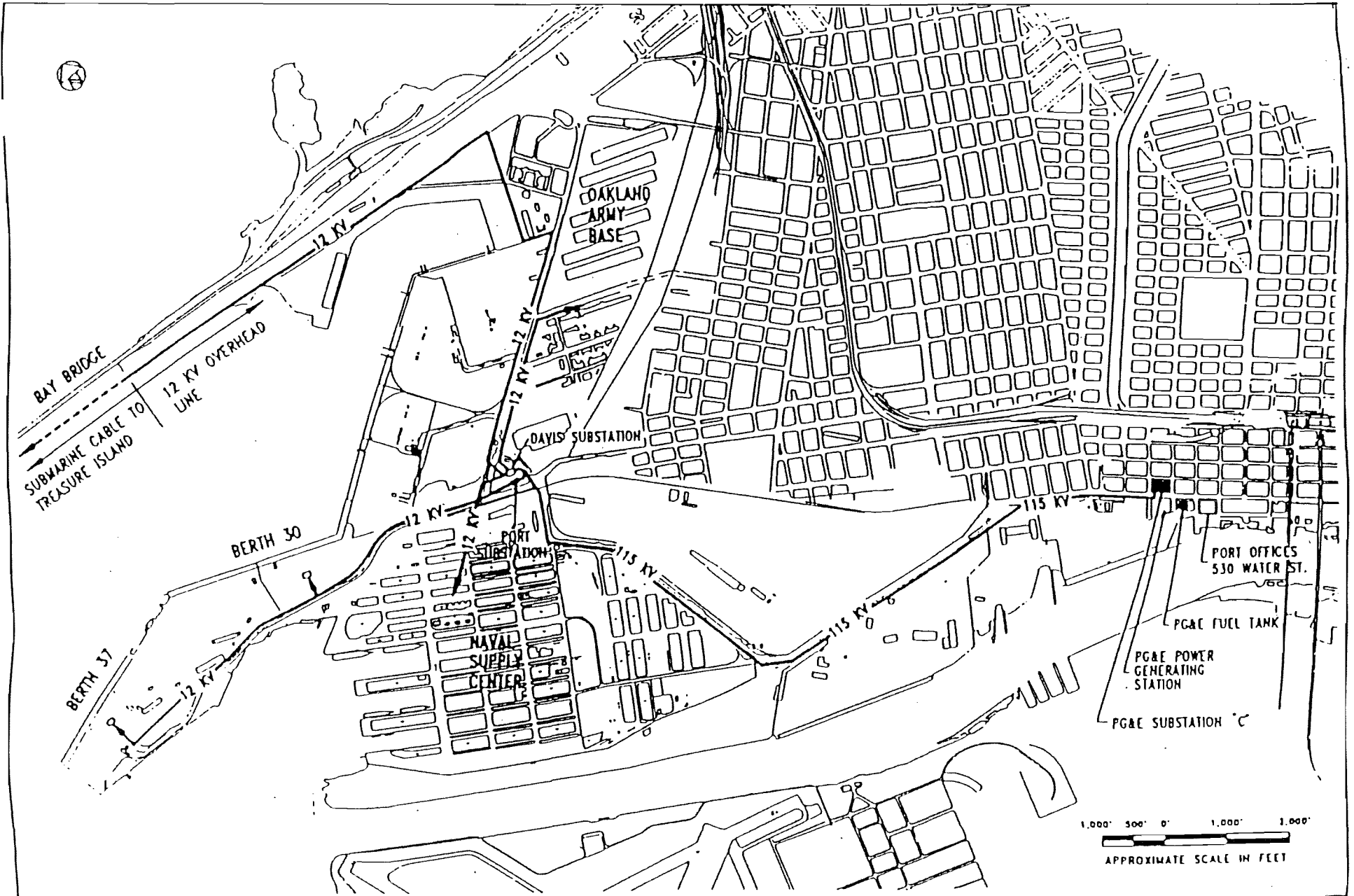
BUDGET:

The Operating Budget for Fiscal Year 2001 should not be affected by the above actions because it is expected that the cost of the operation will be recouped through electric rates to be paid by the Port's and OBRA's tenants, and because San Francisco and OBRA are both expected to pay their share of the O&M and other associated costs. The Port's share of the O&M costs are already budgeted as an operating expense.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to:

Enter into an agreement with the Oakland Base Reuse Authority to provide interconnection for electrical power at Davis Substation as described above.



DATE: _____
 FILE NO: _____

PORT OF OAKLAND

530 WATER STREET OAKLAND, CALIFORNIA

CHIEF ENGINEER _____
 APPROVED: JEFFREY B. BERRY
 RECOMMENDED: _____

PRELIMINARY DRAWING
 (ENGINEERING PROJECT MANAGEMENT DEPT.)

DAVIS SUBSTATION TRANSMISSION & DISTRIBUTION SCHEMATIC

DATE: 4-8-82
 SCALE: AS SHOWN
 SHEET 1 OF 3 SHEET
 FILE: _____

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 23

^{TD}
SUBJECT: Selection of Consultant to Prepare a Feasibility Study on Public Access Connections to the Port of Oakland's Middle Harbor Shoreline Park

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

As part of the Vision 2000 Program, the Port of Oakland (Port) proposes to construct a new 30+ acre public park along Oakland's Middle Harbor shoreline. Because the new park will be situated in the midst of an active maritime area, safe, easily identifiable access to the park will be key to its success as a regional waterfront destination. To achieve this, the Port plans to employ the services of a qualified consultant to prepare a feasibility study on public access connections to the Port of Oakland's Middle Harbor Shoreline Park (MHSP).

The goal of this study is to evaluate and recommend access routes for three specific transportation modes: bicycle, pedestrian, and bus transit. The feasibility study will evaluate alternatives for potential access for each of the transportation modes in coordination with ongoing local and regional transportation infrastructure planning and improvement efforts. Access alternatives will be developed and prioritized for implementation based on regulatory and community planning concerns, need for access based on associated land use developments, and available funding. Evaluation criteria such as constructibility, integration with other transportation modes, consistency with local/regional transportation plans, operational/institutional context, availability of land, safety, and costs may be used to analyze the different proposed alternative access routes. Based on the results of the alternatives analysis, recommendations would be presented in the final report. Recommendations would include associated cost estimates, schedules and construction feasibility. The Port has prepared a "Vision 2000 Program Local Planning Area Transportation and Circulation Study" (April 1999) which established a baseline of the existing and proposed transportation opportunities in the study area. The feasibility study is the next step in identifying the necessary public access connections to Middle Harbor Shoreline Park.

The Port submitted a grant proposal to the Coastal Conservancy requesting funding to conduct this study. The Port's grant was selected and the Board of Port Commissioners accepted the grant on January 18, 2000 through Board Resolution No. 20038. This study will be fully funded by the monies provided by the grant from the Coastal Conservancy. However, as the study proceeds, unforeseen circumstances may require changes to the scope of work. Therefore, staff requests that the Board authorize a 10% contingency (\$10,000) of Port funds to be used only if changes to the scope of work are important to the quality of the study.

The Request for Proposals (RFP) was distributed to approximately 45 environmental, planning, engineering, and transportation consulting firms located within the Port's Local Impact Area (LIA). Four proposals from four consultant teams were received in the Port offices within the deadline. All four consultant teams consisted of firms that are either currently working for the Port or have worked for the Port in the past year. Since all four teams met the selection criteria, they were all interviewed. The interview panel consisted of representatives from the Maritime and Engineering Divisions, as well a member of the West Oakland Community. Based on a review of the teams' proposals and interviews, CCS Planning and Engineering, Inc. was selected as the outstanding candidate for their qualifications, knowledge of the project, and breadth of experience by all the panelists. The following table shows the CCS team members, their roles and planned share of work:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. *20254*

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUL - 5 2000

DATE

TEAM MEMBER	OEO STATUS	PROJECT ROLE	PERCENT
CCS Planning/Engineering	M/WBE	Prime Firm	58%
Nelson/Nygaard Consulting	WBE	Transit access, Outreach	26%
Amphion Environmental		Urban design/trail planning	16%

The Port's Office of Equal Opportunity was involved in the pre-proposal meeting for this project and the review of the proposals. Due to scheduling conflicts, representatives from the Port's OEO were unable to attend the interview session, however OEO has concurred with the panel's selection of CCS Planning and Engineering for this feasibility study.

CCS Planning and Engineering has substantial experience in the areas of project management, transportation studies, engineering, and facilitation of stakeholder and community meetings. CCS is currently working with Port staff on the MOIA North Field Access Study and BART Oakland Airport Connector. Through this work, CCS has gained a reputation as being extremely thorough and responsive to the Port's project needs. The subconsultants teaming with CCS on this project have demonstrated experience in the areas of transit funding, AC Transit route planning, and Bay Trail planning.

BUDGET:

CCS Planning & Engineering's preliminary estimate for the completion of this work is \$97,782. This study is being funded through a grant awarded by the California State Coastal Conservancy. This grant for \$100,000 has been allocated to CIP No. M6.00546.04.

RECOMMENDATION:

It is recommended that the board:

- 1) Determine that the consultant services described above are professional services; and,
- 2) Authorize the preparation and execution of an agreement with CCS Planning and Engineering, Inc. to prepare a Feasibility Study on Public Access Connections to the Port of Oakland's Middle Harbor Shoreline Park for an amount not to exceed \$100,000; and,
- 3) Authorize the Executive Director to approve up to \$10,000 in contingency funds.

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 24

TD
SUBJECT: Approve Change Orders for Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A, at Berths 55/56, Inner Harbor Channel

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *CCM*

FACTUAL BACKGROUND:

The Port presently has a contract with Port of Oakland Constructors, a JV, for the **CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA**, which became effective on October 25, 1999, at lump sum and unit prices totaling \$57,063,086. The work consists of the development of the container yard utilities services, mass excavation, fill placement, shoreline stabilization, dredging, and the construction of the wharf and a strip of the container yard 300 feet wide at Berths 55/56.

ANALYSIS:

The Contract work was delayed 26 calendar days during the winter months by several factors, including changes in stockpiling procedures caused by the wet conditions, additional testing requirements imposed by the Regional Water Quality Control Board, and lack of excavated material stockpile space. The Port and the Contractor entered into a month-long series of negotiations to resolve the issues of costs of delay and extensions of contract time, and to determine possible methods and costs to accelerate the contract work. It was agreed that of the 26 calendar days of delay, the Contractor was responsible for 6 days, and the Port responsible for 20 days. The ratio of 20 days to 6 days, or 78% and 22%, was to be used to apportion the costs associated with the delay and any costs of acceleration if the Port chose to accelerate the work. The Port and the Contractor then agreed that the Contractor would be paid the audited direct costs of delay for 20 calendar days.

The Maritime Division expressed a strong interest in accelerating the contract to eliminate 21 days of the delay. The Port anticipates a significant incremental increase in revenues as a result of the commencement of activities at Berths 55/56. Maritime calculates the loss of revenue caused by a 21-day delay in completion of the facilities would be approximately \$350,000. The Port and the Contractor agreed that the major remaining item of work – the concrete deck forming and placement – could be shortened from 24 weeks to 21 weeks. They negotiated a total cost of \$700,000 for this acceleration, with the Port paying 78% (\$546,000) and the Contractor paying 22% (\$154,000). This proposal was accepted by the Maritime Division because of the impact on revenues and the commitments made to Hanjin. The direct costs of delay for 20 calendar days were audited and determined to be \$447,000.

It was agreed that this negotiation and agreement would be the complete settlement of all claims arising from these delays, and that the contract construction schedule would be revised to eliminate all effects of delay prior to March 1, 2000 on the remaining work.

BUDGET ANALYSIS:

The total cost of these Change Orders based on the negotiated prices is \$993,000. The funding for these Change Orders will be covered by CIP Element No. M6.00599.01, Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board approve the two Change Orders for the above-described work: one in the amount of \$447,000 for the direct costs of the delay, and one in the amount of \$546,000 to accelerate the contract completion date 21 calendar days.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20255

BOARD ACTION TAKEN

Assistant

Sharon Krupp
SECRETARY OF THE BOARD

JUL - 5 2000

DATE

Agenda Sheet

^{TD}
 SUBJECT: Approval of Consultant Services Contract with Baseline Environmental Consulting to Address Regional Water Quality Control Board Compliance Issues, Vision 2000 Program

DATE: July 5, 2000

ITEM NO: 25

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*EXECUTIVE OFFICE RECOMMENDATION: *CCA*

FACTUAL BACKGROUND:

Projects in the Vision 2000 Program must meet extensive and complex regulatory and permit compliance requirements. These include monitoring of soil, ground water, and storm water, as well as prevention of pollutant release to Bay waters. Some of the soils that are being moved and reconfigured at the site have been impacted as a result of historic uses of former landowners and tenants. In order to minimize the environmental and financial costs of dealing with these soils, the Port has negotiated permits with regulatory agencies that allow the reuse of impacted soils on-site under some conditions.

A permit issued by the Regional Water Quality Control Board (RWQCB) specifically addresses the movement and disposition of the former Union Pacific Intermodal Railyard soils being excavated along the Oakland estuary during the construction of the Berths 55-59 wharf and yard. As originally written, the permit was not specific regarding the details of how the soil would be excavated, stockpiled, tested and tracked. The details are being developed in the field depending on the conditions that are encountered. Port staff decisions regarding the details of permit compliance must be approved by the RWQCB. This process has been much more labor-intensive than originally anticipated, requiring the reassignment of Port staff and the support of outside consultants.

A team of Port employees and consultants, primarily Baseline Environmental Consultants (Baseline) is working to achieve regulatory compliance and to negotiate with regulators as new issues arise. Baseline, one of the Port's as-needed environmental consultants, has achieved a level of knowledge of the Vision 2000 projects and the trust of the regulatory agencies that is critical to uninterrupted construction operations during soils relocation for the Berths 55-59 wharf and yard construction. The maximum compensation limit of this contract (and all other as-needed consultant contracts controlled by Port Environmental Health and Safety Compliance Department) will be reached prior to the completion of this work. In order to maintain this team throughout the berth construction projects, a separate contract with Baseline must be established.

Scope of Services:

Baseline would be charged with four tasks that are integral to addressing RWQCB permit requirements:

- 1. Develop a Soil Reuse Plan for Berths 57-59:** The existing plan was developed and modified, with the support of Baseline, during the excavation of Berths 55-56. That plan, with several amendments, has been acceptable to the RWQCB. The plan must now be further modified to address circumstances specific to the Berths 57-59 project. The plan must be approved by the RWQCB before excavation can proceed.
- 2. Monthly Report to the RWQCB:** An extraordinary amount of laboratory and field data is generated to document compliance with RWQCB permit conditions. Baseline would continue to develop the monthly submittal of data required by the RWQCB.

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- MOTION
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 ORDINANCE
 INFORMATION ONLY

Approved by Resolution
 No. 20256

BOARD ACTION TAKEN

Assistant

Shaw Kuppner
 SECRETARY OF THE BOARD

JUL - 5 2000

DATE

3. **Soil and Stockpile Sampling:** The Soil Reuse Plan requires extensive sampling of excavated soils to determine if and where the soils can be reused on-site. Baseline would continue to direct the field elements of this effort, collect analytical results from the laboratory, and compile this information into an understandable form for use by Port Environmental staff, construction managers, and regulators. Baseline would subcontract approximately \$30,000 of this work to DNL Construction Company, a minority-owned small business located in Oakland. The purpose of this subcontract would be to assist in soil sampling activities and mentor DNL in the techniques required to perform such work.
4. **Risk Assessment Sampling:** The RWQCB has required the Port to perform a Human Health Risk Assessment of the proposed Middle Harbor Park, since some of the soils impacted by the berths' excavation or areas immediately adjacent to those soils will be incorporated into the Park. Baseline would direct soil-sampling activities in support of the Risk Assessment which would be performed by others.

Analysis:

The Environmental Health and Safety Compliance (EH&SC) Department has five as-needed environmental consulting firms under contract to provide environmental consulting services for Port-wide construction, environmental remediation, and regulatory compliance. Baseline holds one of these contracts. All of the contracts were let about two years ago and are nearing their contractual dollar limits. EH&SC will issue a Request For Proposals in July to start developing new contracts.

All of the as-needed consulting firms available to EH&SC have worked on portions of the Vision 2000 projects. Baseline's involvement in the Vision 2000 Program has been such that their project-specific expertise and familiarity with RWQCB compliance staff can't be replaced without risking project schedules and significantly increasing the cost of environmental compliance. While other environmental consulting firms may have similar staff qualifications, Baseline's staff expertise and role in Vision 2000 is integral to day-to-day operations. For this reason, we propose to maintain that role through wharf and container yard project completion by means of this contract.

Baseline is a woman-owned small business located in the City of Emeryville.

Budget:

The estimated cost of these tasks, as currently scoped, and the value of this proposed contract is \$300,000. It is requested that an additional \$60,000 be available upon approval by the Executive Director to address unanticipated work related to the above four tasks.

The costs associated with this work will be accumulated under "Bill to Others" (BTO) work order no. 601059 established for this purpose. These costs will be applied against the Union Pacific Environmental Liability Account.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the consultant services described above are professional services; and
2. Authorize the preparation of an agreement with Baseline Environmental Consultants in accordance with the above provisions.

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

- Appointment
- Amendment of Salary Grade Assignment

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations c.i.

SUBMITTED BY: Robert C. Martinez 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

FACTUAL BACKGROUND:

I. APPOINTMENT—Resolution (1 Reading)

A) Appointment to limited duration position—It is requested that the Board ratify the following appointment as indicated below. This position is an additional FTE request to the FY 2000-2001 operating budget to coordinate the apprenticeship program related to CIP projects. This position is of limited duration expiring at the completion of the projects (estimated to be 5 to 7 years).

NAME	CLASSIFICATION POSITION (DIVISION)	TYPE OF APPOINTMENT	EFFECTIVE DATE	WAGE RATE	POSITION # ORG CODE
Elizabeth P. Youhn	Port Field Representative II (Office of Equal Opportunity) (Rep. Unit D, Unrepresented)	Exempt	July 1, 2000	\$4,942 per month rate "c" (includes + 3.6% COLA)	10245-01 DE00

II. AMENDMENT OF SALARY GRADE ASSIGNMENT—Ordinance (2 Readings)

A) It is requested that the Board approve the amendment of salary grade assignment for the classification of Director of Port Communications (Rep. Unit H) from Salary Grade 16 to Salary Grade 15 (\$6,961 to \$10,693 per month).

Approved by Ordinance
passed to print

- MOTION
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Approved by Resolution
No. 20258

BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

JUL - 5 2000

DATE

CURRENT EMPLOYEE COUNT

FY 2000-2001 BUDGETED FTE: 621.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 7/20/99	AS OF 6/9/00	AS OF 6/9/00
Full-Time Employees	612.00 FTE	559.00 FTE	560.00 FTE	561.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE *	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	572.40 FTE	573.40 FTE	574.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to one new appointment.

TEMPORARY AGENCY WORKER COUNT AS OF 6/23/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	11	9	1	6	0	0	27
* CIP	0	0	11	4	0	0	15
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	3	4	0	0	0	0	7
* SPECIAL PROJECT	5	2	0	7	1	0	15
WORKER'SMP BACKFILL	0	1	0	0	0	0	1
TOTALS	19	16	12	17	1	0	65

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	5/9/00	5/25/00	6/8/00	6/23/00
BACKFILL	27	26	31	27	27
* CIP	18	16	16	16	15
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	1	0	0	0
MEDICAL BACKFILL	4	1	4	4	7
* SPECIAL PROJECTS	11	16	16	14	15
WORKER'S COMP BACKFILL	3	2	2	1	1
TOTALS	63	62	69	62	65

COUNT SUMMARY

CURRENT FTE COUNT	574.40
CURRENT TEMPORARY AGENCY BACKFILLS	27.00
VACANT POSITIONS	<u>20.00</u>
TOTAL	621.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners ratify the preceding appointment and approve the amendment of salary grade assignment.

Agenda Sheet

DATE: July 5, 2000

SUBJECT: Approval of the Annual Operating Budget
for Fiscal Year Ending June 30, 2001

ITEM NO: 32

SUBMITTED BY: Fred Rickert, Chief Financial Officer

PROGRAM AREA:

EXECUTIVE OFFICE RECOMMENDATION: *S*

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND

The FY 2000-01 Operating Budget was presented to the Board on June 6, 2000. Also included in the June 6 presentation were the proposed FY 2001-02 and FY 2002-03 Operating Budgets. At this meeting, the Board is asked to approve the proposed FY 2000-01 Operating Budget and authorize the budget for Port operating and maintenance expenses. As in the past, we are consolidating Oakland Portside Associates (OPA) revenue and expenses under the Commercial Real Estate Division.

The proposed FY 2000-01 operating budget was prepared using the new financial integrated system, GEAC SMARTStream. This system will help the Port achieve the goals of the three business lines through its accurate, effective, and more timely financial analysis. The new financial system will also be instrumental in assisting the Port with its capital program.

The Port has recently issued \$400 million in long-term debt to finance its major capital projects in Maritime and Aviation divisions. This capital program, along with a work force dedicated to the Port's mission and its seven attributes, will enable the Port to continue to realize its visions of a world-class cargo container port and passenger and cargo airport and of a vital urban waterfront.

A concerted effort has been made to maintain baseline budget at the FY 1999-2000 level, without inflationary increases from the previous year. Reallocations of the operating budget were made from lower priority areas into programs and projects that are essential. Each new program submitted was evaluated as to whether it was discretionary or non-discretionary, with non-discretionary items being those which were considered obligatory and crucial in achieving greater organizational efficiency and effectiveness. After an analysis of the Port's compensation and merit program, a fiscal goal of an operating ratio before departmental credits of 67% or an operating margin prior to capital costs of approximately \$63.0 million was established.

Net Income

Net income for FY 2000-01 is projected at \$20.0 million, which represents over 10% of total operating revenue. It is projected to fluctuate in FY 2001-02 and FY 2002-03 to \$14.3 million and \$6.8 million, or about 7% and 3% of total operating revenue, respectively. The decline in FY 2002-03 reflects a timing difference in the recording of capitalized interest. Our projections for interest expense include a prediction of when individual projects will be completed and recorded into service. At that point, interest is expensed and the asset is recorded and depreciated. FY 2002-03 reflects projects coming on line and the full effect of the incremental revenue follows. This does not alter cash flows as the operating income continues to increase every year, and these results reconcile to our recently published official statement.

Operating Revenue

The Port anticipates FY 2000-01 operating revenue to be approximately \$191.7 million, which is about 10% more than the past year's anticipated revenue. Operating revenue figures include base and incremental revenue from new capital projects. The Port expects Maritime and Aviation revenue to go up at least 10% over FY 1999-2000 mainly due to increases in passenger activity, revenue per passenger, new lease agreements and Vision 2000 terminal and JIT operations. Revenue for Commercial Real Estate, including Oakland Portside Associates, is expected to rise by about 4% due mainly to increase in space rental. Utilities

- MOTION
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No. 20259

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JUL - 5 2000

DATE

revenue is forecasted to increase about 30% over FY 1999-2000 due to higher usage of electricity during anticipated electric dredging at Harbor Transportation Center.

Operating Expenses

The proposed operating expenses for FY 2000-01 total \$104.0 million, which is 8% or \$7.3 million higher than the previous year's anticipated expenses. This increase in operating expenses is mainly due to the following: \$1.8 million for filling vacant positions as well as interim temporary help and overtime; \$1.5 million for cost of living allowance, \$1.8 million for step increases, \$0.6 million new compensation and merit program; \$1.1 million for 14 limited-duration positions to support the capital program, \$4.0 million for new programs and increases in existing programs; and \$2.1 million for twenty-four new operating positions, including promotions. These costs are offset by \$5.6 million through capitalization of staff and support costs for work directly related to the capital improvement program.

Staffing

The proposed FY 2000-01 operating budget includes a staffing plan that provides for 24 additional regular full-time equivalent (FTE) and 14 limited-duration FTE positions, with the latter planned to be phased out as capital projects are completed. It also maintains the compensation and merit program for represented and non-represented employees. The Port's FTE count for FY 2000-2001 is 708.4, an increase of 35.0 FTEs.

Payments to the City of Oakland

The proposed operating expense budget for FY 2000-2001 includes \$2.0 million for Special Services Payments to the City, which covers police services at the Airport, Jack London Square and West Oakland, and other specified administrative services that the City provides to the Port, such as personnel and treasury functions. These payments are budgeted to increase at the rate of 2% per year through FY 2001-02.

The proposed budget also includes a \$1.6 million annual payment to the City for General Services and Lake Merritt maintenance reimbursements; however, actual remittance of these funds is based on verification of City expenditures and the Board of Port Commissioners declaring a surplus at the end of the fiscal year.

This budget also includes a \$0.5 million payment for the Landscaping and Lighting Assessment District (LLAD) for certain Port property. Furthermore, \$3.9 million has been budgeted to pay for aircraft rescue and fire fighting services (ARFF) that the Oakland Fire Department provides at the Metropolitan Oakland International Airport pursuant to a negotiated Memorandum of Understanding.

Depreciation and Amortization and Non-Operating Items

The Port budgeted \$67.7 million for depreciation and amortization and non-operating items (not including land sale) in FY 2000-01 compared to the \$61.1 million anticipated for FY 1999-2000. Depreciation and amortization expenses are expected to go up in FY 2000-01 as initial construction is progressively completed. Furthermore, long-term debt was recently issued to help fund the capital improvement program and is integrated into the three-year interest expense figures beginning FY 2000-2001.

RECOMMENDATION

It is recommended that the Board of Port Commissioners adopt the Operating Budget for the fiscal year ending June 30, 2001, and a resolution authorizing the expenditure of funds for certain Port operations and maintenance expenses for the fiscal year ending June 30, 2001. It is further recommended that the Board endorse the FY 2001-02 and FY 2002-03 operating budgets in concept.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Reimbursement of Medicare Part B

Date: July 5, 2000

Item No. 34

SUBMITTED BY: Robert C. Martinez

PROGRAM AREA:

EXECUTIVE OFFICE RECOMMENDATION:

CCM

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

BACKGROUND:

Several retired Medicare-eligible Port employees have petitioned the Board of Port Commissioners to correct a financial disparity regarding their medical benefits and those of non-Medicare-eligible employees. This matter was presented to the Administrative Committee on February 22, 2000 and is being forwarded with the Committee's recommendation for approval to the full Board.

HISTORICAL BACKGROUND:

The Port, through PERS, contracts at the Northern California Kaiser "basic" or "supplemental plan" rates for hospital and medical services for all employees and retirees. For non-Medicare eligible retirees with a dependent, the Port pays the basic plan rate of approximately \$368.12 per month. For Medicare-eligible retirees with a dependent, the Port pays the supplemental plan rate of approximately \$196.36 per month and the Medicare-eligible retirees must pay an additional approximately \$45.50 (self) and \$45.50 for each dependent out of pocket to Social Security. This is called "Medicare Part B coverage".

The retirees contend that though the Port pays 100% of the costs of health care for non-eligible Medicare retirees,¹ the Port requires the Medicare-eligible retirees to pay part of the monthly charge from their own pockets. The retirees would like this inequity

¹ Up to the Kaiser North basic family rate of \$478.56 per month.

BOARD ACTION REQUIRED:

Approved by Resolution

No. 20260

JUL - 5 2000

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Assistant

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corrected. PERS permits, but does not require, the Port to reimburse Retirees for Medicare part B coverage.

DISCUSSION

The current version of employer contributions to health care plans is contained in Port Ordinance No. 3287, adopted September 14, 1995. The Ordinance provides for the Port to contribute to the cost of employee and retiree health plan insurance:

"not to exceed the lesser of \$383.94 or... for those employees and/or retirees participating under the Act in conjunction with coverage provided by the Social Security Administration, at the supplemental plan rates, available through [PERS]". (Emphasis added)

Limiting the coverage to the "supplemental plan rates" serves as a cap to the Port's premium obligation, however, the lower supplemental rate is not available to the Port unless the retiree makes out of pocket payments for Medicare Part B coverage.

The Public Employees Medical and Hospital Care Act makes provision for PERS contracting agencies (e.g., the Port) to elect by amendment of its contract to participate in a Medicare reimbursement program for Medicare Part B. Other PERS agencies, such as the State of California, do have a Medicare Part B reimbursement program. The State of California has been reimbursing its retirees for Medicare Part B premiums since 1962.

The cost to the Port is estimated at approximately \$50,000.00 per year.

RECOMMENDATION

The Administrative Committee recommends that as far as practicable the Port prospectively treat Medicare-eligible and non-Medicare eligible retirees the same. Accordingly, we have drafted an ordinance (with input from the retirees) which is designed to reimburse the Medicare-eligible retirees for out-of-pocket Medicare Part B Social Security payments (as defined in the Ordinance).

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *CCM*

EXECUTIVE OFFICE RECOMMENDATION:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Pursuant to subdivision (a) of Sections 54956.9:

City of Oakland v. Keep On Trucking Company, et al, U.S. District Court, N.D. of CA Case No. C-95-03721 CRB

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

Property:	Selected Locations Jack London Square Oakland, CA 94607
Negotiating Parties:	Port and Oakland Portside Associates
Under Negotiations:	Price and Terms of Payment

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Approved by Resolution

No. 20265
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[Signature]
SECRETARY OF THE BOARD

Assistant

JUL - 5 2000

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SUMMARY AGENDA OF BOARD CALENDAR
July 5, 2000

AIRPORT

- 2S Approval of Agreements with Utility Companies to Obtain Easements on Port Properties and to Pay Appropriate Relocation Costs Under the Airport Roadway Project. (Resolution)
- Recommends approval of certain agreements which provides for the easements associated with the construction of the new airport roadway.
- 3S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Oakland Fuel Facilities Corporation (Adjacent to Gate "A", South Airport). (Resolution)
- Recommends approval of the ROE. Notes that a new license and concession is being prepared.
- 4S Approval of License and Concession Agreement with Pegasus Aviation, Inc. (8991 Earhart Road, North Airport). (Resolution)
- Recommends approval of a new agreement to cover their space at Hangar 3, North Airport.

COMMERCIAL REAL ESTATE

- 11S Assignment of Lease from Third Buttner Trust to Edgar M. Buttner Trust. (Resolution)
- Recommends approval of the assignment of the lease from one family trust to another.
- 12S Recommended Finding of Public Convenience or Necessity for Approval of the Alcoholic Beverage License for Vinex Imports, 7303 Edgewater Drive, Building A, Unit D (Building No. K610). (Resolution)
- Recommends approval of the permit required by the State ABC.

Summary Agenda of Board Calendar
July 5, 2000
Page 2

MARITIME

26S Approval of Plans and Specifications for Improvement of Yard Lighting, Berths 35-37, Ben E. Nutter Terminal. (Resolution)

Recommends their approval and authority to advertise for bids for the lighting improvements.

OPERATIONS:

35S Authorization to Purchase Motor Vehicles and Sell Surplus Vehicles. (Resolution)

Recommends approval of the annual vehicle purchases and the declaring of surplus for the old vehicles.

36S Authorization to Include Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing August 1, 2000 and Ending June 30, 2001, 2002 or 2003 in the Port's Small Business Program. (Resolution)

Recommends approval to add a certain portion of the paving contract to the small business program.

37S Travel Authorization. (Resolution)

Recommends approval for the travel of two Engineers to Shanghai and Manager, Aviation Marketing and Communications, to Amsteram and other European cities.

ORDINANCES:

Port Ordinance No. 3588 being, "AN ORDINANCE AMENDING PORT ORDINANCE 1149 WAIVING CERTAIN LANDING FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT PURSUANT TO A MARKETING INCENTIVE POLICY."

Provides for waiving certain landing fees at the Airport pursuant to a marketing incentive policy.

Port Ordinance No. 3589 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3044, FIXING CERTAIN REVISED PARKING RATES AT THE PARKING FACILITIES IN JACK LONDON SQUARE."

Provides for increasing parking rates at the parking facilities in Jack London Square.

Port Ordinance No. 3590 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH SSA TERMINALS."

Provides for approving the execution of a nonexclusive preferential assignment agreement with SSA Terminals.

Port Ordinance No. 3591 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE ADDITIONAL POSITIONS."

Provides for creation of additional positions.

Port Ordinance No. 3592 being, "AN ORDINANCE AMENDING SECTIONS 2.01, 2.03, 2.05 AND 2.07, AND ADDING SECTION 1.33995 TO PORT ORDINANCE NO. 867 RATIFYING AND FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT."

Provides for fixing the compensation of certain employees of the Port.

Agenda Sheet


DATE: June 20, 2000

ITEM NO: 1

SUBJECT: Amendment of Ordinance 1149 to permit waiver of certain landing fees at Oakland Airport as part of a Marketing Incentive Program and Authorization of Certain Related Actions

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

**DUPLICATE
OF PRIOR**

CALENDAR MEMO

FACTUAL BACKGROUND:

In February 1999, the US Department of Transportation's Federal Aviation Administration (FAA) issued its final Policy and Procedures concerning the use of airport revenues.

In summary, the Policy allows airports to spend airport funds for marketing and promotion of an airport, including the full costs of activities directed toward promoting competition at an airport, public and industry awareness of airport facilities and new air service and competition at the airport. It does not, however, permit direct subsidy of air carrier operations.

Permitted airport marketing and promotional expenditures include such expenditures as cooperative advertising, where the airport advertises new air service with or without matching funds and advertising of general or specific airline services to the airport. It also allows for the salary and expenses of employees engaged in the promotion of airport services. It would also include a share of promotional expenses, including marketing efforts, advertising and related activities designed to increase travel using the airport, so long as the specific information about the effort is included.

While direct subsidies are not permitted, this Policy allows airport management to discount or waive certain airport fees during a promotional period, provided it is offered to *all* users of the airport and such users are willing to provide the same type and level of new services consistent with the promotional offering. Examples of such fees include airport landing fees or other airport-imposed fees or charges.

As a result of this Policy pronouncement, more and more airports are adopting formal airport incentives including marketing activities and promotional support for new air service. Indeed, many airlines are requesting marketing support dollars as a pre-condition for adding new air service at an airport. This is true for all new carriers entering OAK this year.

In the past, the Board has approved marketing budget dollars for promotion of new air service to attract new passenger and air cargo service, but not for airport-related fee waivers. Aviation will continue to utilize these already budgeted marketing and promotional dollars to encourage and support expanded air service at OAK. In order for OAK to compete more evenly with other airports for new and expanded air service, however, we are requesting that the Board adopt a policy Resolution allowing OAK to waive airport landing fees as an additional marketing incentive under the conditions discussed below.

The waiver of airport landing fees requires the Board to amend Ordinance 1149, the airport's rates and charges ordinance. The Board is requested to delegate the authority to provide this incentive to attract new air service to the Director of Aviation to be used as an incentive to attract and support new passenger and air cargo service, subject to conditions specified below.

Finally, the Policy also allows for airport marketing support of local or regional destination marketing organizations (DMO) under certain conditions, such as including specific information about the airport. These organizations are responsible for helping to generate increased convention, tourism and visitors to a community or region, much of which translate into increased inbound airline passengers. Use of airport revenues for *general* economic

- MOTION
- RESOLUTION
- ORDINANCE
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SECRETARY OF THE BOARD

DATE

development, however, is not allowed. Some airports, including San Jose airport, are actually contracting with local regional DMO's to operate certain aspects of the airport's inbound marketing program.

ANALYSIS:

Based on OAK's average passenger operation, a new daily B737-300 passenger flight at OAK produces about 75,000 new airline passengers each year. Based on OAK's experience for the latest fiscal year, each new OAK passenger produces about \$4.00 added revenues for the airport in terms of parking lot, AirBart, car rental and restaurant and concession revenues, or over \$300,000 annually. Additionally, a new daily B737-300 passenger flight adds 41.6 million pounds of increased landed weight at OAK annually, producing \$45,000 increased landing fees, plus other related revenues. Waiver of 90 days of landing fees would amount to waiver of only about \$11,500 in landing fees in order to attract nearly \$350,000 in increased airport revenues for each daily flight added.

Similarly, a new daily B747-400 freighter flight generates about 242 million pounds of additional landed weight at OAK, producing \$262,000 increased landing fees annually in addition to aircraft parking space and cargo facilities rentals. Waiver of 90 days of landing fees for this type of freighter operation would amount to waiver of \$65,000 in landing fees in order to attract nearly \$300,000 in increased airport revenues for each daily flight added.

Finally, airlines are often encouraged to make multi-million dollar investments in operating routes from OAK and there are no assurances that these new routes will be commercially successful. This new policy helps to reduce some of the startup risks associated with such large airline commercial risks.

OPTIONS:

1. Do not allow airport landing fee waivers to be used as an additional marketing incentive to encourage new passenger and air cargo service. Airline assets are mobile and there are three airports serving the Bay Area, in addition to Sacramento airport serving Solano county and other counties to the East. This option could well force a carrier to choose another airport in or near the Bay Area to provide new nonstop passenger or cargo service – an airport that provides such marketing incentives.
2. Authorize airport landing fee waivers to be used as an additional marketing incentive on a case by case basis, based on Board approval. This option forces the airport to offer this marketing incentive on a conditional basis, i.e., subject to Board approval in each instance. Without actual assurance, a carrier might not be willing to risk the Board's approval of this incentive. It could also fly in the face of making such incentives available to all carriers, an FAA requirement.
3. Adopt a policy making use of airport landing fee waivers as an additional marketing incentive for a limited duration and delegate the Director of Aviation the authority to oversee such a support and incentive program consistent with federal law and regulations, as approved by the Port Attorney.

RECOMMENDATIONS:

Option 3 is the recommended option. It is recommend that the Board adopt a policy permitting the use of airport landing fee waivers as an additional marketing incentive to encourage development of new nonstop passenger and air cargo service at OAK, consistent with federal law and regulation, as approved by the Port Attorney, for a promotional period not to exceed 90 days, for up to two daily flights, for each new nonstop passenger or air cargo route implemented at OAK. This policy would thus add the waiver of airport landing fees to the airport's current practice of using budgeted airport marketing and promotional dollars to support new passenger and air cargo service, consistent with federal law and regulation, including the execution of any contracts related thereto.

Further, it is recommended that the Board delegate to the Director of Aviation the authority to oversee implementation this added marketing incentive program through waiver of landing fees, including the authority to execute amendments to agreements with existing airlines to implement the fee waiver and to execute fee waiver agreements with new airlines, consistent with federal law and regulation, as approved by the Port Attorney.

Finally, it is recommended that the Board amend Ordinance 1149 to permit a waiver of airport landing fees and charges if such written agreements are entered into.

Agenda Sheet

SUBJECT: First Reading of an Ordinance to Establish Parking Rates in Jack London Square

DATE: June 20, 2000

ITEM NO: 12

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION: 

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

FACTUAL BACKGROUND:

The Port of Oakland currently has 2,600 parking stalls in the Jack London Square portfolio. On an annual basis, a comparison analysis of parking rates in Jack London Square and downtown Oakland is performed. As a result of the analysis, it is now proposed to adjust the rates as follows (a site map is attached for reference):

<i>Location</i>	<i>Program</i>	<i>Proposed Rates</i>
Washington St. Garage	5 th - 7 th Level Monthly Parking	\$80.00
	1 st - 7 th Level Monthly Parking	\$133.00
*Half-Moon Lot (Oak Street)	Discounted Monthly Parking For Port Employees	\$20.00
Washington Street Garage	Unvalidated Rates	\$1.25 - 1 st hr. \$1.25 each add'l ½ hr \$13.00 (12 - hr Max)
Washington Street Garage	Validated Rates	Free - 1 st hr. \$1.00 each add'l ½ hr \$11.00 (12 - hr Max)
Underground Garage	Unvalidated Rates	\$1.50 - 1 st hr. \$1.50 each add'l ½ hr \$15.00 (12 - hr Max)
Underground Garage	Validated Rates	Free - 1 st hr. \$1.50 each add'l ½ hr \$13.00 (12 - hr Max)
Lots 5, 7 and 9	Monthly Parking Tenants and their employees and berthers	\$74.00
Lots 5, 7 and 9	Unvalidated Rates	\$1.25 - 1 st hr. \$1.25 each add'l ½ hr \$13.00 (12 - hr Max)

- MOTION
 RESOLUTION
 ORDINANCE
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SECRETARY OF THE BOARD

DATE

Lots 5, 7 and 9	<i>Validated Rates</i>	Free -1 st hr. \$1.00 each add'l ½ hr \$11.00 (12 - hr Max)
Lot 11	<i>Monthly Parking</i>	\$74.00
Potomac Yard	<i>Monthly Parking</i>	\$74.00
Amtrak Lot	<i>Monthly Parking</i>	\$74.00
Amtrak Lot	<i>Short-term Public</i>	\$0.75 per hour; \$3.00 for up to 4 hours max
Amtrak Lot	<i>Long-term Amtrak riders</i>	\$3.50 per 24 hours
<i>Validation Programs</i>		
	<i>Merchant Validations (1 hour free)</i>	\$25.00 per book (100 stamps, \$.25 each)
	<i>Valometer for high volume merchants (1 hour free)</i>	\$0.25 per validation Collect up front from merchants on set number of validation on descending meter
	<i>Office Tenants (1 hour free)</i>	\$125.00 per book (100 stamps, \$1.25 each)
	<i>12-hour validation</i>	\$75.00 per sheet (10 stamps, \$7.50 each)
	<i>Port of Oakland visitors and clients (4 hour free)</i>	\$300 per book (100 stamps, \$3.00 each)
	<i>Port Valometers (1 hour free)</i>	Free
	<i>On line validations (excluding cinema, as per lease)</i>	\$.25 per validation
Current Valet Program Lot #2 - Broadway Underground Garage	<i>Operated by Licensee Collected on a per car basis from Licensee and paid to the Port</i>	\$3.00 per car up to 4 hrs \$6.00 per car beyond 4 hrs up to 12 hrs
Port operated Valet program		\$10.00 with validation \$15.00 w/o validation

As part of the proposed parking rate adjustments, we have developed an alternative proposal for the Port of Oakland employees. The parking lot on Oak and Embarcadero Streets is the proposed location for employee parking, at a discounted rate of \$20.00 per month. Pansini Oakland Associates, the parking management company for Jack London Square, would coordinate a shuttle service to the lot as well as the 12th Street Bart Station, in 12-minute intervals, from 6:30 am –10:30 am and 3:00 PM – 7:00 PM.

Depending on the utilization of the Oak Street lot, this program may be extended to the employees of Jack London Square tenants. It is also proposed to use this shuttle service as a parking mitigation factor for future development in Jack London Square. This proposal is a more efficient use of a now under-utilized parking resource.

The above outlined parking program was discussed and recommended for full Board consideration at the meeting on June 7, 2000 Commercial Real Estate Committee.

RECOMMENDATION:

It is recommended that a first reading of an ordinance establishing new parking rates and revisions to the existing program in Jack London Square, as outlined above, be authorized.

Agenda Sheet

SUBJECT: New Agreement for Assignment of Berths 57/58 to SSA Terminals

Date: June 20, 2000

Item No. 21

SUBMITTED BY: Raymond A. Boyle



**DUPLICATE
OF PRIOR
CALENDAR MEMO**

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The Port's Vision 2000 Program includes development of a second marine cargo terminal at Berths 57/58 with up to approximately 150 acres, a wharf of approximately 3,600 feet, and six super post-Panamax gantry cranes capable of an outreach of 22 containers which lift 115 feet over dock and have a capacity of 65 long tons.

Earlier this year the Port had issued a Request For Proposal (RFP) for the new Berth 57/58 complex. The successful respondent was SSA Terminals (SSAT). In Oakland, SSAT operations include the Charles P. Howard Terminal (Berths 67/68) and Matson Container Terminal (Berths 32-34). The negotiations have been detailed, very complex and required substantial time and effort of a comprehensive nature from the Port's senior staff, legal, financial, engineering and environmental disciplines. The commitment of time and effort from SSAT has also been significant. The result of these negotiations has been a proposed Agreement to develop the second new container terminal since Berth 30 was completed in 1991.

ANALYSIS:

The proposed Agreement with SSAT for Berths 57/58 is beneficial to the Port and pledges the commitment of a major world-wide terminal operating company to the Port for a base term of 15 years and two separate and additional options of 5 years each. The present schedule anticipates the terminal will be completed and available for occupancy in January, 2002.

Port staff has carefully evaluated the Port's financial return over the 15 year initial term assuming minimum guaranteed revenues only and have determined that the project will provide sufficient revenue for debt service and contribution towards the Port's return for the value of the land in its prior unimproved state. The Port will receive additional revenue sharing during each contract year if SSAT solicits growth levels which exceed the Minimum Annual Guarantee ("MAG")/Breakpoint ("BP") levels. Commencing each contract year SSAT shall be assessed either a Base Rate level or an Incentive Rate level, depending on the annual amount of Interior Point Intermodal ("IPI") level of discretionary cargo committed to the Port for each contract year. During the first 10 years of the Agreement, SSAT will be assessed the following all-inclusive rates per loaded TEU for dockage, wharfage, wharf demurrage, wharf storage and crane rental for the six assigned cranes:

BOARD ACTION REQUIRED:

- MOTION
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BOARD ACTION TAKEN	DATE
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Contract Year	Annual Guarantee/ Breakpoint [BP] [Loaded TEUs]	BASE RATES		IPI Guarantee/BP [Loaded TEUs]	INCENTIVE RATES If IPI Guarantee Made		Contract Year End Additional Discount Above IPI Breakpoint \$/TEU
		\$/TEU to BP	\$/TEU above BP		\$/TEU to BP	\$/TEU above BP	
1	345,000	\$71.50	\$39.10	42,090	\$69.50	\$38.09	\$5.00
2	345,000	\$71.50	\$39.10	42,090	\$69.50	\$38.09	\$5.00
3	345,000	\$71.50	\$39.10	43,815	\$69.50	\$38.09	\$7.00
4	345,000	\$71.50	\$39.10	50,025	\$69.50	\$38.09	\$7.00
5	345,000	\$71.50	\$39.10	56,235	\$69.50	\$38.09	\$7.00
6	345,000	\$75.50	\$44.10	62,445	\$74.50	\$43.09	\$8.00
7	360,000	\$75.50	\$44.10	68,760	\$74.50	\$43.09	\$8.00
8	360,000	\$75.50	\$44.10	74,880	\$74.50	\$43.09	\$8.00
9	360,000	\$75.50	\$44.10	74,880	\$74.50	\$43.09	\$8.00
10	360,000	\$75.50	\$44.10	74,880	\$74.50	\$43.09	\$8.00

The above Base Rates and Incentive Rates are subject to future increases as any dockage, wharfage, wharf demurrage, wharf storage and crane rental rate increases are applied to the Port's marine terminal tariff. These increases shall be based upon the percentage allocation for the Port's tariff charges which reflect the terminal's activity. However, SSAT will be subject to an increase of no more than 2.0% in any contract year and SSAT will be subject to an additional cap of no more than a 6.0% increase during each 5 year period of the Agreement. As we move forward with construction there is a possibility that the full 150 acres will not be ready for occupancy on the scheduled opening date. In the event this occurs, the Annual Guarantee/Breakpoint will be adjusted to reflect the reduced area.

Commencing with the 11th contract year, as well as at the beginning of each option period exercised, the MAG/BP levels shall be adjusted by the percentage increase in the Fair Market Value (FMV) of the land and water areas within the premises for the previous 5 year period. Adjustment to the FMV for years 11 – 15 shall not exceed \$5.00/sqft. for land and \$2.50/sqft. for berthing area.

SSAT Oakland equity partners as well as all regular users of the Charles P. Howard Terminal as of December 31, 2001 along with the Grand Alliance (NYK, P&O Nedlloyd, OOCL, Hapag-Lloyd) and Matson Navigation will be considered Primary Users of the facility.

ALTERNATIVES:

None. SSAT was the only respondent to RFPs that will occupy the entire area of the new facility upon completion of construction. SSAT has also indicated it will work closely with the Port to increase intermodal cargo through the Oakland gateway.

Environmental review for the proposed Berths 57/58 project was conducted in conformance with the California Environmental Quality Act (CEQA). The construction of the Berths 57/58 container yard was evaluated in the Berths 55-58 project Environmental Impact Report (EIR), which identified a number of significant environmental impacts associated with the Vision 2000 program. The plan selected in the Berths 55-58 EIR avoided certain potential impacts and provided mitigation measures to reduce potential project impacts to a level of being less than significant, except for the impacts associated with freeway traffic and air quality. Project modifications to avoid potentially significant impacts are included in the project plans and specifications. The EIR did identify all feasible air quality mitigation measures and yet implementation of these measures does not reduce the impacts to less than significant. The EIR also documents why the Port cannot feasibly reduce the impacts of freeway traffic.

On April 20, 1999 the Board of Port Commissioners certified the Berths 55-58 Project EIR, approved the project and adopted the recommended mitigation measures together with all feasible air quality mitigation measures.

RECOMMENDATION:

Approval of the Agreement with SSA Terminals for assignment of Berths 57/58, as outlined above.

Agenda Sheet

DATE: June 20, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

Appointment

- Annual Salary Adjustments
- Creation of Additional Positions

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CWF*

**DUPLICATE
OF PRIOR**

CALENDAR MEMO

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C. I.

FACTUAL BACKGROUND:

I. APPOINTMENT—Resolution (1 Reading)

- A) It is requested that the Board approve the appointment of a candidate to the position of **Director of Port Communications** at a salary rate within Salary Grade 16 (\$7,765 to \$12,036 per month) effective June 21, 2000.

II. ANNUAL SALARY ADJUSTMENTS (COLA)—Ordinance (2 Readings)

- A) It is requested that the Board approve a **3.6% cost of living (COLA) increase** to all salary schedules assigned to classifications in **Representation Units A, B, D, and E** to be effective June 24, 2000.
- B) It is requested that the Board approve a **3.5% cost of living (COLA) increase** to all salary schedules assigned to classifications in **Representation Units C and I** to be effective June 24, 2000, pursuant to the provision in WCE's MOU.

III. CREATION OF ADDITIONAL POSITIONS—Ordinance (2 Readings)

- A) It is requested that the Board approve the creation of the following additional positions as indicated below. Positions were approved in the FY 1999-2000 Staffing Plan to be filled at any level (Junior, Assistant, or Associate) within the Civil Engineer and Port Electrical Mechanical Engineer classification series. In addition, WCE MOU provides for advancement of junior level engineers to assistant level engineers after they have successfully completed 18 months of satisfactory service. It has also been established practice to promote assistant level engineers after they have successfully competed in the Civil Service examination process for associate level engineer and are reachable on the Eligible List. These additional positions are needed to ensure that enough positions exist in each level within both classification series to accommodate appointments at any level. Creation of these positions does not increase the FTE count approved in the FY 1999-2000 Staffing plan.

CLASSIFICATION TITLE	NUMBER OF ADDITONA POSITIONS	NEW FTE INCREASE NOT TO EXCEED
Assistant Civil Engineer	5	8
Civil Engineer	10	
Assistant Port Electrical/Mechanical Engineer	3	4
Port Electrical/Mechanical Engineer	5	

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

- R) It is requested that the Board approve the creation of one additional position of the classification of **Deputy Port Attorney III** in the Port Attorney's Office to implement the appointment of a new employee to the position on June 30, 2000.

CURRENT EMPLOYEE COUNT

FY 99-00 BUDGETED FTE: 621.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 6/15/99	AS OF 5/26/00	AS OF 6/9/00
Full-Time Employees	612.00 FTE	556.00 FTE	559.00 FTE	560.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	569.40 FTE	572.40 FTE	573.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to one new appointment.

TEMPORARY AGENCY WORKER COUNT AS OF 6/8/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	10	10	1	6	0	0	27
* CIP	1	0	11	4	0	0	16
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	2	2	0	0	0	0	4
* SPECIAL PROJECT	4	2	0	7	1	0	14
WORKER'SMP BACKFILL	0	1	0	0	0	0	1
TOTALS	17	15	12	17	1	0	62

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	4/6/00	5/9/00	5/25/00	6/8/00
BACKFILL	27	28	26	31	27
* CIP	18	17	16	16	16
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	2	1	0	0
MEDICAL BACKFILL	4	2	1	4	4
* SPECIAL PROJECTS	11	16	16	16	14
WORKER'S COMP BACKFILL	3	2	2	2	1
TOTALS	63	67	62	69	62

COUNT SUMMARY

CURRENT FTE COUNT	573.40
CURRENT TEMPORARY AGENCY BACKFILLS	27.00
VACANT POSITIONS	<u>21.00</u>
TOTAL	621.40

RECOMMENDATION

* is recommended that the Board of Port Commissioners approve the preceding appointment, annual salary adjustments, and creation of additional positions.

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 2S

^{J.P.}
SUBJECT: Approval of Agreements with Utility Companies to Obtain Easements on Port Properties and to Pay Appropriate Relocation Costs Under the Airport Roadway Project

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*
EXECUTIVE OFFICE RECOMMENDATION *J*

FACTUAL BACKGROUND

The Port is currently constructing the Airport Roadway Project (ARP), which consists of widening 98th Avenue West of I-880; constructing the Doolittle Drive and Airport Drive Interchange; improving Harbor Bay Parkway, Air Cargo Road, and Airport Drive; and constructing the Taxiway "B" Bridge. The East Bay Municipal Utility District (EBMUD), Microwave Communications Incorporated (MCI) Worldcom, American Telephone and Telegraph (AT&T), and Pacific Gas and Electric (PG&E) must relocate their existing facilities to accommodate construction of the ARP. The relocations will be performed on Port of Oakland property; consequently, the Port is required to grant easements to the utility companies to accommodate and maintain their facilities.

The agreements to be executed are as follows:

MCI Worldcom:

- a. Temporary Easement Agreement for relocation of conduit and fiber optic cable to accommodate construction of the Doolittle Drive and Airport Drive Interchange. After MCI Worldcom transfers its facilities to a permanent location, a Quit Claim procedure will be executed and the Temporary Easement will be terminated.
- b. Cost Agreement to pay for temporary relocation of MCI Worldcom fiber optic cable from Doolittle Drive to a temporary detour road. The Port will pay MCI Worldcom an estimated cost of \$ 18,000.00 for this temporary relocation. In the same agreement, MCI Worldcom will reimburse the Port for the installation of a protective casing for their conduits on the Doolittle Drive bridge, an estimated cost of \$ 15,000.00.

PG&E:

- a. Temporary Easement agreement for relocation of conduit and cables to accommodate construction of the Doolittle Drive and Airport Drive Interchange. After PG&E transfers its facilities to a permanent location, a Quit Claim procedure will be executed and the Temporary Easement will be terminated.
- b. Cost Agreement to pay for temporary relocation of PG&E cable from Doolittle Drive to a temporary detour road. The Port will pay PG&E \$ 48,268.14 for this temporary relocation work. In the same agreement, PG&E will reimburse the Port for the installation of a protective casing for their conduits on the Doolittle Drive bridge, an estimated cost of \$ 25,000.00.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20246

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

JUL - 5 2000

DATE

AT&T:

- a. Temporary Easement Agreement for relocation of conduit and fiber optic cable to accommodate construction of the Doolittle Drive and Airport Drive Interchange. After AT&T transfers its facilities to a permanent location, a Quit Claim procedure will be executed and the Temporary Easement will be terminated.
- b. Cost Agreement to pay for temporary relocation of AT&T fiber optic cable from Doolittle Drive to a temporary detour road. The Port will pay MCI Worldcom an estimated cost of \$ 18,000.00 for this temporary relocation work. In the same agreement, AT&T will reimburse the Port for the installation of a protective casing for their conduits on Doolittle Drive bridge, an estimated cost of \$ 15,000.00.

EBMUD:

Easement Agreements for a 20" and a 16" water line under Taxiway "B". Currently, EBMUD has easements on Air Cargo Road. New easements are needed for the new alignments of EBMUD's facilities to accommodate construction of the Taxiway "B" bridge.

Budget:

The approximate \$30,000 balance of costs to the Port are accounted for in the overall budget for the ARP under CIP No. AA.00268.01 and will be funded by Alameda County Measure B Funding and Port Cash.

RECOMMENDATION:

It is recommended that the Executive Director be authorized to execute agreements with the necessary utility companies as described above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 3S

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Oakland Fuel Facilities Corporation (Adjacent to Gate "A", South Airport)

PROGRAM AREA:

- Checked: Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman (with signature)

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

Oakland Fuel Facilities Corporation (OFFC) currently rents property under a 9-month Right-of-Entry and Indemnity Agreement (Right-of-Entry), which provides for occupancy of approximately 684 square feet of vacant land for the parking of an office trailer and supporting vehicles adjacent to Gate "A", South Airport. The Right-of-Entry was effective November 1, 1999; rent is \$342 per month.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend OFFC's occupancy of the same premises (commencing August 1, 2000 and terminating November 28, 2000). Monthly rent would remain the same. This extension is necessary to give OFFC and the Port Attorney additional time within which to agree upon the language of a Multi-year License and Concession Agreement.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving and authorizing execution of an Agreement to Extend Right-of-Entry and Indemnity Agreement with Oakland Fuel Facilities Corporation, all as described above.

- MOTION
RESOLUTION (checked)
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20247

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

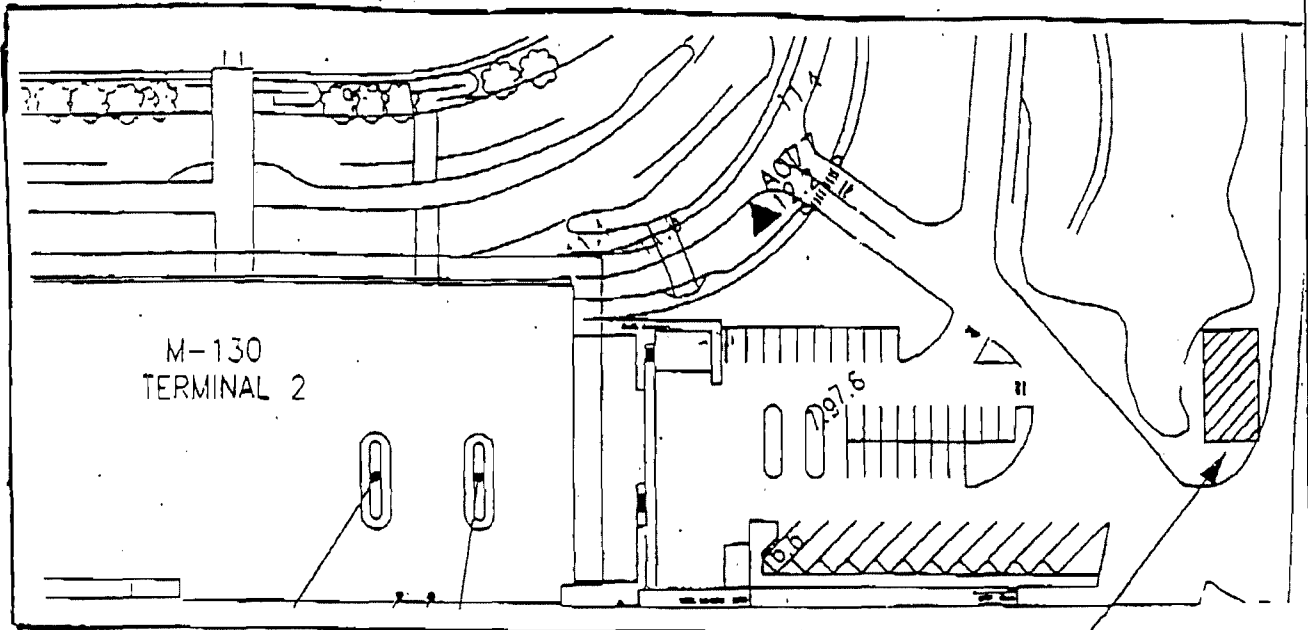
(Signature of Sharon Kinsman)


JUL - 5 2000

DATE

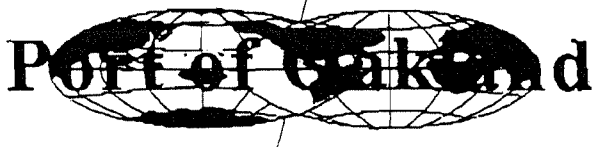
**Board of Port Commissioners
Calendar Item**

Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Oakland Fuel Facilities Corporation (Adjacent to Gate "A", South Airport)



 Boundary of Assigned Area (18' x 38')

Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with Pegasus Aviation, Inc. (8991 Earhart Road, North Airport)

DATE: July 5, 2000

ITEM NO: 4S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Pegasus Aviation, Inc. (Pegasus) is currently under an Agreement to Extend Right-of-Entry and Indemnity Agreement (Extension ROE) which provides for occupancy of approximately 38,619sf of office, shop, hangar, apron and unpaved land in and adjacent to Building L-310/East (Hangar 3) on the North Airport for the purpose of storage and maintenance of its privately owned or operated aircraft. The term of the Extension ROE is February 15, 2000 through June 13, 2000; rent is \$15,900 per month.

ANALYSIS:

The proposed one-year License and Concession Agreement would provide for Pegasus' continued occupancy of the same premises through December 31, 2000. Monthly rent would remain the same. Negotiation and preparation of a multi-year lease is pending.

Under the terms of this Agreement and the proposed lease, Pegasus would be allowed to sub-license a portion of its premises and conduct self-fueling of aircraft that it owns or has under its operational control.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with Pegasus Aviation, Inc.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20248

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

JUL - 5 2000

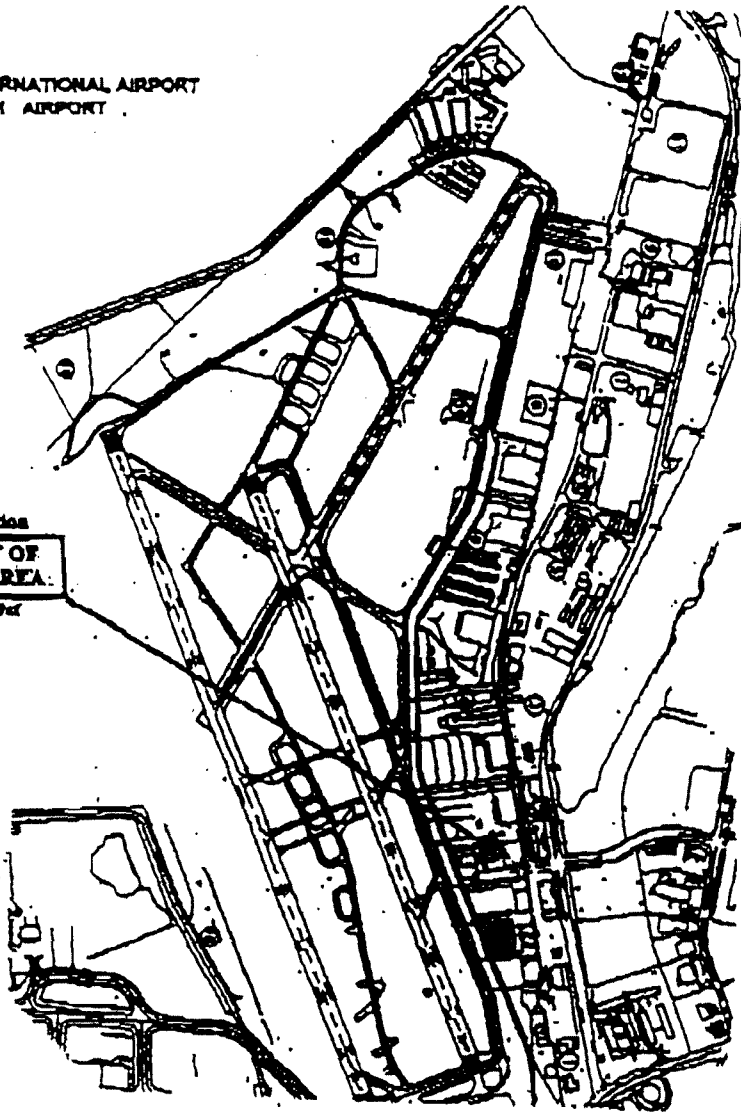
DATE

**Board of Port Commissioners
Calendar Item**

**Approval of License and Concession
Agreement with Pegasus Aviation, Inc.
(8991 Earhart Road, North Airport)**

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT

Pegasus Aviation
**BOUNDARY OF
ASSIGNED AREA.**
Approx. 38,615sq



Airport Properties

Port of Oakland

**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 115

SUBJECT: Assignment of Lease from Third Buttner Trust to the Edgar M. Buttner Trust

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND

The Third Buttner Trust and the trustees of said Trust currently lease 18,547 square feet of land, improved with a 3,760 square foot light industrial building at 7717 Oakport Street in the Airport Business Park. This agreement expires in May, 2016. The Third Buttner Trust, under separate agreement, leases 54,224 square feet of land, improved with a 13,602 square foot concrete tilt-up building, located in the Airport Business Park at 7719 - 23 Oakport Street. This agreement expires in June, 2006.

The lessee has requested the transfer and assignment of these two leases from the Third Buttner Trust and the trustees of said Trust to Edgar M. Buttner, sole trustee of the Edgar M. Buttner Trust. Lessee has provided the necessary documents to secure these assignments and supplemental agreements will be prepared upon Board approval. The assignments will not cause any change to the business operations and are simple assignments from one Family Trust to another Family Trust.

This project has been determined to conform to the City of Oakland General Plan as a continuation of real estate asset management uses.

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) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

It is recommended that the Board of Port Commissioners approve a Resolution authorizing the Executive Director to execute for and on behalf of the Port of Oakland assignments of the two leases to the Edgar M. Buttner Trust. The assignments shall be approved as to form and legality by the Port Attorney.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20250

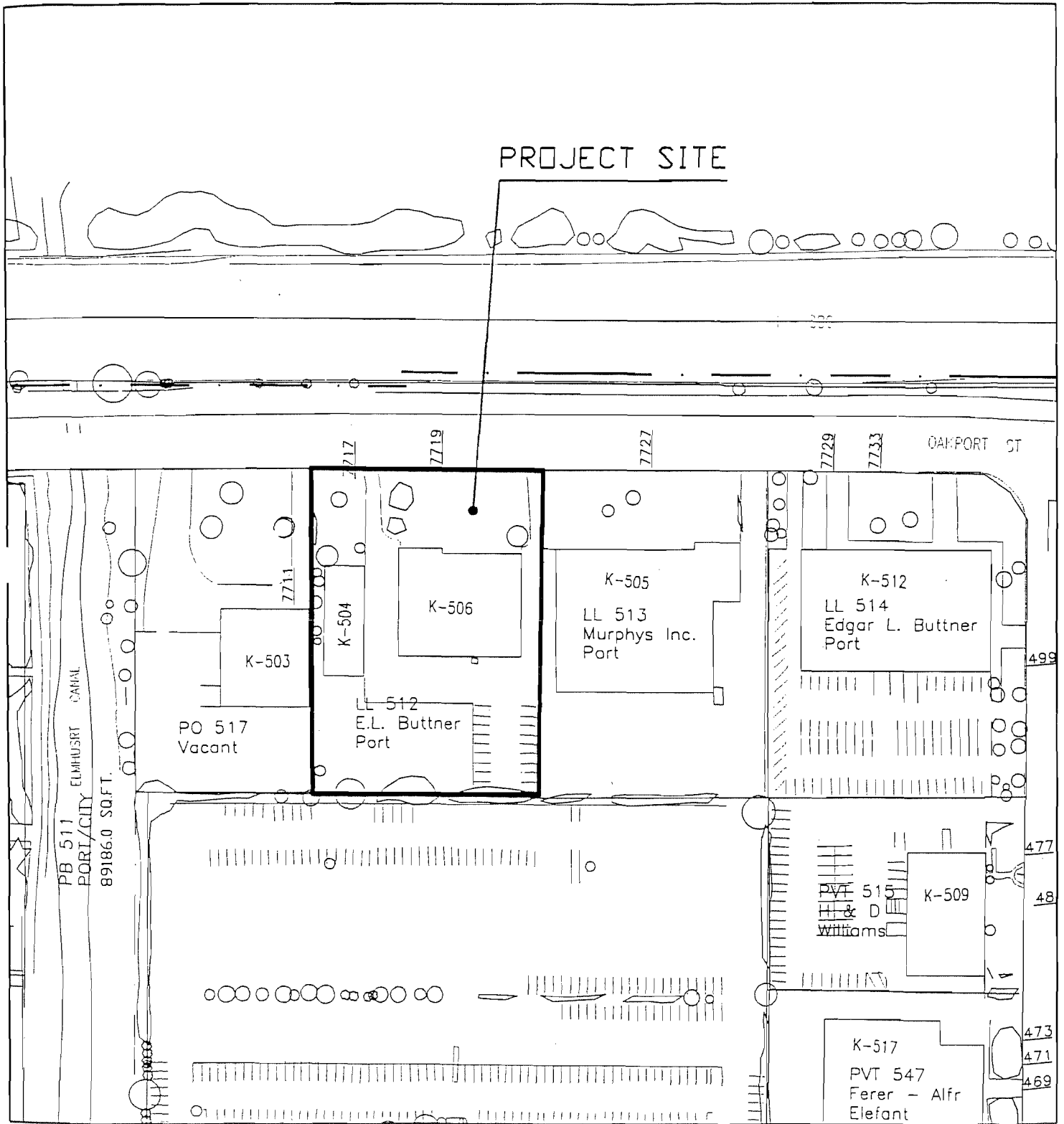
BOARD ACTION TAKEN

Assistant

Sharon Krings
SECRETARY OF THE BOARD

JUL - 5 2000

DATE



PORT OF OAKLAND

COMMERCIAL
REAL ESTATE

AT

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 12S

^{TD}
SUBJECT: Recommended Finding of Public Convenience or Necessity for Approval of the Alcoholic Beverage License for Vinex Imports, 7303 Edgewater Drive, Bldg. A, Unit D (Bldg. No. K610)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *S*

FACTUAL BACKGROUND:

State law was amended in the 1994 legislative session concerning new license applications for the sale of alcoholic beverages throughout the State. The law requires that in some cases the Board of Port Commissioners ("Board"), as the local governing body, must make certain findings prior to license issuance by the State Department of Alcoholic Beverage Control ("ABC").

Vinex Imports ("Vinex") has requested that the Port make a finding of public convenience or necessity in support of an application to transfer its Type 20 Off-Sale Beer and Wine License from Emeryville to their new location within the Oakland Airport Business Park (7303 Edgewater Drive, Bldg A, Unit D). Vinex is a wine importer that sells primarily to wholesale customers, having been in business for more than 20 years. A small part of their business is selling "retail" to consumers who do not possess an alcoholic beverage license, i.e. for personal use rather than resale. All such business is done by mail-order only.

Port staff has determined that the Vinex business constitutes a warehouse use, and is allowed under the Oakland Airport Business Park Standards and Restrictions ("S&R's"). The S&R's prohibit most retail uses within the Business Park in order to minimize traffic that might impact other businesses. The prohibition against retail uses does not apply in this case because such use is not conducted on the premises to walk-in customers. Approval of this application will be on condition that Vinex does not now, and will not in the future, conduct walk-in retail business at this location. Signs will only be allowed in conformance with the S&R's, that provide for simple business identification.

According to the State law, because Vinex is located in an area where the issuance of the new license would result in or add to an "undue concentration" of licenses, the ABC may issue this license only if the Board determines that public convenience or necessity would be served by the issuance. State law defines "undue concentration" as being in a location where the crime rate of the precinct is more than 20% higher than the average for all precincts within the jurisdiction, or in a census tract where the number of licenses per capita exceeds the number for the county. Both these conditions of "undue concentration" apply because the census tract that the Airport Business Park is in has a high number of hotels, restaurants and convenience stores with ABC licenses and a very low number of residents. Vinex will be continuing an existing business that will not impact the surrounding region. Vinex' customer base is not dependant on the warehouse site, and will not change because of the new location. Allowing this licensed activity provides a public convenience or necessity to the existing and future customers of Vinex.

RECOMMENDATION:

It is recommended that the Board pass a resolution finding that public convenience or necessity would be served by the issuance of the Type 20 license to the Vinex Imports because it will serve a unique clientele, and will enhance the Port's economic goals by serving the needs of its Oakland Airport Business Park tenants.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

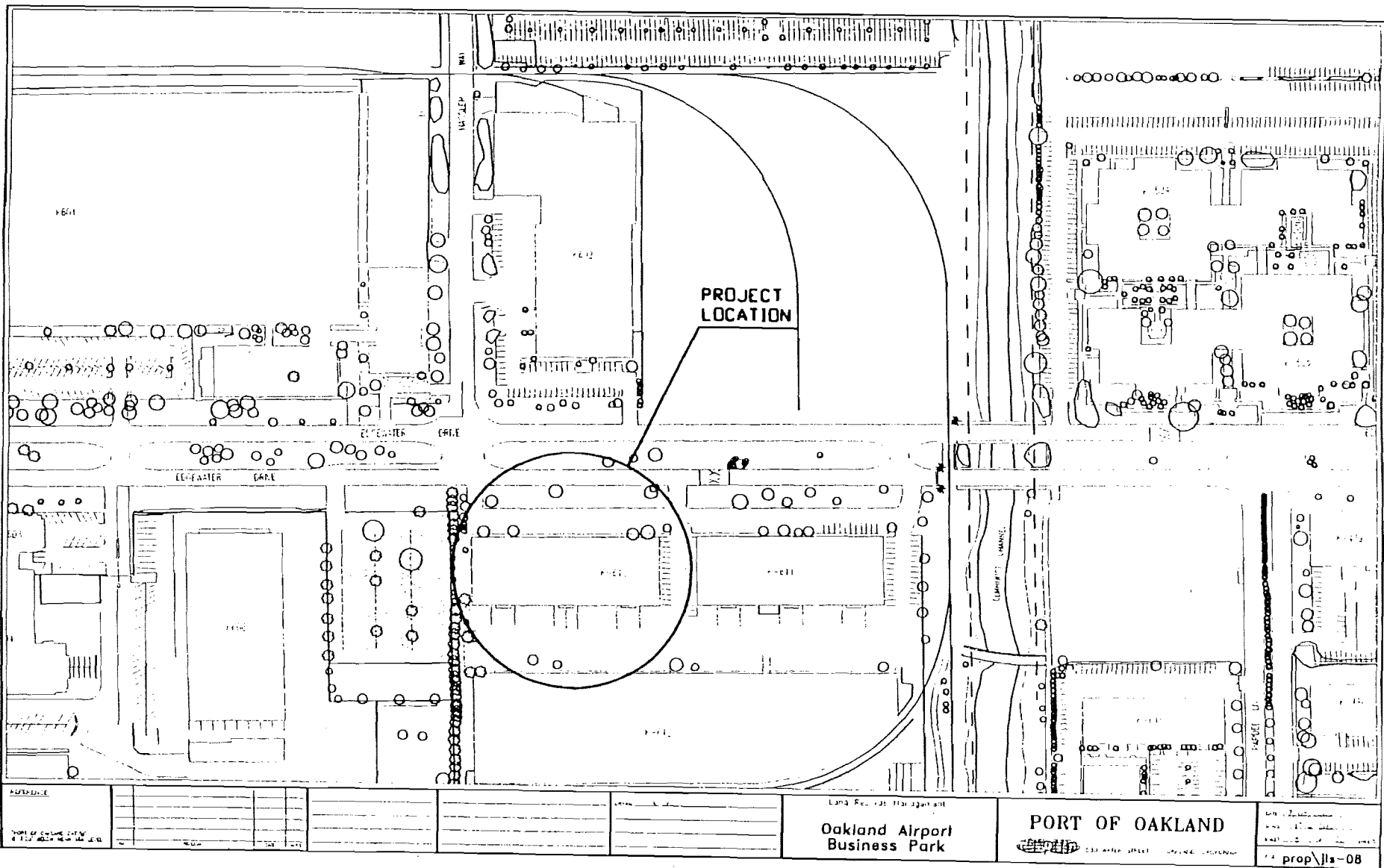
No. 20251

BOARD ACTION TAKEN

Sharon K. ...
Assistant SECRETARY OF THE BOARD

JUL - 5 2000

DATE



Agenda Sheet

DATE: July 5, 2000

ITEM NO: 26S

^{TP}
SUBJECT: Approval of Plans and Specifications for Improvement of
Yard Lighting, Berths 35-37, Ben E. Nutter Terminal

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Plans and Specifications have been prepared for **Improvement of Yard Lighting, Berths 35-37, Ben E. Nutter Terminal, Oakland, California**, and are hereby submitted for approval and authorization to advertise for bids.

This project will improve the container yard lighting systems for Berths 35 through 37. The work consists, in general, of replacing existing deteriorated underground lighting cables with new cables, and replacing cables within 80 ft. light poles. In addition, all lamps will be replaced and corroded subpanels will be repaired. The work will be phased to minimize the impact on tenant operations.

ANALYSIS:

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Port and State CEQA Guidelines Section 1530(a), minor alteration of existing facilities.

General Plan:

Pursuant to Section 727 of the City Charter, the Port has determined that this project conforms to the policies of the City of Oakland General Plan.

Budget:

This work is budgeted under CIP Item No. M2.00617.06. The Total Project Cost is estimated to be \$600,000. The funding source will be Port cash.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that the Plans and Specifications for Improvement of Yard Lighting, Berths 35-37, be approved and authorization be given to advertise for bids to be received on July 28, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No.

20257

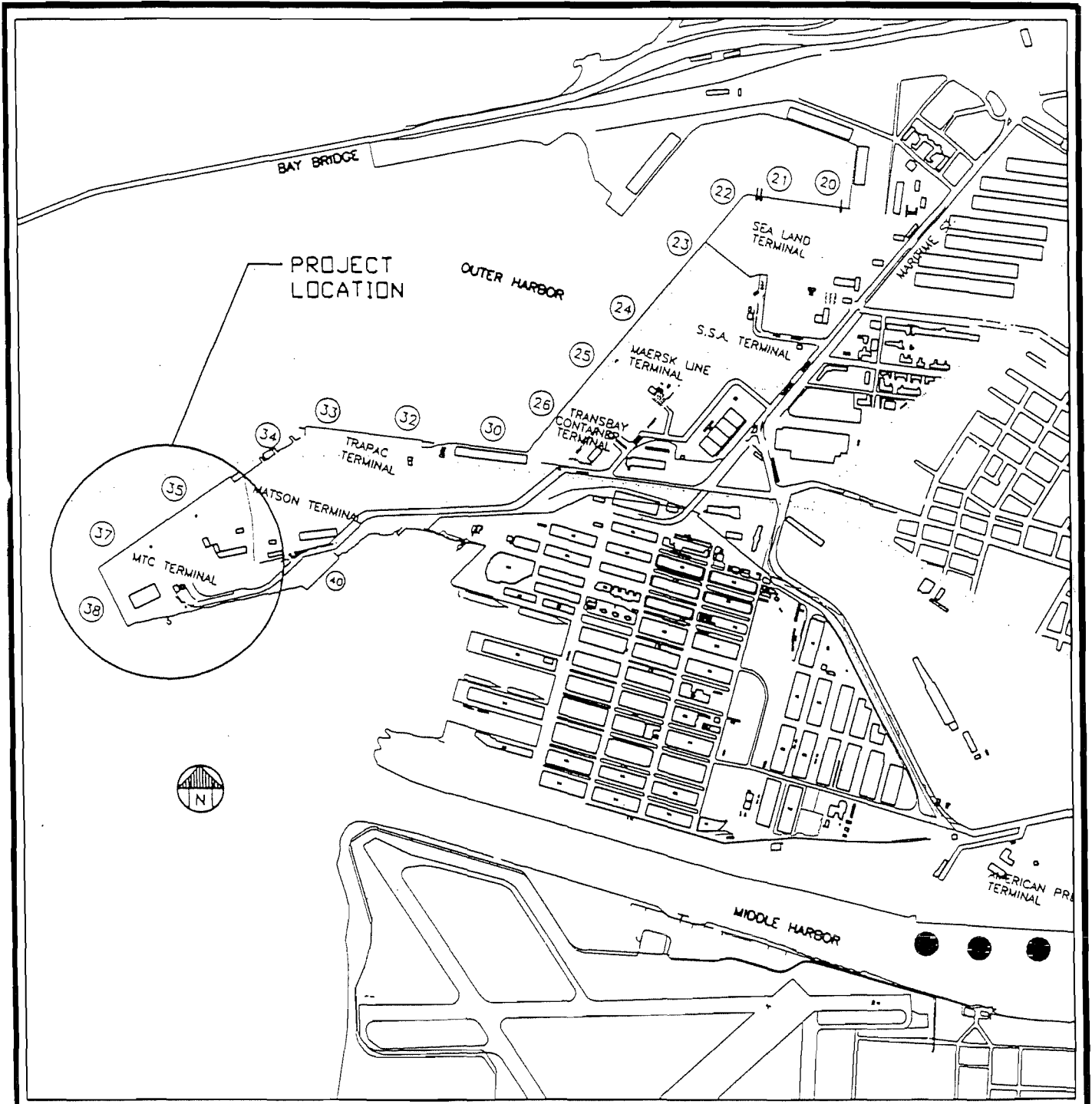
BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUL - 5 2000

DATE



PORT OF OAKLAND

PORT OF OAKLAND
REQUEST FOR INCLUSION OF PROJECT
IN THE CAPITAL IMPROVEMENT PROGRAM
(For Projects of \$50,000 or More)

I. Title: Improvement of Yard Lighting, Berths 35 - 37

II. Revenue Division Planner: _____ Project Assessment Attached: Yes No

III. Type of Project: (Check One)

Safety/Security
 New Revenue
 Maintenance of Revenue
 Public Improvement
 Major Maintenance
 Earthquake Repairs
 Environmental
 Capital Equipment
 Other: _____

IV. Purpose: (May Check More Than One)

Required by Code/Regulation
 Required for Mitigation
 Required by Lease/Agreement
 New Facility/New Equipment
 Rehabilitation/Modernization
 Replacement
 Customer Service/Relations
 Incremental New Revenue Only
 Other: _____

V. ENGINEERING DIVISION REVIEW AND ANALYSIS

A. Preliminary Project Statement Prepared: Yes No

B. Comments: _____

C. Total Preliminary Est. Cost: \$471,000

D. Estimated Project Duration: 9 mos.

E. Estimated Construction Duration 4 mos.

Prepared by: Pio Winston *PW* June 12, 2000
 Engineering Project Manager Date

Reviewed by: [Signature] 6/15/00
 Chief Engineer, CIP Projects Date

Approved by: [Signature] 6/15/00
 Director of Engineering Date

cc: Finance/Budget Analysis
Chief Engineer, CIP Projects
CIP Program Manager

VI. REVENUE DIVISION FUNDING SOURCE & FINANCIAL REVIEW

A. FUNDING (Total must equal Total Estimated Cost - See Preliminary Project Statement)

OR Port Cash: \$ 471,000 Tenant/User: \$ _____
 Port Bonds: \$ _____ CIP: \$ _____
 AIP \$ _____
 Other Funding: \$ _____ \$ _____

B. COMMENTS: _____

B. RETURN ON INVESTMENT (New Projects Only) ROI: N/A % Required Not Required

Reviewed By: [Signature] Date: 6/12/00
 Revenue Division CIP Manager

Approved: [Signature] 6/12/00
 Revenue Division Director Date

PORT OF OAKLAND

ENGINEERING PROJECT MANAGEMENT PROJECT DESIGN STATEMENT

June 14, 2000

PROJECT TITLE : IMPROVEMENT OF YARD LIGHTING, BERTHS 35 - 37

CIP NO: M2.00617.06

W.O. NO: 103913

PROPOSED FUNDING SOURCES: PORT CASH

PROJECT BACKGROUND

The lighting at Berths 35 - 37, Ben E. Nutter Terminal has deteriorated to a point where the safety of night time operations could be jeopardized. There are areas in the yard where light levels do not provide minimum levels for safe operations. Various components of the existing lighting system including wiring, circuits, lamps, etc. are in need of replacement.

SCOPE OF WORK

Replacement of yard lighting components as required including wiring, fixtures, lamps, and other components. Work will be phased/sequenced to minimize impact on operations. This work will be covered by the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA).

ESTIMATED CIP BUDGET

CATEGORY	Cost to Date	Totals (\$1000)	Comments
Labor & OH			
Env. Planning			Cat. Ex.
Engineering Design		30	Formal Contract
EH&S		3	Minimal Effort Anticipated
Specifications		15	Formal Contract
Construction Admin.		63	Estim. 90 Days Phased Construction
LABOR / OH TOTAL		111	
Construction		360	Construction Phased by Circuits
Total		471	

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 35S

SUBJECT: Authorization to Purchase Motor Vehicles and
Sell Surplus Vehicles

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: FRED W. RICKERT

EXECUTIVE OFFICE RECOMMENDATION

Port departments have developed a list of vehicles recommended for purchase this fiscal year and the list has been included in the fiscal year 2000 budget. The total amount budgeted for motor vehicles and related equipment is \$2.266 million dollars. This letter primarily covers pick-ups, large trucks, and specialized equipment. Additional vehicles will be addressed in a separate board letter.

A breakdown of how the vehicles will be assigned, which are additions or replacements and the estimate cost follows.

QTD/Vehicle	Department	Replace/ Addition	Estimated Cost	Primary Purpose
(7) mini pick-ups w/ ext. cab	(5) Construction (2) Maritime	5-Adds 2-Repl.	\$116,000	Inspectors and wharfingers
(2) mini pick-ups w/ reg. Cab	Engineering Facilities	1- Add 1- Repl.	\$ 40,000	Maintenance
(7) full size 1/2 ton w/ ext. cab	Engineering Facilities	7- Repl.	\$168,000	Maintenance
(3) full size 1/2 ton w/ reg. Cab	Engineering Facilities	3- Repl.	\$ 63,000	Maintenance
(1) cab & chassis w/ dump	Engineering Facilities	Repl.	\$ 30,000	Maintenance
(1) cutaway cab & chassis	Engineering Facilities	Add	\$ 25,000	Maintenance
(1) 3/4 ton pick-up w/ 8ft bed	Engineering Facilities	Add	\$ 25,000	Maintenance
(2) street sweepers	(1) Aviation (1) Eng. Facilities	Repl.	\$236,000	Cleaning & Maintenance
(1) mini van	Corporate Admin Svcs.	Repl.	\$ 22,000	MIS support
(2) Bucket trucks	Aviation and Engineering Facilities	Repl.	\$ 195,000	Maintenance
(2) Platform lifts	Engineering Facilities	Add	\$ 106,000	Maintenance

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No.

20261

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

Sharon Kuznetsov

JUL - 5 2000

DATE

QTD/Vehicle	Department	Replace/ Addition	Estimated Cost	Primary Purpose
(1) SUV	Aviation	Repl.	\$ 26,000	Safety & security patrol
(1) Super Cab pick-up	Aviation	Repl.	\$ 22,000	Safety & security patrol
(1) Water Truck	Engineering Facilities	Repl.	\$ 125,000	Cleaning & Maintenance
(1) Crane truck	Aviation	Add	\$ 125,000	Maintenance
(1) 3-yard truck w/ patcher body	Engineering Facilities	Repl.	\$116,000	Street repair & maintenance
Trash Truck	Aviation	Repl.	\$ 50,000	Cleaning & Maintenance
Sedans	Various	Repl.	\$165,000	Various

Total: \$1,655,000

The intent is to purchase these vehicles through cooperative agreement with the State of California and other public entities. These arrangements offer the benefit at a highly competitive prices and relatively quick turn-around. Staff will solicit quotation for vehicles not available under cooperative agreement.

Recommendation:

It is recommended that the Board authorize the Executive Director to purchase the vehicles specified herein at an approximate cost of \$1,655,000, plus taxes and fees, through cooperative agreement with other public entities or through open market procurement. It is further recommended that the Board declare all vehicles scheduled for replacement as surplus and authorize the Executive Director to sell these vehicles.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 36S

^{TD}
SUBJECT: Authorization to Include Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing August 1, 2000 and Ending June 30, 2001, 2002 or 2003 in the Port's Small Business Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

On May 2, 2000, the Board of Port Commissioners found it to be in the best interests of the Port to dispense with competitive bidding procedures and authorized the Executive Director to execute two contracts for the above work commencing on July 1, 2000. Execution of the two contracts was authorized to assure there was contractor availability during urgent or emergency situations. The preference was to execute one of the two contracts with a small local contractor, as defined by the Port's Small/Local Business Utilization Policy (Policy), using as a basis, the Class "C-12" License and the Small Business (revenue) Size Standards defined therein. If a reasonable bid had been received from such a contractor, this would have allowed a small local paving contractor to gain valuable experience in public sector work.

No bids were received from small local contractors as defined by the Class "C-12" License and the Small Business Size Standard and, according to the terms of the Bidding Documents, contracts were executed with the two lowest responsible bidders. The \$2,400,000 three-year aggregate maximum limit on receipts defined for the Class "C-12" License is exceeded by most local paving contractors. The \$8,200,000 limit imposed by the Class "A" License is more appropriate for obtaining a qualified local paving contractor to perform the subject Work.

Therefore, it is believed to be in the best interests of the Port to again solicit bids from small local paving contractors as defined by the Policy, but using as a basis, the Class "A" License for the Small Business Size Standards. The Executive Director would execute a contract with one of the qualifying bidders. This contract would be in addition to the two contracts with the current lowest responsible bidders.

ANALYSIS:

The specifications for this contract include a provision allowing the Port to renew the Contract in one-year increments through June 30, 2003. Renewal of the Contract shall only occur if agreed to in writing by both the Executive Director of the Port and the Contractor. Should the Contract be renewed, all provisions of the specifications shall apply and the markup percentages shall be as on the Bid Sheet.

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA guidelines pursuant to CEQA 15301, Class 1 (a,c,d and f) maintenance, involving no expansion of use beyond that previously existing.

General Plan:

Pursuant to Sec. 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

Budget:

The budget for the total work is estimated at \$800,000 per year, of which approximately \$100,000 would be allocated to this small local Contractor.

The expense budget for Fiscal Year 2000 provides for this work. The funding source is Port cash.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20262

BOARD ACTION TAKEN

Sharon Kuyper
Assistant SECRETARY OF THE BOARD

JUL - 5 2000

DATE

Authorization to Include Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing August 1, 2000 and Ending June 30, 2001, 2002 or 2003 in the Port's Small Business Program

July 5, 2000

Page 2 of 2

Project Labor Agreement:

If a small local contractor submits a bid that is acceptable to the Port and said contractor is otherwise eligible for exemption from the MAPLA under the program established in the MAPLA's Appendix "G" -- Letter of Understanding re: Small Business Utilization Program, it is the Port's intention to exercise the exemption and to award the contract under that program.

RECOMMENDATION:

It is recommended that the project, **Furnishing Labor, Materials and Equipment for Paving, Grading and Associated Contractor's Services for Port of Oakland Facilities for the Period Commencing August 1, 2000 and Ending June 30, 2001, 2002 or 2003, Oakland, California**, be included in the Port's Small Business Program, and that it be found to be in the best interests of the Port to dispense with competitive bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor who submits an acceptable bid.

Agenda Sheet

SUBJECT: TRAVEL AUTHORIZATION

DATE: July 5, 2000

ITEM NO: 37S

SUBMITTED BY: Christopher C. Marshall 

EXECUTIVE OFFICE RECOMMENDATION: 

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

As provided for in the Port's Administrative Manual, it is recommended that the Board ratify the travel of Yale Yee, Electrical/Mechanical Engineer, to Shanghai, China, on or about June 23 – July 8, 2000, for on site inspection of container crane final assembly, installation of components and quality assurance oversight of the Port's 3rd party on site inspection team at ZPMC.

Also, recommended is the travel of Terry Smalley, Supervising Electrical/Mechanical Engineer, to Shanghai, China, on or about July 20 – August 6, 2000, for on site inspection of container crane final assembly and tune up prior to shipment and punch list the crane with the Port's tenant(Hanjin).

Further, recommended is the travel of George Turner, Manager, Aviation Marketing & Communications, to Amsterdam and other European cities, on or about September 15 – 22, 2000, to attend the Routes 2000 Airline Conference in AMS and to meet with other carriers and airports.

RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

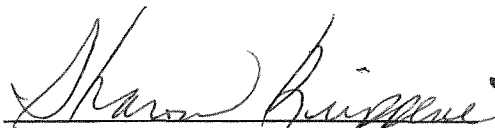
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No.

20263

BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

JUL - 5 2000

DATE

**NOTICE OF ANNUAL MEETING
OF BOARD OF DIRECTORS
OF PORT OF OAKLAND
PUBLIC BENEFIT CORPORATION**

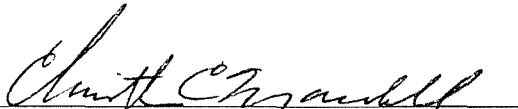
An annual meeting of the Board of Directors of the Port of Oakland Public Benefit Corporation will be held on Tuesday, September 5, 2000, at 3:00 p.m. at 530 Water Street, Oakland, California, in the Board Room on the Second Floor.

This meeting will be held for the purpose of considering and acting on the following matters:

1. Approval of Minutes of March 17, 1997 Board of Directors Meeting
2. Such other and further matters or business as may be related to the above matters or as may be properly come before the Board at this meeting.

The Secretary is hereby directed to give notice of this meeting to all directors as provided by law.

Dated: Aug. 28, 2000



Christopher C. Marshall
Secretary

MINUTES OF
MEETING OF THE BOARD OF DIRECTORS
OF
PORT OF OAKLAND PUBLIC BENEFIT CORPORATION

The annual meeting of the Board of Directors of the Port of Oakland Public Benefit Corporation (the "Corporation"), was held at ____ p.m. on Tuesday, September 5, 2000, at 530 Water Street, Board Room, Second Floor, in Oakland, California pursuant to the call of the Secretary of the Corporation dated _____, 2000. The foregoing written notice of meeting was duly and timely given by personal delivery to each Director.

I. Attendances

The following directors, as appointed by the Board of Port Commissioners of the Port of Oakland, were present: David Kramer, Peter Uribe, Phillip Tagami, Darlene Ayers-Johnson, Frank Kiang, Patricia Scates and John Protopappas and who, together, constitute a quorum of the authorized number of Directors of the Corporation.

II. Approval of Minutes

Upon motion duly made, seconded and unanimously carried, the minutes of the annual meeting of the Board of Directors held on March 17, 1997, were approved as read.

III. Election of Officers

It was then suggested that they proceed with the election of officers.

Upon motion duly made, seconded and unanimously carried, it was

RESOLVED that the Officers of the Corporation be the following:

	President and Chief Executive Officer
	Vice President
CHRISTOPHER MARSHALL	Secretary
FRED RICKERT	Treasurer and Chief Financial Officer

IV. Other Business

None.

V. Adjournment

It was then moved that the meeting be adjourned. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned at _____ p.m.

Dated: September 5, 2000

PORT OF OAKLAND PUBLIC
BENEFIT CORPORATION

By _____

Secretary

**BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND**

530 Water Street
Oakland, California 94607

Telephone (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R
Regular Meeting of the Board of Port Commissioners
Tuesday, July 18, 2000, 3:00 p.m.

ROLL CALL:

Commissioners Ayers-Johnson, Kiang, Protopappas,
Scates, Tagami, Uribe and Vice President Kramer

READING OF THE MINUTES:

Regular meeting of June 6, 2000.

Deferred - Regular meeting of June 20, 2000;
adjourned regular meeting of June 29, 2000; and
regular meeting of July 5, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Aviation

Regular Meeting
July 18, 2000

READING OF SUMMARY ITEMS: (Marked "S")

8 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Grant Funding for Electric Vehicle Charging Units.
(Resolution)
- 2S Approval of Agreement to Extend and Modify Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc. (Vicinity of Langley, Wright and Beachy Streets, North Airport).
(Resolution)
- 3S Approval of License and Concession Agreement with Worldwide Flight Services, Inc. (#1 Airport Drive, South Airport). (Resolution)
- 4S Approval of Extension of Revocable Permit for Earthquake Studies with United States Department of the Interior (Vicinity of Building L-231, North Airport). (Resolution)
- 5S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Alaska Airlines, Inc. (#1 Airport Drive, South Airport). (Resolution)
- 6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Bay Area Cellular Telephone Company (#1 Airport Drive, South Airport). (Resolution)

Regular Meeting
July 18, 2000

- 7S Substitution of PCC Crushing Subcontractor for Reconstruction of Apron Southeast of Building L-820, North Airport, OIA, AIP 3-06-0170-21. (Resolution)

COMMERCIAL REAL ESTATE

- 11 Approval of Terms and Conditions of Exclusive Negotiating Agreement (ENA) with Simeon Commercial Properties for Property Located at Hegenberger and Edgewater Drive. (Resolution)
- 12 This item not used.
- 13 Authorization for Executive Director to Execute Transportation Enhancement Activity (TEA) Funding Agreements in Connection with the Lightship Relief and Potomac Berthing Projects. (Resolution)
- 14S This item not used.

MARITIME

- 21 New Terminal Use Agreement (TUA) with Evergreen Marine Corp. (Taiwan) Ltd. (Ordinance)
- 22 Ratify Change Orders for Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A, at Berths 55/56, Inner Harbor Channel. (Resolution)
- 23 Approval of Change Order for Construction of Container Yard Phase 1B at Berths 55/56, Inner Harbor Channel. (Resolution)
- 24 Approve Change Order for Construction of Container Wharf, Dike, Fill and Container Yard, Phase 1A at Berths 55/56, Inner Harbor Channel. (Resolution)
- 25 Approval to Hire a Consultant to Continue West Oakland Airborne Particulate Monitoring Program. (Resolution)

Regular Meeting
July 18, 2000

- 26 Authorization of Funding for the Tugboat Repower and Retrofit Project, Mitigation Measure 3.3-3/M3 of the Vision 2000 Air Quality Mitigation Program. (Resolution)
- 27 Adoption of Principle Implementation Strategy and Participation Criteria for the Container Terminal Equipment Repower and Retrofit Program, Mitigation Measure 3.3-3/M2 Under the Vision 2000 Air Quality Mitigation Program; Authorization for the Executive Director to Allocate Funding to Select Projects. (Resolution)
- 28 Approval of Revisions to Project Description and Mitigation Monitoring and Reporting Program for Oakland Harbor Navigation Improvement (-50 Foot) Project and Finding that Revisions Do Not Require Preparation of Subsequent or Supplemental EIR. (Resolution)
- 29 This item not used.
- 30 Approval to Negotiate and Execute a Contract with J.A. Jones Management Services for Turnkey Operation of Utility Systems at the Oakland Army Base and Approval of Agreement Points Specifying the Working Relationship between the Port and the Oakland Base Reuse Authority for Turnkey Utility Operations. (Resolution)
- 31S Authorization to Purchase Railroad Equipment Salvaged by the Oakland Base Reuse Authority from The Baldwin Railroad Yard at the Oakland Army Base for Reuse in Reconstruction of the Knight Yard. (Resolution)
- 32S Award of Contract for Rigging and Repair for 2000 Structural Inspection of KSEC Cranes X409, X410, and X417 at Berth 24, Outer Harbor and at Berth 68, Howard Terminal. (Resolution)

OPERATIONS

- 34 Approval of a Supplemental Agreement with Williams Wallace Management Consultant. (Resolution)

Regular Meeting
July 18, 2000

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

Vote on the following resolutions except Number 24:

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

Noes: None

Absent: None

Vote on Number 24:

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

Noes: None

Abstained: Commissioner Tagami - 1

Absent: None

RESOLUTIONS:

- | | | |
|-------|---|--|
| 20266 | 1 | ACCEPTING GRANT FUNDING FROM BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR ELECTRIC VEHICLES CHARGING UNITS TO BE USED AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT. (Airport - 1) |
| 20267 | 2 | APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND AND MODIFY RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH DOLLAR RENT A CAR SYSTEMS, INC. (Airport - 2S) |
| 20268 | 3 | APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH WORLD WIDE FLIGHT SERVICES, INC. (Airport - 3S) |
| 20269 | 4 | APPROVING EXTENSION OF REVOCABLE PERMIT WITH UNITED STATES DEPARTMENT OF INTERIOR. (Airport - 4S) |
| 20270 | 5 | APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH ALASKA AIRLINES, INC. (Airport - 5S) |
| 20271 | 6 | APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH BAY AREA CELLULAR TELEPHONE COMPANY. (Airport - 6S) |

Regular Meeting
July 18, 2000

- 20272 7 AUTHORIZING SUBSTITUTION OF PCC CRUSHING
SUBCONTRACTOR FOR RECONSTRUCTION OF APRON
SOUTHEAST OF BUILDING L-820, NORTH FIELD, OAKLAND
INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, A.I.P.
3-06-0170-21. (Airport - 7S)
- 20273 8 APPROVING AND AUTHORIZING EXECUTION OF EXCLUSIVE
NEGOTIATING AGREEMENT WITH SIMEON COMMERCIAL
PROPERTIES. (Commercial Real Estate - 11)
- 20274 9 APPROVING AND AUTHORIZING EXECUTION OF GRANT
AGREEMENT WITH THE REGIONAL TRANSPORTATION
PLANNING AUTHORITY FOR FUNDING OF A TRANSPORTATION
ENHANCEMENT ACTIVITY IN CONNECTION WITH THE
LIGHTSHIP RELIEF AND POTOMAC BERTHING PROJECTS.
(Commercial Real Estate - 13)
- 20275 10 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDERS
FOR CONTRACT WITH PORT OF OAKLAND CONSTRUCTORS, A
JOINT VENTURE, FOR CONSTRUCTION OF CONTAINER
WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT
BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND,
CALIFORNIA. (Maritime - 22)
- 20276 11 APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT
WITH O.C. JONES & SONS, INC., FOR CONSTRUCTION OF
CONTAINER YARD PHASE 1B AT BERTHS 55/56, INNER
HARBOR CHANNEL, OAKLAND, CALIFORNIA.
(Maritime - 23)
- 20277 12 APPROVING ISSUANCE OF A CHANGE ORDER FOR CONTRACT
WITH PORT OF OAKLAND CONSTRUCTORS, A JOINT
VENTURE, FOR CONSTRUCTION OF CONTAINER WHARF,
DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS
55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA.
(Maritime - 24)
- 20278 13 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT
WITH GAIA CONSULTING, INC. FOR CONSULTING SERVICES
CONSTITUTES PROFESSIONAL, TECHNICAL AND
SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE,
WAIVING COMPETITIVE BIDDING AND AUTHORIZING
EXECUTION OF AGREEMENT. (Maritime - 25)

Regular Meeting
July 18, 2000

- 20279 14 APPROVING AND AUTHORIZING FUNDING FOR THE TUGBOAT REPOWER AND RETROFIT PROJECT AS MITIGATION MEASURE 3.3-3/M3 OF THE VISION 2000 AIR QUALITY MITIGATION PROGRAM AND APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE PORT OF OAKLAND AND APPROVING OSCAR NIEMETH TOWING TO PROVIDE FOR ITS IMPLEMENTATION. (Maritime - 26)
- 20280 15 AUTHORIZING ADOPTION OF PRINCIPAL IMPLEMENTATION STRATEGY AND PARTICIPATION CRITERIA FOR THE CONTAINER TERMINAL EQUIPMENT REPOWER AND RETROFIT PROGRAM, MITIGATION MEASURE 3.3-3/M2 UNDER THE VISION 2000 AIR QUALITY MITIGATION PROGRAM, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ALLOCATE FUNDING TO SELECT PROJECT. (Maritime - 27)
- 20281 16 CERTIFYING REVIEW AND CONSIDERATION OF ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT, MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING REVISIONS TO THE PROJECT DESCRIPTION AND THE MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING REVISIONS TO THE PROJECT DESCRIPTION AND THE MITIGATION MONITORING AND REPORTING PROGRAM. (Maritime - 28)
- 20282 17 AUTHORIZING PURCHASE OF RAILROAD EQUIPMENT SALVAGED BY THE OAKLAND BASE REUSE AUTHORITY FROM THE BALDWIN RAILROAD YARD AT THE OAKLAND ARMY BASE FOR REUSE IN RECONSTRUCTION OF THE KNIGHT YARD. (Maritime - 31S)
- 20283 18 AWARDED CONTRACT TO MARINE MAINTENANCE INC., FOR RIGGING AND REPAIR FOR 2000 STRUCTURAL INSPECTION OF KSEC CRANES X409, X410 AND X417 AT BERTH 24, OUTER HARBOR, AND AT BERTH 68, HOWARD TERMINAL OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 32S)

Regular Meeting
July 18, 2000

- 20284 19 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH WILLIAMS WALLACE MANAGEMENT CONSULTANTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.
(Operations - 34)
- 20285 20 DECLARING ELECTION OF OFFICERS TO BE EFFECTIVE JULY 19, 2000.
- 20286 21 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A STANDSTILL AND TOLLING AGREEMENT WITH CERTAIN LLOYD'S SYNDICATES AND LONDON MARKET COMPANIES ("LLOYD'S") CONCERNING INSURANCE CLAIMS RELATED TO ENVIRONMENTAL MATTERS.
(Closed Session - 40)
- 20287 22 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PRP AGREEMENT FOR THE GIBSON ENVIRONMENTAL SITE IN BAKERSFIELD, CALIFORNIA ("PRP AGREEMENT"). (Closed Session - 40)
- 20288 23 GRANTING AUTHORIZATION TO ENTER INTO AN ANNUAL CONTRACT FOR MANAGEMENT SERVICES FOR TURNKEY OPERATION OF UTILITY SYSTEMS AT THE OAKLAND ARMY BASE, OAKLAND, CALIFORNIA, FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR SUCH WORK WITHOUT COMPETITIVE BIDDING, AUTHORIZING EXECUTION OF A CONTRACT WITH J.A. JONES MANAGEMENT SERVICES FOR SUCH WORK AND APPROVING UTILITIES OPERATIONS AGREEMENT WITH THE OAKLAND BASE REUSE AUTHORITY. (Maritime - 30)

Vote on the following ordinances:

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

Noes: None

Absent: None

ORDINANCES:

- 1 Port Ordinance No. 3593 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH DOLLAR RENT A CAR SYSTEMS, INC."

Final.

Regular Meeting
July 18, 2000

- 2 Port Ordinance No. 3594 being, "AN ORDINANCE AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH THE MANUEL SILVEIRA BORGES AND ALVARINA REIS BORGES 1998 TRUST FOR PURCHASE OF LAND LOCATED ON CHRISTEN ROAD IN EASTERN ALAMEDA COUNTY FOR BURROWING OWL HABITAT PURPOSES."

Final.
- 3 Port Ordinance No. 3595 being, "AN ORDINANCE AMENDING SECTION 5.092 OF PORT ORDINANCE NO. 867."

Final.
- 4 Port Ordinance No. 3596 being, "AN ORDINANCE AMENDING SECTION 2 OF PORT ORDINANCE NO. 1166 AS AMENDED BY PORT ORDINANCE 3287 AND AMENDING SECTION 3(d)(1) AND SECTION 6(a) OF PORT ORDINANCE NO. 1166 AS AMENDED BY PORT ORDINANCE NO. 3273 RELATING TO THE COST OF EMPLOYEE AND RETIREE GROUP HEALTH INSURANCE."

Final.
- 5 Port Ordinance No. _____ being, "AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF TERMINAL USE AGREEMENT WITH EVERGREEN MARINE CORP. (TAIWAN) LTD."

Maritime - 21 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ELECTION OF OFFICERS: As provided for in the By-Laws

ADJOURNMENT: IN HONOR OF AND OUT OF RESPECT TO THE MEMORY OF THE LATE BEN E. NUTTER AND RICHARD SINNOTT.

The next meeting will be an regular meeting held on Tuesday, August 1, 2000 at 3:00 p.m.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Grant Funding for Electric Vehicle Charging Units

DATE: July 18, 2000

ITEM NO: 1

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

The Port of Oakland, through the approval of the Airport Development Program (ADP) Environmental Impact Report (EIR), is developing a program to reduce emissions of air pollutants from activities associated with Oakland International Airport. Specifically, the Port is providing electric vehicle charging facilities and making them available for public use.

Three parking lot locations at the Airport have been selected for the placement of electric vehicle charging units: the Long-term Lot, the Economy Lot, and the Valet lot. The Bay Area Air Quality Management District (BAAQMD) has allocated funds of up to \$7,000 for each of the three charging units.

A fourth charging unit would be provided in the Airport's VIP Lot and would not be funded with BAAQMD grant funds.

OPTIONS:

There are no other grant funds available at this time to fund the proposed electric vehicle charging facilities. The only option would be to decline the funds.

RECOMMENDATION:

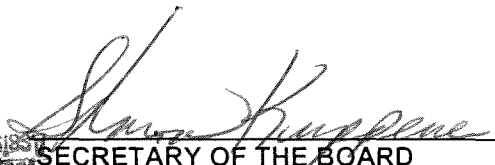
Accept the grant funding from BAAQMD to install three electric vehicle charging units and authorize the Director of Aviation to sign a funding agreement with BAAQMD for a total of up to \$21,000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No.

20266

BOARD ACTION TAKEN



SECRETARY OF THE BOARD

JUL 18 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 11

SUBJECT: Approval of Terms and Conditions of Exclusive Negotiating Agreement (ENA) with SIMEON Commercial Properties for Property located at Hegenberger Road and Edgewater Drive

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND

The Commercial Real Estate Division has been implementing the recommendation of the Restructure and Development Plan calling for the sale of Oakland Airport Business Park parcels in order to fund waterfront projects. One of the parcels, known as the Hegenberger Gateway site, consists of 16 acres of land located on the corner of Hegenberger Road and Edgewater Drive. The Hegenberger Corridor is envisioned as a visitor-oriented destination corridor, and is planned for high-end lodging, commercial, retail, and office development. The Port and the City are jointly funding a \$4 million Hegenberger Gateway project which will upgrade landscaping and lighting in the corridor. The Gateway Development Plan, completed in 1998, targeted this site for an upscale hotel with conference space.

ANAYLSIS

The Port is proposing to enter into an Exclusive Negotiating Agreement ("ENA") with SIMEON Commercial Properties for the sale of the site. The ENA will allow the developer to perform due diligence on the site, and to negotiate the terms of a Purchase and Sale Agreement. The terms of the ENA are:

- 1. The ENA shall commence on July 7, 2000 and shall expire on October 7, 2000, unless extended as herein provided (the "ENA Period").
2. Negotiation on the Purchase Agreement must proceed in good faith.
3. The Schedule of Deliverables is attached as Exhibit B. All reports and studies prepared by Developer's consultants and sub-consultants shall be shared with the Port.
4. The proposed development shall consist of a full-service hotel of approximately 300 rooms, conference space, 500,000 to 1,000,000 square feet of Class-A office space and associated retail uses and parking (the "Project").
5. Negotiation of the Purchase Agreement and submission of the Purchase Agreement to the Board must occur within 60 days from the delivery to SIMEON by the Port of a first draft of a Purchase Agreement. The anticipated delivery date of the first draft of the Purchase Agreement is 30 days following commencement of the ENA Period. The Purchase Agreement will include the Port's standard Non-discrimination and Small Local Business Utilization provisions.
6. If the Port determines that SIMEON is not negotiating in good faith or that the Schedule of Deliverables is not being met, the Port may terminate its exclusive negotiating position with SIMEON upon 30 days written notice to SIMEON; SIIMEON will have the opportunity to cure noticed deficiencies within the 30 day period. If negotiations are terminated by either party during the ENA Period, the Deposit (as hereafter defined) shall be fully refunded to SIMEON.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20273 BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

JUL 18 2000 DATE

Subject: : Approval of Terms and Conditions of Exclusive Negotiating Agreement (ENA) with SIMEON Commercial Properties for Property located at Hegenberger Road and Edgewater Drive

Page 2 of 3

7. Upon execution of this Letter of Intent, SIMEON shall deposit the sum of \$200,000 with the Port (the "Deposit") which shall be refundable to SIMEON during the ENA Period. SIMEON shall have two (2) options to extend the ENA Period, each for 90 days. SIMEON may exercise an option to extend the ENA Period by providing the Port written notice of its desire to extend the ENA Period prior to the expiration of the then current ENA Period. Such notice must be accompanied by the payment of the sum of \$100,000 (an "Extension Deposit"). The Extension Deposit(s) shall be nonrefundable, but shall be credited to the Purchase Price under the Purchase Agreement.
8. If a Purchase Agreement is signed and delivered by SIMEON within the ENA Period, the ENA Period shall be extended an additional 60 days from the date of such submitted to enable the Board to (i) determine whether it desires to enter into the Purchase Agreement; (ii) take the actions necessary to authorize the Port to sign the Purchase Agreement, if the Board desires to allow the Port to do so; and (iii) to allow the Port to sign the Purchase Agreement. It is understood that the Deposit will be increased to a total of \$500,000 when the Purchase Agreement is executed by the Port; such Deposit shall be nonrefundable but shall be credited against the Purchase Price.
9. Both parties agree to bear their respective costs, without regard to the final approval of the Purchase Agreement. SIMEON shall be responsible for any brokerage commission payable in connection with this transaction.

OPTIONS

The Port could elect to lease instead of sell the parcel. However, the Restructure and Development Plan provided for the proceeds from the sale to be used for other waterfront projects, and a lease would result in smaller payments over time.

RECOMMENDATION

It is recommended that the Board pass a resolution authorizing the Director of Commercial Real Estate to execute an ENA with SIMEON Commercial Properties, and to enter into negotiations for a Purchase and Sale Agreement covering the Hegenberger Gateway site.

Subject: : Approval of Terms and Conditions of Exclusive Negotiating Agreement (ENA) with SIMEON Commercial Properties for Property located at Hegenberger Road and Edgewater Drive

Page 3 of 3

EXHIBIT B

Schedule of Deliverables/Activities

Identification of parcels to be included in Project (Port)

Survey/parcel map (Simeon)

Development and Submission of Preliminary Development Concepts including:

- Concept/Building Program**
- Schematics, Diagrams**
- Infrastructure Requirements**
- Conceptual Drawings (all Simeon)**

Environmental Due Diligence Investigation (Simeon)

Analysis of Site Geotechnical Conditions (Simeon)

Submission of Funding Plan to Port including:

- Identification/confirmation of development partners**
- Identification of development entity**
- Evidence of financial capability (all Simeon)**

Development and Submission to Port of Preliminary Project Schedule (Simeon)

Development and Submission to Port of Development Proposal Including:

- Marketing studies**
- Financial feasibility analysis**
- Land use and schematic design (all Simeon)**

Negotiate Business Terms (Port/Simeon)

Execute Purchase Agreement (Simeon)

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 13

SUBJECT: Authorization for Executive Director to Execute Transportation Enhancement Activity (TEA) funding Agreements in Connection with the Lightship Relief and Potomac Berthing Projects

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

In 1993, the Board authorized the Executive Director (by resolution number 93412) to apply to the Regional Transportation Planning Authority (RTPA) for funding of a Transportation Enhancement Activity (TEA) grant to construct a berthing facility for both the Presidential Yacht Potomac and the Lightship Relief and to secure funds for the hull restoration and repair of the Lightship Relief.

Further, the resolution adopted in 1993, as requested by the RTPA indicated that the Port was willing to maintain the capital improvements to the Port property and that the Port possessed the legal authority to nominate a project under the TEA program.

In addition, the Board approved on May 2, 2000, resolution number 20173 authorizing the Director of Commercial Real Estate to execute a Memorandum of Understanding (MOU) between the Port and the United States Lighthouse Society to cover the administration of the TEA funds for the restoration work on the Lightship Relief.

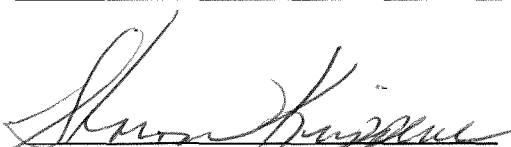
The RTPA requires that the Board of Port Commissioners pass a resolution authorizing the Executive Director to execute the grant agreement, which has not yet been done. Therefore, the Board is requested to authorize the Executive Director to execute TEA agreements associated with the above described projects as required to commit the funding awarded under the grant applications.

RECOMMENDATION:

It is recommended that the Board Authorize the Executive Director to execute grant-funding agreements in connection with the hull restoration of the Lightship Relief and the associated construction of the berthing and other site work necessary to accommodate the Presidential Yacht Potomac and the Lightship Relief. The vessels will be berthed in the basin west of the present FDR Pier at Clay Street. All other requirements of the grants have been accomplished.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20174
BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

JUL 18 2000
DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 21

SUBJECT: New Terminal Use Agreement (TUA) with Evergreen Marine Corp. (Taiwan) Ltd.

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Raymond A. Boyle

RAB

EXECUTIVE OFFICE RECOMMENDATION

[Signature]

FACTUAL BACKGROUND:

In 1995, Evergreen, a major Taiwanese Republic of China container shipping line operating globally in numerous trade routes, shifted terminal operations from San Francisco to Oakland. The five year Terminal Use Agreement (TUA) at the Ben E. Nutter Terminal ("Nutter") was scheduled to expire June 30, 2000. In order for Evergreen to evaluate the Port's proposal for a new contractual arrangement, on June 6, 2000 the Board approved extension of the current TUA term until July 31, 2000. Marine Terminals Corporation (MTC) provides Evergreen with terminal services operations at the Nutter Terminal.

ANALYSIS:

Various economic incentives are contained in the current TUA from the dockage and wharfage rates published in the Port's tariff. Maritime staff has evaluated Evergreen's cargo volumes as well as revenue levels and has proposed a new 5 year TUA. In order to simplify assessment procedures, we are now offering to assess dockage and wharfage as a single charge on a per loaded TEU basis. Key elements of the new TUA are as follows:

Wharfage - Containerized Cargo

Evergreen shall be subject to a Minimum Annual Guarantee (MAG) of 20,000 loaded TEUs during each contract year ("TEU Guarantee"). In the event Evergreen generates less than the TEU Guarantee, the shortfall in TEUs shall be multiplied by the "Fixed TEU Amount", as specified below, in effect on the last day of the contract year. In lieu of paying and reporting the Port's tariff published dockage and wharfage rates, Evergreen shall be assessed the following for containerized cargo:

1 TEU Amount

Dockage and wharfage charges on the basis of \$72.00 per loaded TEU.

At the end of each contract year Evergreen will also be eligible for an additional discount from the \$72.00 rate, as such rate is adjusted, based upon the following volume levels:

Table with 2 columns: Contract Year Volume and Additional Discount. Rows include volume ranges from 20,000 to 90,000+ TEUs with corresponding discount percentages from 10% to 30%.

The Fixed TEU rate shall be subject to increase and adjustment at the same time and same percentage as to any dockage and wharfage rate increases as will be applied to the Port's Tariff 2-A. Such increases shall be based upon a percentage allocation methodology for Port Tariff charges which shall reflect Evergreen activity.

IPI Incentive

As an additional incentive, during each contract year the TUA shall contain incentives for Evergreen's Interior Point Intermodal Throughput Service ("IPI") cargo handled at the terminal. For purposes of the TUA "IPI cargo" will be defined as cargo with origins or destinations in the states of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and states east thereof; and, ports and points in the Canadian provinces of Manitoba and Northwest Territories and provinces east thereof; as well as ports and points east of the Mexican states of Sonora and Sinaloa.

- MOTION
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Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

JUL 18 2000 DATE

ALTERNATIVES:

None at this time. However, Evergreen had previously responded to the Port's Request for Proposal (RFP) for the Berth 57 development and may want to consider some other type of agreement structure and/or facility in Oakland at a later date.

FINANCIAL IMPACT:

Minimal. At current volume levels it is estimated the new TUA will keep Evergreen competitive with other maritime tenants, resulting in an annual increase to Port revenues of approximately \$124,000.00.

The proposed modification to the Agreement was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and Port CEQA Guidelines and was determined Categorical Exempt per Section 15301 (p) which exempts such agreements where the premises or licensed activity was previously leased or licensed to the same or another person and where the Agreement involves negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval of the Terminal Use Agreement between Evergreen and the Port, as outlined above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 22

T.D. SUBJECT: Ratify Change Orders for Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A, at Berths 55/56, Inner Harbor Channel

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong
EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND:

The Port presently has a contract with Port of Oakland Constructors, a JV, for the CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA, which became effective on October 25, 1999, at lump sum and unit prices totaling \$57,063,086.

ANALYSIS:

The work to place fill in the Middle Harbor area included construction of a dike of 12" minus rock along the westerly edge of the project to contain the dredge spoils and fill for the container yard.

The contract required the demolition of Navy Piers 4 and 5 and the associated timber fender pile system. The timber pile system was to be pulled out or broken off below the mud line, and the debris disposed of.

BUDGET ANALYSIS:

The total cost of this work based on the negotiated unit prices and Force Account is \$400,023. The funding for this Change Order will be covered by CIP Element No. M6.00599.01, Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes.

RECOMMENDATION:

It is recommended that the Board ratify two Change Orders: one in the amount of \$359,536 for repair and modifications to the closure dike and the second in the amount of \$40,487 to remove an unknown old fender system, to Port of Oakland Constructors, a JV, for the above-described work.

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Approved by Resolution No. 20215 BOARD ACTION TAKEN Assistant

[Signature] SECRETARY OF THE BOARD

JUL 18 2000 DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

^{TD}
SUBJECT: Approve Change Order for Construction of Container Yard
Phase 1B at Berths 55/56, Inner Harbor Channel

DATE: July 18, 2000

ITEM NO: 23

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*
EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND

The Port presently has a contract with O. C. Jones & Sons, Inc., for the **CONSTRUCTION OF CONTAINER YARD PHASE 1B AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA**, which became effective on December 15, 1999 at lump sum and unit prices totaling \$20,782,063.00. The work consists of constructing approximately 71 acres of container yard, including furnishing and installing asphaltic and interlocking stone pavement; furnishing and installing lighting, fire protection, potable water, gas and electrical systems; furnishing and installing storm and sanitary systems; and performing signing and striping. The work also includes the construction of the terminal gate and canopy, the reefer wash facility and landscaping.

ANALYSIS:

Following the award of this construction contract, the terminal tenant (Hanjin) requested changes to the layout of the yard. The changes include: (1) extending the interlocking stone pavement to allow heavy equipment access to a greater percent of the terminal for approximately \$800,000; (2) adding a "speed gate" to the northwest corner of the site to accommodate expedited cargo movement between the terminal and the adjacent Joint Intermodal Terminal (JIT) for approximately \$200,000; and (3) moving the refrigerated container stacking area and substation and other miscellaneous work for approximately \$250,000. The design team for this project worked very closely with the tenant during the design of this project, but the continuing evolution of the terminal operator's plans for this terminal has led to these changes. The Maritime Division was consulted on these changes and endorsed making the changes to support their tenant, as this will allow revenue to the Port to increase at an accelerated rate.

BUDGET ANALYSIS

The total cost of this Change Order is estimated to be \$1.25 million. The funding for this Change Order will be covered under the project original CIP Element M6.00599.01, Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board approve this change order for the Hanjin-requested changes, described above, in the amount of \$1.25 million.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No.

20276
BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUL 18 2000
DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 18, 2000

T.D. SUBJECT: Approve Change Order for Construction of Container Wharf, Dike, Fill and Container Yard, Phase 1A at Berths 55/56, Inner Harbor Channel

ITEM NO: 24

PROGRAM AREA:

- Maritime Operations (checked)

SUBMITTED BY: Joseph K. Wong EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND

The Port presently has a contract with Port of Oakland Constructors (a Joint Venture) (POCO) for the CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. This Contract became effective on October 25, 1999, at lump sum and unit prices totaling \$57,063,086. The work consists of constructing 2,400' of container wharf, containment dike and fill, and approximately 16 acres of container yard including pavement, lighting, fire protection, potable water, gas and electrical systems, and installing storm and sanitary systems. The work called for dredging the new terminal berths to a depth of -44'.

ANALYSIS:

Following the award of this construction contract, negotiations with the terminal tenant (Hanjin) were completed. The final lease agreement requires that the Port provide a berth depth of -50' on the day the terminal opens.

The environmental analysis required pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) for this work was originally included in the -50' channel deepening Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Delays in certifying that document necessitated preparing an amendment to the Berth 55/58 EIR. That amendment has been completed and approved by the Board in March 2000. Following preparation of the amendment, the permits for the Berth 55/56 project were also amended to include this work. The Permits were received in June.

BUDGET ANALYSIS

The total cost of this Change Order is estimated to be \$350,000. The funding for this Change Order will be covered under the project CIP Element MA.02871.06, Deepen Berths to -50 feet, which covers the budget for the -50' channel deepening project and the related berth improvements associated with that project. The final cost of the change order is dependent on the quantity removed at the unit price, which will be well below the bid price. The funding source is Port Bonds.

OPTIONS

This work could be bid as a separate project to be constructed by the low responsive bidder. The time required to prepare a separate construction contract, advertise, evaluate bids and award this work will not meet the deadline imposed by the lease agreement. Effectively there are currently only two contractors, Great Lakes Dredge and Dock, who is a subcontractor to POCO, and Manson Construction Co, who is a joint venture partner on the Berth 57/58 wharf contract, that can efficiently do this work.

- MOTION
RESOLUTION (checked)
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20277 BOARD ACTION TAKEN

[Signature] SECRETARY OF THE BOARD

JUL 18 2000 DATE

**Subject: Approve Change Order for Construction of Container Wharf,
Dike, Fill and Container Yard, Phase 1A at Berths 55/56,
Inner Harbor Channel**

**April 18, 2000
Page 2**

This work could also be accomplished as a change order to the contract to construct the Berth 57/58 wharf; which was awarded on June 20. This would not be any cheaper than the recommended option.

RECOMMENDATION:

It is recommended that the Board approve this change order to deepen the berth area at the Berth 55/56 Terminal to -50 feet in the estimated amount of \$350,000.

Agenda Sheet

^{TD}
SUBJECT: Approval to Hire Consultant to Continue West Oakland Airborne
Particulate Monitoring Program

DATE: July 18, 2000

ITEM NO: 25

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

Since April 1997, the Port has contracted with a local environmental consulting firm to implement a particulate air quality monitoring program within the West Oakland area. The purpose of the monitoring program has been to characterize the existing particulate air quality conditions in the West Oakland area and to provide baseline data on particulate air pollution prior to construction of proposed Port maritime development projects. The program is measuring PM10 and PM2.5 concentrations at two locations: 1) in the vicinity of Port facilities at the intersection of Middle Harbor Road and 7th street (Port station), and 2) in the residential area downwind of Port facilities at the intersection of Filbert and 24th streets (residential station). Local wind conditions are also being measured at the Port station to help interpret data, since particulate data is influenced by wind patterns. The sampling results have been used to determine if there are localized sources of particulate air contaminants in the West Oakland area, and if possible to identify these sources. The data collected to date indicate that there is a high degree of statistical correlation between the Port site and the residential site, and the data from these stations mimic regional data, suggesting that local air quality is influenced primarily by regional conditions rather than by any specific localized sources. To date the Port has spent approximately \$253,403 on the monitoring program.

Since the Port is concluding its third year of the three-year contract, the Port staff decided to solicit bids from local firms to evaluate, and continue particulate monitoring. Therefore, the Port went through a formal Request For Proposals (RFP) and interview process to select an appropriate firm to continue the air quality monitoring program.

SCOPE OF WORK

In order to continue to address air quality concerns of the West Oakland neighborhood, and to continue to monitor whether or not Port activities contribute directly to airborne particulate concentrations in West Oakland, the Port would like to award another contract to continue the particulate air quality monitoring program for an additional four years, through the completion of the Vision 2000 marine terminal development projects. The effectiveness and appropriateness of the current program will be evaluated and the new consultant will provide the Port with recommendations for improvements to the existing program.

- MOTION
- RESOLUTION
- ORDINANCE
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Approved by Resolution

No. 20278

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

JUL 18 2000

DATE

SELECTION PROCESS:

The RFP was distributed to approximately 60 environmental consulting firms most of whom were located within the Port Maritime Division's designated Local Impact Area (LIA) consisting of the cities of: Oakland, Alameda, and Emeryville. Two proposals from two consultant teams were received in the Port offices. Both consultant teams are either currently working for the Port or have worked extensively for the Port in the past few years. Since both teams met the selection criteria, they were both interviewed. The proposal review panel consisted of representatives from the OEO, Environmental Health and Safety Compliance, and Environmental Planning Departments. Based on a review of the team's proposals and interviews, GAIA Consulting, Inc. was selected by the panelists as the outstanding candidate for their qualifications, knowledge of the project, and breadth of experience. The following table shows the GAIA team members, their roles and their planned share of work:

Team Member	OEO Status	Project Role	Percent
GAIA Consulting Inc.	LIA/WBE	Prime Firm	67%
Illingworth and Rodkin	n/a	Evaluation/Monitoring	13%
Chester Laboratory	n/a	Lab Analysis	10%
SOMA	LIA/MBE	Risk Assessment	5%
H & H Ecoprisers	LIA/WMBE	Public Relations	5%

The Port's Office of Equal Opportunity was involved in all phases of the consultant evaluation. OEO has determined the recommended team to be responsive to the Port's Non-Discrimination and Small/Local Business Utilization Policy. GAIA is a small, woman owned, certified Oakland LBE. 77% of the team are located in the LIA, and 77% qualify as small firms. Including GAIA's share of the work, 77 % of the work would be performed by small MWBE firms in the LIA.

All of the GAIA consultant team firms have worked on Port related projects in recent years. GAIA Consulting, Inc. has been intimately involved with the Joint Intermodal Terminal Project and the 50 foot Dredging Project. GAIA, Inc. has established a solid understanding of the Vision 2000 Program elements and earned a reputation from Port staff as being extremely thorough, and responsive to the Port's project needs. Not only has the GAIA team demonstrated exceptional ability to achieve project goals within very tight timeframes, but their ability to coordinate and integrate the complexities of the interrelated Vision 2000 program elements into concise and readable documents has been adequately demonstrated.

BUDGET:

Port staff met with the consultant to negotiate a scope of work and cost estimate for the scope of work. The consultant has agreed to perform the work at an agreed-upon billing and wage rate for a total cost not to exceed \$200,000. In addition to the maximum contract amount of \$200,000, it is requested that the Executive Director be authorized to approve up to \$50,000 of additional change of scope work, for a total maximum contract amount of \$250,000. This work will be covered under CIP No. M6.00546.05.

RECOMMENDATION:

It is recommended that the Board:

- 1) determine that the consultant services described above are professional services; and,

- 2) authorize the preparation and execution an Agreement with GAIA Consulting, Inc. to perform particulate air quality monitoring as part of the West Oakland Particulate Monitoring Program as described above.

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 26

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBJECT: ^{TD} Authorization of Funding for the Tugboat Repower and Retrofit Project, Mitigation Measure 3.3-3/M3 of the Vision 2000 Air Quality Mitigation Program

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

INTRODUCTION:

On April 20, 1999, the Board of Port Commissioners certified the Berths 55-58 EIR and adopted the Vision 2000 Mitigation Monitoring and Reporting Program. As a result, the Port has committed to spend \$8.98 million in emission reduction programs and demonstration projects to promote technological advances in improving air quality. One of the mitigation measures that the Board adopted is the "retrofit of one tugboat with a low-emission engine and exhaust-after-treatment device as a demonstration project." Subtracting the internal administrative costs, an amount of approximately \$480,000 is available for the mitigation project. (Mitigation 3.3-3/M3, "Tugboat Retrofit Project", funded at a level of \$500,000, CIP No. M6.00546.05).

FACTUAL BACKGROUND:

Port environmental staff developed eligibility and participation criteria for the tugboat repower and retrofit program based upon reducing near-Port emissions, achieving cost efficient nitrogen oxides (NO_x) and particulate matter (PM) emission reduction over the project lifetime, and providing high quality service to Port tenants. These criteria were used to determine the Port's amount of subsidy towards the proposed total project cost. Further, Port staff developed a project evaluation methodology that established emission calculation procedures, and feasibility criteria to assess project proposals. A detailed description of the participation and evaluation criteria is contained within Staff Report # 4: Tugboat Repower and Retrofit Project (June 16, 2000).

The Port distributed the participation criteria along with the request for project proposals on Friday, May 7, 2000, to eight tugboat companies in San Francisco Bay. In response, the Port has received two applications to repower (engine replacement) a tugboat with new diesel engines, and one application to install a Selective Catalytic Reduction (SCR) exhaust-after-treatment system on one of the repowered tugboats. The SCR was presented as a second part of one application and could not be realized without repowering the engines first. Therefore, the two competing projects are the submitted engine repower projects from American Navigation (AMNAV) and Oscar Niemeth Towing Inc. (ONT).

AMNAV proposes replacing the tugboat "Enterprise" currently operating in Oakland, with the tugboat "Point Firman" currently operating in Los Angeles by FOSS Maritime. AMNAV plans to convert the "Point Firman" into a tractor tug (Z-drive thruster propulsion type). AMNAV would then replace the existing diesel engines of the "Point Firman" with two new diesel engines.

AMNAV's proposed project would reduce 211 tons NO_x and 1.5 tons PM over the project lifetime. The cost efficiency to reduce one ton of NO_x and PM combined¹ is \$4,330. The total project cost would be \$970,000. Based on the age of the existing engines, the Port's grant to AMNAV's project could be up to \$194,000.

¹ The PM emission reductions were weighted with a factor of 30 in order to make them comparable with NO_x emission reductions.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20279

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

[Signature]
DATE

JUL 18 2000

ONT proposes replacing the existing diesel engines on the tugboat "Silver Eagle" with two new diesel engines. ONT is currently in the process of converting the "Silver Eagle" into a tractor tug.

ONT's proposed project would reduce 446 tons NO_x and 9.8 tons PM over the project lifetime. The cost efficiency to reduce one ton of NO_x and PM combined is \$1,645. The total project cost would be \$816,605. Based on the age of the existing engines, the Port's grant to ONT's project could be up to \$408,302.50.

ONT proposed in the second part of his project proposal to install a SCR on the repowered "Silver Eagle". The SCR is an exhaust-after-treatment system, which reduces NO_x through the injection of an ammonia solution and simultaneously reduces hydrocarbons, particulate matter and carbon monoxide as well.

The SCR on ONT's "Silver Eagle" equipped with new diesel engines would achieve an additional reduction of 263 tons NO_x and 4.0 tons of PM over the project lifetime of 20 years (assumed useful life of SCR). The cost efficiency to reduce one ton of NO_x and PM combined is \$1,580. The funding available for the SCR installation would be \$310,104 plus a \$180,000 award/monetary incentive for undercutting the 2000 IMO emission standards.

OPTIONS:

1. No authorizations of funding for a tugboat repower and retrofit project. This option would be inconsistent with the Port's commitments to mitigate for air quality impacts resulting from the Vision 2000 Development Program.
2. Select the SCR retrofit project only, since it is the most cost efficient. This option, although interesting from an environmental perspective, most likely would not be realized due to ONT's priorities and technical constraints (it cannot be realized without the engine replacement first).
3. Select the most cost-efficient engine replacement project. The selected project would be a \$408,302.50 grant to ONT's "Silver Eagle" engine replacement project. This option guarantees implementation and would provide the Port of Oakland with the higher emission reduction per dollars spent of both engine replacement projects. (Approximately \$72,000 would remain from the total funding assuming that \$20,000 will be used to administer the program)
 - a) Offer the remaining \$72,000 to AMNAV for its repower project. This sub-option seemed infeasible since AMNAV mentioned the need of more than \$400,000 for realization of its project proposal.
 - b) Reallocate the remaining \$72,000 to mitigation measure 3.3-3/M1, the retrofit of on-road transport trucks. Efforts to increase funding for on-road truck measures are a commitment of the April 20, 1999 Board decision.
 - c) Leave the remaining \$72,000 in the budget for mitigation measure 3.3-3/M3 to be spent at a later date.

RECOMMENDATIONS:

It is recommended that the Board authorize the allocation of \$408,300 to Oscar Niemeth Towing Inc. to replace its diesel engines in the "Silver Eagle" as proposed (Option 3). ONT's repower project is the most cost efficient project, and was analyzed as the most feasible project, improving the service to Port of Oakland tenants. Moreover, ONT is a local, family owned and unionized small business.

It is recommended that the Board approve and authorize negotiation and execution of a Memorandum of Understanding on its behalf with Oscar Niemeth Towing, Inc. for purposes of implementing the Tugboat Repower and Retrofit Project, Mitigation Measure 3.3-3/M3, of the Vision 2000 Air Quality Mitigation Program.

It is further recommended that the Board approve leaving the remaining \$72,000 (approximate) in the budget for the Tugboat Repower and Retrofit Program, because the analysis showed that the installation of SCR on a tugboat could additionally reduce emissions with relatively low costs (Option 3c). The project could be realized if additional funding were made available at a later date.

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 27

⁷⁰
SUBJECT: Adoption of Principal Implementation Strategy and Participation Criteria for the Container Terminal Equipment Repower And Retrofit Program, Mitigation Measure 3.3-3/M2 under the Vision 2000 Air Quality Mitigation Program; Authorization for the Executive Director To Allocate Funding to Select Projects

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

INTRODUCTION:

On April 20, 1999, the Board of Port Commissioners certified the Berths 55-58 Environmental Impact Report (EIR) and adopted the Vision 2000 Mitigation Monitoring and Reporting Program. As a result, the Port has committed to spend \$ 8.98 million in emission reduction programs. One of the mitigation measures that the Board adopted is the "Container Terminal Equipment Repower and Retrofit Program"¹ (Resolution 99153, Mitigation Measure 3.3-3/M2: Subsidize cargo handling equipment engine replacement and/or add-on exhaust treatment). The Board allocated a budget of \$ 5.245 million for administration and implementation of the Container Terminal Equipment Repower and Retrofit Program. The purpose of the Board action is to approve the principal implementation strategy and funding guidelines for the Port's Container Terminal Equipment Repower and Retrofit Program, and to authorize the Executive Director to decide on the final funding guidelines and to issue grants.

FACTUAL BACKGROUND:

The implementation of the Container Terminal Equipment Repower and Retrofit Program started on December 2, 1999, when environmental staff developed a Work Breakdown Structure and a Project Schedule. Major steps in project planning were an inventory of all container terminal equipment operating at the Port and the establishment of a Technical Review Panel.

The inventory of container terminal equipment was completed on May 2, 2000. The inventory provides the data to update the Berths 55-58 EIR baseline emission calculation, to calculate proposed emission reductions and to analyze economic feasibility of different implementation scenarios. The recommendation below draws on that analysis.

The purpose of the Technical Review Panel is to review the program's strategy and funding guidelines and to assist the Port in selecting repower and retrofit projects. Members of the Technical Review Panel include representatives from the Port of Oakland, West Oakland Neighbors, California Air Resources Board, Bay Area Air Quality Management District, California Energy Commission and an independent Consultant. Meetings were held on March 16, April 20, and May 25, 2000 to discuss the draft participation and eligibility criteria and the proposed implementation strategy.

Port environmental staff researched technological advances in diesel emission controls for the program's implementation. Research included literature studies and attendance at conferences on advances in emission control technologies and diesel engines. Port staff also met with stevedoring companies to gather their needs and interest in the program.

¹Repowering means engine replacement, retrofitting means add on exhaust after treatment and engine modifications.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20280

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUL 18 2000

DATE

TECHNICAL BACKGROUND:

The inventory of the existing container terminal equipment showed that the majority of equipment operating in Oakland was built before 1996 (17 % before 1988 and 54 % before 1996). Significant reductions in off-road diesel emissions occurred with model years 1988 and 1996, because in 1988 emission standards went into effect for the first time and became more stringent in 1996. The next tightening of off-road emission standards will happen in 2001 or 2003, depending on the engine's horsepower.

One approach to reduce the emissions of container terminal equipment is replacing older, more polluting diesel engines with newer engines. Replacement engines could be selected to meet either the current off-road emission standard or the forthcoming 2001/2003 emission standards. The forthcoming 2001/2003 emission standards could be achieved with some off-road engines or by using more expensive on-road engines in off-road equipment. A significant portion of currently available off-road diesel engines meet the forthcoming PM standards, whereas only a few meet the forthcoming NO_x emission standards. On-road engines exceed the forthcoming off-road emission standards. Proposed replacement engines would be selected based on their cost-efficiency of emission reductions (dollars spent per tons emissions reduced).

Port environmental staff used the inventory to establish the average useful lifetime of container terminal equipment at the Port of Oakland, and will use it to determine the baseline emission, potential emission reduction and cost efficiency of proposed projects.

The literature review indicates that a very cost-effective approach to reduce diesel emissions would be installation of technologies to treat exhaust gas. Diesel Particulate Filters (DPF), Diesel Oxidation Catalysts (DOC) and Selective Catalytic Reduction (SCR) are all currently available technologies. However, DPF and SCR may not be suitable for container terminal equipment, whereas DOC is most likely technically feasible on all types of container terminal equipment. Two fuel-related measures, the use of aqueous diesel and the use of ultra-low-sulfur diesel, also promise significant emission reductions, in particular when combined with emission control technologies.

OPTIONS:

1. Provide no funding for the Container Terminal Equipment Repower and Retrofit Program. This option would be inconsistent with the Port's commitment to mitigate for air quality impacts resulting from the Vision 2000 Development Program.
2. Fund only engine replacement. This option would not adhere to the Port's goal in maximizing the emissions reduced for the dollars spent.
3. Fund only emission control technologies. This option would not provide sufficient incentive for broad participation by tenants, which would be detrimental to the entire program.
4. Leave the decision whether to install a new engine or emission control technology to the Marine Terminal Operator, based on a subsidy of engine replacement and 100 % financing of emission controls.

-
5. Provide funding for both engine replacement and emission control technologies, designed in a manner that encourages the Marine Terminal Operator to install emission control technologies and apply fuel related measures.
 6. Select projects based on model years.
 7. Select projects based on their cost efficiency (tons of emission reduced per year/ annual cost of proposed project).
 8. Establish emission targets for engine replacement that use the forthcoming 2001/2003 off-road emission standards.

RECOMMENDATION:

It is recommended that the Board selects Options 5 and 7 and adopts the Container Terminal Equipment Repower and Retrofit Program Funding Guidelines. The funding principles are to provide partial subsidy for engine replacements, based on the resultant emission reductions. The Port would provide a suggested list of engines. The amount of subsidy is intentionally kept low and can be increased with participation in installing emission control technologies. The Port would fund 100 % of emission control technology and would provide a fixed monetary incentive/award for installing emission controls and using aqueous and low-sulfur diesel fuel, dependent on the technologies' ability to reduce emissions. The Port would establish a hierarchical list of proposed projects according to their cost efficiency for final project selection. A maximum amount of \$ 10,000 per ton of pollutant reduced would be available as a grant.

It is also recommended that the Executive Director be authorized to issue final funding guidelines and to issue grants to eligible projects.

Attachment: Draft Funding Guidelines for the Port of Oakland Container Terminal Repower and Retrofit Program.

Funding Guidelines for the Port of Oakland Container Terminal Equipment Repower and Retrofit Program.

#	Description	Reasoning
1.	General and Technical Eligibility Criteria for Participation in the Container Terminal Equipment Repower and Retrofit Program	
1.1	The participation in the Container Terminal Equipment Repower and Retrofit Program is voluntary. Marine Terminal Operators (MTO) are required to make technical and operational information regarding their terminal equipment available to the Port of Oakland. The return of the questionnaire, sent out on February 7, 2000, is a condition for participation.	<i>The Port of Oakland does not have the authority to require MTO to participate. .</i>
1.2	The participation criteria and the calculation of funding will be based on particulate matter (PM) and nitrogen oxides (NO_x) emissions.	<i>The primary target pollutant for the Port's program is particulate matter (PM). Nitrogen oxides (NO_x) are second in importance due to its ozone creation potential.</i>
1.3	The funding rules apply to existing equipment listed in the container terminal inventory.	<i>New equipment that will be purchased for the new terminals is not part of the V2K Mitigation Program.</i>
1.4	<p>FUNDING PRINCIPLE: The Port of Oakland will subsidize engine replacement on equipment of model years 1988 or later. The Port will provide a list of engine replacement options, including the amount of funding available per engine type, from which the MTO can select. The amount of subsidy is intentionally kept low, but MTO's can increase the engine's subsidy when installing additionally emission control technologies and applying fuel related measures (use of aqueous diesel and ultra-low-sulfur diesel).</p> <p>The Port will encourage the installation of emission control technologies such as Diesel Oxidation Catalysts, Diesel Particulate Filters, and Selective Catalytic Reduction, on all (repowered or not repowered) pieces of equipment with a minimum remaining useful life of 5 years. (see 2.4) The Port will pay 100 % of the cost for emission control technology, plus an</p>	<i>In conformance with conclusions of the Technical Review Panel and with the information gathered through the container terminal inventory, technical researches.</i>

Funding Guidelines for the Port of Oakland Container Terminal Equipment Repower and Retrofit Program.

#	Description	Reasoning
	<p>additional dollar award as a monetary incentive (see rule 2.3) that can be used to increase the subsidy of engine replacements¹. The amount of dollar award is \$ 750 per each 10 % of expected PM or NO_x emission reduction for Yard Hustlers, Sidepicks and all engines < 300 hp, and \$ 1,000 per each 10 % of expected emission reduction for Transtainers, Tophandlers and all equipment ≥ 300 hp (as defined under rule 2.3).</p> <p>The Port will also encourage the MTOs to apply fuel-related measures such as using ultra-low-sulfur diesel or aqueous diesel. The same principles as with Emission Control Technologies apply.</p> <p>MTO could either select projects from a list provided by the Port or could propose their own projects, selecting an equivalent percentage subsidy instead.</p> <p>All projects will be ranked according their cost efficiency, calculated according to rule 3, and will be implemented in descending rank order until the approximately \$ 5.06² has been spent.</p>	
1.5	<p>Replaced engines should either be rebuilt to current emission standards by contractor of the Original Engine Manufacturer, or be scrapped and taken out of service.</p> <p>There would be no penalty if the MTOs decides to replace and resell the entire piece of equipment instead. The amount of Port funding remains the same.</p>	<p><i>The Port's goal is to take the older engines out of service. Cummins, the OEM of approximately 85 % of the target engines either scraps the old engines or rebuilds them to current off-road standards. However, the MTOs mentioned their needs to be able to decide to replace the entire piece of equipment or to replace the engines only. The Port could not afford to buy entire pieces of equipment for the purpose of scraping them.</i></p>

¹ If MTOs decide not to repower engines, but to install emission controls, the Port will consider allocating incentive surplus funding as an incentive for additional emission reduction projects.

² Administrative cost for program implementation (1.1 % of budget) and cost for an air quality baseline study (2.5 % of budget) has been subtracted from the total budget of \$ 5.245 million.

Funding Guidelines for the Port of Oakland Container Terminal Equipment Repower and Retrofit Program.

#	Description	Reasoning																																								
1.6	Emission reduction verification testing may be necessary in some cases for quality control. Participating MTOs are required to allow the Port to conduct verification testing on selected equipment, as mutually agreed. The Port of Oakland is responsible for funding verification testing.	<i>Testing of the results of after treatment measures, for which no emission factors are available, would be highly beneficial to all participants.</i>																																								
2. Funding Criteria for Container Terminal Equipment																																										
2.1	Emission target for all new purchased engines or vehicles is to meet or exceed the forthcoming 2001/2003 off-road emission standards (NMHC + NO _x = 4.9 g/bhp-hr, PM = 0.22 and 0.15 g/bhp-hr for categories ≥ 100 hp < 175 and ≥ 175 hp < 300 respectively). A list of engines is available through the Port of Oakland, Environmental Planning Department.	<i>The 2003 standard would represent a substantial emission reduction by only slightly higher costs compared to today's emission standards, if technology is available. The installation of on-road engines would even exceed the 2001/2003 for off-road standard.</i>																																								
2.2	<p>The Port would provide to each MTO lists of engine replacement options. The amount of funding per engine, offered by the Port of Oakland is the following (*cost figures subject to revision based on OEM cost input):</p> <table border="1" data-bbox="259 906 1423 1187"> <thead> <tr> <th data-bbox="259 906 621 973">Equipment Type</th> <th colspan="4" data-bbox="621 906 1423 941">Model years</th> </tr> <tr> <th data-bbox="259 941 621 973"></th> <th data-bbox="621 941 828 973">2000 – 1996</th> <th data-bbox="828 941 1036 973">1995 – 1993</th> <th data-bbox="1036 941 1243 973">1992 – 1990</th> <th data-bbox="1243 941 1423 973">1989 – 198x</th> </tr> </thead> <tbody> <tr> <td data-bbox="259 973 621 1005">Transtainers:</td> <td data-bbox="621 973 828 1005">\$ 24,000</td> <td data-bbox="828 973 1036 1005">\$ 18,500</td> <td data-bbox="1036 973 1243 1005">\$ 15,000</td> <td data-bbox="1243 973 1423 1005">\$ 11,000</td> </tr> <tr> <td data-bbox="259 1005 621 1037">Tophandlers:</td> <td data-bbox="621 1005 828 1037">\$ 18,500</td> <td data-bbox="828 1005 1036 1037">\$ 14,200</td> <td data-bbox="1036 1005 1243 1037">\$ 11,500</td> <td data-bbox="1243 1005 1423 1037">\$ 8,500</td> </tr> <tr> <td data-bbox="259 1037 621 1069">Sidepicks, Yard Hustler:</td> <td colspan="4" data-bbox="621 1037 1423 1069"></td> </tr> <tr> <td data-bbox="259 1069 621 1101">CUM 6 BT</td> <td data-bbox="621 1069 828 1101">\$ 11,000</td> <td data-bbox="828 1069 1036 1101">\$ 8,500</td> <td data-bbox="1036 1069 1243 1101">\$ 7,000</td> <td data-bbox="1243 1069 1423 1101">\$ 5,000</td> </tr> <tr> <td data-bbox="259 1101 621 1133">CUM 6 CT, CAT 3208, VOL</td> <td data-bbox="621 1101 828 1133">\$ 13,000</td> <td data-bbox="828 1101 1036 1133">\$ 10,000</td> <td data-bbox="1036 1101 1243 1133">\$ 8,000</td> <td data-bbox="1243 1101 1423 1133">\$ 6,000</td> </tr> <tr> <td data-bbox="259 1133 621 1165">or</td> <td data-bbox="621 1133 828 1165">65 %</td> <td data-bbox="828 1133 1036 1165">50 %</td> <td data-bbox="1036 1133 1243 1165">40 %</td> <td data-bbox="1243 1133 1423 1165">30 % of 3.3</td> </tr> </tbody> </table>	Equipment Type	Model years					2000 – 1996	1995 – 1993	1992 – 1990	1989 – 198x	Transtainers:	\$ 24,000	\$ 18,500	\$ 15,000	\$ 11,000	Tophandlers:	\$ 18,500	\$ 14,200	\$ 11,500	\$ 8,500	Sidepicks, Yard Hustler:					CUM 6 BT	\$ 11,000	\$ 8,500	\$ 7,000	\$ 5,000	CUM 6 CT, CAT 3208, VOL	\$ 13,000	\$ 10,000	\$ 8,000	\$ 6,000	or	65 %	50 %	40 %	30 % of 3.3	<i>This "package deal" approach ensures an easy and comprehensible program for a broad acceptance by MTOs.</i>
Equipment Type	Model years																																									
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or	65 %	50 %	40 %	30 % of 3.3																																						
2.3	The Port of Oakland would subsidize the total project cost for emission control technology (exhaust after treatment and fuel-related measures) by 100 % , if the engine has an expected lifetime of at least 5 years . This applies to new, repowered and existing equipment. Restrictions due to technical feasibility may apply.	<i>Exhaust after treatment devices are likely to be technically feasible at a relatively low cost and with a significant emission reduction potential. I.e. compared to the potential of an engine replacement to</i>																																								

Funding Guidelines for the Port of Oakland Container Terminal Equipment Repower and Retrofit Program.

#	Description	Reasoning																																																											
	<p>The Port will offer an additional monetary incentive based on the expected emission reduction of certain emission control technologies as follows: (*cost figures subject to revision based on OEM cost input and emission reduction potential):</p> <table border="1" data-bbox="265 453 1429 858"> <thead> <tr> <th rowspan="2">ECT</th> <th colspan="2">expected reduction %</th> <th colspan="2">dollar award</th> </tr> <tr> <th>NO_x</th> <th>PM</th> <th>< 300 hp</th> <th>≥ 300 hp</th> </tr> </thead> <tbody> <tr> <td>ULSD</td> <td>0</td> <td>13</td> <td>\$ 750</td> <td>\$ 1,000</td> </tr> <tr> <td>AD</td> <td>15</td> <td>25</td> <td>\$ 1,500</td> <td>\$ 2,000</td> </tr> <tr> <td>DPF</td> <td>0</td> <td>80</td> <td>\$ 6,000</td> <td>\$ 8,000</td> </tr> <tr> <td>DPF + ULSD</td> <td>0</td> <td>95</td> <td>\$ 6,750</td> <td>\$ 9,000</td> </tr> <tr> <td>DPF + AD</td> <td>30</td> <td>85</td> <td>\$ 6,000</td> <td>\$ 8,000</td> </tr> <tr> <td>DOC</td> <td>0</td> <td>25</td> <td>\$ 1,500</td> <td>\$ 2,000</td> </tr> <tr> <td>DOC + ULSD</td> <td>0</td> <td>45</td> <td>\$ 3,000</td> <td>\$ 4,000</td> </tr> <tr> <td>DOC + AD</td> <td>15</td> <td>35</td> <td>\$ 2,250?</td> <td>\$ 3,000?</td> </tr> <tr> <td>SCR</td> <td>75</td> <td>30</td> <td>\$ 5,250</td> <td>\$ 7,000</td> </tr> <tr> <td>SCR + DOC</td> <td>90</td> <td>50</td> <td>\$ 6,750</td> <td>\$ 9,000</td> </tr> </tbody> </table> <p>ECT = Emission Control Technology; ULSD = Ultra Low Sulfur Diesel; AD = Aqueous Diesel; DPF = Diesel Particulate Filter; DOC = Diesel Oxidation Catalyst; SCR = Selective Catalytic Reduction.</p>	ECT	expected reduction %		dollar award		NO _x	PM	< 300 hp	≥ 300 hp	ULSD	0	13	\$ 750	\$ 1,000	AD	15	25	\$ 1,500	\$ 2,000	DPF	0	80	\$ 6,000	\$ 8,000	DPF + ULSD	0	95	\$ 6,750	\$ 9,000	DPF + AD	30	85	\$ 6,000	\$ 8,000	DOC	0	25	\$ 1,500	\$ 2,000	DOC + ULSD	0	45	\$ 3,000	\$ 4,000	DOC + AD	15	35	\$ 2,250?	\$ 3,000?	SCR	75	30	\$ 5,250	\$ 7,000	SCR + DOC	90	50	\$ 6,750	\$ 9,000	<p><i>forthcoming standards. Emission benefits would be greater with older engines.</i></p> <p><i>However, there are no operational benefits for MTO to install emission controls. Therefore the approach is to partially subsidize engine replacement, and offer to increase subsidy with installing emission control technology.</i></p> <p><i>The incentives for MTO are the engine replacements themselves and the reduced cost share when installing emission controls and using low emission fuels.</i></p>
ECT	expected reduction %		dollar award																																																										
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2.4	<p>Projects proposed under rules 2.2, and 2.3 are competitive alternatives and subject to the cost-efficiency analysis (see rule 3). Projects will be selected from a ranked list until the amount of available funding has been spent.</p>	<p><i>Advanced engine and exhaust after treatment applications will be evaluated competitive for cost efficiency.</i></p>																																																											
<p>3. Cost Efficiency Calculation Criteria</p>																																																													
3.1	<p>The Port has committed to focus on particulate matter when implementing the program. Engine replacement, although simultaneously reducing PM, reduces mostly NO_x emissions. Application of emission controls reduces predominately PM.</p> <p>Since the cost efficiency standard of \$ 10,000 per ton of pollutant was developed for NO_x emission reductions, an adjustment factor of 20 will be applied when calculating cost efficiency for emission control technology and the use of low-emission fuels for project selection. Engines'</p>	<p><i>This ensures the Port's goal of focusing on particulate matter emissions, making particulate matter emission reductions comparable to nitrogen oxide emission reductions. The ratio of NO_x emissions to PM10 emissions is approximately 1/20. The</i></p>																																																											

Funding Guidelines for the Port of Oakland Container Terminal Equipment Repower and Retrofit Program.

#	Description	Reasoning
	average PM level is approximately 1/20 of their NO _x emissions levels.	<i>PM10 emissions would be multiplied by 20 in order to create a comparative cost efficiency for PM and NO_x reduction.</i>
3.2	<p>Projects will be ranked according to their cost efficiency, and projects will be selected by rank order until the funding of approximately \$ 5.06 has been spent.</p> <p>Cost efficiency analysis for engine replacements are based upon annualized Port of Oakland funding dollars (see rule 2.2). The formula to calculate annual cost takes into account the project lifetime and emissions reduced in [t/y] NO_x and [t/y] PM.</p> <p>Cost efficiency analysis for emission control technologies and fuel related measures are annualized Port costs (including monetary incentive). The formula to calculate annual cost takes into account the project lifetime and emissions reduced in [t/y] NO_x and [20x t/y] PM.</p>	<i>To ensure to get the most “bang for the buck”. This also ensures the focus on pre 1996 engines with a remaining useful lifetime, by including all engines if cost efficient.</i>
3.3	<p>The total project cost for the MTO when replacing engines or equipment is not considered under the program. Savings due to negotiations with vendors are fully realized by the MTO.</p> <p>The project cost for emission control technologies is Emission Control’s hardware cost + installation cost.</p> <p>Port funding and the cost for emission control technology plus monetary incentive will be converted to an annual cost figure based on the project lifetime, with a discount rate of five percent. The discount rate reflects the opportunity cost of public funds. This is the level of earning that could be reasonably expected by investing Port funds. The formula converting total project cost to annual cost is:</p> <p>$[(1+i)^n(i)]/[(1+i)^n-1]$ with i = discount rate = 0.05 and n= project life</p>	<p><i>This project cost determination will deliver the baseline for the cost efficiency ranking and the amount of subsidy.</i></p> <p><i>NOTE: The methodology is consistent with the methodology used by the California Air Resources Board in its Carl Moyer Grant Program.</i></p>

Funding Guidelines for the Port of Oakland Container Terminal Equipment Repower and Retrofit Program.

#	Description	Reasoning																				
3.4	<p>The project lifetime is determined by the age of the existing engine minus the useful life per equipment category in years. The following default values per equipment category apply:</p> <table border="1" data-bbox="271 424 1446 624"> <thead> <tr> <th>Equipment</th> <th>useful life [y], [hr]</th> <th>Model years eligible for funding</th> </tr> </thead> <tbody> <tr> <td>Transtainers:</td> <td>14 y = ~10,000 hr</td> <td>1988 or later</td> </tr> <tr> <td>Tophandlers:</td> <td>12 y = ~ 12,000 hr</td> <td>1988 or later</td> </tr> <tr> <td>Sidepicks:</td> <td>12 y = ~ 15,000 hr</td> <td>1988 or later</td> </tr> <tr> <td>Yard Hustlers:</td> <td>12 y = ~ 15,000 hr</td> <td>1988 or later</td> </tr> <tr> <td>Forklifts</td> <td>20 y = ~ 15,000 hr</td> <td>1988 or later</td> </tr> </tbody> </table>	Equipment	useful life [y], [hr]	Model years eligible for funding	Transtainers:	14 y = ~10,000 hr	1988 or later	Tophandlers:	12 y = ~ 12,000 hr	1988 or later	Sidepicks:	12 y = ~ 15,000 hr	1988 or later	Yard Hustlers:	12 y = ~ 15,000 hr	1988 or later	Forklifts	20 y = ~ 15,000 hr	1988 or later	<p><i>The container inventory allowed the determination of the average useful life of equipment that operates at the Port of Oakland.</i></p>		
Equipment	useful life [y], [hr]	Model years eligible for funding																				
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4.	Emission Reduction Calculation Criteria																					
4.1	<p>Emission reductions for cost efficiency analysis will be calculated by the Environmental Planning Department as follows:</p> <p>Baseline and projected emissions in tons per year: (Equipment hours of operation in year 2000 [hr/y] x horsepower [hp] x emission factor [g/bhp-hr] x deterioration factor) / 970,000 [g/t]³</p> <p>Emission reduction: Baseline emission [t/y] – projected emission [t/y]</p> <p>Default emission factors:</p> <table border="1" data-bbox="271 1011 1446 1182"> <thead> <tr> <th>Model year</th> <th>Engine Control</th> <th>NO_x [g/bhp-hr]</th> <th>PM [g/bhp-hr]</th> </tr> </thead> <tbody> <tr> <td>1984 – 1987</td> <td>turbocharged</td> <td>11.0</td> <td>0.5</td> </tr> <tr> <td>1984 – 1987</td> <td>naturally aspirated</td> <td>11.0</td> <td>0.75</td> </tr> <tr> <td>1988 – 1996</td> <td>all</td> <td>8.17</td> <td>0.38</td> </tr> <tr> <td>1997 – 2000</td> <td>all</td> <td>6.25</td> <td>0.15</td> </tr> </tbody> </table>		Model year	Engine Control	NO _x [g/bhp-hr]	PM [g/bhp-hr]	1984 – 1987	turbocharged	11.0	0.5	1984 – 1987	naturally aspirated	11.0	0.75	1988 – 1996	all	8.17	0.38	1997 – 2000	all	6.25	0.15
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³ Port contracted URS Greiner/ Woodward Clyde Consultants to compile emission factors and deterioration factors for engines operating at the Port.

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 28

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

^{TD}
 SUBJECT: Approval of Revisions to Project Description and Mitigation Monitoring and Reporting Program for Oakland Harbor Navigation Improvement (-50 Foot) Project and Finding that Revisions Do Not Require Preparation of Subsequent Or Supplemental EIR.

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

On February 1, 2000, the Board of Port Commissioners certified the **Final Environmental Impact Report ("Final EIR") for the Oakland Harbor Navigation Improvement (-50 Foot) Project ("Project")**, made findings concerning significant effects of the Project, adopted a Mitigation Monitoring and Reporting Program ("MMRP") and a statement of overriding considerations for unavoidable adverse impacts, and approved the Project.

Since the Board approved the Project, additional engineering and design work have proceeded. These efforts have resulted in a number of minor revisions to the Project description and clarification of one mitigation measure. None of these changes would cause new significant environmental impacts or a substantial increase in the severity of previously identified environmental impacts. Nor do the changes suggest any new mitigation measures or project alternatives that should be considered for adoption.

Accordingly, staff has prepared an Addendum to the Final EIR. The California Environmental Quality Act (CEQA) provides for the preparation of an addendum to a previously certified EIR if changes or additions to the project are necessary, but none of the conditions requiring a supplemental or subsequent EIR have occurred. Here, the Addendum describes the proposed revisions in the Project description and in one mitigation measure, assesses potential changes in environmental impacts that might be caused by these revisions, and concludes that none of the changes is substantial enough to require preparation of a supplemental or subsequent EIR.

Revised Project Description:

The changes described in the Addendum may be summarized as follows: 1) total dredged sediment is likely to increase from 12.8 million cubic yards ("mcy") to approximately 13.3 mcy, mostly as a result of adjustments in channel alignments requested by the San Francisco Bar Pilots following ship simulation testing; 2) of that 13.3 mcy, approximately 1.5 mcy, rather than 0.7 mcy, may be "NUAD," *i.e.*, sediment that is Not Suitable for Unconfined Aquatic Disposal; 3) this change will, in turn, require increased capacity at the Port's sediment rehandling facility; and 4) refinements in the design for the Middle Harbor Enhancement Area ("MHEA") including a reduction in the volume of dredged sediments to 5.8, rather than 7.0, mcy to meet its habitat restoration goals. These changes lead to changes in the sediment reuse and disposal plan that was approved in February 2000, as follows:

- the MHEA would receive 5.8 mcy, rather than 7.0 mcy, of wetland-cover quality dredged sediment;
- the Hamilton Wetland Restoration Project would receive 2.6, rather than 2.5, mcy of dredged sediment suitable for wetland restoration, providing the site is developed on schedule and is available during construction;

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20281

BOARD ACTION TAKEN Assistant

[Signature]
 SECRETARY OF THE BOARD

JUL 18 2000

DATE

- the Montezuma Wetlands Project would still receive 2.9 mcy of dredged sediment suitable for wetland restoration, including up to approximately 400,000 cy of wetland non-cover quality sediment, contingent site availability, and cost effectiveness;
- landfills (local or out-of-state) would receive approximately 1.1 mcy, rather than 0.4 mcy, of NUAD material; and
- a dredged sediment stockpile at Alameda Point (to be used for fill in the redevelopment of the former NAS Alameda), for which no Project dredged sediment appeared to be available in February 2000, would receive approximately 0.9 mcy.

As in February 2000, these numbers are approximate. Moreover, as discussed in both the February 2000 Resolution approving the Project and in the Addendum, if one or more reuse sites became completely or partially unavailable, every site except the MHEA could receive some additional sediment. The possibility also remains that if upland beneficial reuse sites are unavailable; sediment could be disposed of at the EPA's San Francisco Deep Ocean Disposal Site.

Effects of the Revisions:

The revisions in the Project description that are described in the Addendum would preserve and enhance the Project's ability to provide all of the benefits that were identified in February 2000, and would add new benefits. Navigation safety and efficiency would be enhanced by the channel alignment adjustments the Bar Pilots have recommended. The Hamilton and Montezuma habitat restoration projects would continue to receive all of the sediment to which the Port previously committed. The MHEA design refinements are intended to reach all of the habitat restoration goals previously identified, while returning only 5.8, rather than 7.0, mcy of dredged sediment to the Bay. Approximately 0.9 mcy of sediment that would be used at the MHEA would, if possible, be sent to nearby Alameda Point. This would provide Alameda with a long-sought benefit that BCDC has encouraged the Port to pursue. It would also benefit the environment by avoiding substantial air pollutant emissions that would be associated both with off-hauling the Project's sediment and with importing fill material for Alameda Point. If the Alameda Point stockpile is not feasible, other reuse and disposal sites remain available to accept the sediment. The remaining 300,000 cy would be distributed to the other beneficial reuse projects.

The Addendum also demonstrates that the Project description changes would not materially affect the Project's environmental impacts. No new significant impacts are identified and pre-existing impacts would not substantially increase in severity. All applicable mitigation measures in the MMRP would apply to the Project as revised. One mitigation measure would be clarified and would be consistent with a mitigation measure currently being implemented for the Berths 55-58 Project.

Recommendation:

It is recommended that the Board adopt a resolution approving the following:

A) Revision of the Project description for the -50 Foot Project to include:

- 1) up to six channel alignment refinements as described in the Addendum;
- 2) NUAD sediment to be dredged totaling approximately 1.5 mcy;
- 3) increase in the capacity of the Berth 10 sediment rehandling facility through expansion, chemical drying and/or physical drying methods;
- 4) reduced sediment reuse (from 7.0 mcy to approximately 5.8 mcy) and jetty redesign at the Middle Harbor Enhancement Area; and
- 5) revision of the Dredged Sediment Reuse/Disposal Plan as described above; and

B) Revision of the surface water mitigation measures for the Middle Harbor Enhancement Area to read:

- 1) "The jetty, submerged berm, and sill elevation shall be sufficiently above the filled bottom elevation to avoid TSS levels that exceed 1,500 mg/L 100 feet from the outer side of the dike, submerged berm, or sill."
- 2) "A silt curtain shall be used if TSS levels 100 feet from the outer side of the jetty and sill exceed 1,500 mg/L on a continuous basis."

It is further recommended that the Board find that these changes do not require the preparation of a supplemental or subsequent EIR because the changes will not result in significant new effects or a substantial increase in the severity of previously identified significant effects.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 18, 2000

^{TD}
SUBJECT: Approval to Negotiate and Execute a Contract with J.A. Jones Management Services for Turnkey Operation of Utility Systems at the Oakland Army Base and Approval of Agreement Points Specifying the Working Relationship between the Port and the Oakland Base Reuse Authority for Turnkey Utility Operations

ITEM NO: 30

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong
EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Oakland Army Base (OAB) was recommended for closure in 1995 by the Defense Base Closure and Realignment Commission (BRAC) and was approved for closure by the President of the United States pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510). Pursuant to the BRAC decision, OAB is scheduled to close no later than July 13, 2001 and may, at the Army's discretion, close earlier than this date. Following the closure of OAB, most of its 422 acres and 93 buildings will be available for civilian and/or Port reuse, redevelopment or demolition.

While the Port possesses a 1949 preferential contract right to lease and/or acquire fee title to Government-owned lands lying west of Maritime Street (OAB-West), the Oakland Base Reuse Authority (OBRA) has been designated as the Local Reuse Authority (LRA) that is responsible for administering the reuse and closure of the entire base. OBRA has prepared a Final Reuse Plan (Reuse Plan) dated July 27, 1998 that represents the community's preferred reuse vision for OAB which was approved by the department of Housing and Urban Development and was subsequently submitted to the Army. However, on November 29, 1999, the Bay Conservation and Development Commission (BCDC) disagreed with the Army's conclusion that the Reuse Plan and associated Environmental Impact Statement were consistent with the Coastal Zone Management Act. To address and resolve BCDC's determination, OBRA and the Port (in concert with the City) have worked cooperatively to develop an alternative plan that reconfigures the originally proposed Port/City boundaries as delineated in the Reuse Plan. It is expected that this boundary reconfiguration will satisfy throughput capacities specified in the Bay and Seaport plans as well as to minimize, but not eliminate, the need for future Bay fill. The area of OAB that is presently proposed to be conveyed by the Army to OBRA or the City, is referred to as the Gateway Development.

ANALYSIS:

The Department of the Army is in the process of divesting itself of the ownership of the existing utilities as well as the related utility operations for all of OAB. Under the boundary reconfiguration scenario described above, OBRA and the Port have determined that it is in the mutual interest of the parties for OBRA to enter into a partnering relationship with the Port to operate the utility systems at OAB. In the event that the newly proposed boundary reconfiguration does not occur, the Port may opt to revert back to its original concept of bifurcating the utility systems along Maritime Street and only operate those systems at OAB-West with OBRA being responsible for operating systems at OAB-East.

On July 5, 2000 the Board of Port Commissioners approved the first component of the proposed turnkey utility operation by authorizing the Executive Director to negotiate and enter into an Interconnection Agreement with OBRA which will allow interconnection of the existing OAB electrical system with the Port's Davis Substation. OBRA desires to use Davis Substation for receiving low cost power available under Section 2929 of the Final National Defense Authorization Act Procedures (NDA Act Procedures). Under this Act, the Western Area Power Administration (WAPA), is authorized to make low-cost Central Valley Project power available to the Local Reuse Authority responsible for redevelopment and reuse of closed military bases for the purpose of encouraging economic reuse and development. The cost of the power will be further reduced (to the benefit of both OBRA and the Port), because OBRA and the Port will receive it at 115 kilovolt (kv) transmission rates that is cheaper than 12kv distribution rates. The 115kv power will then be transformed by Davis Substation to 12kv distribution levels.

Tegami Abstained

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20288
BOARD ACTION TAKEN

ASSISTANT SECRETARY OF THE BOARD

JUL 18 2000
DATE

On March 10, 1998 under Port Resolution 98094, the Board of Port Commissioners authorized the Port to enter into an **Annual Contract for Operations and Maintenance (O&M) of Utilities and Associated Services in the Harbor Transportation Center (Vision 2000) Area with J.A. Jones Management Services, Inc.** for a total contract cost not to exceed \$690,000 over a three year period. J.A. Jones is currently in the third year of operation under the above contract which will terminate on June 30, 2001. To date, J.A. Jones has earned and been paid a total of \$239,728.

It is expected that having J.A. Jones provide turnkey utility operations at OAB, will yield the following benefits: 1) economies of scale, 2) maintain current institutional knowledge of utility systems at both OAB and FISCO, 3) provision of services by a common entity with expected improvements in overall coordination, safety and efficiency, and 4) the commitment of J.A. Jones to include as many local small businesses as possible whenever the need to subcontract arises.

Except for those areas of OAB-West leased directly from the Army by the Port, J.A. Jones presently performs O&M for all of the utility systems at OAB under a Base Operating Services / Job Order Contract (BOS/JOC) with the Federal Government. J.A. Jones also performs grounds, custodial, security, and facilities maintenance functions for the same area under a separate contract with OBRA. J.A. Jones' work may be supplemented by Port Facilities' forces in the event of emergencies or as otherwise deemed cost effective by the Port and OBRA.

PROPOSED UTILITIES OPERATION:

To implement the above plan by August 1, 2000, it will be necessary to prepare a new contract with J.A. Jones and/or to prepare a change order for startup activities to their existing contract. In either case the expanded duties would include commodity procurement and purchase, administrative systems setup, demand forecasting, providing data for tariff/rate setting, code compliance where applicable, regulatory conformance, preventive maintenance, upgrades as necessary or requested, meter installation as requested, meter reading, line loss allocation, billing, record keeping, bill collection, revenue reporting, cost reporting, and emergency response, as well as routine utility O&M responsibilities. Given the large number of new duties, a new contract is proposed rather than a single change order to the existing contract. Other utility-related planning and development tasks such as preparation of a "utilities master plan" and a "utilities transition plan" for ultimate disposition and/or conveyance of the OAB utility infrastructure, subsequent to base closure, will be performed by both OBRA and the Port respectively.

Under the envisioned Port/OBRA partnering relationship, J.A. Jones would perform turnkey utility operations in accordance with a written Agreement Points document that outlines the roles and responsibilities of the Port, OBRA and J.A. Jones. The Agreement Points document would establish the business relationship between the Port and OBRA and would be attached and made a part of the Port's sublease of OAB-West from OBRA. The Agreement Points may be expanded or clarified in the future at the request of either the Port or OBRA. A copy of the Draft Agreement Points documents is attached for reference (Exhibit K to Port's sublease of OAB-West).

BUDGET and UTILITY RATES:

The Operating Budget for Fiscal Year 2001 should not be materially affected by the above actions because it is expected that the total cost of the turnkey utility operation will be recouped through utility rates to be paid by the tenants of the Port and OBRA. The utility rates are based on forecasted demands as calculated by OBRA's consultant, Henwood Energy Systems, and was reviewed by Port staff. The rates are calculated to result in a break-even operation, and includes a reasonable margin to avoid any financial loss. Any net revenues will be deposited into a Utility Reserve Account that will accrue to cover emergencies, major maintenance and unforeseen events. It is expected that utility (tariff) rates presently paid by the Port's tenants at OAB-West will need to be increased by 10% to 20% to reflect the new utility rates that are to be set by, and charged by OBRA. On April 28, 2000, the Army informed the Port that it lost the benefit of its low cost WAPA power and stated that it will increase the rates charged to the Port and OBRA from 6 cents per kilowatt-hour (kwh) to at least 10 cents per kwh (approximately 70% increase) effective July 14, 2000. The Port will have to mark-up this rate to include Port-provided O&M unless it can successfully implement the subject turnkey utility operation. Because of the benefit of WAPA power, the overall utility rates charged by OBRA will be less than the marked-up new rates recently imposed by the Army. OBRA's new utility rates are expected to go into effect on August 1, 2000. The Port, as one of

OBRA's customers will "pass through" these rates to the Port tenants in accordance with the attached "Agreement Points". The Port will set new tariff rates for its tenants at OAB-West in this or some future Board Agenda package.

The Agreement Points stipulate that if OBRA defaults on its reimbursements to the Port, then the Port may withhold a reasonable portion of the rental payments to be made to OBRA under the Port's sublease from OBRA of the Knight Rail Yard. Authorization to negotiate and enter into an agreement with OBRA to sublease the Knight Rail Yard was approved by the Board of Port Commissioners on December 7, 1999. Negotiations on the subleases are nearly complete. OBRA reimbursements to the Port will include the cost of Port staff time as well as services provided directly by the Port. The contract amount for the first year of work, which includes both fixed price and indefinite-quantity components, has been negotiated and tentatively agreed to at \$341,202.00. It is recommended that the contract be budgeted for a total of **\$410,000**, including a contingency of about 20%, for unforeseen maintenance and other events until an amount of \$500,000 is accrued in the OBRA/Port utility Reserve Account.

As stated in the Agreement Points, the Port and OBRA will operate in a non-profit mode under the framework of the Port's sublease of OAB-West. It is expected that the Port and OBRA will operate the utility systems for 3 to 5 years, at which time, ownership of portions of the utility infrastructure will be conveyed to the Port and OBRA according to their respective land areas or negotiated otherwise. Any remaining funds left in the Reserve Account are to be equitably shared between the Port and OBRA for use on the base. To this extent it is believed to be in the best interest of the Port to dispense with formal bidding procedures and enter into a negotiated annual contract with three possible annual extensions with J.A. Jones Management Services. The total estimated cost of an annual contract of up to 3 years is \$1,230,000 with no expected financial burden to the Port.

SCHEDULE:

OBRA has made a commitment to the Army to "stand up" the utility operations starting August 1, 2000. To assist the OBRA/City in meeting their commitment, the Port directed J.A. Jones (by change order under the existing contract) to set up the administrative infrastructure so that actual operations may commence on August 1 or shortly thereafter. The Port has received a verbal commitment from OBRA that it will reimburse the Port for its share of the cost in the event that the permanent arrangements as described above do not materialize.

POTENTIAL CONTRACTING-OUT ISSUES:

Port management has met with SEIU Local 790 and IBEW Local 1245, the two labor unions representing Port employees whose work could potentially extend outside of the Berths 7, 8 and 9 lease areas, to discuss the above proposal and have reached an understanding. Port responsibility within OAB-West is mixed and is being coordinated with the above labor units, as well as with OBRA and the Army. Most of OAB-East is located outside of the Port Area. The Port's Facilities Department will be responsible for contract administration, contract compliance and direction of work items for both OAB-East and OAB-West, including coordination of emergency-response. Port field personnel may supplement the work done by J.A. Jones where appropriate and will be responsible for responding to and coordinating emergency stabilization.

The Port's Office of Equal Opportunity has already found J.A. Jones to be in compliance with the Port's Non-Discrimination Policy. Specifically, J.A. Jones has performed most of the work on their current contract using their own forces, including approximately 9 persons who are former Navy PWC employees at OAB, with the exception of a WBE street sweeping subcontractor from Napa. According to previous OEO correspondence, they have also used 29 Oakland subcontractors doing approximately \$6.4 million worth of work (about 6% of their \$110 million contract with the Navy) which covers all of California and Nevada. Of this, small business, additionally received \$4.8 million under federal programs and Oakland firms received \$1.6 million. These subcontracts ranged in size from small procurements to \$1 million. J.A. Jones has committed to work with the Port's OEO department to include as many local M/WBE and non-M/WBE firms as possible in its subcontract work when opportunities arise.

ENVIRONMENTAL DOCUMENTATION:

The City of Oakland, as lead agency under the California Environmental Quality Act (CEQA), has performed an Initial Study and approved a Mitigated Negative Declaration, dated July 2, 1998, for the interim leasing of OAB (Notice of Determination dated July 29, 1998). The City of Oakland is also preparing to commence work on a Programmatic Environmental Impact Report that is expected to be completed within the next 10–12 months. As lead agency under the National Environmental Policy Act (NEPA), the Army has prepared and approved an Environmental Assessment and a Finding of No Significant Impact (FONSI) for same dated October 1997. The Army has also prepared an Environmental Impact Statement dated September 1999 for the Disposal and Reuse of OAB to support conveyance, but it is currently on hold until the above-described consistency determination problems are worked out with BCDC. A Record of Decision (ROD) is expected some time in late Spring or early Summer of 2001.

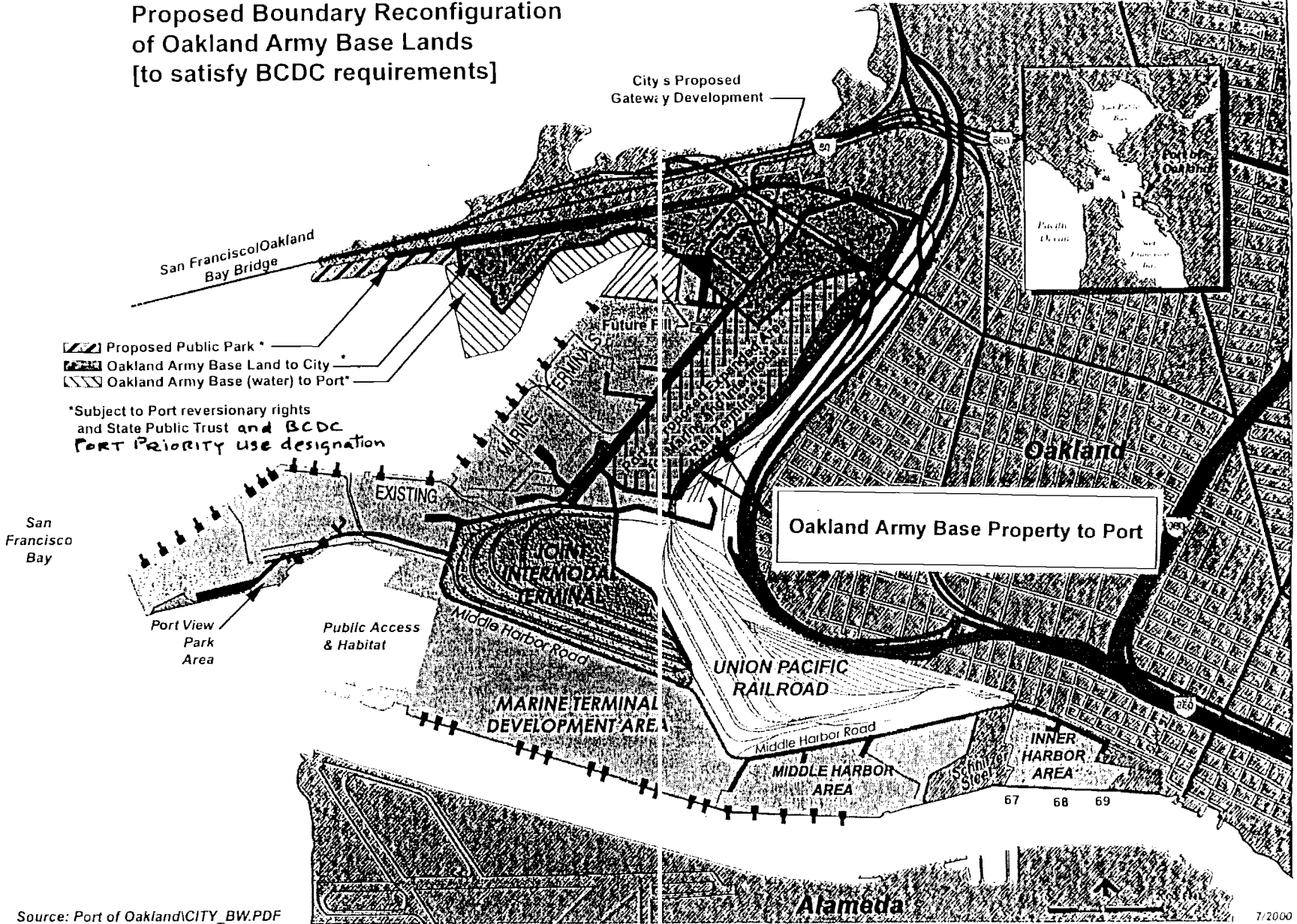
RECOMMENDATION:

It is recommended that the Board:

1. Determine that in the interest of furthering the goals of the City of Oakland, it is in the best interest of the Port to dispense with formal bidding procedures to select a contractor to perform turnkey utility operations at the Oakland Army Base,
2. Authorize the Executive Director to enter into an annual contract for up to three years with J.A. Jones Management Services, Inc. to provide turnkey utility operation services at Oakland Army Base, benefiting the Port and the Oakland Base Reuse Authority, for an amount not to exceed \$1,230,000 over a maximum three year period,
3. Approve the attached Draft Agreement Points document that will be finalized and incorporated into the Port's sublease of OAB-West from the Oakland Base Reuse Authority, and

**Proposed Boundary Reconfiguration
of Oakland Army Base Lands
[to satisfy BCDC requirements]**

Board of Port Commissioners
Calendar Item



*Subject to Port reversionary rights and State Public Trust and BCDC
PORT PRIORITY USE designation

Oakland Army Base Property to Port

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EXHIBIT K

PREFERRED INTERIM UTILITIES OPERATIONS PLAN

at

OAKLAND ARMY BASE

AGREEMENT POINTS

Assumes OBRA holds WAPA allocation

Utilities Operation Goals:

- Goal 1: OBRA's goal is to "Stand Up" Utility System by August 1, 2000.
- Goal 2: Util. system operation to be self supporting and not require rent subsidies.
- Goal 3: System to be operated in a non-profit mode (see Risks/Rewards).
- Goal 4: OBRA and Port to operate in a cooperative/partnering relationship (see Risks/Rewards).

Utilities Operation Startup and Schedule:

- JA Jones to set up computer accounting system ASAP by Change Order.
- OBRA and Port to split cost of Change Order (agreed 7/5/00).
- OBRA to lease entire utility system at OAB from Army.
- Port to waive its right to lease utility system at OAB-West for *interim* operation.
- OBRA to set up utility commodity contracts immediately with HESI and Port support.
- Commodity contracts to be in OBRA's name (i.e. OBRA to pay commodity bills).
- Port and OBRA to cooperate in securing rights and permits to operate as needed.
- Port and OBRA to cooperate in finalizing agreements with JA Jones, PG&E for backup power, Army Reserves, AAFES, Navy PWC etc.
- Port to issue New Contract or Change Order to JA Jones ASAP per 7/18/00 Port Board Letter and attached Scope of Work (SOW).
- JA Jones to defer billing by one month.
- Port or OBRA to provide Utility Program Manager (per April 27, 2000 HESI jobspec).
- Port to "float" Utility Program Mgr. & JA Jones for 1 additional month if Port provides.
- Port to provide and be reimbursed for normal engineering/technical oversight, support and overhead costs.
- Port to coordinate meter installation at Davis Substation with WAPA (Completed).
- Port to install PT's, CT's and make other modifications at Davis Sub to satisfy WAPA in preparation for interconnection (Completed)..
- **Note:** WAPA to withdrew Navy's allocation @ OAB on July 1, 2000.
- **Note:** Army raised utility raised at OAB effective July 14, 2000.
- **Note:** Army may perform O&M through Sept. 1, 2000.

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Contingency Plan:

- Army rates to be used at startup if OBRA's WAPA allocation is delayed.
- OBRA to take power at 14th Street Substation at 12kv until WAPA kicks in.
- **Note:** AAFES, Army Reserve etc. may want to see new rates before entering into (or assigning) new utility service contracts.

WAPA Power

- Assume OBRA will hold WAPA allocation for both OAB-East and OAB-West.
- Assume OBRA qualifies as Preference Entity.
- Port to operate utility systems as OBRA's "Qualified Utility Provider".
- Assume WAPA allocation will be sufficient for entire base (Oslund).
- Port to become OBRA's customer (for utilities).
- Port tenants to remain Port submetered utility customers.
- Possible no-cost subleasing of utility system to Port to satisfy WAPA regulations.

Water/Natural Gas/Sanitary/Storm:

- OBRA to change EBMUD and PG&E accounts to OBRA's name.
- OBRA to secure wastewater discharge permit (WDR).
- OBRA to apply for ABAG "power purchasing pool" for natural gas.
- OBRA to secure other permits as necessary.

Stabilized Rates to cover:

- Start-up costs including commodity contract negotiations, Davis meter reconfiguration etc. to extent feasible.
- OBRA/Port administrative & overhead costs.
- Port Financial/Accounting/Reporting costs.
- O&M and repair of all utility systems.
- O&M of Davis Sub including prorated O&M and depreciation (however, OBRA and Port respective payments shall *not* be at each others expense).
- O&M of misc. substations.
- Leaks and line losses for both sides of Maritime.
- Reserve Account for major repair and emergencies (subject to possible cap).
- Miscellaneous costs such as backup power, legal costs etc.
- Insurance including coverage for outages and vandalism (if practicable and available).
- Fencing and security as needed (associated with utility operations only).
- Hazardous Materials handling and disposal encountered during trenching.
- Non-discretionary changes required for human health, safety etc. regardless of location.
- **Note:** Leasing revenues to cover meter installation at buildings.
- **Note:** Electric rates to subsidize water, sanitary and natural gas (except where some tenants receive direct gas service from PG&E).

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Rate Setting:

- OBRA to set rates, subject to Port approval (to be uniformly applied to entire Base).
- Port to set rates, subject to OBRA approval, in the event that OBRA is precluded from setting rates.
- Stabilized Rates may be adjusted annually to cover rate-swings and reserve account.
- Electrical rates to be based on WAPA or PG&E 115kv transmission rate power.
- **Note:** OBRA may subsidize rates with lease revenue (agreed-to last year).
- **Note:** OBRA asserts it has rate setting authority in accordance with WAPA regulations.

Administration and Cash “Flow”

- OBRA Facility Mgr. and Port Project Mgr. to approve Utility Program Mgr.’s requests for major maintenance, capital equipment, capital improvements or other work not covered by “approval guidelines”.
- Utility Program Mgr. to check commodity-suppliers bills then forward to OBRA for payment.
- JA Jones to read meters, bill, collect, record and deposit checks into OBRA account.
- Utility Program Mgr. & JA Jones to prepare/provide monthly reports to OBRA & Port.
- OBRA and Port to mutually agree to develop balance of Administration details.

OBRA’s Customers:

- Port (Note: Port tenants to remain Port submetered customers).
- AAFES
- Army Reserve
- Navy PWC
- OBRA
- OBRA’s metered tenants
- OBRA’s non-metered tenants (via “CUBIC” or similar system)
- **Note:** Port to receive O&M credit for any tenants having direct PG&E gas service.
- **Note:** OBRA does not need to “unwind” utilities or CAE’s out of any existing leases.

Risk/Rewards and Liability:

- System to be operated as non-profit with “revenues over expenses” to be accrued under reserve account.
- Port and OBRA to **share net revenues** and/or shortfall on equitable prorated basis.
- Net Revenues to be used only for purposes covered by this agreement unless otherwise mutually agreed in writing.
- JA Jones to name Port/City/OBRA additionally insured.
- Port and OBRA to mutually agree on responsibility for outages, Acts of God etc.
- **Note:** Financial losses accruable to Port to be covered, when appropriate, through reduced OBRA monthly payments to Port.

- **Note:** Financial losses accruable to OBRA, when appropriate, to be covered by reduced Knight Yard rent.

Term:

- The term of this Operations Plan is year to year and may be extended upon mutual agreement by the Parties in writing.

Terms:

- The terms of this Operation Plan may be clarified or expanded from time to time in writing upon mutual agreement of the Parties.
- Port may substitute JA Jones Management Services with a mutually acceptable third party or outside contractor during any one fiscal year.
- OBRA/Port may revert to utility bifurcation approach per OAB-West sublease.

Emergencies:

- Port forces to assist JA Jones as necessary (subject to Port Union concurrence). Port to be reimbursed for compensable work.

Level of Service:

- Major water/gas leaks to be repaired ASAP to degree feasible.
- Systems to be operated at minimum Level of Service (LOS).
- No code or system upgrades are proposed.
- Vacant buildings or yards would be shut down where feasible (“lay away” plan).
- No capital improvements are proposed (anticipation of new development).

Discretionary Changes During Interim Operation:

- Capital Improvements requested by a party, serving only its area during interim operation, to be funded by the requesting party.
- Capital Improvements requested by a party(s), providing mutual benefit during interim operations to the parties, to be negotiated to determine cost sharing and terms.

Discretionary Changes Serving Future Operation:

- Capital Improvements requested by a party, serving only its future area during future permanent operation, shall be funded by the requesting party.
- Capital Improvements requested by a party(s), providing mutual benefit during future permanent operation, to be negotiated to determine cost sharing and terms.

Master Planning:

- Port and OBRA to share in cost of utility masterplan pro-rated by land area or other mutually agreeable method.
- City’s EIR to cover masterplanned utility approach to the extent feasible.

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Interconnection Agreement:

- OBRA & Port to execute Electrical Interconnection Agreement prior to switch-over of Davis.
- Port to cooperate with OBRA to secure WAPA power ASAP.
- This Interim Utility Operations Agreement to conform with Electrical Interconnection Agreement.

Records:

- OBRA to make Army/Navy utility billing records available for Port use.
- OBRA to make/provide all other available utility records and reports to Port.
- Port and JA Jones to make all accounting records available for OBRA/City review.
- Port to provide records of Port labor for purposes of OBRA securing federal grants. OBRA and Port to mutually enjoy benefits of federally funded utilities-related improvements, if any.
- To be eligible for reimbursement, Port labor or administrative costs to be (i) accompanied by work order or MP2 tracking system records or (ii) pre-approved time and materials or lump sum estimates (MP2).

Unwinding of Interim Utilities Operation:

- Capacity in Davis Substation to be reserved for City in proportion to land area.
- Capacity in 115kv Line to be reserved for City in proportion to land area.
- Utilities to be conveyed to respective parties upon conveyance.
- Bifurcation of utility systems to be made after conveyance in accordance with utility master plan and shall be cost shared in proportion to land area or as otherwise mutually agreed.
- OBRA reserves its right to seek alternate service and to bifurcate.
- Port reserves its right to seek alternate service and to bifurcate.
- OBRA and Port to own meters on respective sides of reconfigured conveyed lands.

Definitions:

- **AAFES:** Army Air Force Exchange Service
- **Approval Guidelines:** Guidelines establishing the limits of authority of the Utilities Program Manager to approve work without prior approval of OBRA or the Port.
- **CAE:** Common Area Expenses
- **HESI:** Henwood Energy Systems Inc.
- **OAB-East:** That area at OAB not subject to the Port's 1949 reversionary rights.
- **OAB-West:** That area at OAB subject to the Port's 1949 reversionary rights.
- **PWC:** Public Works Center

DRAFT

- **Qualified Utility Provider** shall mean the Port acting by and through JA Jones to Operate, Maintain and Repair utility systems at OAB and to perform other functions as requested by OBRA or otherwise mutually agreed to.
- **WAPA:** Western Area Power Administration.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of a Supplemental Agreement with Williams Wallace Management Consultants

Date: July 18, 2000

SUBMITTED BY: Cheryl Perry League

Item No. 34

EXECUTIVE OFFICE RECOMMENDATION:

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

In 1996, through collaboration between the Office of Equal Opportunity and the Engineering Division, a database was developed to enable the Port to maintain a list of firms for its outreach to Oakland and the East Bay community. From a small beginning of about six hundred firms interested in the airport expansion, the list grows daily, containing more than 2,400 companies, identified as to their expertise, their certification status and contact information. The list is made available to all departments at the Port for various uses, e.g., request for proposals, invitations to meetings such as the Small Business Conference, the recent Women's Business Conference, the "Breakfast of Champions," "Contracting 101 Workshops," meetings to introduce the bond guarantee program, the Owner Controlled Insurance Program, etc. The list also assists Engineering in its search for small businesses to perform small public works construction or design projects. It is also available on line or by email to prime contractors and consultants seeking local subcontractors, suppliers or subconsultants.

However, the original design of the database proved cumbersome and difficult to use, containing far too many fields and it was difficult to query, even for staff proficient in database applications. On October 27, 1999, the Executive Director approved a request to hire Williams Wallace Management Consultants to rectify design elements in the Port of Oakland's Office of Equal Opportunity business database for an amount not to exceed \$15,000. The original scope covered assessment, repair of existing links and other elements, recommendations for security, documentation of modifications, development of user guides and staff training. In the course of modifying the database, the consultants discovered unexpected user needs, and administrative issues that were not originally apparent. For example, in testing queries and reports, it was discovered that data retrieval required that the original table be split into several tables. Data had been mapped incorrectly, which needed reformatting in order to produce desired queries. Therefore, testing the viability of the old database required additional time.

New features had to be added, e.g., the Data Entry Form, to view all elements of a given record with scrolling capability; Multiple Criteria Search Form, the ability to search for records by entering elements from several different tables; Multi-Capability Report options, the ability to report, using records from several different tables; an automatic save feature and an automatic numbering system was added to all panels. Because of an unexpected level of requests by new businesses to be added to the database, and the frequency of its use by Port staff and others, additional testing of copies of the modified database was continually necessary so that a significant backlog would not develop. Additional fields, such as "Certification Date" and "Date Expires" were added as Port users in Engineering, Environmental, Oakland Portside Associates, Human Resources, Risk Management, and others tested the new database. In addition to adding fields, all linked tables required reformatting and retesting as well.

The total cost of the project will be \$27,750, of which \$15,000 has been paid on a purchase order. The Office of Equal Opportunity is requesting an additional \$12,750 for the consultant to meet with OEO, Engineering, Risk Management, MIS staff, and appropriate division heads and managers to determine that the new design meets their requirements, adjust the design according to their feedback, obtain concurrence from other departments using the database, determine different security/access levels, conduct final beta testing, make necessary adjustments, and conduct a final implementation meeting to review the revised database. The firm's EEO1 Workforce Report/Professional Questionnaire is on file.

RECOMMENDATION:

Staff recommends that a supplemental agreement be negotiated with Williams Wallace Management Consultants to complete the redesign and testing of the Port's business database for an additional amount of \$12,750.

Approved by Resolution

No.

20284

JUL 18 2000

BOARD ACTION TAKEN

DATE



SECRETARY OF THE BOARD

Assistant

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Agenda Sheet

DATE: July 18, 2000


ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall



EXECUTIVE OFFICE RECOMMENDATION:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Pursuant to subdivision (a) of Sections 54956.9:

Kim Blackseth v. Port of Oakland, U.S. District Court,
Northern District of California, Case No. C-00-0666 MMC

Port of Oakland v. Sara Cannizzaro, Alameda County Superior
Court Case No. 812853-5

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9: 2 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under
Government Code Section 54956.8, under negotiations:

Property: Selected Locations
Oak Street to Ninth Avenue, South of Embarcadero
Oakland, CA 94606

Negotiating Parties: Port of Oakland and Ship Shape Marine

Under Negotiations: Terms of Agreement

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20286 + 20287



BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

JUL 18 2000

DATE

SUMMARY AGENDA OF BOARD CALENDAR
July 18, 2000

AIRPORT

- 2S Approval of Agreement to Extend and Modify Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc. (Vicinity of Langley, Wright and Beachy Streets, North Airport).
(Resolution)
- Recommends approval to extend the agreement which provides for certain soil tests at the site.
- 3S Approval of License and Concession Agreement with Worldwide Flight Services, Inc. (#1 Airport Drive, South Airport). (Resolution)
- Recommends approval of the agreement to provide for their access to the Airport.
- 4S Approval of Extension of Revocable Permit for Earthquake Studies with United States Department of the Interior (Vicinity of Building L-231, North Airport). (Resolution)
- Recommends approval to extend the permit for the placement of earthquake monitoring equipment.
- 5S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Alaska Airlines, Inc. (#1 Airport Drive, South Airport). (Resolution)
- Recommends approval to extend their agreement for certain bag make-up areas in Terminal I.
- 6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Bay Area Cellular Telephone Company (#1 Airport Drive, South Airport). (Resolution)
- Recommends approval to extend the agreement for the use of approximately 75 square feet of space used for telecommunications equipment.

Summary Agenda of Board Calendar
July 18, 2000
Page 2

7S Substitution of PCC Crushing Subcontractor for Reconstruction of Apron Southeast of Building L-820, North Airport, OIA, AIP 3-06-0170-21. (Resolution)

Recommends approval for the subcontractor substitution for the crushing work. Notes the original subcontractor cannot perform the work.

COMMERCIAL REAL ESTATE

14S Award of Contract for Reconstruction of Embarcadero Between 5th Avenue and 16th Avenue, Embarcadero Cove. (Resolution)

Notifies of the two bids received and recommends award of the contract to the low bidder.

MARITIME

31S Authorization to Purchase Railroad Equipment Salvaged by the Oakland Base Reuse Authority from The Baldwin Railroad Yard at the Oakland Army Base for Reuse in Reconstruction of the Knight Yard. (Resolution)

Recommends approval to purchase certain rail equipment to be used to improve the yard to be used for the JIT.

32S Award of Contract for Rigging and Repair for 2000 Structural Inspection of KSEC Cranes X409, X410, and X417 at Berth 24, Outer Harbor and at Berth 68, Howard Terminal. (Resolution)

Notifies of the two bids received and recommends award of the contract to the low bidder.

ORDINANCES ITEMS:

Port Ordinance No. 3593 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF LEASE WITH DOLLAR RENT A CAR SYSTEMS, INC."

Provides for a site on the North Airport.

Port Ordinance No. 3594 being, "AN ORDINANCE AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH THE MANUEL SILVEIRA BORGES AND ALVARINA REIS BORGES 1998 TRUST FOR PURCHASE OF LAND LOCATED ON CHRISTEN ROAD IN EASTERN ALAMEDA COUNTY FOR BURROWING OWL HABITAT PURPOSES."

Provides for purchase of land located on Christen Road in Eastern Alameda County for burrowing owl habitat purposes.

Port Ordinance No. 3595 being, "AN ORDINANCE AMENDING SECTION 5.092 OF PORT ORDINANCE NO. 867."

Provides for salary grade adjustment.

Port Ordinance No. 3596 being, "AN ORDINANCE AMENDING SECTION 2 OF PORT ORDINANCE NO. 1166 AS AMENDED BY PORT ORDINANCE 3287 AND AMENDING SECTION 3(d)(1) AND SECTION 6(a) OF PORT ORDINANCE NO. 1166 AS AMENDED BY PORT ORDINANCE NO. 3273 RELATING TO THE COST OF EMPLOYEE AND RETIREE GROUP HEALTH INSURANCE."

Provides for the Port to provide medical benefits for the retired Medicare-eligible Port employees.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 1

SUBJECT: Approval of Lease Agreement with and Building Permit for Dollar Rent A Car Systems, Inc. for land for a Service Facility, (Doolittle Drive and Langley Street, North Airport)

PROGRAM AREA:

- Checked: Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman
EXECUTIVE OFFICE RECOMMENDATION

DUPLICATE OF PRIOR

CALENDAR MEMO

FACTUAL BACKGROUND:

Dollar Rent A Car Systems, Inc. ("Dollar") requests that the Board approve and authorize the Executive Director to sign a Lease Agreement with Dollar and approve a building permit for Dollar to construct a service facility on the site at the North Field of Oakland International Airport.

Dollar has operated an Airport rental car concession under agreements with the Port dating back to the 1970s. Dollar rents counter space, ready return parking lot space and also pays the Port 9.5% of its gross receipts.

Dollar services and stages its Airport rental cars from a service facility located on Bigge Street, near 98th Avenue in Oakland. Dollar proposes to lease land and construct a new service facility on the Airport's North Field.

ANALYSIS:

The site Dollar proposes to lease is 3.40 acres (148,196 square feet) located at the intersection of Doolittle Drive and Langley Street. The proposed lease terms are:

- Term: 20 years
Initial Rent: \$.0926 per square foot per month (\$13,722.95 per month)
Rent Adjustments: Initial rent to be adjusted by CPI upon beneficial occupancy; subsequent rent adjustments by CPI every 30 months, not to exceed 6% per year.
Construction Period: 12 months maximum
Construction Rent: \$.0463 per square foot during the maximum 12-month construct period.
Potential Expansion: Right of first refusal to lease up to four adjacent parcels ranging in size from 1/4 to 2 acres, when the Port determines each is available.

Dollar submitted a site development and building plan for the proposed leased premises. Dollar has applied for a Port building permit to construct an 8,802 square foot single story administrative office and vehicle service building, a fueling facility covered by a canopy with two (2) 6,000 gallon above-ground fuel tanks and a 2,946 square foot car wash.

The Port's Office of Equal Opportunity reports that Dollar has 40 employees in its Oakland-based rental car operation. The new service facility will add at least 25 employees to Dollar's Oakland-based operation.

Approved by Ordinance passed to print

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20245

BOARD ACTION TAKEN

Signature of Sharon Kuppner, Assistant Secretary of the Board

JUL - 5 2000

DATE

The Port plans to extend new electrical, water, fire suppression water and sanitary sewer infrastructure to bring adequate utilities to the Dollar site. The Dollar lease would obligate the Port to upgrade the North Field utility infrastructure. The estimated \$1.7 million utility construction costs would be recovered in less than 10 years from revenue generated from Dollar's lease alone. Rent from other tenants served by the new utilities would shorten the cost recovery period.

The project has been determined to conform to the City of Oakland General Plan as a continuation of aviation related uses at the Oakland International Airport.

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is part of Project B.5. Replacement Rental Car Service Facilities in the EIR. The EIR evaluates the impacts associated with this project and provides mitigation measures to be implemented with this project. The EIR was certified on 6/29/99 by the Board of Port Commissioners. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this project component of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

Options:

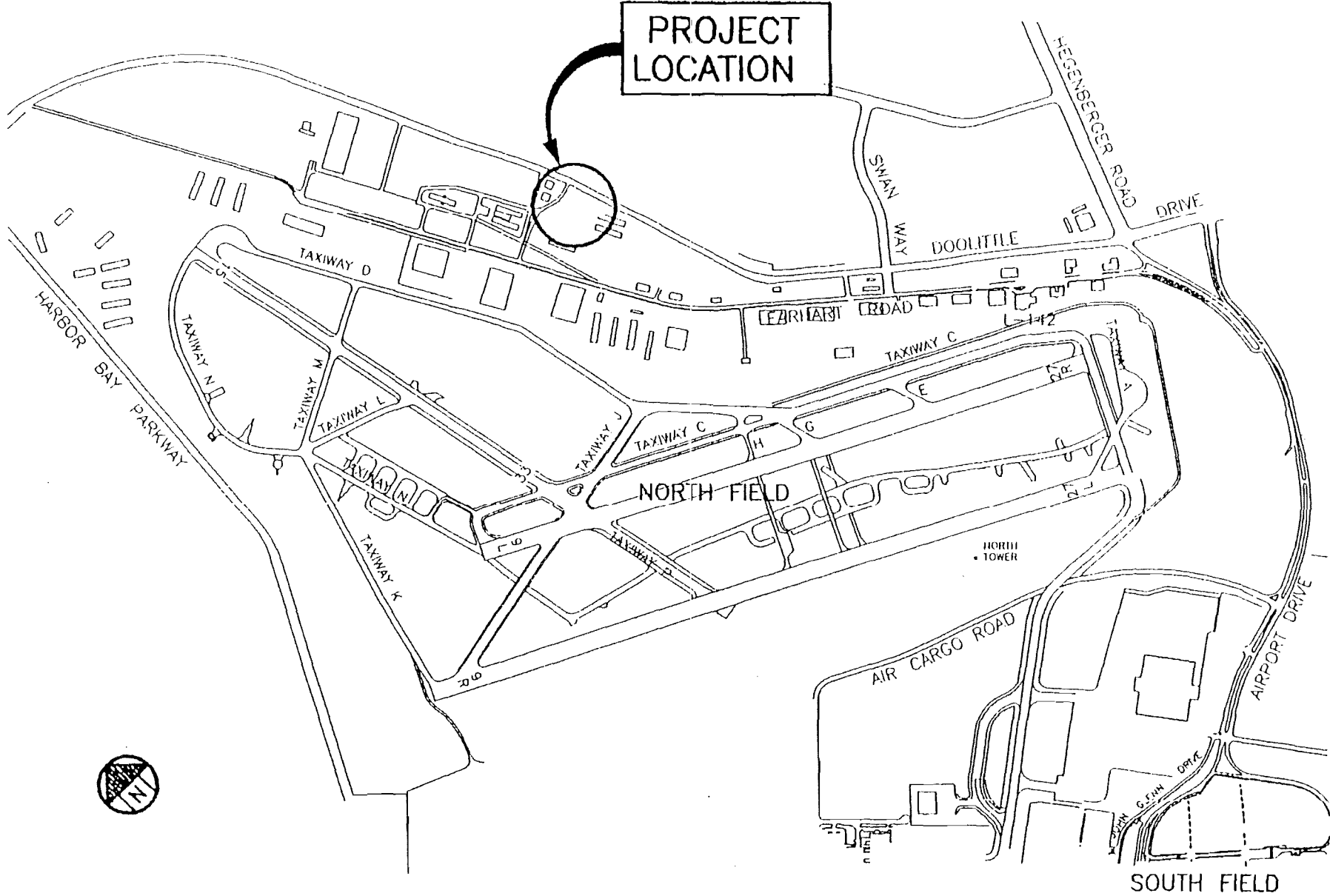
1. Take no action, leaving the existing land undeveloped.
2. Seek another aviation-related tenant to lease and develop this North Airport site. No other rental car tenant has expressed interest in this site at this time.
3. Pass an ordinance to approve a lease agreement with Dollar Rent A Car Systems, Inc. and a resolution approving a building permit for Dollar's development of a service facility on the site, contingent upon Port approval of lighting, fencing, landscaping and signage.

RECOMMENDATION:

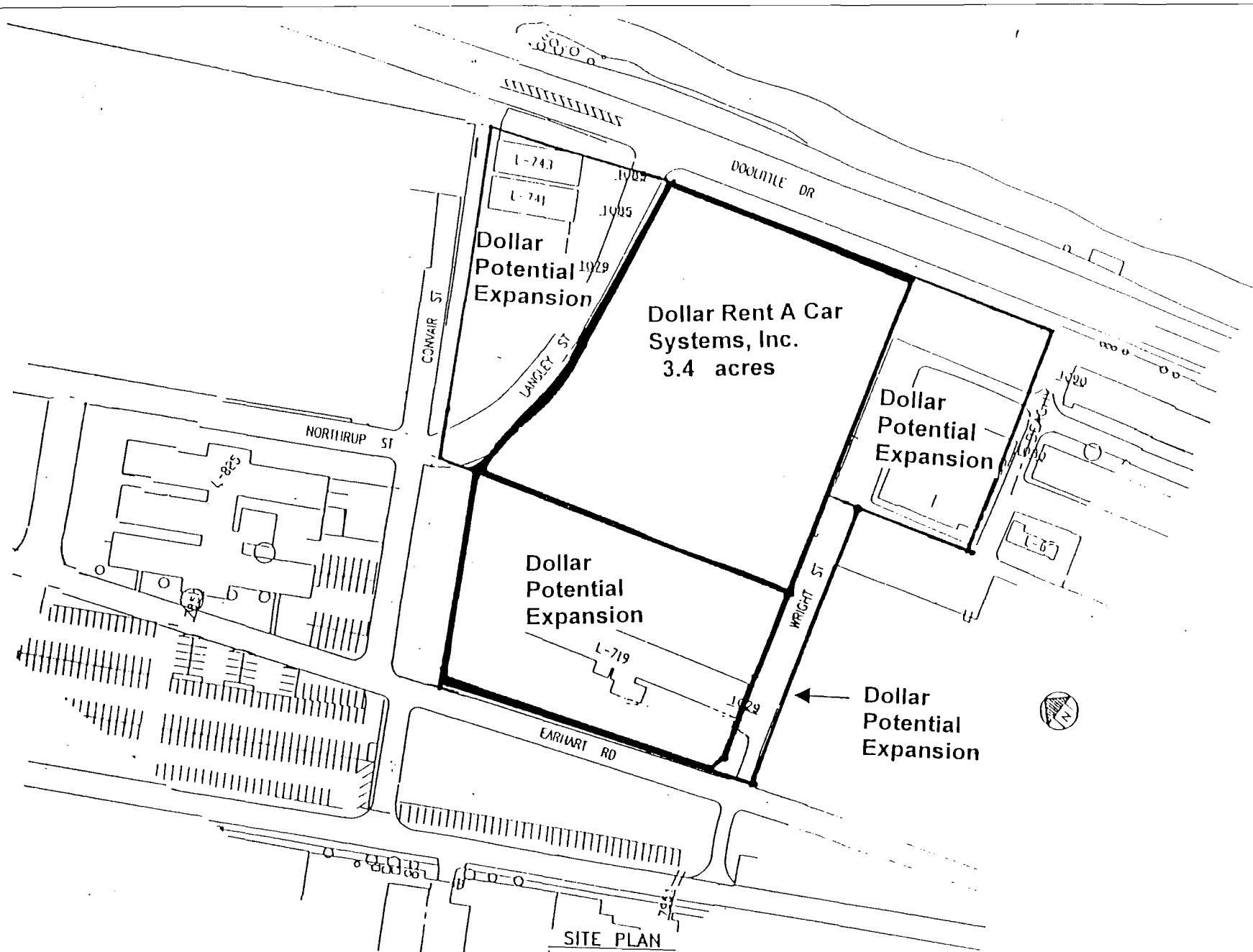
It is recommended that the Board:

- a) Pass an ordinance approving the lease with Dollar Rent A Car Systems, Inc. and authorizing the Executive Director to execute the Lease Agreement, as described above.
- b) Pass a resolution approving a building permit for Dollar Rent A Car Systems, Inc. as described above.

PROJECT
LOCATION



LOCATION MAP



Agenda Sheet

DATE: July 5, 2000

ITEM NO: 5

SUBJECT: First Reading of Ordinance Approving Acquisition of Land From the Manuel Silveira Borges and Alvarina Reis Borges 1998 Trust for Use As Mitigation Land for Burrowing Owl Habitat Purposes (Eastern Alameda County)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

FACTUAL BACKGROUND:

This action would approve a purchase agreement for approximately \$350,000 for the acquisition of 69.2 acres of land (APN 099B-7020-001-04), located in eastern Alameda County, from the Manuel Silveira Borges and Alvarina Reis Borges 1998 Trust (Borges), for use as mitigation land for mitigation of Burrowing Owl habitat taken as part of the Airport Development Program.

The California Department of Fish and Game has approved a Mitigation Agreement with the Port covering this site for mitigation of Burrowing Owl habitat. The Board authorized entering into negotiations for the purchase of this property in February 2000. In addition, the Port has already deposited \$500,000 with Fish and Game to satisfy the mitigation requirements. However if the Port purchases the property, the \$500,000 will be refunded.

ANALYSIS:

Burrowing Owl habitat mitigation property is becoming less and less available, particularly in an urban environment. Availability of habitat mitigation land is now a rare opportunity. The proposed purchase satisfies the requirements in the Mitigation Agreement between the Port of Oakland and the California Department of Fish and Game.

Acquisition of the Borges property presents a valuable opportunity that would minimize the cost of any future habitat mitigation requirements that the Port may face. If acquired at this time, the 69.2 acres of the land could not only meet the current need for approximately 40 acres of Borrowing Owl habitat, but the remainder could be held for future requirements for additional acreage of mitigation land or sold to a third party for mitigation credits.

By taking no action, suitable habitat mitigation land may not be available. This could delay needed Port projects that require habitat mitigation.

The appraised value of the Borges land is \$346,050 (\$5,000 per acre). The Borges have agreed to accept the appraised value as the purchase price for the property. If the Port chose to purchase mitigation credits, the minimum cost would be approximately \$400,000 (\$10,000 per credit). By purchasing the Borges land, the Port not only saves money but also has additional land for future use.

**Approved by Ordinance
passed to print**

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20249
BOARD ACTION TAKEN


SECRETARY OF THE BOARD

JUL - 5 2000
DATE

Subject: First Reading of Ordinance Approving Acquisition of Land From the Manuel Silveira Borges and Alvarina Reis Borges 1998 Trust for Use As Mitigation Land for Burrowing Owl Habitat Purposes (Eastern Alameda County)

Acquisition of land has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 13 of Guidelines, Section 15313, which covers acquisition of land for preservation of habitat.

OPTIONS:

- 1) Take no action.
- 2) Purchase credits at a price of \$400,000 for Borrowing Owl habitat mitigation purposes.
- 3) Approve acquisition of the Borges property for a purchase price of \$346,050.

RECOMMENDATION:

It is recommended that the Board approve first reading of an ordinance approving and authorizing the Executive Director to execute a purchase contract for the acquisition of the Borges property (APN 099B-7020-001-04, totaling approximately 69.2 acres) for use as mitigation land Burrowing Owl habitat purposes, at a purchase price of \$346,050, plus closing costs of approximately \$3,000, from the Manuel Silveira Borges and Alvarina Reis Borges 1998 Trust.

Agenda Sheet

DATE: July 5, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS
 Appointment
 Amendment of Salary Grade Assignment

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations c.i.

SUBMITTED BY: Robert C. Martinez 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

**DUPLICATE
 OF PRIOR
 CALENDAR MEMO**

FACTUAL BACKGROUND:

I. APPOINTMENT – Resolution (1 Reading)

A) Appointment to limited duration position—It is requested that the Board ratify the following appointment as indicated below. This position is an additional FTE request to the FY 2000-2001 operating budget to coordinate the apprenticeship program related to CIP projects. This position is of limited duration expiring at the completion of the projects (estimated to be 5 to 7 years).

NAME	CLASSIFICATION POSITION (DIVISION)	TYPE OF APPOINTMENT	EFFECTIVE DATE	WAGE RATE	POSITION # ORG CODE
Elizabeth P. Youhn	Port Field Representative II (Office of Equal Opportunity) (Rep. Unit D, Unrepresented)	Exempt	July 1, 2000	\$4,942 per month rate "c" (includes + 3.6% COLA)	10245-01 DE00

II. AMENDMENT OF SALARY GRADE ASSIGNMENT – Ordinance (2 Readings)


A) It is requested that the Board approve the amendment of salary grade assignment for the classification of Director of Port Communications (Rep. Unit H) from Salary Grade 16 to Salary Grade 15 (\$6,961 to \$10,693 per month).

Approved by Ordinance
 passed to print

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20258

BOARD ACTION TAKEN


 Assistant SECRETARY OF THE BOARD

JUL - 5 2000

DATE

CURRENT EMPLOYEE COUNT

FY 2000-2001 BUDGETED FTE: 621.40 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 7/20/99	AS OF 6/9/00	AS OF 6/9/00
Full-Time Employees	612.00 FTE	559.00 FTE	560.00 FTE	561.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	572.40 FTE	573.40 FTE	574.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to one new appointment.

TEMPORARY AGENCY WORKER COUNT AS OF 6/23/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	11	9	1	6	0	0	27
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	3	4	0	0	0	0	7
* SPECIAL PROJECT	5	2	0	7	1	0	15
WORKER'SMP BACKFILL	0	1	0	0	0	0	1
TOTALS	19	16	12	17	1	0	65

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	5/9/00	5/25/00	6/8/00	6/23/00
BACKFILL	27	26	31	27	27
* CIP	18	16	16	16	15
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	1	0	0	0
MEDICAL BACKFILL	4	1	4	4	7
* SPECIAL PROJECTS	11	16	16	14	15
WORKER'S COMP BACKFILL	3	2	2	1	1
TOTALS	63	62	69	62	65

COUNT SUMMARY

CURRENT FTE COUNT	574.40
CURRENT TEMPORARY AGENCY BACKFILLS	27.00
VACANT POSITIONS	<u>20.00</u>
T O T A L	621.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners ratify the preceding appointment and approve the amendment of salary grade assignment.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Reimbursement of Medicare Part B

Date: July 5, 2000

Item No. 34

SUBMITTED BY: Robert C. Martinez

PROGRAM AREA:

EXECUTIVE OFFICE RECOMMENDATION:

CCM
**DUPLICATE
OF PRIOR
CALENDAR MEMO**

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations C. I.

BACKGROUND:

Several retired Medicare-eligible Port employees have petitioned the Board of Port Commissioners to correct a financial disparity regarding their medical benefits and those of non-Medicare-eligible employees. This matter was presented to the Administrative Committee on February 22, 2000 and is being forwarded with the Committee's recommendation for approval to the full Board.

HISTORICAL BACKGROUND:

The Port, through PERS, contracts at the Northern California Kaiser "basic" or "supplemental plan" rates for hospital and medical services for all employees and retirees. For non-Medicare eligible retirees with a dependent, the Port pays the basic plan rate of approximately \$368.12 per month. For Medicare-eligible retirees with a dependent, the Port pays the supplemental plan rate of approximately \$196.36 per month and the Medicare-eligible retirees must pay an additional approximately \$45.50 (self) and \$45.50 for each dependent out of pocket to Social Security. This is called "Medicare Part B coverage".

The retirees contend that though the Port pays 100% of the costs of health care for non-eligible Medicare retirees,¹ the Port requires the Medicare-eligible retirees to pay part of the monthly charge from their own pockets. The retirees would like this inequity

¹ Up to the Kaiser North basic family rate of \$478.56 per month.

BOARD ACTION REQUIRED:

Approved by Resolution

No. 20260

JUL - 5 2000

MOTION

Approved by Ordinance
passed to print

RESOLUTION

ORDINANCE

INFORMATION ONLY

BOARD ACTION TAKEN DATE

Sharon Krupp
Assistant

SECRETARY OF THE BOARD

corrected. PERS permits, but does not require, the Port to reimburse Retirees for Medicare part B coverage.

DISCUSSION

The current version of employer contributions to health care plans is contained in Port Ordinance No. 3287, adopted September 14, 1995. The Ordinance provides for the Port to contribute to the cost of employee and retiree health plan insurance:

"not to exceed the lesser of \$383.94 or... for those employees and/or retirees participating under the Act in conjunction with coverage provided by the Social Security Administration, at the supplemental plan rates, available through [PERS]". (Emphasis added)

Limiting the coverage to the "supplemental plan rates" serves as a cap to the Port's premium obligation, however, the lower supplemental rate is not available to the Port unless the retiree makes out of pocket payments for Medicare Part B coverage.

The Public Employees Medical and Hospital Care Act makes provision for PERS contracting agencies (e.g., the Port) to elect by amendment of its contract to participate in a Medicare reimbursement program for Medicare Part B. Other PERS agencies, such as the State of California, do have a Medicare Part B reimbursement program. The State of California has been reimbursing its retirees for Medicare Part B premiums since 1962.

The cost to the Port is estimated at approximately \$50,000.00 per year.

RECOMMENDATION

The Administrative Committee recommends that as far as practicable the Port prospectively treat Medicare-eligible and non-Medicare eligible retirees the same. Accordingly, we have drafted an ordinance (with input from the retirees) which is designed to reimburse the Medicare-eligible retirees for out-of-pocket Medicare Part B Social Security payments (as defined in the Ordinance).

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Agreement To Extend And Modify Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc. (Vicinity of Langley, Wright and Beachy Streets, North Airport)

DATE: July 18, 2000

ITEM NO: 2S

PROGRAM AREA:

- Airport Operations (checked)
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION

Handwritten signature of Steven J. Grossman

FACTUAL BACKGROUND:

Dollar Rent A Car Systems, Inc. (Dollar) is currently under an Agreement To Extend And Modify Right-of-Entry and Indemnity Agreement (Extension Agreement) which provides for continued occupancy of approximately 4.75 acres of unimproved land in the vicinity of Langley, Wright and Beachy Streets on the North Airport...

ANALYSIS:

The proposed second Extension Agreement would further extend Dollar's occupancy of the same premises commencing July 4, 2000 and ending December 31, 2000. This additional time is requested in order to complete additional soil borings and ground water testing. No rent would be charged.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person...

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend And Modify Right-of-Entry and Indemnity Agreement with Dollar Rent A Car Systems, Inc.

- MOTION
RESOLUTION (checked)
ORDINANCE
INFORMATION ONLY

Approved by Resolution No.

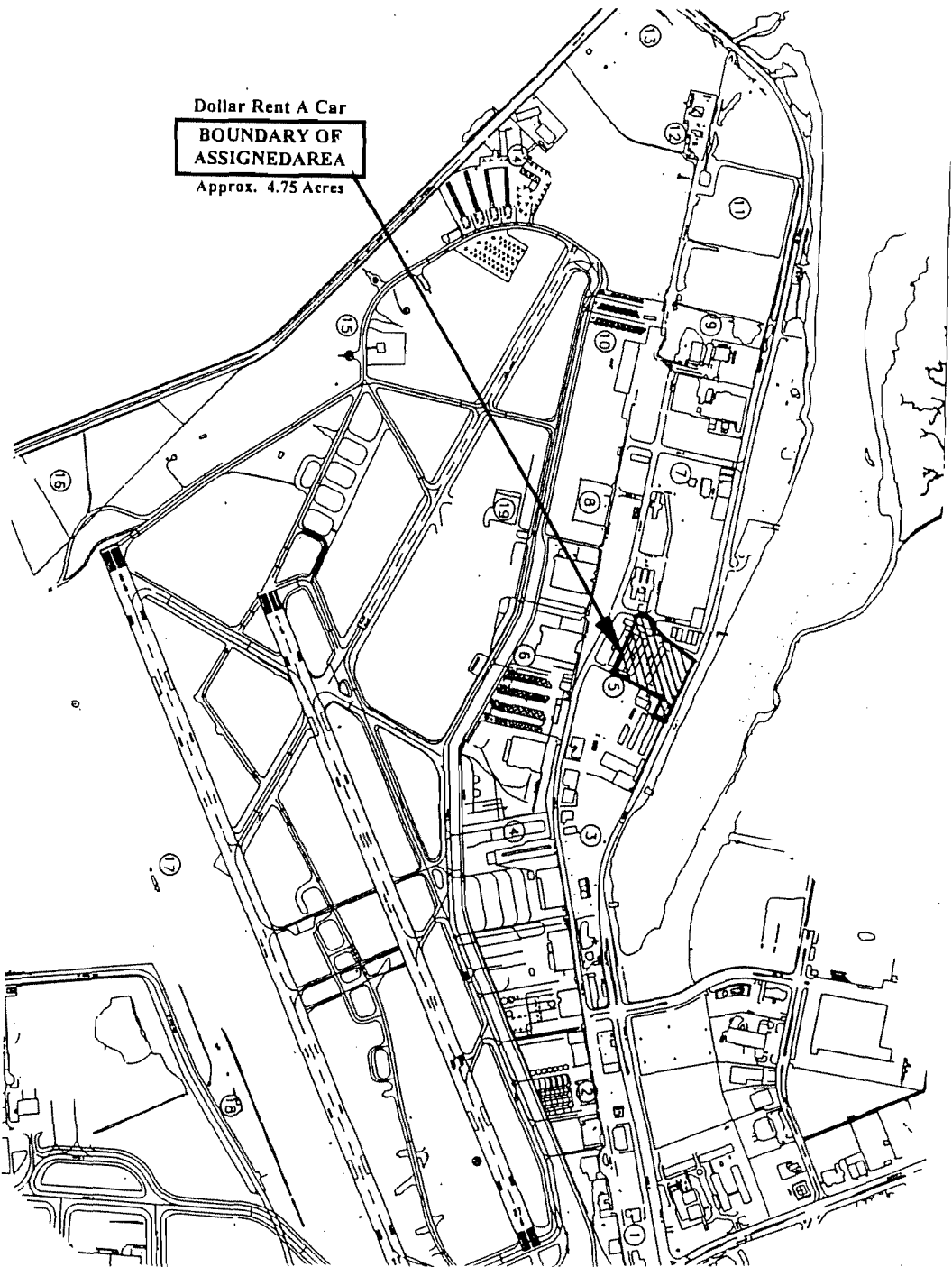
20267 BOARD ACTION TAKEN

Handwritten signature of Assistant Secretary and printed title: ASSISTANT SECRETARY OF THE BOARD

JUL 18 2000 DATE

**Board of Port Commissioners
Calendar Item**

**Approval of Agreement To Extend Right-of-Entry and Indemnity
Agreement with Dollar Rent A Car Systems, Inc. (Vicinity of
Langley, Wright, & Beachy Streets, North Airport)**



Airport Properties



**Oakland
International Airport
North Airport**

Map Not to Scale

Agenda Sheet


DATE: July 18, 2000

SUBJECT: Approval of License and Concession Agreement with
Worldwide Flight Services, Inc. (#1 Airport Drive,
South Airport)

ITEM NO: 3S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Worldwide Flight Services, Inc. (WFS) was granted access to the South Airport under a Right-of-Entry and Indemnity Agreement (Right-of-Entry) dated July 1, 1999 to provide passenger, baggage and ground handling services to airline tenants. WFS is the entity that purchased AMR Services Corporation (formerly a subsidiary of American Airlines) from American Airlines.

WFS occupies no premises under the Right-of-Entry. The monthly rental is a minimum of \$250 or 10% of gross revenues, whichever is greater.

ANALYSIS:

The proposed License and Concession Agreement (Agreement) would have a one-year term commencing April 1, 2000 with a mutual 30-day termination provision and authorize continued passenger, baggage and ground handling services to airline tenants. No premises would be occupied by WFS under the Agreement. South Airport access, rather than defined premises, would be granted by the Agreement. The monthly rental would remain a minimum of \$250 or 10% of gross revenues, whichever is greater.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

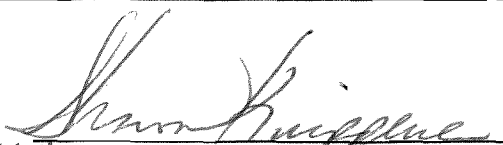
It is recommended that the Board approve the subject License and Concession Agreement with Worldwide Flight Services, Inc. as described above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20268

BOARD ACTION TAKEN

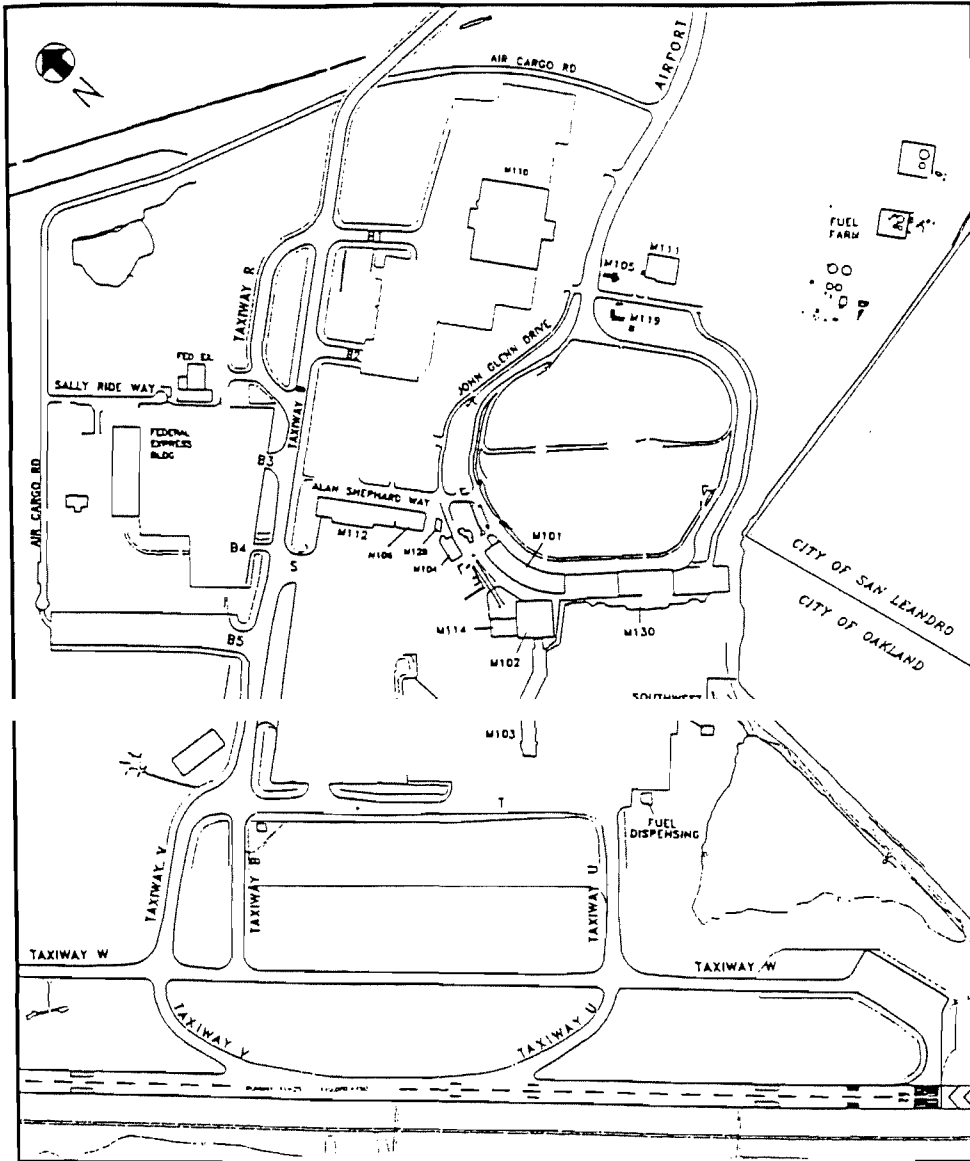

Assistant SECRETARY OF THE BOARD

JUL 18 2000

DATE

**Board of Port Commissioners
Calendar Item**

Approval of License and Concession Agreement
with Worldwide Flight Services, Inc.
(#1 Airport Drive, South Airport)



NO EXCLUSIVE PREMISES GRANTED.
WORLDWIDE FLIGHT SERVICES, INC. IS ALLOWED ACCESS TO THE SOUTH AIRPORT.

Airport Properties

Port of Oakland

**Oakland
International Airport
South Airport**

Map Not to Scale

Agenda Sheet

SUBJECT: Approval of Extension of Revocable Permit for Earthquake Studies with United States Department of the Interior (Vicinity of Building L-231, North Airport)

DATE: July 18, 2000

ITEM NO: 4S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

The United States Department of the Interior Geological Survey, Office of Earthquakes, Volcanoes and Engineering (USGS) is currently operating on the North Airport under a Revocable Permit for Earthquake Studies (Permit) which provides for installation of earthquake monitoring equipment in the vicinity of Building L-231 on a site approximately 6sf. Placement of this equipment included Oakland International Airport in the Oakland-San Francisco Urban Seismic Array study for which the goal is to collect high-quality digital seismograms. These seismograms will be used to facilitate realistic, cost effective planning and seismic design for future construction and seismic retrofit projects within the San Francisco-Oakland urban areas. The term of the Permit is February 1, 2000 through June 30, 2000. No rent is charged.

ANALYSIS:

The proposed Extension of Revocable Permit for Earthquake Studies (Extension Permit) would commence July 1, 2000 and terminate on December 31, 2000. This additional time would allow continued recording and collection of valuable information. Data acquired so far has proven to be helpful in refining the understanding of subsurface geology in the Central East Bay; particularly that data acquired from near-shore stations, such as this site on the North Airport because of its proximity and significance to planned major construction and retrofit projects (especially the eastern span of the Bay Bridge). Upon termination of this Extension Permit, a USGS technician will revisit the site to remove all equipment. No rent will be charged.

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 15306, Class 6, which exempts basic data collection, research activities, and resource evaluation, that do not result in a serious or major disturbance to an environmental resource.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Extension of Revocable Permit for Earthquake Studies with the United States Department of the Interior.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20269

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

JUL 18 2000

DATE

Board of Port Commissioners

Calendar Item

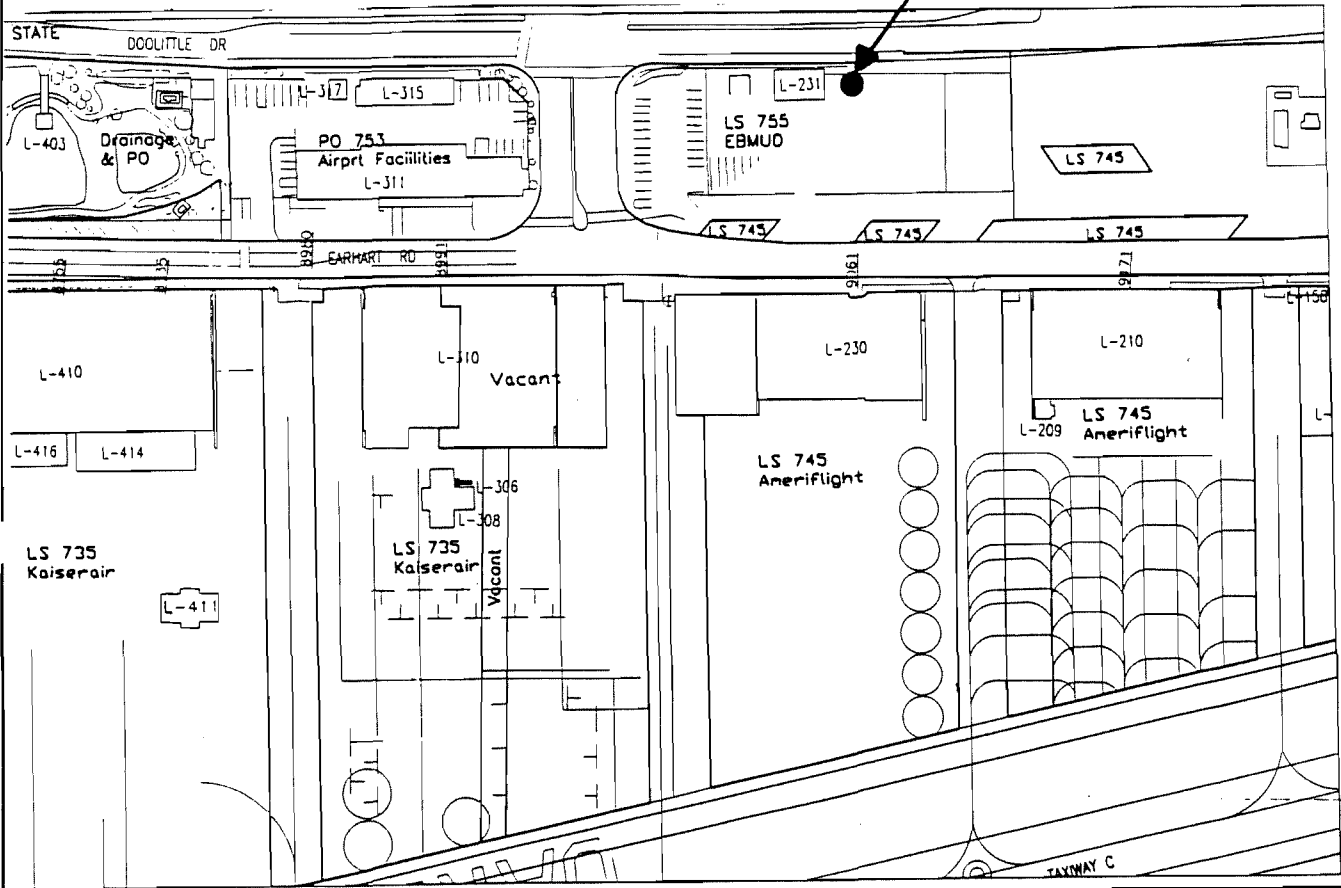
Approval of Extension of Revocable Permit for Earthquake
Studies with United States Department of the Interior
(Vicinity of Building L-231, North Airport)

U.S.G.S.

**BOUNDARY OF
ASSIGNED AREA**

Approx. 6sf

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT



Airport Properties

Port of Oakland

**Oakland
International Airport
North Airport**

Map Not to Scale

Agenda Sheet



DATE: July 18, 2000

ITEM NO: 5S

SUBJECT: Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement With Alaska Airlines, Inc. (#1 Airport Drive, South Airport)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

Alaska Airlines, Inc. (Alaska) is currently under an Agreement to Extend Right-of-Entry and Indemnity Agreement (Extension Agreement) which provides for occupancy of approximately 456sf of bag make-up space in Terminal I (Building M-101) on the South Airport. The Extension Agreement was effective October 1, 1999; rent is \$2,135.90 per month.

ANALYSIS:

The proposed Extension Agreement would extend Alaska's occupancy of the same premises, commencing July 1, 2000 and ending June 30, 2001, with a mutual 5-day termination provision. Monthly rent would remain the same until December 31, 2000 and would be adjusted based on Port Ordinance 1149 effective January 1, 2001.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

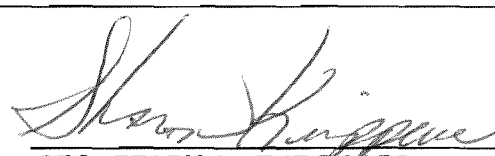
It is recommended that the Board approve the Agreement to Extend Right-of-Entry and Indemnity Agreement with Alaska Airlines, Inc. as described above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20270

BOARD ACTION TAKEN


SECRETARY OF THE BOARD

Assistant

JUL 18 2000

DATE

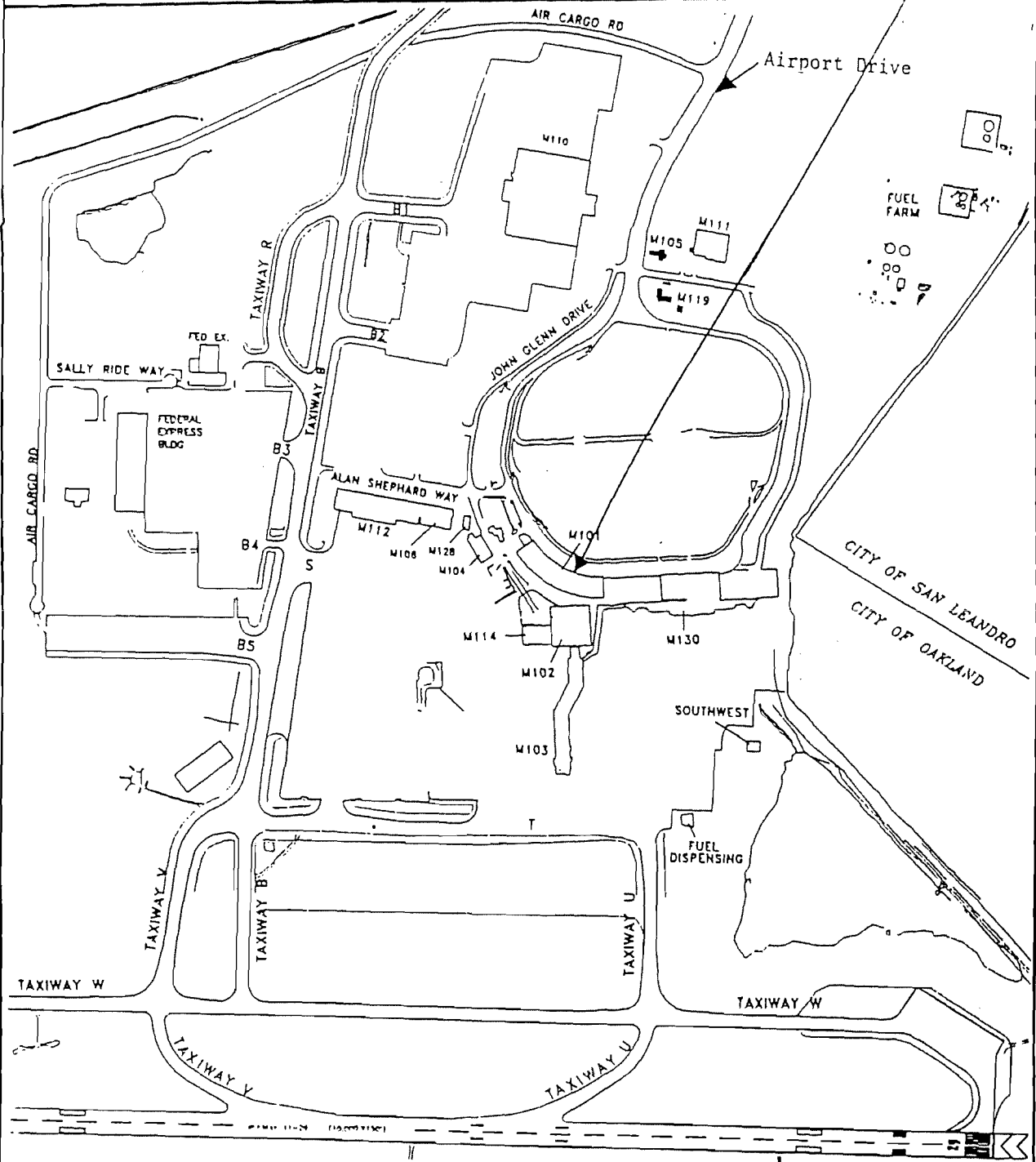
Board of Port Commissioners Calendar Item

Approval of Agreement To Extend Right-of-Entry
And Indemnity Agreement With Alaska Airlines, Inc.
(1 Airport Drive, South Airport)

ALASKA AIRLINES

"BOUNDARY OF"
ASSIGNED AREA

Approx. 456sf



Port of Oakland

Oakland International Airport South Airport

Map Not to Scale

Agenda Sheet



SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Bay Area Cellular Telephone Company (#1 Airport Drive, South Airport)

DATE: July 18, 2000

ITEM NO: 6S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Bay Area Cellular Telephone Company (BACTC) currently rents property under a 45-day Right-of-Entry and Indemnity Agreement (Right-of-Entry), which provides for occupancy of approximately 75 square feet of telecommunications room space in building M-102, South Airport. The Right-of-Entry was effective June 7, 2000; rent is \$3,000 per month.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend BACTC's occupancy of the same premises (commencing July 23, 2000 and terminating November 30, 2000). Monthly rent would remain the same. This extension is necessary to give BACTC and the Port Attorney additional time within which to agree upon the language of a Wireless Telecommunications Lease Agreement.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving and authorizing execution of an Agreement to Extend Right-of-Entry and Indemnity Agreement with Bay Area Cellular Telephone Company, all as described above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

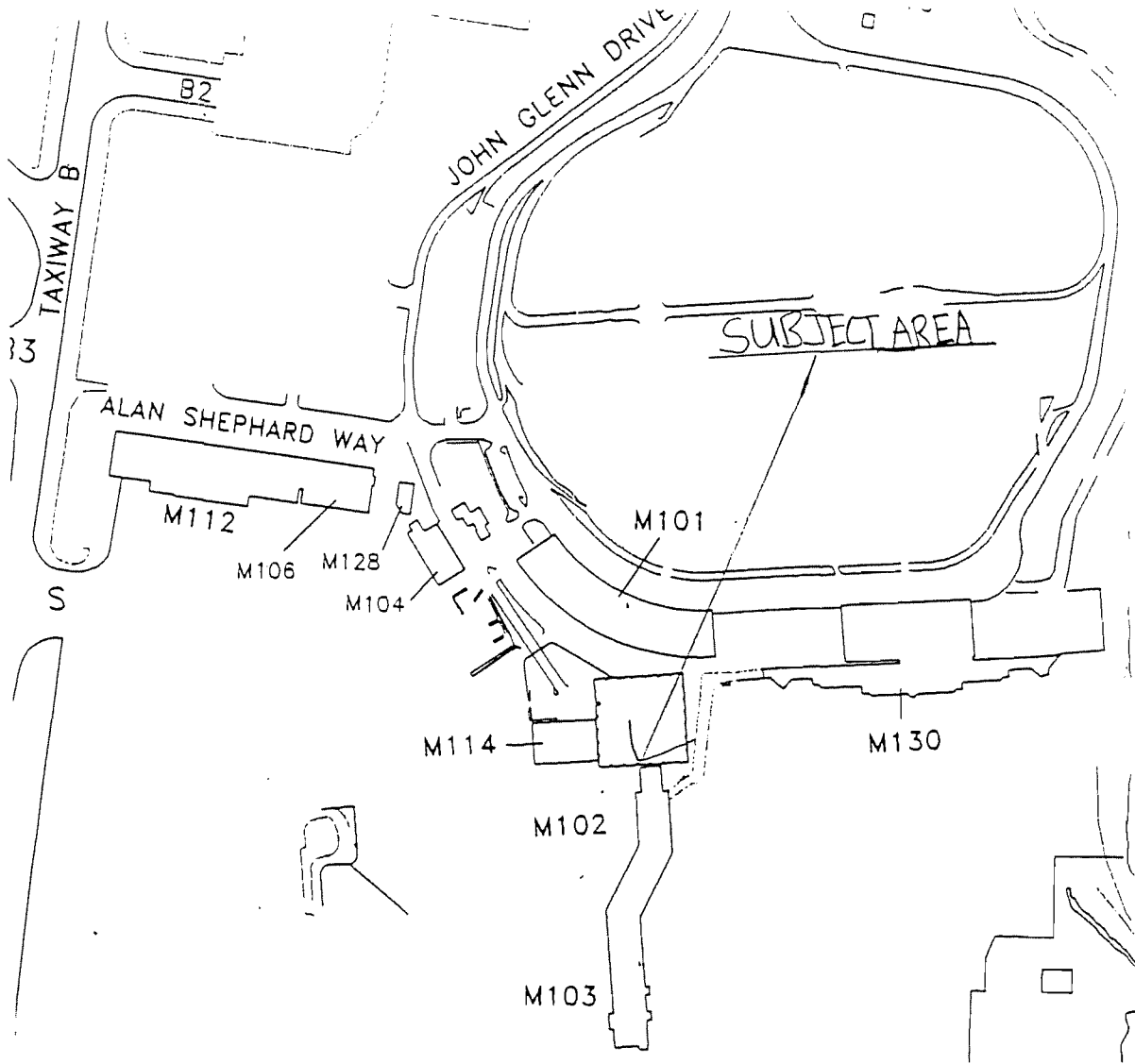
Approved by Resolution
No. 20271
BOARD ACTION TAKEN


SECRETARY OF THE BOARD
Assistant

JUL 18 2000
DATE

**Board of Port Commissioners
Calendar Item**

Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Bay Area Cellular Telephone Company (#1 Airport Drive, South Airport)



Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 7 S

^{TD}
SUBJECT: Substitution of PCC Crushing Subcontractor
for Reconstruction of Apron Southeast of
Building L-820, North Field, O.I.A., AIP 3-06-0170-21

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc. dba Gallagher & Burk, Inc., for the **RECONSTRUCTION OF APRON SOUTHEAST OF BUILDING L-820, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, A.I.P. 3-06-0170-21.** Gallagher & Burk has requested Board approval to substitute its listed PCC crushing subcontractor. By letter, dated June 27, 2000, the Contractor notified the Port that its listed subcontractor, V.E.M. General Engineering is unable to execute their subcontract with them due to an unforeseen hardship. A copy of V.E.M.'s letter to Gallagher & Burk is on file with the Port. Under Section 4107 of the California Public Contract Code, this is considered to be a valid basis for substitution of subcontractor.

The Port has contacted V.E.M. to confirm that they have no objection to Gallagher & Burk's request to substitute their firm. Virginia Emerson, owner, confirmed that they are unable to execute a Contract with Gallagher & Burk and that they have no objection to the substitution.

Gallagher & Burk has requested that Specialty Crushing, Inc., an Oakland-based firm be listed as the new PCC crushing subcontractor. The Port's Office of Equal Opportunity was notified of the above substitution and they have indicated that they have no objection.

RECOMMENDATION:

It is recommended that V.E.M. General Engineering be deleted as the listed subcontractor to perform the PCC crushing work, and that Specialty Crushing, Inc., be added as the subcontractor to perform said work.

.\\brdagndal\SbVEM-G&B7800

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20272

BOARD ACTION TAKEN

Assistant

[Signature]
 SECRETARY OF THE BOARD

JUL 18 2000

DATE

Agenda Sheet

DATE: July 18, 2000

^{TD}
SUBJECT: Authorization to Purchase Railroad Equipment Salvaged by the Oakland Base Reuse Authority from the Baldwin Railroad Yard at the Oakland Army Base For Reuse in Reconstruction of the Knight Yard

ITEM NO: 315

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Board of Commissioners authorized the Executive Director to negotiate and enter into an agreement with the Oakland Base Reuse Authority (OBRA) to lease up to 22.7 acres of the former Oakland Army Base for an "expanded" Knight Railroad Yard. The Knight Yard is located on the eastern edge of the former Oakland Army Base. The Knight Yard lease negotiations are being finalized with the City of Oakland and OBRA and execution of the lease is expected soon.

The Knight Yard will provide support facilities for the Joint Intermodal Terminal (JIT) and storage and interchange facilities for other Port related railroad activities. Support for the JIT will be provided by receiving and departure tracks where arriving and departing double stack intermodal trains can be handled. The storage and interchange tracks will provide storage for double stack intermodal cars as well as flatcars and boxcars that are jointly handled by Port related industries, Port marine terminals, the Burlington Northern and Santa Fe Railway (BNSF), Union Pacific Railroad (UPRR) and the Oakland Terminal Railway (OTR).

The Port must let a construction contract to reconstruct the Knight Yard by January, 2001, to be able to provide minimal support capacity for JIT operations in May, 2001. The first useable portion of the JIT is scheduled for completion in May, 2001 with the remainder to be completed by September, 2001. Procurement and installation of railroad turnouts, or switches, has been identified as a critical path item that could prevent completion of the minimal amount of track construction on schedule.

Railroad track material procurement is one of the most significant items on a railroad construction schedule. It generally requires 4 to 7 months after a public works construction contract is executed to receive the fabricated railroad track materials from the supplier. The process traditionally begins with review and approval of contractor shop drawings followed by the Contractor placing an order with a supplier. Three to six months must be allowed for fabrication, inspection, and delivery of materials. Additional time is then of course required for assembly and installation of the turnouts.

Port engineering staff and the Port's design consultant have reviewed the Port's desired schedule for completion of initial Knight Yard improvements. The conclusion is that the Port's construction schedule probably cannot be met unless turnouts are procured before a construction contract is let. Two conventional alternatives have been identified to expedite the procurement of turnouts. First, the Port could let a materials procurement contract before the construction contract and provide the materials to the construction Contractor to install; or second, the Port could arrange procurement in cooperation with the BNSF to provide delivery at the desired time. Port public works procurement would require at least 4 months to prepare and execute and would result in an unacceptable delay. Negotiation and preparation of a contract mechanism with the BNSF would require developing other arrangements acceptable to the Board of Commissioners.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20282

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUL 18 2000

DATE

Due to special circumstances, a third alternative is available which would eliminate any delay. OBRA has begun to demolish the Baldwin Railroad Yard at the former OAB. During the reconstruction of the Cypress Freeway the US Army reconstructed portions of both the Knight Yard and Baldwin Yard at the OAB. The railroad track materials installed were new and of the same quality currently used by Class I Railroads. The materials are similar to the materials that are planned for installation at the JIT. The Port has begun negotiations with OBRA staff to purchase salvaged new turnouts from the Baldwin Yard and to stockpile those turnouts at the Knight Yard so the Port can use those materials in reconstruction of the Knight Yard.

Price quotes from turnout suppliers indicate that the price negotiated for the salvaged turnouts would provide the Port with a high quality product at a lower than market price for a new turnout delivered to project site by a supplier. This conclusion is supported by the unit bid prices for installed turnouts in the JIT construction contract.

Purchase of the turnouts salvaged from the Baldwin Yard will provide sufficient materials to meet the critical path construction schedule and will also provide a substantial cost saving to the Port.

BUDGET ANALYSIS:

The negotiated cost of these materials is estimated to be \$125,000. It is covered in CIP element M7.00950.02, Expand Knight Yard. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board authorize continued negotiations with OBRA and, if successful, the purchase of the turnouts salvaged from the Baldwin Yard from OBRA for an estimated amount of \$125,000.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 32S

^{T-D}
 SUBJECT: Award of Contract for Rigging and Repair for 2000 Structural Inspection of KSEC Cranes X409, X410, and X417 at Berth 24, Outer Harbor, and at Berth 68, Howard Terminal

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Two bids were received and opened on June 14, 2000, for Rigging and Repair for 2000 Structural Inspection of KSEC Cranes X409, X410, and X417 at Berth 24, Outer Harbor, and at Berth 68, Howard Terminal. The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Marine Maintenance, Inc.	Livermore, CA	X			X	\$176,130.00
Rigging International.	Alameda, CA			X		\$387,910.80

*MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE = Local Business Area Business Enterprise

Marine Maintenance, Inc. (MMI) is an experienced crane inspection, rigging and repair company that is well qualified to perform the inspection, rigging and repair work of this contract. They have completed several similar contracts for Port-owned cranes. MMI's previous experience in the area reduces their contingency costs and allows them to submit a reasonable bid.

Rigging International has also completed several similar contracts for Port-owned cranes in the past.

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

ANALYSIS:

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy, for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the location of the bidders and their subcontractors, and the length of time in those locations. Based on the comparison of the modified bid amounts, Marine Maintenance, Inc. remains the low bidder.

Accordingly, it is recommended that Marine Maintenance, Inc. be considered to be the lowest responsible bidder for the purpose of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with this recommendation.

Subcontractor Listing:

Marine Maintenance, Inc. did not list any subcontractors with their bid. Marine Maintenance, Inc. intends to perform all the work of the contract with its own forces.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20283

BOARD ACTION TAKEN

Assistant

[Signature]
 SECRETARY OF THE BOARD

JUL 18 2000

DATE

Budget:

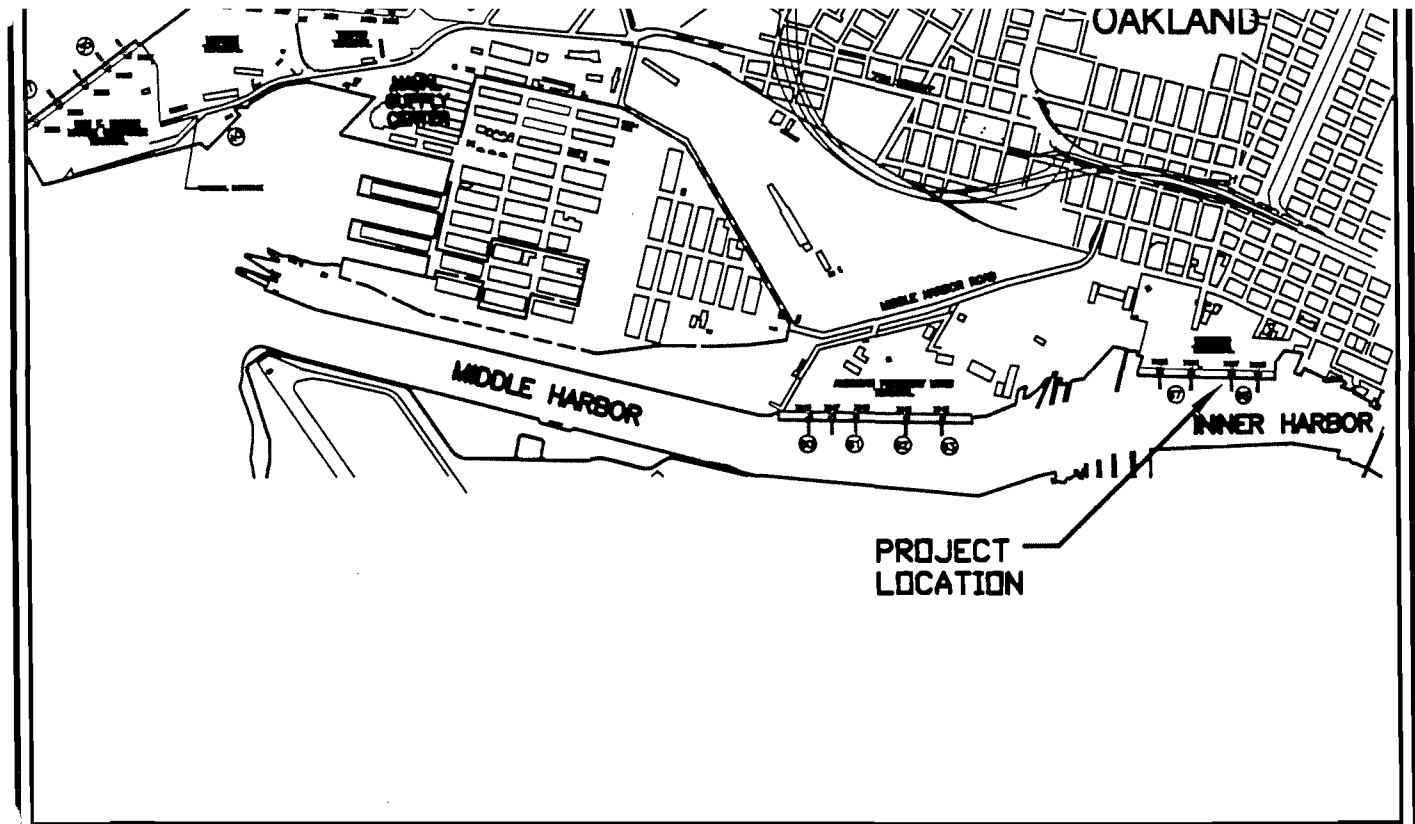
The cost of inspection and repair of these cranes is included in the Fiscal Year 2000 - 2001 Operating Budget as part of the Crane Major Maintenance Program. The low bid is within the Program budget. The funding source is Port cash.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to the work of this Contract.

RECOMMENDATION:

It is recommended that Marine Maintenance, Inc. be found to be the lowest responsible bidder, that the contract for the above project be awarded to Marine Maintenance, Inc. for the amount of its bid, and that the other bid be rejected and the bid security returned to the other bidder.



PORT OF OAKLAND

Shei K.

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND

530 Water Street
Oakland, California 94607
TELEPHONE: (510) 627-1100

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Secretary of the Board

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FRANK KIANG
JOHN PROTOPAPPAS
PATRICIA A. SCATES

C A L E N D A R

**Regular Meeting of the Board of Port Commissioners
Tuesday, August 1, 2000 - 3:00 PM**

ROLL CALL

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

READING OF THE MINUTES:

Regular meeting of June 20, 2000; and adjourned regular
meeting of June 29, 2000;
Deferred: Regular meeting of July 5, 2000; and regular
meeting of July 18, 2000

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

PRESENTATION:

Bank of America and Community Bank of the Bay regarding
Operations – 33 (Lines of Credit for Port Contractors)

COMMITTEE REPORTS:

- Administration
- Audit, Budget & Finance
- City/Port Liaison
- Commercial Real Estate
- Maritime

READING OF SUMMARY ITEMS: (Marked "S")

12 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1 Rejection of Bids and Authorization to Negotiate a Contract for Construction of Dollar Rent-A-Car Utility Infrastructure, North Field, OIA. (Resolution)
- 2 Approval of Consultant Agreement with AGS, Inc./HNTB for Engineering Services for Overlay of Taxiway B (between Runways 27L and 27R) and Taxiway C (east of Taxiway D), North Field, OIA. (Resolution)
- 3S Approval of Agreement to Extend Right-Of-Entry with the United States Government (#1 Airport Drive, South Airport). (Resolution)
- 4S Approval of License and Concession Agreement with Rolls-Royce Engine Services-Oakland Inc. (7389 Cessna Street, North Airport). (Resolution)
- 5S First Reading of Ordinance Approving Multi-Year License and Concession Agreement with Existing Tenant Federal Express Corporation (Air Cargo Road, South Airport). (Ordinance)
- 6S This number not used.

REGULAR MEETING
August 1, 2000

- 7S Approval of Building Permit Application for Construction of Employee Parking, Federal Express Corporation, 1 Sally Ride Way (Bldg. M-141). (Resolution)
- 8S Ratify Addenda and Award of Contract for Replacement of Runway 11-29 Lighting System, South Field, OIA. (Resolution)
- 9S Authorization to Execute an Agreement with Pacific Bell for Relocation of Facilities in Airport Drive, OIA. (Resolution)
- 10S Approval and Authorization for Execution of an Agreement with Pacific Bell for Relocation of Facilities in Air Cargo Road Way at Taxiway Bravo, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 11 First Reading of An Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Warehouse Properties, Inc. for the Property Located at Hegenberger Road and Pardee Drive. (Ordinance)
- 12 First Amendment to the Purchase and Sale Agreement with Mortenson Development Company for the Property Located at Third and Brush Streets. (Resolution)
- 13 Authorization to Negotiate and Execute an Agreement with Union Pacific Railroad to Install Pre-cast Concrete Road Crossing Surfaces on Embarcadero for Intersections at Clay, Washington, Broadway and Franklin Streets, Jack London Square. (Resolution)
- 14 Approval of Plans and Specifications for Demolition of Jack London Village, Buildings F-217 Through F-226, Jack London Square. (Resolution)
- 15S Award of Contract for Reconstruction of Embarcadero Between 5th Avenue and 16th Avenue, Embarcadero Cove. (Resolution)

MARITIME

- 21 Authorization to Amend Item No. 02215 in the Port of Oakland Tariff 2-A To Suspend Ballast Water Requirements Covered by State Statutory Provisions. (Ordinance)
- 22 Authorization to Negotiate Change Order with Harding Lawson Associates for Construction of a Low-Permeable Cut-Off Wall for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)
- 23 Authorization to Dispense with Formal Bids to Obtain a Design-Build Contract for Construction of Terminal Buildings at Berths 57/58, Vision 2000. (Resolution)
- 24 Authorization to Dispense with Competitive Bidding and to Execute a Change Order for Repair of Damaged Wharf at Berth 24, Outer Harbor Terminal. (Resolution)
- 25 Approve Change Orders for Construction of 7th Street Realignment and the New Road. (Resolution)
- 26 Approval of First Supplemental Agreement with Liftech Consultants, Inc. for the Design of Berth 59 Wharf. (Resolution)
- 27 Approval of First Supplemental Agreement with Geomatrix Consultants, Inc. for Geotechnical Design Services for Construction of Wharf at Berths 57, 58 and 59, Inner Harbor Channel, Vision 2000 Program. (Resolution)
- 28S This number not used.
- 29S Approval of Plans and Specifications for the Construction of Product Recovery and Groundwater Treatment System at Union Pacific Railroad Trailer-on-Flatcar (UPTOFC) Site. (Resolution)
- 30S Approval to Dispense with Formal Bids for the Purchase of Two 50 Long Ton Spreaders for Berth 68 Cranes. (Resolution)
- 50 This number not used.

OPERATIONS

- 31 Personnel Items. Creation of Classifications/Positions. Annual Salary Adjustments (COLA). (Ordinance)
- 32 This number not used.
- 33 Agreement Between the Port of Oakland and Bank of America, and Community Bank of the Bay to Provide Banking Services to Port Local Small Business Enterprises. (Resolution)
- 34 Forfeiture of Bid Security, Approval to Dispense with Competitive Bidding Procedures and Authorization to Negotiate a Contract for Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002 or 2003. (Resolution)
- 35S Approval of As-Needed Analytical Laboratory Agreements. (Resolution)
- 36S Authorization to Renew the Potomac Hull and Machinery and Protection and Indemnity Insurance. (Resolution)

CLOSED SESSION

- 40 Under Separate Cover by Secretary of the Board.

LEGAL

- 41 This number not used.
- 42 Appointment of New Members of Port of Oakland Public Benefit Corporation. (Resolution)

BUILDING PERMIT APPLICATION ("S")

United Airlines, installation of an activated carbon treatment system to treat wastewater from aircraft and parts washing operations. This project includes related electrical and mechanical work.

Vote on the following Resolutions except Resolution Number 20321:

Ayes: Commissioners Ayers-Johnson, Kiang, Scates, Tagami, Uribe
and President Kramer - 6
Noes: None
Absent: Commissioner Protopappas - 1

Vote on Resolution No. 20321:

Ayes: Commissioners Ayers-Johnson, Kiang, Scates, Tagami and
President Kramer - 5
Noes: None
Abstained: Commissioner Uribe - 1
Absent: Commissioner Protopappas - 1

RESOLUTIONS:

- | | | |
|-------|---|---|
| 20289 | 1 | RESOLUTION REJECTING ALL BIDS FOR CONSTRUCTION OF DOLLAR RENT-A-CAR UTILITY INFRASTRUCTURE, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, DIRECTING RETURN OF BID BONDS TO BIDDERS; AND AUTHORIZING A CONTRACT IN THE OPEN MARKET WITHOUT COMPETITIVE BID. (Airport - 1) |
| 20290 | 2 | RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH AGS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport - 2) |
| 20291 | 3 | RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH THE UNITED STATES GOVERNMENT. (Airport - 3S) |
| 20292 | 4 | RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH ROLLS-ROYCE ENGINE SERVICES-OAKLAND INC. (Airport - 4S) |
| 20293 | 5 | RESOLUTION GRANTING FEDERAL EXPRESS CORPORATION PERMISSION TO PERFORM CERTAIN WORK. (Airport - 7S) |

REGULAR MEETING
August 1, 2000

- 20294 6 RESOLUTION RATIFYING AND APPROVING AGENDA TO PLANS AND SPECIFICATIONS FOR REPLACEMENT OF RUNWAY 11-29 LIGHTING SYSTEM, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR; AND AWARDING CONTRACT TO ROSENDIN ELECTRIC, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Airport - 8S)
- 20295 7 RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH PACIFIC BELL FOR RELOCATION OF FACILITIES IN AIRPORT DRIVE, IN CONNECTION WITH THE AIRPORT ROADWAY PROJECT. (Airport - 9S)
- 20296 8 RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH PACIFIC BELL FOR RELOCATION OF FACILITIES IN AIR CARGO ROAD WAY AT TAXIWAY BRAVO, IN CONNECTION WITH THE AIRPORT ROADWAY PROJECT. (Airport - 10S)
- 20297 9 RESOLUTION APPROVING FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT WITH MORTENSON DEVELOPMENT COMPANY. (Commercial Real Estate - 12)
- 20298 10 RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY. (Commercial Real Estate - 13)
- 20299 11 RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR DEMOLITION OF JACK LONDON VILLAGE, BUILDINGS F-217 THROUGH F-226, JACK LONDON VILLAGE, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Commercial Real Estate - 14)
- 20300 12 RESOLUTION AWARDING CONTRACT TO OLIVER DESILVA, INC., DBA GALLAGHER & BURK, INC., FOR RECONSTRUCTION OF EMBARCADERO BETWEEN 5TH AND 16TH AVENUE, EMBARCADERO COVE, JACK LONDON SQUARE, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Commercial Real Estate - 15S)
- 20301 14 RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR DESIGN-BUILD CONSTRUCTION OF TERMINAL BUILDINGS AT BERTHS 57/58, VISION 2000, OAKLAND CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime - 23)

REGULAR MEETING
August 1, 2000

- 20302 15 RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR REPAIR OF DAMAGED WHARF AT BERTH 24, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime - 24)
- 20303 16 RESOLUTION APPROVING ISSUANCE OF CHANGE ORDERS FOR CONTRACT WITH GALLAGHER & BURK, INC., FOR CONSTRUCTION OF 7TH STREET REALIGNMENT AND THE NEW ROAD, OAKLAND, CALIFORNIA. (Maritime - 25)
- 20304 17 RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST 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. (Maritime - 26)
- 20305 18 RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH GEOMATRIX 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. (Maritime - 27)
- 20306 19 RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PRODUCT RECOVERY AND GROUNDWATER TREATMENT SYSTEM AT UNION PACIFIC RAILROAD TRAILER-ON-FLATCAR (UPTOFC) SITE, VISION 2000, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.
(Maritime - 29S)
- 20307 20 RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR PURCHASE OF TWO 50 LONG TON SPREADERS FOR BERTH 68, HOWARD CONTAINER TERMINAL, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime - 30S)
- 20308 21 RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH BANK OF AMERICA AND COMMUNITY BANK OF THE BAY TO PROVIDE BANKING SERVICES TO PORT LOCAL SMALL BUSINESS ENTERPRISES. (Operations - 33)

REGULAR MEETING
August 1, 2000

- 20309 22 RESOLUTION FORFEITING THE BID SECURITY RECEIVED FROM AFA CONSTRUCTION, INC. REMOVAL AND DISPOSAL OF HAZARDOUS WASTE, DESIGNATED WASTE, UNIVERSAL WASTE, AND OTHER CONTAMINATED MATERIALS FOR THE PERIOD COMMENCING JULY 1, 2000 AND ENDING JUNE 30, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, DIRECTING THE EXECUTIVE DIRECTOR TO DRAW THE MONEY DUE ON SAID BID SECURITY AND PAY THE SAME INTO THE CITY TREASURY AND FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO NEGOTIATE A CONTRACT FOR THE PROJECT WITHOUT FURTHER COMPETITIVE BIDDING. (Operations - 34)
- 20310 23 RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MCCAMPBELL ANALYTICAL FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 35S)
- 20311 24 RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CHROMOLAB CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 35S)
- 20312 25 RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SEQUOIA ANALYTICAL FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations - 35S)
- 20313 26 RESOLUTION AUTHORIZING RENEWAL OF POTOMAC HULL AND MACHINERY AND PROTECTION AND INDEMNITY INSURANCE. (Operations - 36S)
- 20314 27 RESOLUTION APPOINTING DIRECTORS OF THE PORT OF OAKLAND PUBLIC BENEFIT CORPORATION. (Legal - 42)
- 20315 28 RESOLUTION GRANTING UNITED AIRLINES, INC. PERMISSION TO PERFORM CERTAIN WORK. (Building Permit)
- 20316 29 RESOLUTION FINDING AND DETERMINING THAT NEED TO TAKE ACTION AROSE AFTER POSTING OF AGENDA RELATING TO EXTENSION OF CLOSING DATE ON OAKLAND VILLAGE CORPORATION LEASE TERMINATION FOR JACK LONDON VILLAGE. (Finding for Closed Session - 40)

REGULAR MEETING
August 1, 2000

- 20317 30 RESOLUTION APPROVING APPOINTMENT OF SPECIAL COUNSEL.
(Closed Session - 40)
- 20318 31 RESOLUTION APPROVING AND AUTHORIZING THE APPOINTMENT
OF MC CUTCHEN, DOYLE, BROWN & ENERSEN LLP ("MC
CUTCHEN") OUTSIDE SPECIAL COUNSEL CONCERNING
ENVIRONMENTAL COMPLIANCE MATTERS. (Closed Session - 40)
- 20319 32 RESOLUTION APPROVING AND AUTHORIZING THE APPOINTMENT
OF MC CUTCHEN, DOYLE, BROWN & ENERSEN LLP ("MC
CUTCHEN") AS OUTSIDE SPECIAL COUNSEL CONCERNING THE
BERTHS 20-22 WATER MATTER. (Closed Session - 40)
- 20320 33 RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A TOLLING AGREEMENT WITH SHELL OIL
COMPANY ("SHELL") CONCERNING THE SOUTH FIELD TANK
FARM. (Closed Session - 40)
- 20321 13 RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER FOR
CONTRACT WITH HARDING LAWSON ASSOCIATES, FOR CLOSURE
OF LANDFILL AT THE FORMER LEW F. GALBRAITH GOLF COURSE,
OAKLAND, CALIFORNIA. (Maritime - 22)

Vote on the following Ordinances:

- Ayes: Commissioners Ayers-Johnson, Kiang, Scates, Tagami, Uribe
and President Kramer - 6
- Noes: None
- Absent: Commissioner Protopappas - 1

ORDINANCES:

- 1S Port Ordinance No. 3597 being, "AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF TERMINAL USE AGREEMENT WITH EVERGREEN MARINE CORPORATION, (TAIWAN) LTD."
Final.
- 2 Port Ordinance No.____, being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH FEDERAL EXPRESS CORPORATION, AND DIRECTING RECORDATION THEREOF.
Airport - 5S to print.
- 3 Port Ordinance No.____, being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH WAREHOUSE PROPERTIES, INC., FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 10.43 ACRE PARCEL OF LAND LOCATED AT HEGENBERGER AND PARDEE ROADS.
Commercial Real Estate - 11 to print.
- 4 Port Ordinance No.____, being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2833 RELATING TO BALLAST WATER.
Maritime - 21 to print.
- 5 Port Ordinance No.____, being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE ADDITIONAL POSITIONS.
Operations - 31 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be a regular meeting held on Tuesday, September 5, 2000 at 3:00 PM

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 1

JECT: Rejection of Bids and Authorization to Negotiate a Contract for Construction of Dollar Rent-A-Car Utility Infrastructure, North Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Two (2) bids were received and opened on June 19, 2000, for **Construction of Dollar Rent-A-Car Utility Infrastructure, North Field, Oakland International Airport, Oakland, California.**

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BASE BID PRICE
McGuire and Hester	Oakland, CA			X		\$1,780,000.00
LFR, Inc.	Emeryville, CA			X		\$1,942,612.00

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

ANALYSIS:

Design Change:

During the bidding process, a traffic engineering study for the Convair Street and Langley Street roadway systems, within which the utility infrastructure project is located, identified a need to revise the traffic flow along Langley Street to allow for an anticipated increase in traffic volume. Preliminary plans have been developed recommending realignment of Langley Street and the construction of a signalized intersection on Doolittle Street to accommodate this increased volume. The proposed Langley Street realignment invalidates a portion of the planned work of the utility infrastructure project since the new utilities are intended to follow Langley Street, to Convair Street, and then serve Port tenants from that location. As a result, the scope of the utility infrastructure project will increase since the original proposed utility locations allowed the use of existing electrical manholes and potable water lines. The Langley Street realignment does not allow for this.

Budget:

Disregarding the budgetary impacts associated with the need to increase the scope of work, the low and high bids exceeded the Engineer's estimate by about 8% and 18%, respectively. According to the bidders, the main reason for the difference between the bids and the Engineer's estimate is that both bidders included an allowance to account for the uncertainty of encountering, and being required to remove, contaminated soil or groundwater present in the excavated material.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20289
BOARD ACTION TAKEN

Assistant

Sharon Krupp
SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

It is believed that the bidders would not encounter the amount of contaminated materials that they have allowed for in their bids. Therefore, in order to remove this cost uncertainty, as part of the modified scope of work, the revised Plans and Specifications will include a provision wherein the Port will assume the responsibility of removing all contaminated materials encountered.

OPTIONS:

The following were options considered prior to the recommendation:

1. Accept the lowest responsible bid, award the contract to the lowest responsible bidder, execute the Contract, and then execute a "contract change order" to remove the contaminated materials concern and to include the "change in scope" work necessary to accommodate the Langley Street realignment.

It is estimated that the "contract change order" for the added scope of work could cost as much as 35% of the original low bid. In addition, both bidders have acknowledged that they made allowances in their bids for hazardous environment uncertainties and would be willing to negotiate these uncertainties. LFR, Inc. has indicated they could decrease their bid by approximately \$250,000 in these areas.

Note: It is believed that through the "contract change order" process the Port would not receive the lowest reasonable cost for the added scope of work and the greatest reasonable credit for the deleted scope of work.

2. Reject both bids, negotiate revised bids from both bidders based on the revised scope of work, and execute a contract with the bidder with the lowest negotiated bid. Additionally, if negotiations fail, the project would be re-bid, with an attempt to attract additional bidders; and a contract negotiated and executed with the lowest responsible bidder.

Note: This option allows for competition and thus a greater potential for reasonable costs and credits. It must be further noted that during the initial bidding, potential bidders were contacted by telephone to inquire if they intended to submit a bid for this project. Most indicated they did not plan to submit a bid because they were too busy with other projects and didn't have the manpower available to do the work in the event the Contract was awarded to them. Although further interest in bidding may be limited, it is believed to be beneficial to include this option to allow the potential of further competition.

3. A final option is to reject both bids, re-bid the project through the formal procedures and attempt to include additional bidders.

Note: Should this option be chosen, the same problem regarding contractor availability cited in Option 2 above is expected. Additionally, the time necessary to formally re-bid this project would impact completing this project prior to the scheduled improvements planned by Dollar Rent-A-Car.

After analyzing the above options, it is believed to be in the best interests of the Port to select Option 2.

RECOMMENDATION:

For the reasons set forth above, it is recommended that the bids be rejected and that the Executive Director be authorized to negotiate with both bidders and to execute a contract with the bidder with the lowest negotiated bid. If this fails, it is further recommended that the Executive Director be authorized to negotiate and execute a contract on the open market. Finally, it is recommended that all bid securities be returned to the respective bidders.

INCURRED COSTS PRIOR TO AWARD OF CONSTRUCTION CONTRACT				
REPORT DATE: 06/22/00				
EPM: Imee Osantowski				
Work Order	Project Description	CURRENT PROJECT BUDGET		
106435	Construction of Dollar Rent-A-Car Utility Infrastructure, North Field, OIA.	N/A		
ANTICIPATED AWARD AMOUNT:				
Contractor	McGuire & Hester			
		Bid Amount:	2,275,000.00	
INCURRED COSTS:				
CONSULTANT			0.00	0%
TEMP HELP ALLOCATION				
LABOR, MISC., OTHER				
EC Engr. Construction	5,974.08		5,974.08	0%
ED Engr. Design	22,564.20	1,195.95	23,760.15	1%
ED Engr. Spec.	814.65	16,265.03	17,079.68	1%
EE Engr. Utilities	57,324.90		57,324.90	3%
ET Terminal Expansion	19,246.00		19,246.00	1%
OT Others	3,500.59		3,500.59	0%
Temp. Help	17,460.98	(17,460.98)	0.00	
TOTAL LABOR, MISC., OTHER			126,885.40	6%
			0.00	-
TOTAL COSTS INCURRED PRIOR TO AWARD OF CONTRACT			126,885.40	6%
ANTICIPATED AWARD + COSTS-TO-DATE			2,401,885.40	

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 2

^{TD}
SUBJECT: Approval of Consultant Agreement with AGS, Inc./HNTB for Engineering Services for Overlay of Taxiway B (between Runways 27L and 27R) and Taxiway C (east of Taxiway D), North Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Taxiway B (between Runways 27L and 27R) and Taxiway C (east of Taxiway D), built in the 1960's, are showing signs of deterioration and are in need of pavement and taxiway light improvements. This project is part of a program to reconstruct existing aprons and taxiways at the North Field to enhance safety and extend the life of the facilities. This project was originally scheduled in the Capital Improvement Program to be constructed in the summer of 2002. However, as presented at the Aviation Committee on April 24 and July 10, 2000, Runway 11/29 in the South Field is scheduled to be overlaid in the summer of the year 2001. During the overlay work on Runway 11/29, commercial aircraft will be diverted to the North Field and Taxiways B and C will have to support the diverted traffic. In order to avoid potential foreign object damage (FOD) from the deteriorated pavements, it is recommended that Taxiway B (between Runways 27L and 27R) and Taxiway C (east of Taxiway D) be rehabilitated prior to the planned start of the Runway 11/29 overlay project.

The consultant will provide engineering design and construction support services for this project that consists of: 1) overlaying Taxiway B (between Runways 27L and 27R) and Taxiway C (east of Taxiway D) 2) installing new taxiway lights and signs; and 3) pavement striping and marking. The design and construction of the project will conform to all applicable city, state and FAA codes and standards.

ANALYSIS:

On February 22, 1999, the Aviation Committee approved the concept of creating a "final list" of the consultants from which to select future FAA projects involving airfield improvement work such as aircraft aprons, taxiways, runways, etc. This "final list" was to be maintained and used at any time over a three-year period (through February 2002). The consultant teams on the "final list" are listed below in alphabetical order:

1. AGS, Inc./HNTB
2. Harding Lawson Associated, Group Inc.
3. John T. Warren & Associates
4. Kimley-Horn and Associates
5. Nichols-Vallerga & Associates
6. Parsons Brinckerhoff Quade & Douglas, Inc.
7. P & D Aviation

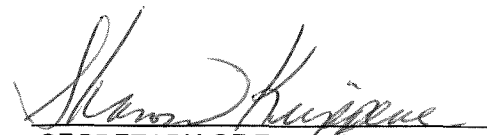
To date, two consultants have been selected from the "final list" to provide engineering services. On June 15, 1999, the Board approved the selection of Harding Lawson Associated, Group Inc. in connection with an aircraft apron reconstruction project. On September 21, 1999, the Board approved the selection of Parsons Brinckerhoff Quade & Douglas, Inc. in connection with a taxiway overlay project.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20290

BOARD ACTION TAKEN



Assistant

SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

AGS, Inc./HNTB is recommended to provide the required engineering design and construction support services for the project, Overlay of Taxiway B (between Runways 27L and 27R) and Taxiway C (east of Taxiway D). Although this project will not be FAA funded, the selection of a consultant from this list is appropriate in that the scope of work (airfield improvements) is in line with the selection criteria used to create the "final list". The selection of AGS, Inc./HNTB was based on their project team's oral presentation, qualifications and relevant experience of the team, key project personnel, and evidence of compliance with the Port of Oakland's Non-Discrimination and Small Local Business Utilization Policy.

The AGS, Inc./HNTB team consists of the following:

Consultant Team	Enterprise Status	Role	Planned Share (%)
AGS, Inc.	LIA/MBE	Project Management, Geotechnical, and Pavement and Grading Design	54%
HNTB	LIA	Project Overview, Striping, Specifications, and Cost Estimate	36%
YEI Engineers, Inc.	LIA/MBE	Electrical/Taxiway Lighting	6%
Elite Reprographics	LIA/WBE	Document Reproduction	4%

The Port's Office of Equal opportunity (OEO) participated in all phases of evaluating the consultants and their proposals on the "final list". OEO has determined that the recommended team is responsive to the Port's Non-Discrimination and Small Local Business Utilization Policy.

The EEO-1 Work Force Reports/Professional and Community Participation Questionnaires are on file in the Office of Equal Opportunity.

It is anticipated that the amount of the agreement will not exceed \$400,000, and it is requested that the Executive Director be authorized to approve up to an additional \$100,000 for potential changes in scope. It is necessary to begin work immediately after the final scope and terms are agreed upon in order to meet the project schedule. Therefore it is proposed that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations.

Budget:

The work is budgeted under CIP item No. A1.00626.04 and the funding source is future PFCs. The Total Project Cost is estimated to be \$5,300,000.

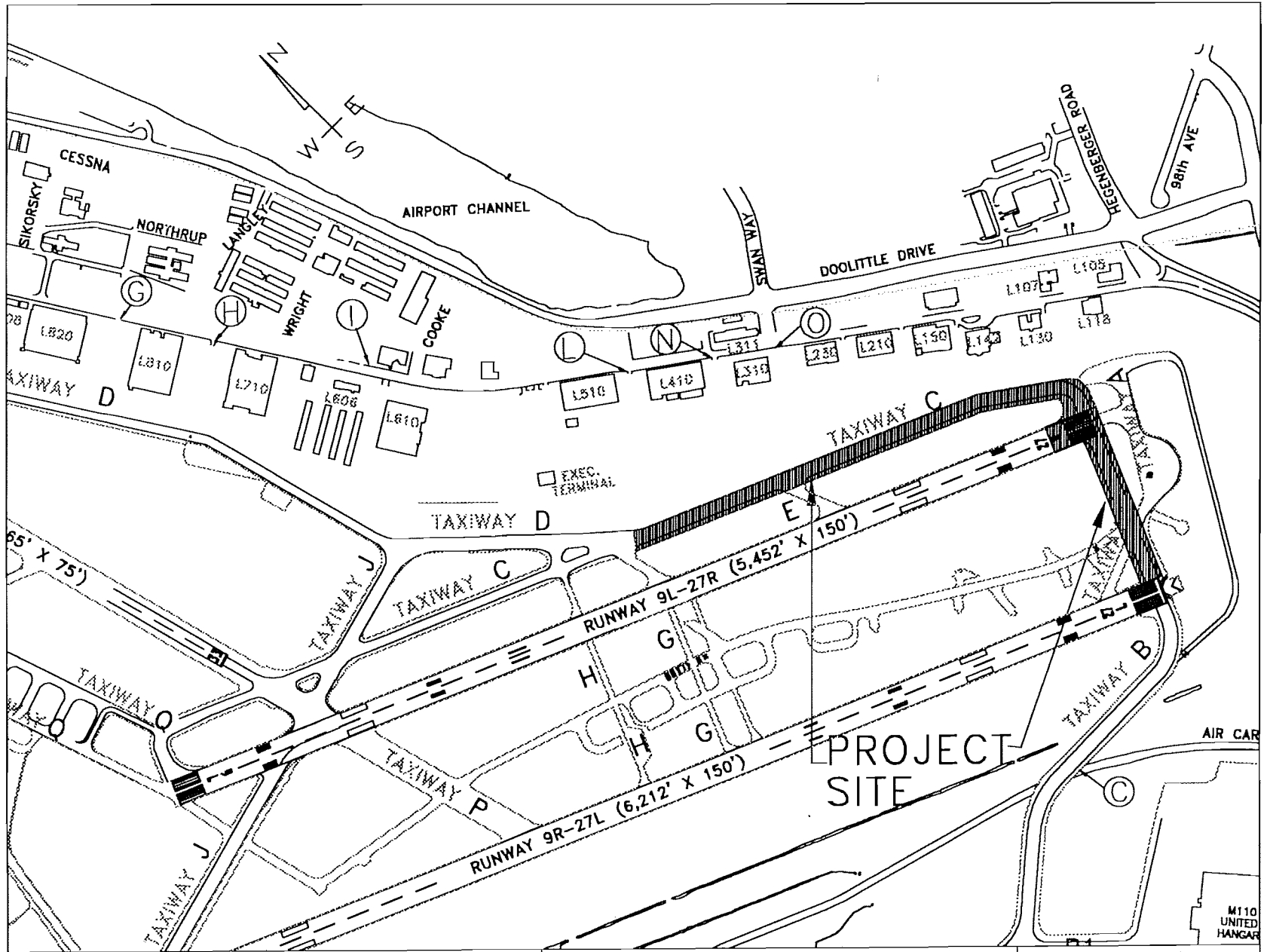
RECOMMENDATION:

It is recommended that the Board:

- 1) Determine that the engineering services as described above are professional services; and
- 2) Authorize negotiations and the preparation and execution of an agreement with AGS, Inc./HNTB in accordance with the above provisions.

Approval of Consultant Agreement with
AGS, Inc./HNTB for Engineering Services for
Overlay of Taxiway B (between Runways 27L
and 27R) and Taxiway C (east of Taxiway D)
North Field, OIA

August 1, 2000
Page 3



PORT OF OAKLAND

NORTH FIELD, OIA

SCALE: 1"=800'

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Warehouse Properties, Inc. for the Property located at Hegenberger Road and Pardee Drive

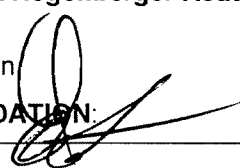
DATE: August 1, 2000

ITEM NO: 11

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate C. I.
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has negotiated the terms of a Purchase and Sale Agreement with WP Investments, Inc. covering the purchase of an approximately 10.43 acre irregularly-shaped site with frontage on Hegenberger Road located adjacent to Francesco's Restaurant.

WP Investments, which specializes in developing industrial and office properties throughout the San Francisco Bay Area, is proposing the development of four buildings with a total size of approximately 180,000 square feet in a business park setting. The estimated cost of the improvements is \$19,000,000. They are targeting the project as a technology park, with a service component on the Hegenberger frontage. The quality of the building will be comparable to the Yosemite Business Park, a Silicon Valley project designed to attract tenants in a highly competitive market.

ANALYSIS:


- Price: \$9.00 per square foot
\$4,088,977
- Deposit: \$50,000 at execution of Purchase and Sale Agreement
\$50,000 at expiration of due diligence period
Both deposits shall be credited against the purchase price
- Due Diligence: 60 days
- Buyer's Obligations Evidence of financial capability
Design development plans
- Closing Date: 90 days after the 60-day due diligence period
- Extension: One 30-day extension at a cost of \$50,000
- Commission: A commission of 4% payable to BT Commercial

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to construction and/or operation of the project. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN Assistant


SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
 - (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.)
- The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

This matter has been discussed at a number of Commercial Real Estate Committee meetings.

OPTIONS:

1. Do not sell the property, and continue to land bank the parcel.
2. Put the parcel on the open market.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Warehouse Properties, Inc. for the purchase of the Hegenberger Road parcel at a price of \$9.00 per square foot.

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 12

SUBJECT: First Amendment to the Purchase and Sale Agreement with Mortenson Development Company for the Property located at Third and Brush Streets

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

At its February 1, 2000 meeting, the Board approved the first reading of a Purchase and Sale Agreement with Mortenson Development Company for a 40,000 square foot site bounded by Brush, Castro, Second and Third Streets. The purchase price was \$3,200,000. The Agreement provided for a nine-month due diligence period.

During the May 25, 2000 meeting of the Board of Port Commissioners, the Mitigated Negative Declaration/ Initial Study and conceptual plans for this project, a 120,000 square foot Telecommunications Access Building, were also approved by the Board. Staff advised that the results of a final round of design review and an amendment covering responsibilities for any environmental remediation would be presented at a future meeting.

ANALYSIS:

The Commercial Real Estate Committee advised that they would recommend moving forward with an Amendment to the Agreement covering remediation costs at a cost not to exceed \$400,000. Port staff and the Mortenson group have been working diligently to undertake environmental site investigation, and to work with the County of Alameda Health Services Agency to develop a reasonable program acceptable to both parties. Port Counsel is working to ensure that the Amendment will reflect a program that complies with the parameters approved by the Committee.

In the event that circumstances change between the time this Board letter is submitted and the August 1, 2000 meeting, the Board will be given a full presentation regarding any changes.

OPTIONS:

1. The Port could elect not to fund the remediation costs.


RECOMMENDATION:

It is recommended that the Board approve the execution of the First Amendment to the Purchase and Sale Agreement between the Port and Mortenson Development Company with a remediation cost within the limits approved by the Commercial Real Estate Committee as outlined above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No.

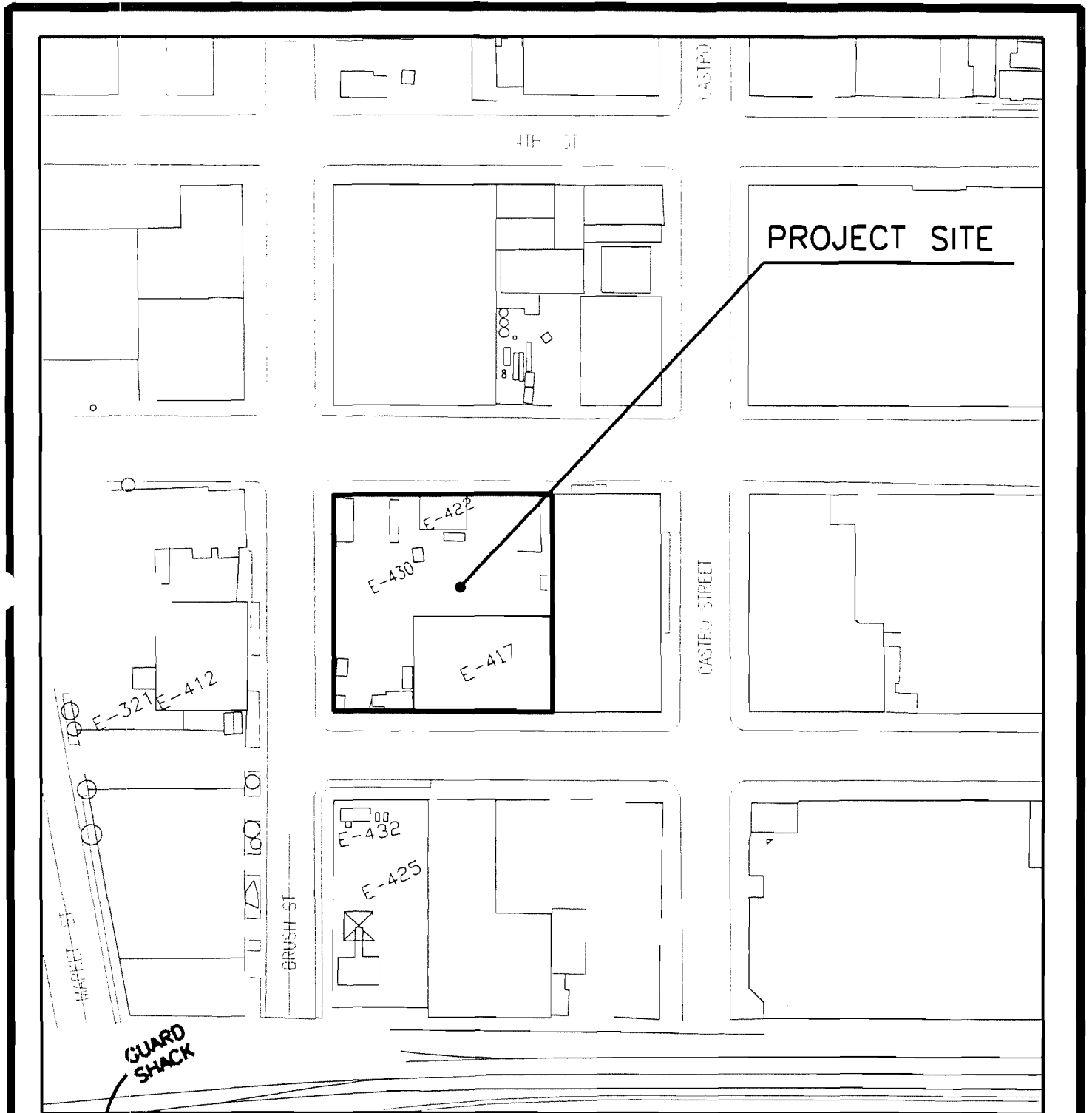
20297
BOARD ACTION TAKEN Assistant


SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

First Amendment to a Purchase and Sale Agreement with Mortenson Development Company for the Property Located at Third and Brush Streets



PORT OF OAKLAND

COMMERCIAL
REAL ESTATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 13

SUBJECT: Authorization to Negotiate and Execute an Agreement with Union Pacific Railroad to Install Pre-cast Concrete Road Crossing Surfaces on Embarcadero for Intersections at Clay, Washington, Broadway and Franklin Streets, Jack London Square

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The main objective of this project is to rehabilitate a busy section of Embarcadero between Clay and Franklin Streets by better designating respective railroad, vehicular and pedestrian areas. Due to heavy rail and truck traffic, the condition of the pavement along this portion of Embarcadero, particularly at the intersections, has deteriorated. Cracks and rolls in the asphalt concrete adjacent to the rails cause hazards for pedestrians, cyclists, strollers and wheelchair users. Additionally, the rail right-of-way is not separated from vehicular lanes except by striping, and drivers often use this area to pass slower traffic. This adds to the hazards for all travel modes in the corridor.

The work for this agreement includes installing pre-cast concrete road crossing surfaces at Embarcadero intersections at Clay, Washington, Broadway and Franklin Streets. The installation of the crossings will eliminate the distorted asphalt surfaces in the intersection areas, therefore reducing hazards to pedestrians. Since the crossing installation improvements lie in the Union Pacific Railroad Company's (UP) right-of-way, the UP will be responsible for performing or delegating the work. The Port will be responsible for paving the approaches to the pre-cast panels, providing traffic/pedestrian control, and rehabilitating the remainder of the deteriorated pavement under a separate contract.

ANALYSIS:

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA 15301 Guidelines Section.

General Plan:

Pursuant to Sec. 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

Budget:

The Total Project Cost for the pavement improvements between Clay and Franklin Streets is estimated to be \$1,450,000.

The portion of work associated with the installation of the pre-cast concrete road crossings is estimated to be approximately \$650,000. The Port will be responsible for up to \$550,000 and the UP will absorb costs exceeding this amount by up to \$100,000. The Port and the UP will share any costs generated beyond \$650,000, in an amount not to exceed \$50,000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20298
BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

AUG 1 - 2000
DATE

Authorization to Negotiate and Execute an Agreement with Union Pacific Railroad to Install Pre-cast Concrete Road Crossing Surfaces on Embarcadero for Intersections at Clay, Washington, Broadway and Franklin Streets, Jack London Square

August 1, 2000

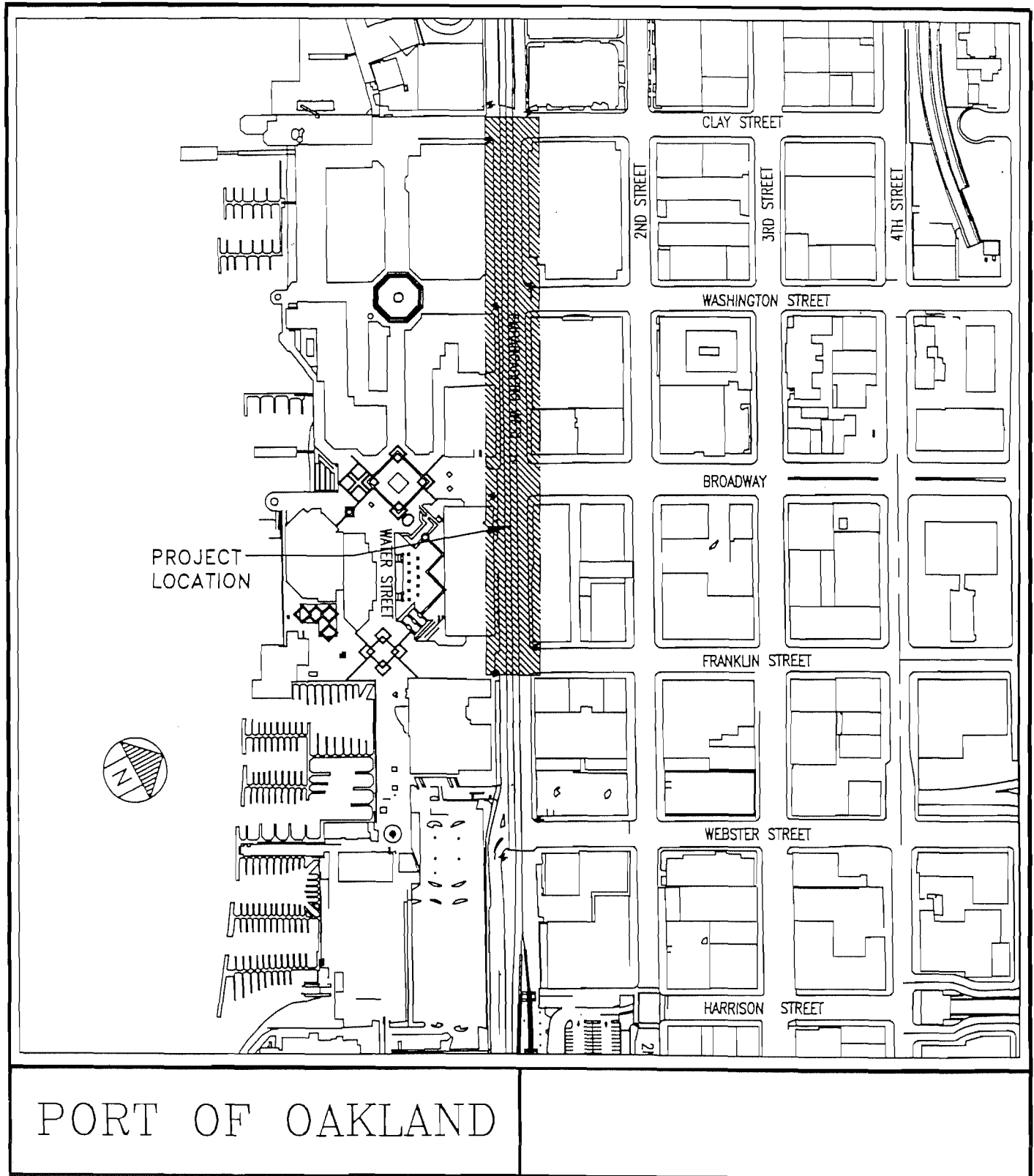
Page 2 of 3

The capital budget provides for this work under CIP Element No. P1.00601.02. The funding sources for the work are a grant of \$100,000 from the UP as described above, a \$730,000 grant from the State Transportation Improvement Program, and the remaining \$620,000 from Port cash, for a total project budget of \$1,450,000.

RECOMMENDATION:

It is recommended that the Board:

1. Authorize the Executive Director to negotiate and execute an agreement with Union Pacific Railroad Company as described above; and
2. Authorize the Executive Director to approve up to \$600,000 for Union Pacific Railroad related work.



Agenda Sheet


DATE: August 1, 2000

ITEM NO: 14

SUBJECT: Approval of Plans and Specifications for Demolition of
Jack London Village, Buildings F-217 Through F-226,
Jack London Square

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Plans and specifications have been prepared for **Demolition of Jack London Village, Buildings F-217 Through F-226, Jack London Square, Oakland, California**, and are hereby submitted for approval and authorization to advertise for bids.

Jack London Village is a specialty retail shopping center consisting of ten, two-story wood frame buildings containing approximately 63,000 square feet of net rental area, interconnected by boardwalks, stairways and landings, and wrapped around a central courtyard. The improvements were completed in 1974.

On May 25, 2000, the Board approved the Jack London Village Lease Termination Agreement. Under that agreement, the Port acquired the leasehold of Jack London Village from Oakland Village Corporation.

The work consists of removing the ten buildings comprising Jack London Village, together with most associated site improvements. Landscaping at the perimeter of the site will be maintained. The work also includes site grading and construction of drainage improvements, embankment improvements, and a shoreline path connecting the new Harrison Street pier with Alice Street plaza.

Landscaping within the shoreline public access area will be completed at a later date under a separate contract.

ANALYSIS:

The Jack London Village site is a key element of the proposed Jack London Square Phase II development. The "Estuary Plan" encourages the redevelopment of the Phase II area, including the Jack London Village site.

Environmental:

The Port Board approved a Mitigated Negative Declaration for the project on May 25, 2000.

General Plan:

It has been determined that this project conforms to the City of Oakland General Plan.

Budget:

The work is budgeted in CIP Element No. P1.00461.08. The Total Project Cost for this CIP Element is estimated to be \$4,760,000, of which, \$2,830,000 is designated for property acquisition and tenant relocation, \$1,300,000 is designated for the demolition work and \$630,000 for other project contingencies. The funding source is Port cash. A portion of the costs for the work will be reimbursed by Oakland Village Corporation under the terms of the Lease Termination Agreement.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this work, since the project is within the Commercial Real Estate area of the Port.

- MOTION
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- INFORMATION ONLY

Approved by Resolution

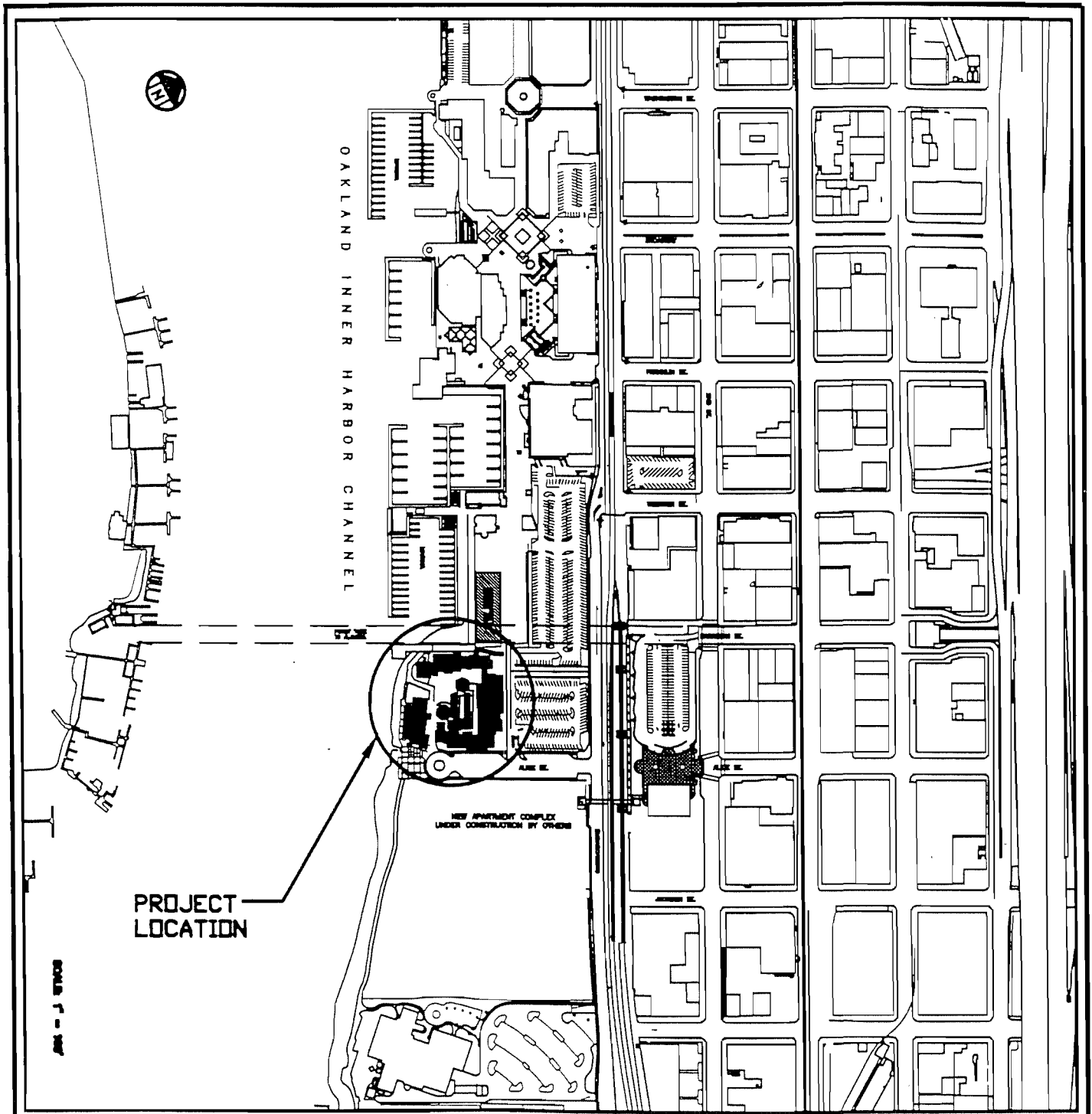
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RECOMMENDATION:

It is recommended that Plans and Specifications for Demolition of Jack London Village, Buildings F-217 Through F-226 be approved and authorization be granted to advertise for bids to be received on August 30, 2000.



PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

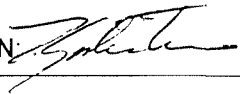
ITEM NO: 21

SUBJECT: Authorization to Amend Item No. 02215 in the Port of Oakland
Tariff 2-A To Suspend Ballast Water Requirements Covered by
State Statutory Provisions

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond Boyle **RAB**

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

On June 15, 1999 the Board of Port Commissioners adopted Port Ordinance No. 3516 which established a provision in the Port's marine terminal tariff regarding ballast water management for vessels calling at Port facilities. The tariff requires that all vessels that call at the Port intending to discharge ballast water into San Francisco Bay or the Gulf of the Farallones, first exchange that water in the open ocean to reduce the potential for discharge of invasive species, and that the vessel provide to the Port a report of its ballast water activities. The tariff allows for exceptions to this provision when:

- The ballast water source is the West Coast of North America; or
- The vessel has performed other ballast water management measures per the International Maritime Organization (IMO) Guidelines; or
- The exchange was not made because of stress of weather or stability or hull stress concerns.

The tariff item became effective on August 1, 1999, and enforcement provisions are scheduled to become effective August 1, 2000.

The Board's adoption of the ballast water tariff requirements implements one of the mitigation measures adopted by the Board on April 20, 1999, when it certified the Berths 55-58 Project Final EIR and approved and adopted mitigation measures for the Project.

Due to a potential increase in invasive species entering San Francisco Bay as a result of the Project, the Board adopted as one of several mitigation measures the regulations established by Port Ordinance No. 3516 (Port Resolution No. 99154, Appendix 1, Mitigation Measure 3.6-13/M1). Adoption of the ballast water tariff requirements also satisfies conditions of permits for construction of the Berths 55-58 Project issued by regulatory agencies.

After the Board adopted Port Ordinance No. 3516, the State of California enacted a new law effective January 1, 2000 (Chapter 849 Statutes of 1999) imposing a similar but more environmentally protective exchange requirement on all vessels entering California from outside the U.S. Exclusive Economic Zone [(EEZ) 200 miles from shore] on a statewide basis as well as mandating other ballast water management practices. The State law includes an exemption for safety considerations. The following vessels are exempt from the provisions of the California law:

- Crude oil tankers engaged in coastwise trade,
- Passenger vessels employing on-board treatment systems designed to kill potentially invasive species,
- Department of Defense and Coast Guard vessels subject to the Uniform National Discharge Standards for Vessels of the Armed Forces,
- Vessels that discharge ballast water or sediments only at the source location, and
- Vessels merely traversing the territorial seas of the United States and not entering or departing a United States Port.

The new law is equally if not more protective of marine resources than the Port tariff because:

- It applies to vessels calling throughout California, not just those calling at Port of Oakland facilities;
- It requires exchange in waters farther from shore (200 miles offshore vs. west of the Gulf of the Farallones National Marine Sanctuary in the Port tariff); and
- It applies to ballast water originating from waters off the West Coast of Baja California (Mexico) and the West Coast of Canada, but the Port tariff exempts these discharges.

The State law sunsets on January 1, 2004.

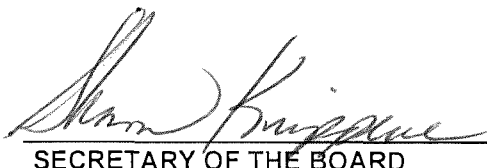
Port shipping line tenants have informed Port staff that they are confused by the separate Port and State restrictions and reporting requirements. Reporting of ballast water management practices to the State for vessels calling at Oakland has been somewhat lower than for other ports in the State, possibly because of this confusion. Finally, an issue may be raised whether the new State

**Approved by Ordinance
passed to print**

- MOTION
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- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

law legally preempts the Port's tariff provisions. Port staff has initiated the steps necessary to amend the permits for the Berths 55-58 Project by deleting the condition that the Port maintain the present Port ballast water tariff provision. It appears that the permit issuing agencies will agree to delete this condition from their respective permits.

Staff therefore recommends that the Board adopt an ordinance (a) in which the Board finds and determines that the new State law mitigates the potential environmental impacts of the Berths 55-58 Project as or more effectively than the tariff provisions adopted by Port Ordinance No. 3516, and (b) that modifies the Port of Oakland tariff to suspend, effective upon the appropriate amendment of the Port's Berths 55-58 permits, the existing tariff restrictions and reporting provisions, such suspension to continue until the Board determines by ordinance that the new State law, or other State or Federal law at least as effective as the suspended Port tariff provisions, does not apply to vessels using Port terminal facilities. Staff also recommends that the reference to the IMO Guidelines in the tariff be updated to reflect the most recent version of the Guidelines, and that the tariff provisions be amended to authorize the Executive Director to collect information regarding vessel practices for ballast water that originates within the U.S. EEZ.

RECOMMENDATION:

It is recommended that the Board give first reading to an Ordinance amending Port Tariff Item No. 02215 regarding ballast water requirements as described above, effective September 15, 2000.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000


ITEM NO: 22

SUBJECT: Authorization to Negotiate Change Order with Harding Lawson Associates for Construction of a Low-Permeable Cut-off Wall for the Closure of Landfill at the Former Lew F. Galbraith Golf Course



PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

On March 21, 2000, by Resolution No. 20134, the Board approved entering into a contract with Harding Lawson Associates (HLA) for **Closure of Landfill at the Former Lew F. Galbraith Golf Course, Oakland, California.** The Contract became effective in May 2000, with lump sum and unit prices totaling \$5,896,429.00. The work consists of moisture conditioning the remaining dredged material, constructing a clay cap over the existing landfill areas and providing rough grading and drainage for the new golf course.

The project is located within the former Lew F. Galbraith Golf Course, located near the Oakland International Airport. The 170-acre site originally consisted of shallow mudflat and tidal marshland adjacent to San Francisco Bay. Municipal waste filling (primarily construction demolition debris) began as early as the 1930's and continued through the 1950's. In the mid 1960's, the site was converted into the Lew F. Galbraith Municipal Golf Course by leveling and covering the site with a two to five foot thick layer of soil. Approximately \$14 million of Port funds have been invested at the site to date for site improvements and the Port's cost share of the dredging, transport, and placement of dredged material. Without the use of Galbraith as a disposal site, the cost to the Port would have been approximately \$50 million to send the dredged material to a landfill. \$18 million is currently budgeted to properly close (cap) the former landfill and reconstruct a new golf course.

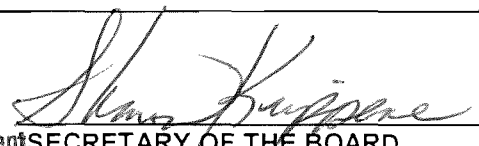
The former golf course was altered to receive dredged material in early 1995. The work consisted of the construction of levees to enclose two holding ponds and smaller secondary settling basins. Approximately 1,000,000 cubic yards of dredged material from the Port's -42 ft. deepening project was placed at the Galbraith disposal site between early 1996 and 1998. The Port is currently in compliance with all permits and conditions to operate the site.

ANALYSIS:

As of July, 2000, HLA has completed placing and compacting 26,000 cubic yards of clay cap and 56,000 cubic yards of fill material that comply with the golf course design grades. However, during the subgrade preparation for the low elevation ornamental ponds, HLA discovered significantly higher than anticipated groundwater levels in the original landfill. The groundwater levels were found to be at elevations that are currently higher than the proposed pond elevations. This makes constructing the ornamental ponds very difficult. In order to construct the ornamental ponds, a high density polyethylene (HDPE) geomembrane liner system must be installed under the pond areas on a compacted sub-base. A high water table would cause the waterproof membrane to float up during construction.

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Approved by Resolution No. 20321


Assistant SECRETARY OF THE BOARD

AUG 1 - 2000
DATE

BOARD ACTION TAKEN Vote abstained

OPTIONS:

Three alternatives were studied in order to address the excess groundwater issue; (1) raise the grades of the pond areas, (2) pump down the groundwater level over the whole site and (3) pump down the groundwater level only in the areas where ponds will be located.

The first alternative to raise the grades would require the use of more fill material. If this alternative is chosen, less material will be available for the golf course construction and the aesthetics of the design grades will be reduced, thereby compromising the overall quality of the golf course as designed by the golf course architect.

The second alternative requires dewatering of a tremendous volume of water. The main drawbacks of this alternative are the time and costs associated with disposing of the pumped groundwater to a treatment facility. It is estimated that this option could impact the project schedule by more than six months due to the regulatory restrictions on the handling and discharge of the groundwater pumped from the site. This delay would translate into additional Contractor standby costs. But most importantly, the time delays associated with this alternative would cause unacceptable delays in meeting the commitment of completing the golf course by mid 2002.

The third alternative takes into consideration the large acreage of the site, and only dewateres an area necessary for the construction of the ponds by constructing a low-permeable cutoff wall around the proposed ponds. This allows the project to retain the proposed golf course design grades while minimizing construction time and dewatering costs. This alternative is estimated to cost approximately \$400,000 and estimated to cause a "26 working days" delay to the project schedule.

The third alternative is felt to be the most effective of the three because of its minimal impact on the project schedule and its ability to accommodate the current design parameters. In order for this alternative to function, a low-permeable cut-off wall must be constructed so the whole site doesn't drain to the area being dewatered. The cut-off wall will be placed around the perimeter of the pond areas and to a depth penetrating into the original bay mud that underlies the landfill refuse. After the installation of the cut-off wall, the groundwater will be pumped into an onsite holding area. The majority of the water will then be pumped to a nearby treatment facility or be reinjected into other areas on the site where it would not impact the construction of this project.

Project Labor Agreement:

The Maritime and Aviation Project Labor Agreement (MAPLA), which is currently included in the original HLA contract, will also apply to the change order work.

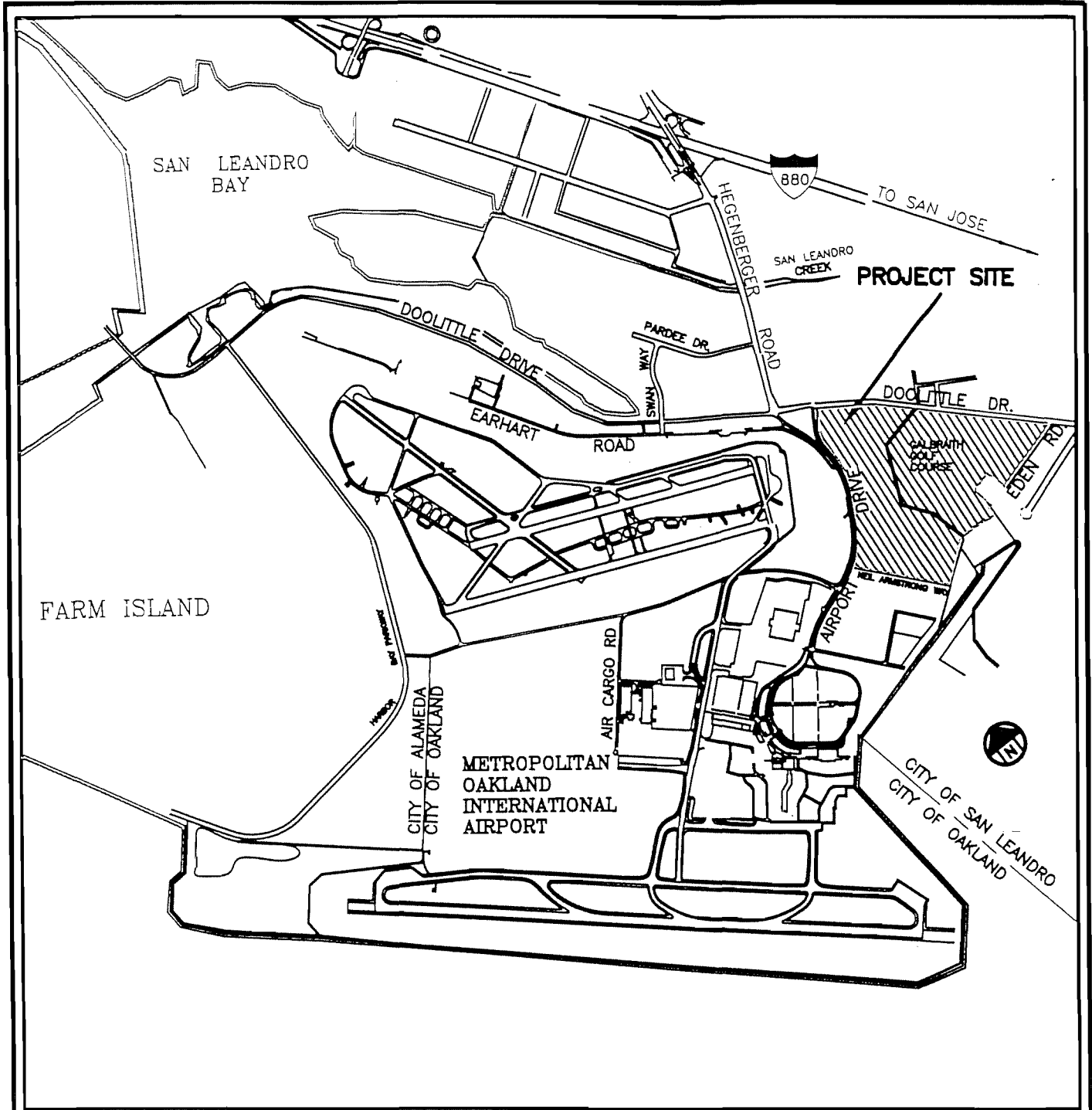
BUDGET:

The overall costs associated with the Landfill Closure work, including this change order, remain within the original Total Project budget.

The project is budgeted under CIP Element No. MA.02870.19. The Total Project Cost is estimated to be \$12,000,000. The funding source is Port bonds.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to negotiate a change order as described above for a not to exceed total amount of \$400,000.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 23

SUBJECT:

Authorization to Dispense with Formal Bids to Obtain a Design-Build Contract for the Construction of Terminal Buildings at Berths 57/58, Vision 2000

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

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EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Berths 57/58 marine terminal project is one of the last major elements of the Port's Vision 2000 Maritime Development Program to redevelop the former Navy Fleet Industrial Supply Center, Oakland (FISCO) and Union Pacific Railroad (UPRR) Yard.

However, due to prolonged negotiations with prospective tenants for this terminal, the design of the three terminal buildings has been held up. Without direction from a potential tenant, it was not possible to adequately define the tenant-specific needs for the buildings.

ANALYSIS

The majority of Port projects are designed and built using the "traditional" methods of hiring professional engineers/architects to first design the facility followed by a process of approving the construction plans and specifications, which are then advertised for competitive bidding from construction contractors.

The "design-build" model of project delivery differs from "design-bid-build" in that a single team is hired to both design and construct the facility. This process creates an opportunity to commence with construction of portions of the building prior to finalizing the design of interior finishes.

There are several options for selecting a design-build team. These include: 1) sole-source negotiations with an identified firm; 2) multi-step Request for Qualification/Request for Proposal Process; 3) multi-step Request for Proposal Process, including compensation for a short-listed group of proposers to include preliminary design work as a part of the proposal process; and 4) a "one-step Request for Proposal (RFP) process based on preliminary architectural considerations for the buildings.

In order to make the process of selection of a design-build team as fair as possible, consistent with both the spirit and the letter of the law regarding public works contracting, as well as to satisfy the Port's NDLSBU policy, the following process and criteria for the selection of a design-build team would be used:

An RFP will be distributed to the engineers, architects and contractors who are currently on the Port database of these resources. The RFP will also be advertised in the major construction trade journals.

Proposers would be given the following information: desired cost of project (\$8 million total for design and construction); a site map indicating approximate sizes and locations of the building; "typical" building footprints for similar structures on nearby terminals; a listing of the uses of the buildings, including typical room sizes and specific equipment needs;

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No. 20301

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AUG 1 - 2000

DATE

minimum performance criteria (typically pre-existing facilities will be identified as examples of the architectural scale and quality (e.g. carpets, trim, paint, etc.) of the facility desired); and desired completion date. Further, the RFP will emphasize the local participation element of the NDSLBU policy on the two larger buildings with special emphasis to be given to the participation of small local businesses on the smallest of the three buildings.

Design-build proposers will be given six weeks to prepare proposals that will be reviewed by the Engineering Division, the Maritime Division, the Office of Equal Opportunity, and Finance. Interviews will be conducted by the same panel and a recommendation for selection will be brought to the Maritime Committee, then to the full Board for concurrence. Following this tentative selection, a contract would be negotiated and brought to the full Board for authorization and approval.

Evaluation of the RFP's would be determined by the following factors:

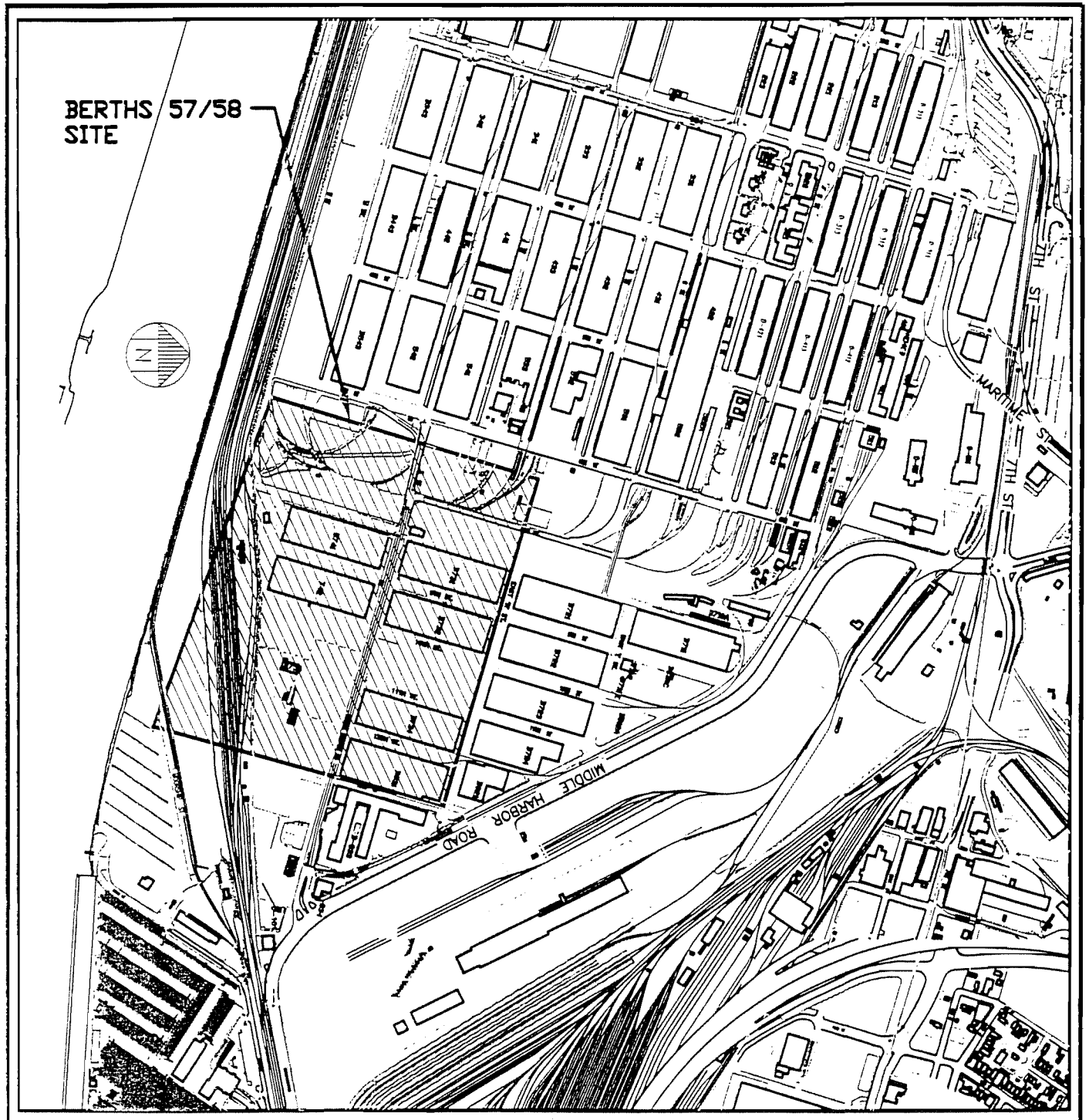
1. Cost/Price of project (30%) – Points to be determined on a sliding scale; proposers who could provide product at a cheaper cost would be awarded additional points up to the maximum for this category. Proposers exceeding budget would have points deducted. Proposers meeting the desired budget would be awarded half of the maximum number of points for this category.
2. Team quality/composition (20%) – Experience of the design and construction personnel in previous design-build projects and marine terminal work would be considered in this category. All trade work not covered by the core team would be required to be bid to firms in the Local Impact Area/Local Business Area(LIA/LBA), if available, in accordance with the Port's Non-Discrimination/ Small Local Business Utilization Policy (NDSLBU). The RFP would require that the design-build team provide an explanation of how much of the total work would be subcontracted.
3. Schedule (20%) – Points to be determined on a sliding scale similar to cost/price of project. Proposers demonstrating an ability to meet the Port's desired timeline would be awarded half of the points for this category. Proposers exceeding the required timeline would have points deducted; and those who can provide an accelerated schedule would be awarded additional points. Additional points would also be awarded under this category for a demonstrated ability to react to potential changes in scope.
4. Product Quality (20%) – Points to be determined on a sliding scale; proposers demonstrating an ability to provide minimum desired product as specified in the technical specifications would get half of the maximum number of points.
5. Local Participation (10%) – Points will be awarded in accordance with the Port's current NDSLBU Policy for public works contracts.
6. Financial Capability – Proposers who cannot demonstrate that they have sufficient financial resources to perform the work will not be considered.

The project is budgeted under CIP Item No. M6.00585.03. The funding source is Port bonds.

This work is covered by the terms of the Maritime and Aviation Project Labor Agreement (MAPLA).

RECOMMENDATION

It is recommended that the Board find it to be in the best interests of the Port to dispense with formal bids to obtain a Design-Build contract for the Construction of Terminal Buildings at Berths 57/58, Vision 2000.



PORT OF OAKLAND

VISION 2000

Agenda Sheet


DATE: August 1, 2000

ITEM NO: 24

SUBJECT: Authorization to Dispense with Competitive Bidding Procedures and to Execute a Change Order for Repair of Damaged Wharf at Berth 24, Outer Harbor Terminal

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

On June 29, 2000, the vessel Maersk Glasgow struck and damaged the concrete wharf at Berth 24 while attempting to position itself for docking at Berth 24. The damage consists of seven broken concrete bearing piles and spalled concrete in the crane power trench. The damage is located such that Maersk, the tenant at Berth 24, is unable to fully utilize the wharf area with the cranes, since several of the damaged concrete piles support the crane rail girder. As a result, the tenant's operations are restricted as to the positioning of ships and movements of the cranes across the damaged portion. To return the wharf to normal operations, it is critical that the wharf be repaired at the earliest possible date.

ANALYSIS:

Because of the urgency of the situation, a purchase order contract will be issued to Liftech Consultants, Inc. to assist the Port staff in the design of the necessary repair work. The final billing for this work is expected not to exceed the \$15,000 limit established by the Purchasing Ordinance for purchase order contracts for professional services. In addition, due to the fact that concrete piles typically require a three-week lead-time, a purchase order contract will be issued for the seven concrete piles needed to perform the repair work. The final billing for the piles is expected not to exceed the \$50,000 limit for the purchase of materials.

In order to continue expediting this process, it is proposed to dispense with competitive bidding procedures and to solicit proposals to perform the work from contractors currently under contract with the Port for other Port work. Upon receipt of the proposals, it is recommended that the Port negotiate and execute a change order based on the lowest cost proposal. It is estimated that the work will cost approximately \$250,000.

Environmental:

The proposed emergency pile repair work is exempt from the requirements of the California Environmental Quality act (CEQA).

Budget:

Port staff is pursuing recovery of the Port's engineering and construction costs from the insurance carrier for Maersk Sealand. As such, a Bill-To-Others has been prepared and sent to the shipping line.

Project Labor Agreement:

The work to be performed under the change order will be covered by the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA). The MAPLA will not apply to any other work of the contract to be changed unless it was executed with the MAPLA provisions included.

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Approved by Resolution
No. 20302

BOARD ACTION TAKEN

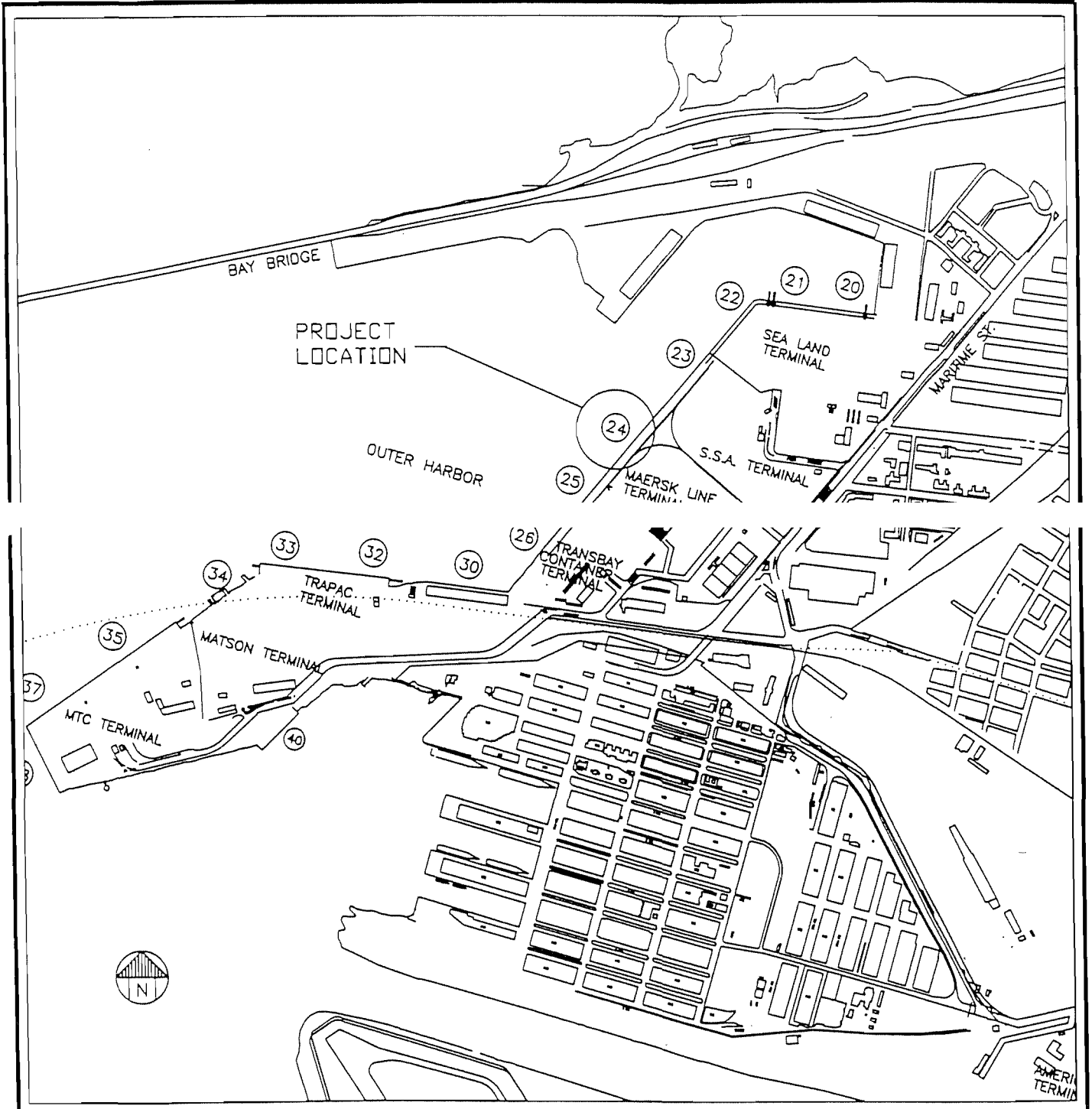

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RECOMMENDATION:

It is recommended that the Board find it to be in the best interests of the Port to dispense with competitive bidding procedures for the subject project. It is also recommended that the Board authorize the Executive Director to negotiate and execute a contract change order with the lowest proposing contractor, currently under contract with the Port, to perform the repair work.



PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 25

^{TD}
SUBJECT: Approve Change Orders for Construction of
7th Street Realignment and The New Road

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port has a contract with Gallagher & Burk for the **CONSTRUCTION OF 7th STREET REALIGNMENT AND THE NEW ROAD, OAKLAND, CALIFORNIA**, which became effective on October 5, 1999, at lump sum and unit prices totaling \$12,513,874. The project consists of constructing new roadway; asphalt concrete overlay of existing roadway; new railroad tracks and circuitry; street light poles with foundations and lamps; sanitary sewer system; storm drainage system; utility trenches; traffic signal systems; signage; pavement markings and striping; destroying monitoring wells; landscaping and irrigation.

ANALYSIS:

During the final stages of the design effort for the 7th St. and New Road, design staff was directed to reduce the scope of the planned improvements in an effort to anticipate a future relocation of 7th Street and to reduce project costs. In the haste to make these changes, certain items were deleted from the work that the utility companies require for their facilities. These changes include the number of conduits being installed and seismic and derailment protection for conduits crossing under railroad tracks.

roximately 21,200 linear feet of conduit was added to accommodate the future telephone needs of the Port. This change order compensates the Contractor for the additional conduit placement in the joint trench. Since the Contractor and the Port could not agree on a lump sum amount, the Contractor is to be paid for the extra work at force account, including markups, for the work of this change at an estimated \$150,000.00.

There are four locations on the job where railroad tracks cross over underground utility ducts. At these locations the encasement and pipe material for the ducts had to be changed from concrete encased plastic pipe to steel sleeves with steel pipe, in order to improve their performance during an earthquake and derailments. The Contractor has agreed to install the necessary steel casing and ductwork at a cost not to exceed \$82,613.

BUDGET ANALYSIS:

The total cost of these Change Orders will not exceed \$232,700. The funding for this Change Order will be covered under the project CIP Element M6.00599.01, Budget/Awards Variance, the element within the Vision 2000 Program Budget established to fund such project changes. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board approve change orders for an amount not to exceed \$232,700 to Gallagher & Burk, for the above-described work.

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Agenda Sheet


DATE: August 1, 2000

^{TD}
SUBJECT: **Approval Of First Supplemental Agreement With Liftech Consultants, Inc. For The Design Of Berth 59 Wharf**

ITEM NO: 26

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port of Oakland (Port) has a current professional services agreement with Liftech Consultants, Inc. (Liftech), which was approved by the Board on April 6, 1999. Liftech was hired to provide design services for the wharf at Berths 57 and 58, Inner Harbor Channel, Vision 2000 program. The Board authorized a maximum compensation of \$2,300,000 with the provision for an additional amount of up to \$450,000 to be spent with the approval of the Executive Director for additional, unforeseen work.

The original plan called for designing 3,000' of wharf to be constructed adjacent to the Berths 55/56 wharf, which is currently under construction. During the final selection of and negotiations with the tenant at Berths 57/58, it was agreed that the Port would provide 3,600' of wharf to the tenant at the time the terminal is opened. The location of the 600' of additional wharf ("Berth 59") was to have been occupied by a future tugboat facility. An alternative location east of APL ("Berth 64") has been identified for the tugboat facility; thereby making available the necessary space to build the entire 3,600' of wharf required by the Berths 57/58 tenant.

The contract documents for the Berths 57/58 wharf construction contract, which was awarded on June 20, 2000, include the excavation of the shoreline and construction of a stable rock dike embankment at Berth 59, but no culture there. The subsurface conditions prevented the installation of the Cement Deep Soil Mix wall, which is being used to stabilize the embankment under Berths 57/58. Therefore, the wharf structure being built for Berths 57/58 cannot simply be extended into Berth 59. Conceptual design work done by Liftech for the Berths 57/58 wharf can, however, be used to guide preparation of plans for a container wharf at Berth 59.

ANALYSIS:

In order to meet the very tight deadline to deliver the 3,600' of wharf, a means must be found to quickly and efficiently prepare plans and specifications for the additional 600' of container wharf. The options considered to accomplish this included: selecting a consultant to design the Berth 59 wharf, utilizing a formal Request For Proposal (RFP) process typically used for professional services; selecting a consultant from a pre-qualified shortlist of qualified consultants, based on an informal proposal process; preparing the design utilizing in-house resources; and supplementing the design contract for the Berth 57/58 wharf to include Berth 59.

The formal RFP process can take several months to make a selection and enter into an agreement. Depending on the consultant selected, a 2-3 month learning curve then ensues as the consultant organizes the project and prepares the research necessary to support final design. This would not meet the required schedule. Selecting from a shortlist only shortens this process by a month and this also would not meet the required deadline.

At this time the Port does not have the resources to prepare this design in-house.

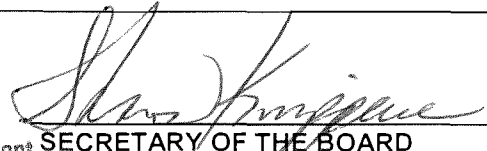
By supplementing the agreement with the Berths 57/58 wharf designer, time for the selection process is eliminated and the time to reach agreement on the contract language is reduced from weeks (and sometimes months) to days. Having already done the research necessary for the Berths 57/58 wharf, and with conceptual plans already

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No. 20304

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developed for the conditions expected at the Berth 59 area, the Berths 57/58 designer is prepared to move directly into final design for that structure. This would save months of time when compared with the other available options and would also save significant money on the preparation of the final plans and specifications. The design effort will also include a study to transition the crane rail from Berth 59 to Berth 60 through the angle between the two facilities. At the request of the Port, Liftech has presented a proposal to do this work for a total cost of \$434,800. On a per-square-foot basis, this is the least expensive design cost the Port has experienced utilizing a consultant and is the least expensive option available to the Port for this project.

BUDGET ANALYSIS:

Since the design for the Berths 57/58 wharf has been completed under budget, there is \$198,200 remaining in that contract that could be used for the design of the Berth 59 wharf, upon approval by the Executive Director. Therefore, this supplement will only need \$236,600 in additional funds to complete the design of the Berth 59 container wharf. As we will have expended all of the Change-In-Scope funds available to the Executive Director, it is recommended that an additional \$75,000 be approved for his authorization.

This work is budgeted under CIP No. M6.00585.01. The funding source is revenue bonds.

A summary of the proposed compensation changes is provided below:

	DESCRIPTION	AUTHORIZED	PROPOSED
1	Original Agreement	\$2,300,000	
2	Additional Compensation Approved by the Executive Director	\$450,000	
3	Current Maximum Allowable Compensation	\$2,750,000	
4	Additional Amount for First Supplemental Agreement		\$236,600
5	Proposed Additional Compensation Which May Be Approved by the Executive Director		\$75,000
6	Proposed Maximum Possible Allowable Compensation		\$3,061,600

RECOMMENDATION:

It is recommended that the Board authorize the preparation and execution of a First Supplemental Agreement with Liftech Consultants, Inc. for design services as described above, increasing the maximum compensation under the agreement by \$236,600. It is further recommended that the Board authorize an additional \$75,000 for Change-In-Scope funds, subject to the approval of the Executive Director, thereby setting the maximum possible allowable compensation for this work at \$3,061,600.

Agenda Sheet

JHO
SUBJECT: Approval of Consultant Agreements for Engineering Design Services for the Wharf at Berths 57 and 58 Inner Harbor Channel, Vision 2000 Program

Date: April 6, 1999
Item No. 24

PROGRAM AREA

SUBMITTED BY: Joseph K. Wong *JKW*
EXECUTIVE OFFICE RECOMMENDATION:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

[Signature]

FACTUAL BACKGROUND:

The Port's Vision 2000 Program consists of Container Terminals (Berths 55, 56, 57, 58 and 59), the Realignment of 7th Street and Construction of "New Road", the Joint Intermodal Terminal (JIT) and the Middle Harbor Shoreline Park (MHSP), all along the north side of the Inner Harbor Channel. Currently, the Container Terminals at 55 and 56, the Roadways, the JIT and MHSP are in design. We are now ready to commence the design efforts of the Container Terminals at Berths 57 and 58. The Container Terminal is comprised of wharves, container yard and gate facilities and terminal buildings. We propose to have a number of design consultants assist the Port in this effort. This proposed consultant is to provide engineering design services for construction of the wharf at Berths 57 and 58.

FOR INFORMATION ONLY

BASIS OF SELECTION:

One hundred eighteen Requests for Proposals (RFP's) were sent out on January 22, 1999. The RFP's were sent to engineering firms with offices in the Local Impact Area (LIA) Cities of Oakland, Alameda and Emeryville. Proposals were received from five teams.

The Port Review Panel reviewed the proposals and determined that all five teams were qualified to be interviewed. All were invited for interviews. Listed in alphabetical order, they were: A-N West, Inc., Entranco, Gerwick/VZM Joint Venture, Liftech Consultants, Inc., and Port Associates 2000.

FOR INFORMATION ONLY

The teams were judged on the project teams' oral presentations, qualifications, and relevant experience of the firms as well as key project personnel, project teams' technical abilities, project management abilities and evidence of compliance with the Port of Oakland's Non-Discrimination and small Local Business Utilization policy.

The interview panel determined that the three best qualified firms for the work were Gerwick/VZM Joint Venture, Liftech Consultants, Inc. and Port Associates 2000. Liftech Consultants is the unanimous recommendation of the panel.

This proposed selection was presented to the Maritime Committee at its March 11, 1999 meeting. The Committee approved the recommended selection for forwarding to the full Board for consideration.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN _____ DATE _____

SECRETARY OF THE BOARD _____

The following table shows the design team members, their roles and their planned shares of the work.

TEAM MEMBER		ROLE	PLANNED SHARE OF WORK
Liftech Consultants (Prime)	LIA	Project Management Structural Engineering (Mentor)	45%
Ben C Gerwick		Structural Engineering (Mentor)	21%
ANSE	LIA/MBE	Structural Engineering (Protégé)	5%
Moffat & Nichol	LIA	Marine, Civil Engineering (Mentor)	8.3%
Manna Consultants	LIA/MBE	Marine, Civil Engineering (Protégé)	10.8%
YEI Engineers, Inc.	LIA/MBE	Mechanical & Electrical Engineering	8.7%
PLS Surveyors	LIA/WBE	Surveying	0.6%

The Port's Office of Equal Opportunity (OEO) participated in all phases of evaluating the consultants and their proposals. OEO has determined that the recommended team is responsive to the Port's Non Discrimination and Local Business Policy. Seventy-nine percent (79%) of the team's members are within the LIA; Seventy-nine percent (79%) within the LBA; Twenty-five percent (25%) are certified as MBEs or WBEs. The Office of Equal Opportunity concurs with the recommendation.

Two of the subcontractors for ANSE (5% of the work) and Manna Consultants (10.8% of the work), both from Oakland, are being mentored on ports-related work as part of this project.

The EEO-1 Work Force Reports/Professional Services Questionnaires are on file.

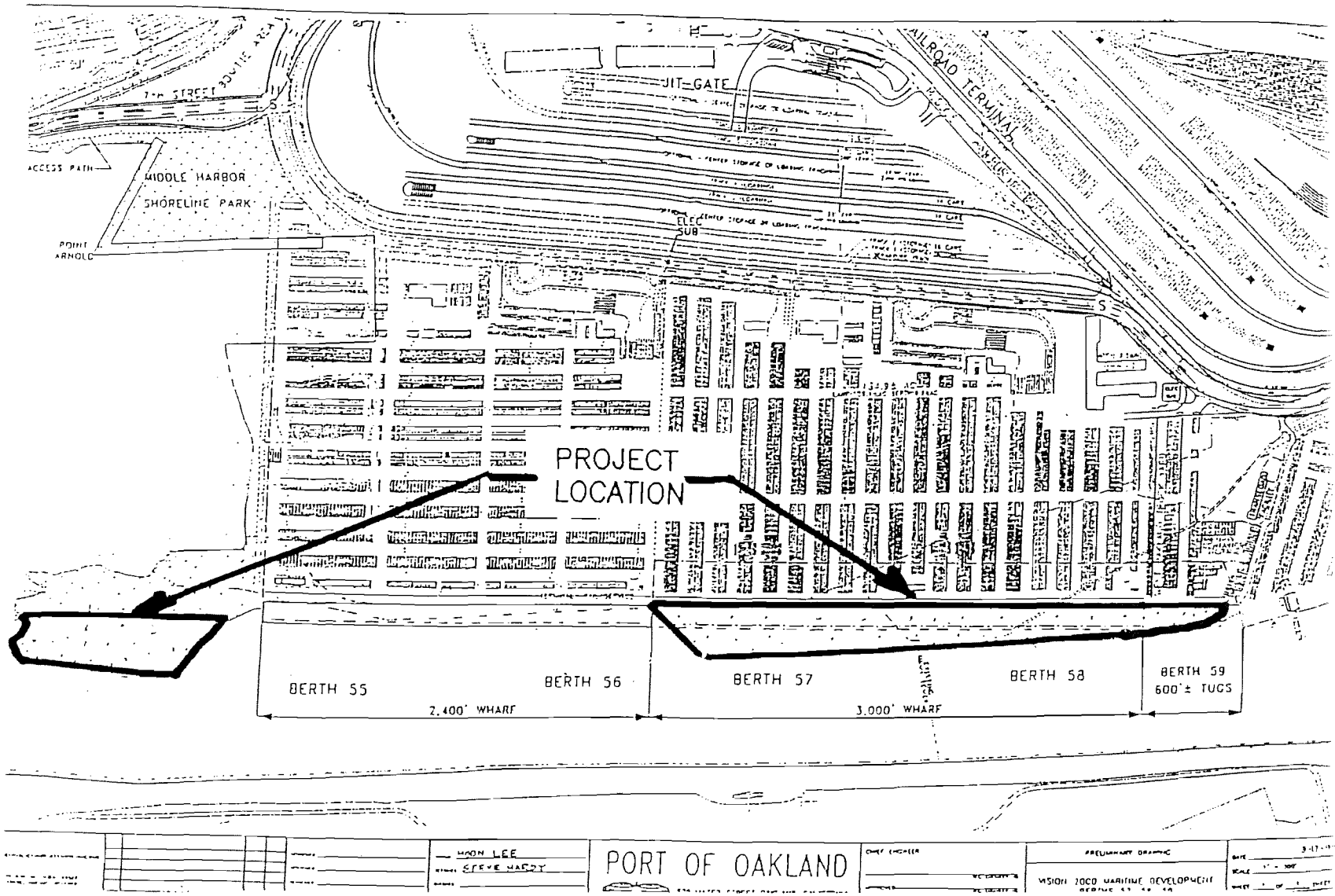
It is anticipated that the amount of the agreement will not exceed \$2,300,000, and it is requested that the Executive Director be authorized to approve up to an additional \$450,000 for potential changes in scope. It is necessary to begin design work immediately after the final scope and terms are agreed upon in order to make the project schedules. Therefore, it is proposed that the Executive Director be authorized to prepare and execute professional service agreements based on these negotiations.

The work is budgeted in CIP Element No. M6.00585.01. The funding source will be Port bonds:

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the engineering services as described above are professional services, and
2. Authorize negotiations and the preparation and execution of agreement with Liftech Consultants, Inc.



BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 99122

JK

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED 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 AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 24, dated April 6, 1999 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with LIFTECH CONSULTANTS, INC. for engineering design services for the wharf at Berths 57 and 58 Inner Harbor Channel, 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 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 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 \$2,300,000, unless additional work up to an additional amount of \$450,000 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 6, 1999

Passed by the following vote:

Ayes: Commissioners Kiang, Taylor, Neal, Uribe
and Vice President Kramer - 5

Noes: None

Absent: Commissioner Harris and President Loh -2

M-24
JK

Handwritten initials

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 27

^{TD}
SUBJECT: Approval Of First Supplemental Agreement With Geomatrix Consultants, Inc. For Geotechnical Design Services For Berths 57, 58, And 59, Inner Harbor Channel, Vision 2000 Program

- PROGRAM AREA:
- Airport Operations
 - Commercial Real Estate
 - Maritime Operations
 - Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port of Oakland (Port) has a current professional services agreement with Geomatrix Consultants, Inc. (Geomatrix), which was approved by the Board on April 6, 1999. Geomatrix was hired to provide geotechnical design services for Berths 57, 58, and 59, Inner Harbor Channel, Vision 2000 program. The Board authorized a maximum compensation of \$750,000, with the provision for an additional amount of up to \$150,000 to be spent with the approval of the Executive Director for additional, unforeseen work.

The original plan called for designing 3,000' of wharf to be constructed adjacent to the Berths 55/56 wharf, which is currently under construction. During the final selection of and negotiations with the tenant at Berths 57/58, it was agreed that the Port would provide 3,600' of wharf to that tenant at the time the terminal is opened. The location of the 600' of additional wharf ("Berth 59") was to have been occupied by a future tugboat facility. An alternative location east of APL ("Berth 64") has been identified for the tugboat facility; thereby making available the necessary space to build the entire 3,600' of wharf required by the Berths 57/58 tenant.

The contract documents for the Berths 57/58 wharf construction contract, which was awarded on June 20, 2000, include the excavation of the shoreline and construction of a stable rock dike embankment at Berth 59, but no structure there. The subsurface conditions prevented the installation of the Cement Deep Soil Mix wall, which is being used to stabilize the embankment under Berths 57/58. Therefore the wharf structure being built for Berths 57/58 cannot simply be extended into Berth 59. Construction of a container wharf at Berth 59 will therefore require geotechnical design services to integrate the structural design and the embankment design.

ANALYSIS:

In order to meet the very tight deadline to deliver the 3,600' of wharf, a means must be found to quickly and efficiently prepare plans and specifications for the additional 600' of container wharf. The options considered to accomplish the geotechnical design for this extension included: selecting a consultant utilizing a formal Request For Proposal (RFP) process typically used for professional services; selecting a consultant from a pre-qualified shortlist of qualified consultants, based on an informal proposal process; preparing the design utilizing in-house resources; and supplementing the geotechnical design contract for the Berths 57, 58 and 59 work to include a container wharf at Berth 59.

The formal RFP process can take several months to make a selection and enter into an agreement. Depending on the consultant selected, a 2-3 month learning curve then ensues as the consultant organizes the project and prepares the research necessary to perform the geotechnical investigation. This would not meet the required schedule. Selecting from a shortlist only shortens this process by a month and also would not meet the required deadline.

At this time the Port does not have the geotechnical expertise necessary to prepare this design in-house.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20305
BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

AUG 1 - 2000
DATE

By supplementing the agreement with Geomatrix, time for the selection process is eliminated and the time to reach agreement on the contract language is reduced from weeks (and sometimes months) to days. Having already done the research necessary for the Berths 57/58 wharf and with conceptual plans already developed for the conditions expected at the Berth 59 area, Geomatrix is prepared to move directly into final geotechnical design to support that structure. This would save months of time when compared with the other available options and would also save significant money on the preparation of the final plans and specifications.

BUDGET ANALYSIS:

The estimated costs for the geotechnical design and construction support is \$50,000. Additionally, as all funds available for the Executive Director have been allocated, it is recommended that this amount be increased by \$50,000. This amount should cover unknowns encountered in the future.

This work is budgeted under CIP No. M6.00585.01. The funding source is revenue bonds.

A summary of the proposed compensation changes is provided below:

	DESCRIPTION	AUTHORIZED	PROPOSED
1	Original Agreement	\$750,000	
2	Additional Compensation Approved by the Executive Director	\$150,000	
3	Current Maximum Allowable Compensation	\$900,000	
4	Additional Amount for First Supplemental Agreement		\$50,000
5	Proposed Additional Compensation Which May Be Approved by the Executive Director		\$50,000
6	Proposed Maximum Possible Allowable Compensation		\$1,000,000

RECOMMENDATION:

It is recommended that the Board authorize the preparation and execution of a First Supplemental Agreement with Geomatrix Consultants, Inc. for design services as described above, increasing the maximum compensation under the agreement by \$50,000. It is further recommended that the Board authorize an additional \$50,000 for Change-In-Scope funds, subject to the approval of the Executive Director, thereby setting the maximum possible allowable compensation for this work at \$1,000,000.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

JHW
SUBJECT: Approval of Consultant Agreements for Engineering Design Services for the Wharf at Berths 57 and 58 Inner Harbor Channel, Vision 2000 Program

Date: April 6, 1999

Item No. 24

PROGRAM AREA

SUBMITTED BY: Joseph K. Wong *JW*
EXECUTIVE OFFICE RECOMMENDATION:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

[Signature]

FACTUAL BACKGROUND:

The Port's Vision 2000 Program consists of Container Terminals (Berths 55, 56, 57, 58 and 59), the Realignment of 7th Street and Construction of "New Road", the Joint Intermodal Terminal (JIT) and the Middle Harbor Shoreline Park (MHSP), all along the north side of the Inner Harbor Channel. Currently, the Container Terminals at 55 and 56, the Roadways, the JIT and MHSP are in design. We are now ready to commence the design efforts for the Container Terminals at Berths 57 and 58. The Container Terminal is comprised of wharves, container yard and gate facilities and terminal buildings. We propose to have a number of design consultants assist the Port in this effort. This proposed consultant is to provide engineering design services for construction of the wharf at Berths 57 and 58.

FOR INFORMATION ONLY

BASIS OF SELECTION:

One hundred eighteen Requests for Proposals (RFP's) were sent out on January 22, 1999. The RFP's were sent to engineering firms with offices in the Local Impact Area (LIA) Cities of Oakland, Alameda and Emeryville. Proposals were received from five teams.

The Port Review Panel reviewed the proposals and determined that all five teams were qualified to be interviewed. All were invited for interviews. Listed in alphabetical order, they were: A-N West, Inc., Entranco, Gerwick/VZM Joint Venture, Liftech Consultants, Inc., and Port Associates 2000.

FOR INFORMATION ONLY

The teams were judged on the project teams' oral presentations, qualifications, and relevant experience of the firms as well as key project personnel, project teams' technical abilities, project management abilities and evidence of compliance with the Port of Oakland's Non-Discrimination and small Local Business Utilization policy.

The interview panel determined that the three best qualified firms for the work were Gerwick/VZM Joint Venture, Liftech Consultants, Inc. and Port Associates 2000. Liftech Consultants is the unanimous recommendation of the panel.

This proposed selection was presented to the Maritime Committee at its March 11, 1999 meeting. The Committee approved the recommended selection for forwarding to the full Board for consideration.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN _____ DATE _____

SECRETARY OF THE BOARD _____

The following table shows the design team members, their roles and their planned shares of the work.

TEAM MEMBER		ROLE	PLANNED SHARE OF WORK
Liftech Consultants (Prime)	LIA	Project Management Structural Engineering (Mentor)	45%
Ben C Gerwick		Structural Engineering (Mentor)	21%
ANSE	LIA/MBE	Structural Engineering (Protégé)	5%
Moffat & Nichol	LIA	Marine, Civil Engineering (Mentor)	8.3%
Manna Consultants	LIA/MBE	Marine, Civil Engineering (Protégé)	10.8%
YEI Engineers, Inc.	LIA/MBE	Mechanical & Electrical Engineering	8.7%
PLS Surveyors	LIA/WBE	Surveying	0.6%

The Port's Office of Equal Opportunity (OEO) participated in all phases of evaluating the consultants and their proposals. OEO has determined that the recommended team is responsive to the Port's Non Discrimination and Local Business Policy. Seventy-nine percent (79%) of the team's members are within the LIA; Seventy-nine percent (79%) within the LBA; Twenty-five percent (25%) are certified as MBEs or WBEs. The Office of Equal Opportunity concurs with the recommendation.

Two of the subcontractors for ANSE (5% of the work) and Manna Consultants (10.8% of the work), both from Oakland, are being mentored on ports-related work as part of this project.

The EEO-1 Work Force Reports/Professional Services Questionnaires are on file.

It is anticipated that the amount of the agreement will not exceed \$2,300,000, and it is requested that the Executive Director be authorized to approve up to an additional \$450,000 for potential changes in scope. It is necessary to begin design work immediately after the final scope and terms are agreed upon in order to make the project schedules. Therefore, it is proposed that the Executive Director be authorized to prepare and execute professional service agreements based on these negotiations.

The work is budgeted in CIP Element No. M6.00585.01. The funding source will be Port bonds.

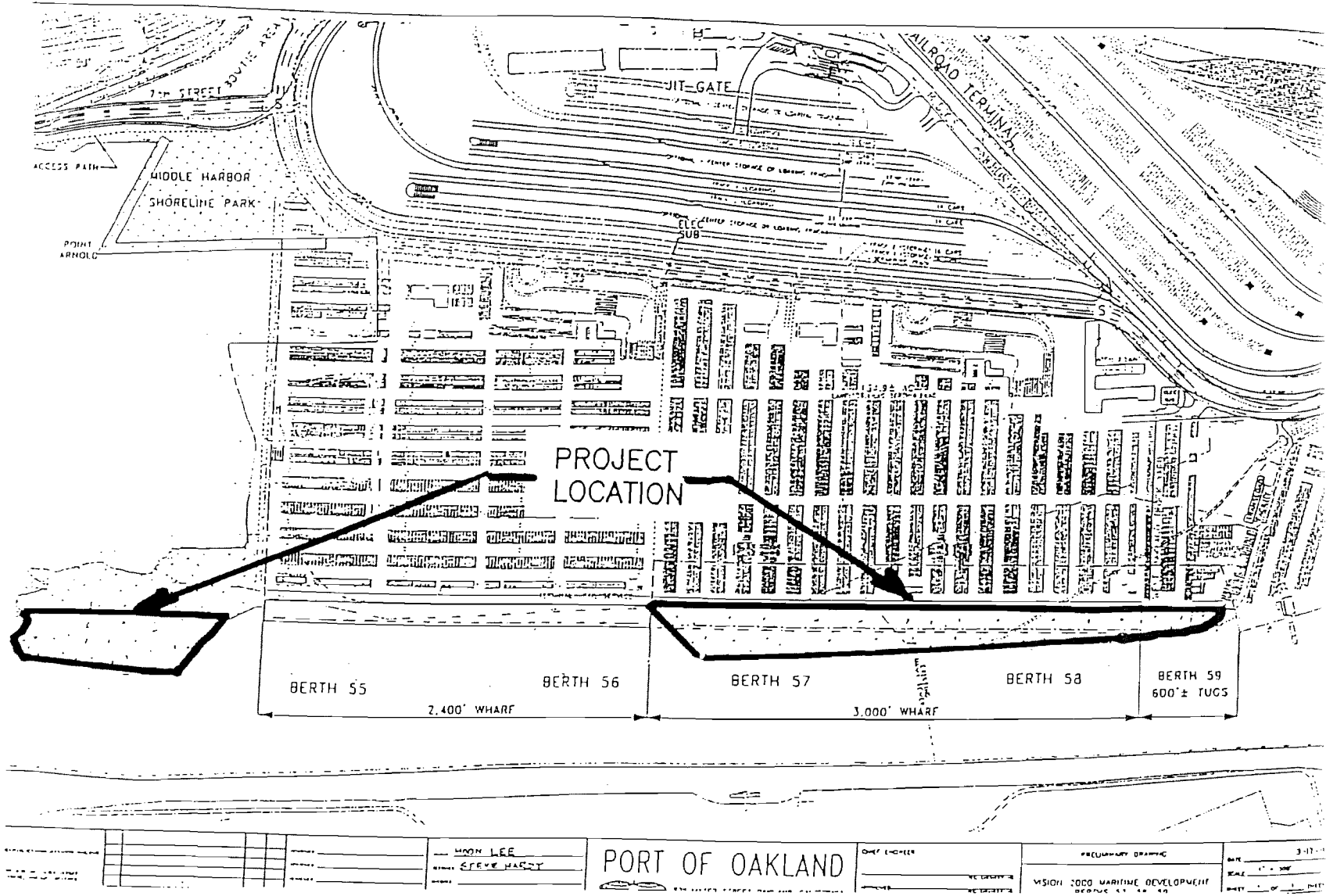
RECOMMENDATION:

It is recommended that the Board:

1. Determine that the engineering services as described above are professional services, and
2. Authorize negotiations and the preparation and execution of agreement with Liftech Consultants, Inc.

Approval of Consultant Agreement for Engineering
 Design Services for the Wharf at Berths 57 and 58
 Inner Harbor Channel, Vision 2000 Program

April 6, 1999



BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 99122

JK

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED 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 AGREEMENT.

RESOLVED that based upon the information contained in Board Agenda Sheet Item No. 24, dated April 6, 1999 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby finds and determines that the proposed agreement with LIFTECH CONSULTANTS, INC. for engineering design services for the wharf at Berths 57 and 58 Inner Harbor Channel, 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 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 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 \$2,300,000, unless additional work up to an additional amount of \$450,000 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 6, 1999

Passed by the following vote:

Ayes: Commissioners Kiang, Taylor, Neal, Uribe
and Vice President Kramer - 5

Noes: None

Absent: Commissioner Harris and President Loh -2

M-24
JK

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS
 Creation of Classifications/Positions
 Annual Salary Adjustments (COLA)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C. I.

SUBMITTED BY: Robert C. Martinez

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

FACTUAL BACKGROUND:

I. CREATION OF CLASSIFICATIONS/POSITIONS – Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following classifications and positions as indicated below. These classifications/positions are needed to implement the FY 2000-2001 Staffing Plan.


CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS	Rep. Unit	SALARY SCHEDULE ASSIGNED
Noise Abatement Specialist	OPER	Aviation	1	D	226 (a--\$3,932; b--\$4,128; c--\$4,337; d--\$4,596; e--\$4,871)
Airport Ground Transportation Aide	OPER	Aviation	1	D	212 (a--\$3,422; b--\$3,593; c--\$3,773; d--\$3,997; e--\$4,239)
Labor Relations Specialist	OPER	CAS	1	D	246.9 (a--\$4,842; b--\$5,084; c--\$5,337; d--\$5,661; e--\$5,999)
Project Cost Compliance Specialist	CIP	Engineering	1	D	263 (a--\$5,683; b--\$5,967; c--\$6,267; d--\$6,642; e--\$7,041)
Equal Opportunity Specialist	OPER	EO	1	D	236 (a--\$4,345; b--\$4,560; c--\$4,788; d--\$5,076; e--\$5,381)
Contract Compliance Supervisor	OPER	EO	1	E	529 (a--\$5,917; b--\$6,213; c--\$6,524; d--\$6,915; e--\$7,330)

B) It is requested that the Board approve the creation of the following additional positions as indicated. These positions are needed to implement the FY 2000-2001 Staffing Plan.

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS
Commercial Representative IV	OPER	Aviation	1
Semiskilled Laborer	OPER	Aviation	2
Aviation Commercial Representative II	OPER	Aviation	1
Commercial Representative III	CIP	Aviation	1
Commercial Representative IV	CIP	Aviation	1
Port Programmer/Analyst	OPER	CAS	1
Junior Environmental Planner	CIP	Engineering	3
Assistant Port Environmental Planner	CIP	Engineering	4
Associate Port Environmental Planner	CIP	Engineering	4
Custodian	OPER	Engineering	2
Fire Prevention Systems Engineer	OPER	Engineering	1
Plumber	OPER	Engineering	1

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
 passed to print



 SECRETARY OF THE BOARD
 Assistant

AUG 1 - 2000

BOARD ACTION TAKEN

DATE

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS
Semiskilled Laborer	OPER	Engineering	1
Civil Engineer	CIP	Engineering	3
Port Electrical/Mechanical Engineer	CIP	Engineering	2
Senior Secretary	OPER	Finance	1
Port Senior Auditor	OPER	Port Auditor's Office	2
Port Auditor II	OPER	Port Auditor's Office	1
Executive Assistant	OPER	Port Auditor's Office	1
Senior Secretary	OPER	Port Communications	1

II. ANNUAL SALARY ADJUSTMENTS (COLA)—Ordinance (2 Readings)

- B) It is requested that the Board approve a **3.5% cost of living adjustment (COLA) increase** to all salary schedules assigned to classifications in **Representation Unit F** to be effective August 19, 2000, pursuant to the provision in IBEW's MOU.

CURRENT EMPLOYEE COUNT

FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 8/3/99	AS OF 6/23/00	AS OF 8/1/00
Full-Time Employees	612.00 FTE	557.00 FTE	561.00 FTE	563.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	570.40 FTE	574.40 FTE	576.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to three separations and five new appointments.

TEMPORARY AGENCY WORKER COUNT AS OF 7/25/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	13	11	1	6	0	0	31
* CIP	0	0	9	4	0	0	13
LEAVE BACKFILL (NON MEDICAL)	1	1	0	0	0	0	2
MEDICAL BACKFILL	3	5	0	0	0	0	8
* SPECIAL PROJECT	5	2	0	6	1	0	14
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
TOTALS	22	21	10	16	1	0	70

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	5/25/00	6/8/00	6/23/00	7/25/00
BACKFILL	27	31	27	27	31
* CIP	18	16	16	15	13
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	0	0	0	2
MEDICAL BACKFILL	4	4	4	7	8
* SPECIAL PROJECTS	11	16	14	15	14
WORKER'S COMP BACKFILL	3	2	1	1	2
T O T A L S	63	69	62	65	70

COUNT SUMMARY

CURRENT FTE COUNT	576.40
CURRENT TEMPORARY AGENCY BACKFILLS	31.00
VACANT POSITIONS	<u>39.00</u>
T O T A L	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of classifications/positions and annual salary adjustments (COLA).

Agenda Sheet

DATE: AUGUST 1, 2000

ITEM NO: 33

SUBJECT: AGREEMENT BETWEEN THE PORT OF OAKLAND AND
BANK OF AMERICA AND COMMUNITY BANK OF THE BAY TO
PROVIDE BANKING SERVICES TO PORT LOCAL SMALL
BUSINESS ENTERPRISES

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: FRED W. RICKERT

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

The Board has adopted and supported a set of initiatives to facilitate its commitment to utilize local small businesses; especially those historically disadvantaged, in its construction (maintenance and capital) projects. Such programs include, among others, a non-discrimination policy for local and small businesses, the mentoring and training programs administered by our Equal Opportunity Division, and the bonding and surety program established to cover work under our capital improvement programs at the maritime, aviation and commercial real estate areas.

On September 20, 1999, the Board authorized Port staff to negotiate a surety bonding program consultant agreement. Port staff negotiated a three-year agreement, not to exceed \$364,500 annually, with the joint venture of Merriwether & Williams Insurance Services, Inc., a San Francisco minority-owned firm and two Oakland minority-owned firms, Clark, Baquie & Clark Insurance Agency and James E. Ingram & Company. The Board also authorized Port staff to establish a bond guarantee program of \$2 million.

As part of this program, a financing element was introduced to assist contractors with mobilization financing once they are awarded the contract. We now present to the Board a negotiated agreement with the two banks, in which they make commitments to provide lines of credit to Port contractors at discounted rates (which discounts will benefit the Port by reduced contractor financing costs) in exchange for the Port providing a Letter of Guarantee for 50% of the exposure to the line. The minimum amount of any line of credit will be \$5000 and the maximum aggregate amount will be \$1 million. The banks agree to work with Merriwether & Williams to develop a common application, which will in turn reduce processing time and costs to the small contractors – considerable savings to these firms. There will be no additional incremental cost to the Port than what has been previously approved by the Port Board of Commissioners. The Commissioners have the option not to approve this contract, however it should be noted that mobilization financing is one of the key obstacles to small contractor participation in Port-scale public works projects.

Recommendation:

It is recommended that the Board approve this contract with the Bank of America and Community Bank of the Bay for the financing element of the program.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20308

BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: August 1, 2000

ITEM NO: 34

S ^{TD} **JECT:** Forfeiture of Bid Security, Approval to Dispense with Competitive Bidding Procedures and Authorization to Negotiate a Contract for Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

By Resolution No. 20206 dated May 25, 2000, the Board authorized award of the contract for **Removal and Disposal of Hazardous Waste, Designated Waste, Universal Waste, and Other Contaminated Materials for the Period Commencing July 1, 2000 and Ending June 30, 2001, 2002, or 2003, Oakland, California**, to AFA Construction, Inc.

The following five (5) bids were received and opened on April 19, 2000:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	DIRECT LABOR COSTS PLUS ___% OF LABOR COSTS
AFA Construction, Inc.	Oakland, CA			X		18.25%
Foss Environmental Services Co.	Alameda, CA			**		22.00%
Dillard Trucking, Inc., dba Dillard Environmental Services, Inc.	Byron, CA				X	59.00%
Universal Environmental, Inc.	Benicia, CA					90.00%
DECON Environmental Services, Inc.	Hayward, CA				X	97.00%

*MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

** Bidder was not certified by Port's Office of Equal Opportunity as an LIABE at time of receipt of bids

ANALYSIS:

Port Ordinance No. 1606 states that if the bidder to whom the contract is awarded shall, for twenty calendar days after receipt of such contract, fail or neglect to enter into contract and file the required bonds, the bid security shall be forfeited.

AFA Construction, Inc. submitted a letter dated July 1, 2000; but hand-delivered to the Port on July 7, 2000, the date the signed contract was to be returned; requesting release from any and all obligations related to the contract and relief from forfeiture of their bid bond, without returning the contract documents. AFA Construction, Inc.'s letter stated that due to significant operating adjustments and reductions within the company, they might be unable to meet the obligations to the Port.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20309

BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

Port staff did not receive any written request from AFA Construction, Inc. for release from their bid prior to the letter referenced above. Moreover, nowhere in AFA Construction, Inc.'s letter did it allege that it had made an error in its bid.

OPTIONS:

The option of re-bidding the project would adversely impact the regulatory requirement to timely off-haul waste materials that have been collected and retained in the Port's hazardous material accumulation areas. Additionally, the Port would be required to perform the off-haul work using other contracts, thereby impacting other budgets. Therefore, it is believed to be in the best interests of the Port to negotiate a contract for the project as soon as possible, with initial consideration going to the second and third low bidders.

BUDGET:

The cost of inventorying, profiling, packaging, manifesting, collecting, loading, transporting, and legally disposing of non-project related hazardous waste, designated waste, universal waste and other contaminated materials is included in the Operating Budget for Fiscal Year 2000-01. The funding source is Port cash. In some circumstances, however, either the capital budget or an appropriate liability account will cover work that may be performed under this contract.

RECOMMENDATION:

It is recommended that AFA Construction, Inc.'s bid security in the amount of \$30,000 be forfeited and the Executive Director draw the money due on such bid security and pay the same into the City Treasury, and that it be found to be in the best interests of the Port to dispense with competitive bidding procedures.

It is also recommended that the Executive Director be authorized to negotiate a contract for the work with the other bidders, beginning with the second lowest bidder and, if unsuccessful with that negotiation, proceeding to the next lowest bidder and so on.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: CLOSED SESSION

DATE: August 1, 2000

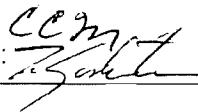
ITEM NO: 40

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall

EXECUTIVE OFFICE RECOMMENDATION:



1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Pursuant to subdivision (a) of Section 54956.9.

City of San Leandro v. Port of Oakland, et al.
Alameda County Superior Court Case No. 815052-9.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 3 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

Property:	Selected Locations Jack London Square Oakland, CA 94606
Negotiating Parties:	Port of Oakland and LCOR/WDG
Under Negotiations:	Terms of Agreement

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20316, 20317,
20318, 20319 & 20320

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD



AUG 1 - 2000

DATE

BOARD OF PORT COMMISSIONERS
THE
PORT OF OAKLAND

530 Water Street
Oakland, California 94607

Telephone (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

July 20, 2000

Legal 42

Board of Port Commissioners of the
City of Oakland,
Oakland, California

RE: Port of Oakland Public Benefit Corporation

Dear Commissioners:

In June 1987, the Board of Port Commissioners (the "Board") approved the formation of the Port of Oakland Public Benefit Corporation, a California non-profit public benefit improvement corporation (the "Corporation") whose Directors have been identical with the Board's Commissioners. The Corporation assisted the Port in the financing of the Port's Subordinated Revenue Obligations ("SROs") in 1987, which were refunded in May of 1989. The corporate status of the Corporation has continued to be maintained and the Corporation is presently a one percent limited partner in Oakland Portside Associates, a California general partnership ("OPA").

The Secretary of the Corporation currently intends to hold a routine meeting of the Corporation in September of this year. Pursuant to the Articles of Incorporation and By-Laws of the Corporation, the Board appoints all Directors of the Corporation. Therefore, in accordance with historical practice since the formation of the Corporation, I intend to present to the Board at its August 1, 2000, meeting a Resolution appointing the current Commissioners as the Directors of the Corporation. Following such action, the Corporation will then hold a duly noticed meeting in September.

Respectfully submitted,



DAVID L. ALEXANDER
Port Attorney

cc: Charles W. Foster

Approved by Resolution
No. 20314

Board Action

David L. Alexander
asst. Secretary
of the Port.

AUG 1 - 2000
Date

SUMMARY AGENDA OF BOARD CALENDAR
August 1, 2000

AIRPORT

- 3S Approval of Agreement to Extend Right-Of-Entry with the United States Government (#1 Airport Drive, South Airport). (Resolution)
- Recommends approval to extend the agreement for office space in the Terminal Building.
- 4S Approval of License and Concession Agreement with Rolls-Royce Engine Services-Oakland Inc. (7389 Cessna Street, North Airport). (Resolution)
- Recommends approval of the agreement which covers storage space on the North Airport.
- 5S First Reading of Ordinance Approving Multi-Year License and Concession Agreement with Existing Tenant Federal Express Corporation (Air Cargo Road, South Airport). (Ordinance)
- Recommends approval of the agreement which will add employee parking spaces to the site.
- 6S Authorization to Enter into a License and Concession Agreement with City of Oakland to Locate Temporary Compressed Natural Gas Fueling Facility on Airport Property. (Resolution)
- Recommends approval of the agreement which allows for the placement of one facility on the Airport.
- 7S Approval of Building Permit Application for Construction of Employee Parking, Federal Express Corporation, 1 Sally Ride Way (Bldg. M-141). (Resolution)
- Recommends approval for the construction of the employee parking lot.
- 8S Ratify Addenda and Award of Contract for Replacement of Runway 11-29 Lighting System, South Field, OIA. (Resolution)
- Notifies of the bid received and recommends award of the contract to the low bidder.

- 9S Authorization to Execute an Agreement with Pacific Bell for Relocation of Facilities in Airport Drive, OIA. (Resolution)
- Recommends approval of the agreement which provides for relocation of cables during construction of the new roadway.
- 10S Approval and Authorization for Execution of an Agreement with Pacific Bell for Relocation of Facilities in Air Cargo Road Way at Taxiway Bravo, OIA. (Resolution)
- Recommends approval of the agreement which provides for relocating of cables at the future below ground road under Taxiway Bravo.

COMMERCIAL REAL ESTATE

- 15S Award of Contract for Reconstruction of Embarcadero Between 5th Avenue and 16th Avenue, Embarcadero Cove. (Resolution)
- Notifies of the bids received and recommends award of the contract to the low bidder.

MARITIME

- 28S Approval of Building Permit Application for Construction of Gate Improvements, Yusen Terminals, Inc. (Berth 23). (Resolution)
- Recommends approval for the construction of major improvements to the facility.
- 29S Approval of Plans and Specifications for the Construction of Product Recovery and Groundwater Treatment System at Union Pacific Railroad Trailer-on-Flatcar (UPTOFC) Site. (Resolution)
- Recommends their approval and authority to advertise for bids for the environmental remediation project.
- 30S Approval to Dispense with Formal Bids for the Purchase of Two 50 Long Ton Spreaders for Berth 68 Cranes. (Resolution)
- Recommends approval to purchase two spreaders on the open market as there are very few manufacturers of the item.

Agenda Sheet

DATE: July 18, 2000

ITEM NO: 21

SUBJECT: New Terminal Use Agreement (TUA) with Evergreen Marine Corp. (Taiwan) Ltd.

DUPLICATE OF PRIOR CALENDAR MEMO

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle **RAB**

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

In 1995, Evergreen, a major Taiwanese Republic of China container shipping line operating globally in numerous trade routes, shifted terminal operations from San Francisco to Oakland. The five year Terminal Use Agreement (TUA) at the Ben E. Nutter Terminal ("Nutter") was scheduled to expire June 30, 2000. In order for Evergreen to evaluate the Port's proposal for a new contractual arrangement, on June 6, 2000 the Board approved extension of the current TUA term until July 31, 2000. Marine Terminals Corporation (MTC) provides Evergreen with terminal services operations at the Nutter Terminal.

ANALYSIS:

Various economic incentives are contained in the current TUA from the dockage and wharfage rates published in the Port's tariff. Maritime staff has evaluated Evergreen's cargo volumes as well as revenue levels and has proposed a new 5 year TUA. In order to simplify assessment procedures, we are now offering to assess dockage and wharfage as a single charge on a per loaded TEU basis. Key elements of the new TUA are as follows:

Wharfage – Containerized Cargo

Evergreen shall be subject to a Minimum Annual Guarantee (MAG) of 20,000 loaded TEUs during each contract year ("TEU Guarantee"). In the event Evergreen generates less than the TEU Guarantee, the shortfall in TEUs shall be multiplied by the "Fixed TEU Amount", as specified below, in effect on the last day of the contract year. In lieu of paying and reporting the Port's tariff published dockage and wharfage rates, Evergreen shall be assessed the following for containerized cargo:

Fixed TEU Amount

Dockage and wharfage charges on the basis of \$72.00 per loaded TEU.

At the end of each contract year Evergreen will also be eligible for an additional discount from the \$72.00 rate, as such rate is adjusted, based upon the following volume levels:

<u>Contract Year Volume</u>	<u>Additional Discount</u>
20,000 - 29,999 loaded TEUs	10%
30,000 - 49,999 loaded TEUs	15%
50,000 - 69,999 loaded TEUs	20%
70,000 - 89,999 loaded TEUs	25%
90,000 or more loaded TEUs	30%

The Fixed TEU rate shall be subject to increase and adjustment at the same time and same percentage as to any dockage and wharfage rate increases as will be applied to the Port's Tariff 2-A. Such increases shall be based upon a percentage allocation methodology for Port Tariff charges which shall reflect Evergreen activity.

IPI Incentive

As an additional incentive, during each contract year the TUA shall contain incentives for Evergreen's Interior Point Intermodal Throughput Service ("IPI") cargo handled at the terminal. For purposes of the TUA "IPI cargo" will be defined as cargo with origins or destinations in the states of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and states east thereof; and, ports and points in the Canadian provinces of Manitoba and Northwest Territories and provinces east thereof; as well as ports and points east of the Mexican states of Sonora and Sinaloa.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

JUL 18 2000
DATE

ALTERNATIVES:

None at this time. However, Evergreen had previously responded to the Port's Request for Proposal (RFP) for the Berth 57 development and may want to consider some other type of agreement structure and/or facility in Oakland at a later date.

FINANCIAL IMPACT:

Minimal. At current volume levels it is estimated the new TUA will keep Evergreen competitive with other maritime tenants, resulting in an annual increase to Port revenues of approximately \$124,000.00.

The proposed modification to the Agreement was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and Port CEQA Guidelines and was determined Categorical Exempt per Section 15301 (p) which exempts such agreements where the premises or licensed activity was previously leased or licensed to the same or another person and where the Agreement involves negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval of the Terminal Use Agreement between Evergreen and the Port, as outlined above.

Agenda Sheet

DATE: August 1, 2000

SUBJECT: Approval of Agreement To Extend Right-of-Entry Agreement with the United States Government (#1 Airport Drive, South Airport)

ITEM NO: 3S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

This action would approve execution of an Agreement to Extend Right-of-Entry Agreement with the United States Government (Government). The Government currently rents property under a 45-day Right-of-Entry Agreement (Right-of-Entry), which provides for occupancy of approximately 698.5 square feet of office space in building M-102, South Airport. The Right-of-Entry was effective June 28, 2000; currently, no rent is collected. The Government will pay market rent for the office space, commencing with the Federal Government's fiscal year 2002 in October of 2001.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry Agreement would extend the Government's occupancy of the same premises (commencing August 12, 2000 and terminating December 09, 2000). This will permit the Government and the Port Attorney additional time within which to agree upon the specific terms and conditions of a License and Concession Agreement.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving and authorizing execution of an Agreement to Extend Right-of-Entry Agreement with the United States Government, all as described above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20291

BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

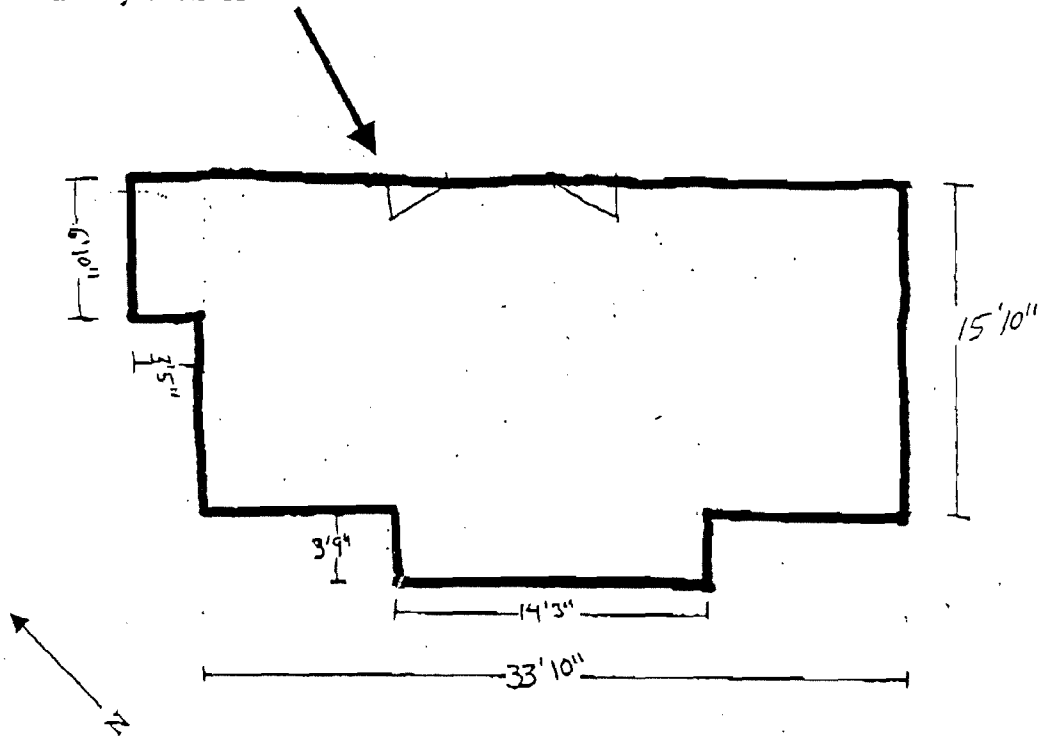
**Board of Port Commissioners
Calendar Item**

Approval of Agreement To Extend Right-of-Entry Agreement with the United States Government (#1 Airport Drive, South Airport)

United States Government

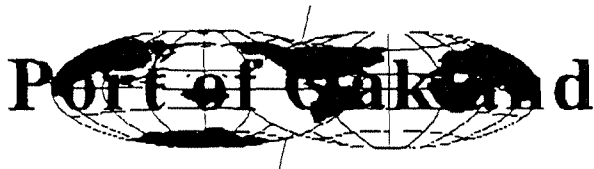
**BOUNDARY OF
ASSIGNED AREA**

Approximately 698.5 SF



Building M-102 Third Floor

Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with Rolls-Royce Engine Services-Oakland Inc. (7389 Cessna Street, North Airport)

DATE: August 1, 2000

ITEM NO: 45

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Rolls-Royce Engine Services-Oakland Inc. (Rolls-Royce) is currently under an Agreement To Extend Right-of-Entry and Indemnity (Extension Agreement) which provides for continued occupancy of approximately 8,000sf of office and shop space in Building L-819 on the North Airport for the purpose of storage of engines and engine parts. The Agreement term is February 21, 2000 through June 20, 2000; rent is \$2,844.24 per month.

ANALYSIS:

The proposed License and Concession Agreement would extend Rolls-Royce's occupancy of the same premises through December 31, 2000. Monthly rent and use would remain the same.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

The project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with Rolls-Royce Engine Services-Oakland Inc.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20292

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

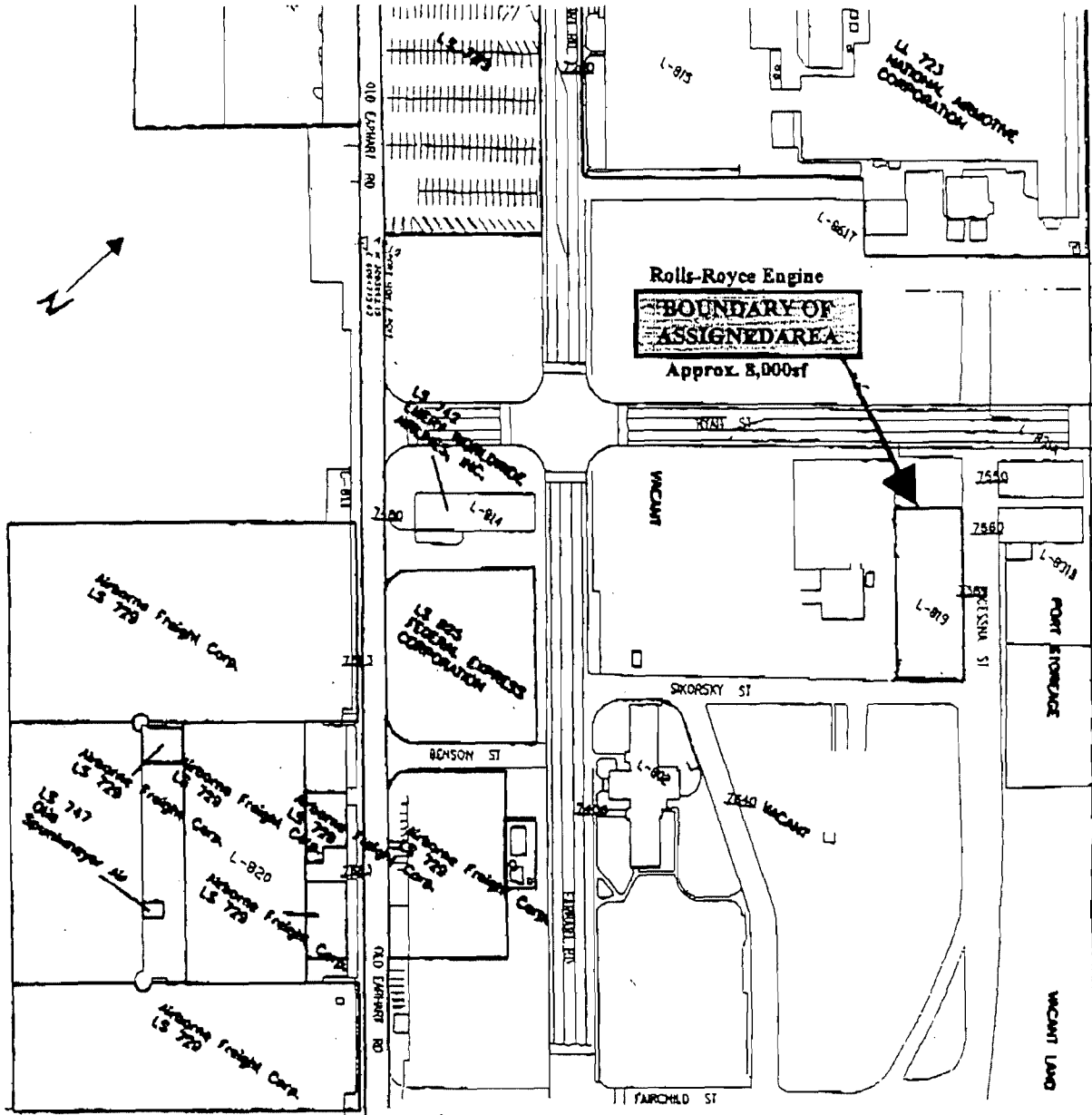
AUG 1 - 2000

DATE

Board of Port Commissioners

Calendar Item

Approval of License and Concession Agreement with
Rolls-Royce Engine Services-Oakland Inc.
(7389 Cessna Street, North Airport)



Airport Properties



Oakland
International Airport
North Airport

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 5S

SUBJECT: First Reading of Ordinance Approving Multi-Year License and Concession Agreement with Existing Tenant Federal Express Corporation (Air Cargo Road, South Airport)

PROGRAM AREA:

- Checked box: Airport Operations
Empty boxes: Commercial Real Estate, Maritime Operations, Overall Operations

SUBMITTED BY: Steven J. Grossman [Signature]
EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND:

This action would approve a Multi-Year License and Concession Agreement with Federal Express Corporation (FedEx) for 4.43 additional acres of land located near the intersection of Air Cargo Road and Sally Ride Way at Oakland International Airport (OAK). FedEx has multiple leases and license agreements covering the rental of space at the Airport for its small parcel air cargo business. Under these agreements, it pays the Port almost \$3,000,000 per year in rent. Its business requires space to park employee vehicles and FedEx has requested approval of an agreement for this additional acreage for employee parking.

The subject 4.43 acres of land are unimproved and located immediately adjacent to land FedEx presently rents from the Port under another Lease and another License. FedEx has approximately 2,000 employees working at its OAK hub, on different shifts. FedEx proposes to construct an open-air surface parking lot on approximately 226,000 square feet (5.2 acres), accommodating a total of approximately 700 automobile parking spaces for use by FedEx employees. The proposed parking lot would be sited on land FedEx rents from the Port now, as well as on this additional acreage.

ANALYSIS:

FedEx' employees' vehicles currently are parked off-airport at a commercial lot. The employees then are bussed to the on-airport FedEx sort facility. Construction of the proposed parking lot would enable FedEx' employees to park within walking distance of their place of employment. The OAK FedEx complex is about one mile from Airport Drive and is not served by any form of public transit.

The proposed Multi-Year License and Concession Agreement would have a ten-year term commencing October 6, 2000 with a 30-day mutual termination provision and would cover 192,971sf (4.43 acres) of unimproved land at a monthly rental of \$14,723.69 or \$0.0763psf. [If this action is approved on August 1st, staff will prepare an accompanying 45-day Right-of-Entry and Indemnity Agreement for execution by FedEx, permitting FedEx to start its project in September.] The proposed rental rate is comparable to similar rates for unimproved land on adjoining parcels that FedEx presently occupies, and will continue to occupy under a proposed lease. [That lease still is in negotiations with FedEx and is now being finalized for the Board's consideration.] Rental would be adjusted every thirty (30) months, in accordance with increases in the Consumer Price Index, All Urban Consumers, San Francisco-Oakland.

his aviation project conforms to establish aviation uses and has been determined to be consistent with the

- Empty boxes: MOTION, RESOLUTION, INFORMATION ONLY
Checked box: ORDINANCE

Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant

[Signature] SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

transportation designation of the City of Oakland Comprehensive Plan.

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) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

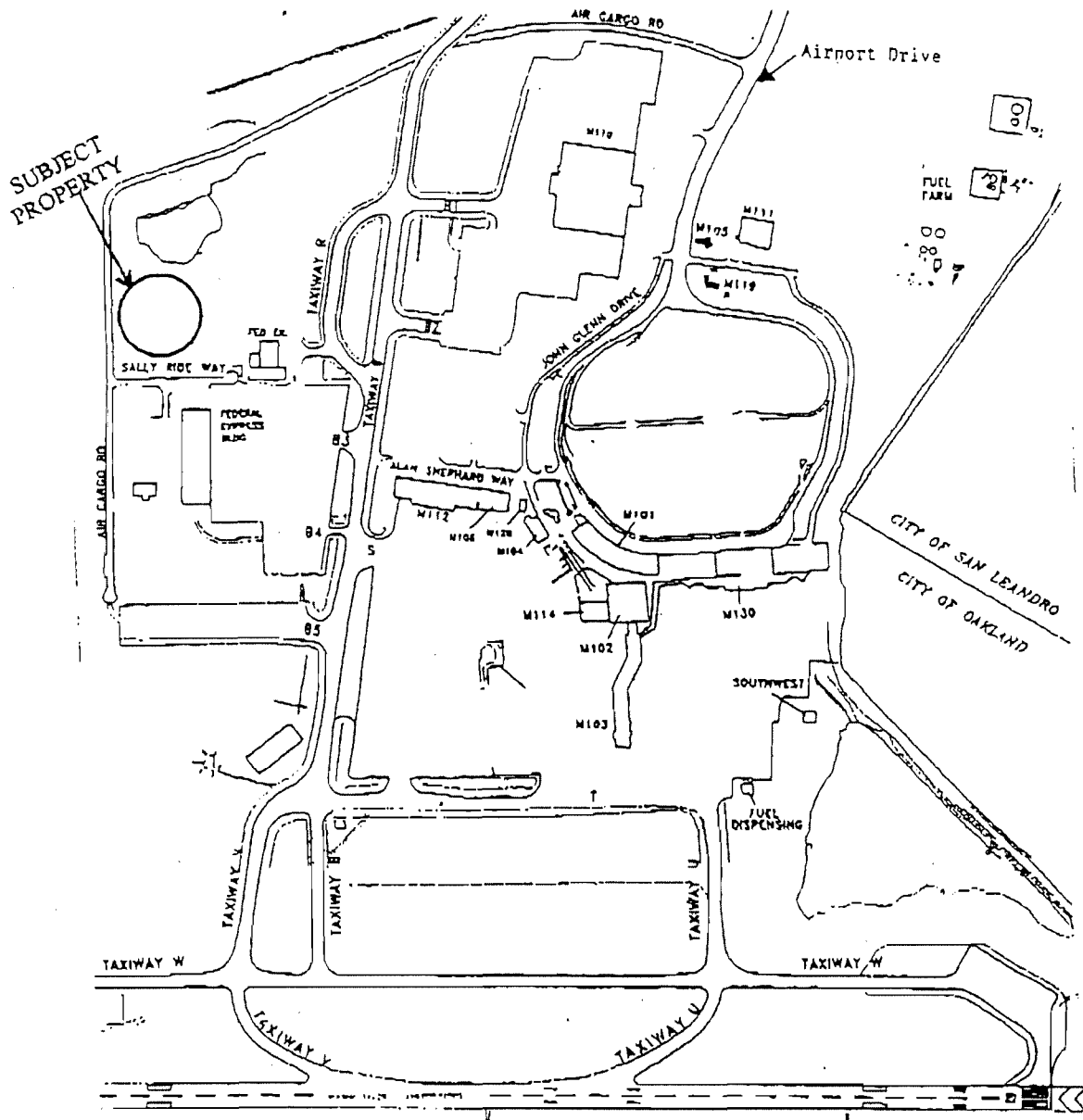
1. Do not approve. FedEx employees will continue to be bussed to and from the off-Airport parking site to the on-airport FedEx sort facility. Because the San Francisco Bay Area economy is so competitive, FedEx has experienced difficulty in retaining competent employees because the shuttle bussing adds significant time to a part-time shift worker's schedule. [FedEx offers its employees a full benefits package with employment.]
2. Authorize the use, but require staff to renegotiate the terms and conditions of the agreement. FedEx wishes to commence construction of the proposed improvements in September 2000. Renegotiation of the License's terms and conditions would delay the start of the project.
3. Approve the proposed Multi-Year License and Concession Agreement.

RECOMMENDATION:

It is recommended that the Board give first reading of an ordinance approving and authorizing the execution by the Executive Director of the subject Multi-Year License and Concession Agreement with Federal Express Corporation, as described above.

**Board of Port Commissioners
Calendar Item**

First Reading of Ordinance Approving Multi-Year License and Concession Agreement with Existing Tenant Federal Express Corporation (Air Cargo Road, South Airport)



Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Agenda Sheet


DATE: August 1, 2000

ITEM NO: 7S

^{TD}
SUBJECT: Approval of a Building Permit Application for Construction of
Employee Parking, Federal Express Corporation, 1 Sally Ride Way
(Bldg. M-141)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Federal Express Corporation (FedEx) has submitted a permit application to construct employee auto parking at the intersection of Air Cargo Road and Sally Ride Way. The project will involve leasing approximately 4.5 additional acres of land from the Port. The project site area will be located entirely to the south of delineated wetland areas. The entire existing west portion of the project site is a dirt parking lot now used by FedEx. The eastern portion of the proposed parking lot is not presently developed. The new surface parking lot is approximately 226,600 square feet (5.2 acres) in size and is intended to accommodate a total of approximately 700 automobile parking spaces for use by FedEx employees.

This proposed work will include:

- 226,600 square feet of asphalt concrete pavement and 1200 square feet of concrete driveway.
- Approximately 700 parking spaces (including 13 handicapped parking spaces).
- Parking striping and traffic markings at the parking lot.
- Traffic control arms and card readers.
- Additional chain link fencing and chain link sliding gate at parking lot entrance.
- Personnel gate entry and pedestrian access to FedEx Metroplex building (Bldg. M-141).
- Drainage inlets and modifications to drain storm water into the existing storm drainage system.
- Security lighting for the parking lot.

ANALYSIS:

Environmental:

The project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 1530, Class 1 (a, c, and f).

General Plan:

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

Budget:

The estimated value of the work is \$1,750,000. All costs are the responsibility of FedEx.

RECOMMENDATION:

It is recommended that the Board approve this building permit application.

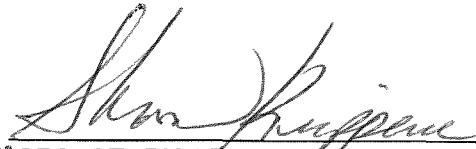
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20293

BOARD ACTION TAKEN

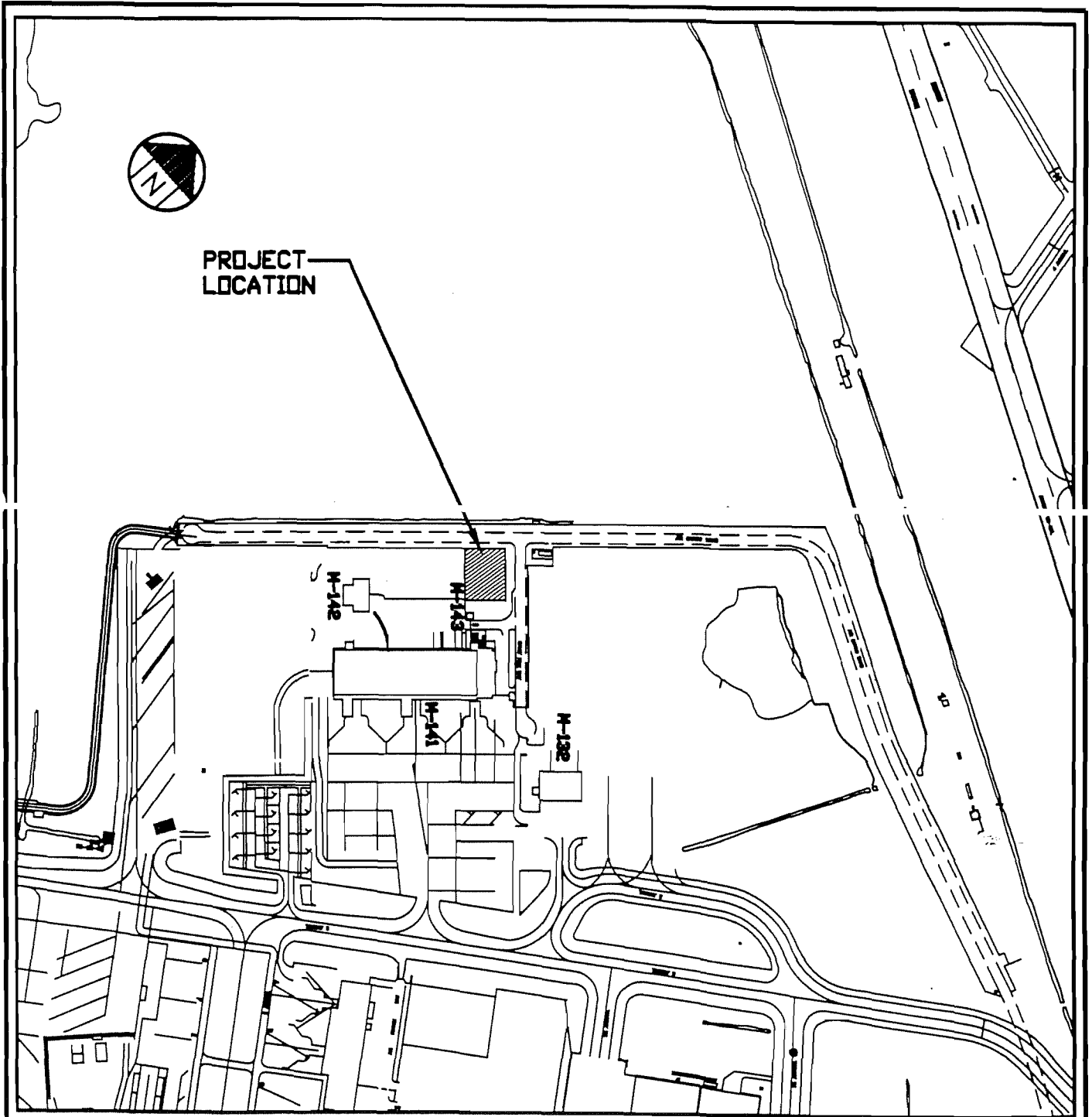
Assistant



SECRETARY OF THE BOARD

AUG 1 - 2000

DATE



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: August 1, 2000

ITEM NO: 8S

8 SUBJECT: Ratify Addenda and Award of Contract for Replacement of Runway 11-29 Lighting System, South Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

One (1) bid was received and opened on July 10, 2000, for **Replacement of Runway 11-29 Lighting System, South Field, Oakland International Airport, Oakland, California.**

The following bid was received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Rosendin Electric, Inc.	San Jose, CA					\$5,541,130.00

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

A copy of the bid canvass is on file. The location of this work is shown on the attached map.

On May 25, 2000, the Board of Port Commissioners approved the Plans and Specifications and to advertise this project for bids to be received on June 28, 2000. Addenda 1 and 2 were issued by the Chief Engineer to extend the bid opening to July 10, 2000; to revise estimated bid quantities; and to reduce costs by modifying the Plans and Project Manual, such that, the lighting fixture installation production rate decreased, the required quantity of conduit was decreased, and the contract time was increased.

ANALYSIS:

By issuing the addenda that modified the Project Manual as described above, Port staff anticipated that there would be more than one bidder. When electrical contractors were questioned about their lack of interest in the project, their prime reason was that the job was very complicated and too risky.

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Since there was only one bidder, this portion of the Policy does not impact the award of the Contract. Therefore, Rosendin Electric, Inc. remains the low bidder.

The Port's Office of Equal Opportunity (OEO) analyzed the bid for compliance with the Policy, and concurs with this recommendation.


Rosendin Electric, Inc. satisfied the requirements for minimum airport construction experience as well as the equipment availability requirements for this project.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20294

BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

Accordingly, it is recommended that Rosendin Electric, Inc. be considered to be a responsible bidder for the purposes of this Contract.

Subcontracting:

Rosendin Electric, Inc. listed 4 subcontractors, 2 suppliers and 1 trucking company with their bid. The remainder of the work will be done by Rosendin Electric, Inc.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	MBE	WBE	LIABE	LBABE	“\$” AND “%” OF EACH SUBCONTRACTOR’S BID TO PRIME CONTRACTOR
Subtronic Corporation. Utility locator	Concord, CA				X	\$15,000/0.3%
PLS Surveys, Inc. Surveying	Oakland, CA		X	X		\$35,000/0.6%
AJW Construction Concrete finishing	Oakland, CA			*		\$100,000/1.8%
Penhall Company Coring and vermeer	San Leandro, CA			X		\$180,000/3.2%
Berkeley Ready-Mix Concrete supplier	Berkeley, CA				*	\$35,000/0.6%
DellaFosse Trucking, Inc. Trucking	Union City, CA	X			X	\$20,000/0.4%
All American Rentals Equipment rentals	Oakland, CA			*		\$40,000/0.7%

* No certification documents submitted

Environmental:

The project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA guidelines pursuant to CEQA 15301, Class 1 (a,c,d and f) maintenance, involving no expansion of use beyond that previously existing.

General Plan:

It has been determined that this project conforms to the City of Oakland General Plan as a continuation of aviation-related use in the Oakland International Airport.

Budget:

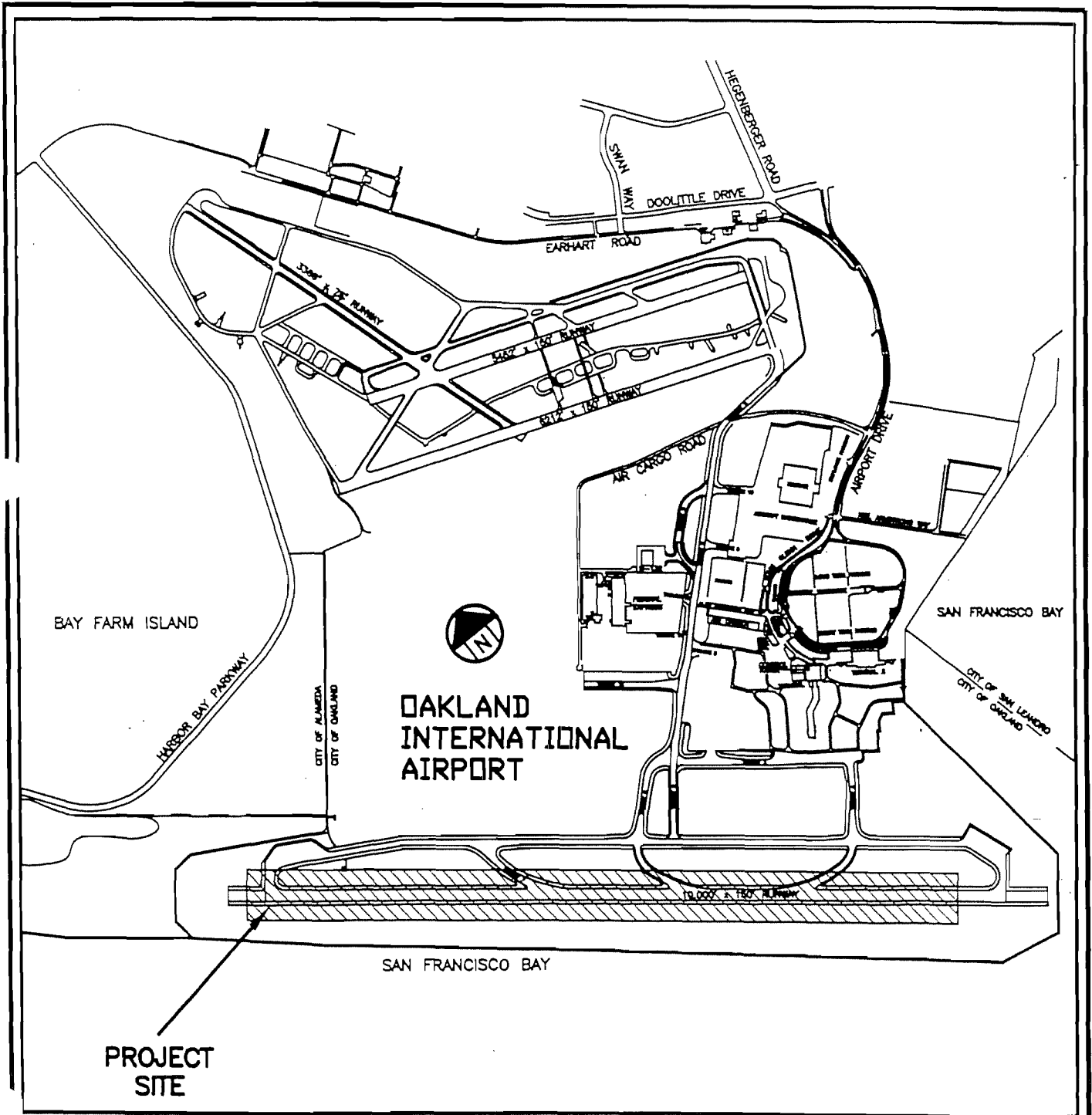
The project is budgeted under CIP Element No. A2.00644.04. The funding source is Passenger Facility Charges (PFC) APP No. 9. This low bid is within the project budget for this work.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that Rosendin Electric, Inc. be found to be a responsible bidder, that Addenda Nos. 1 and 2 be ratified, and that the contract for the above project be awarded to Rosendin Electric, Inc. for the amount of its bid.



PORT OF OAKLAND

Agenda Sheet


DATE: August 1, 2000

ITEM NO: 9S

^{TD}
SUBJECT: Authorization to Execute an Agreement with Pacific Bell
for Relocation of Facilities in Airport Drive, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

On July 20, 1999, the Board authorized the Executive Director to execute an agreement with AT&T Corporation (AT&T) pursuant to Resolution No. 99299 for providing telecommunications infrastructure and services. In January 2000, after several months of negotiations, AT&T withdrew their proposal. After AT&T withdrew their proposal, staff began negotiating with the only other proposer, Pacific Bell. Negotiations for the ultimate fiber optic telecommunications system were terminated after Pacific Bell determined that they were unable to meet our terms and conditions and were unwilling to reduce the cost of the system to comply with Aviation's budget. Upon this determination, staff requested that Pacific Bell provide the Port with a proposal for an interim solution to relocate the telecommunications cable during construction of the Airport Roadway Project (ARP).

Pacific Bell proposes to replace the existing cable facilities from the entrance of Doolittle Drive and Airport Drive to a manhole near the United Airlines Maintenance Facility. An agreement prepared by Pacific Bell for the relocation of facilities requires the Port to provide all necessary conduits and manholes. This infrastructure is already included in the construction contract for the ARP. As part of the agreement, the Port will pay to Pacific Bell the sum of \$687,615 to replace all necessary fiber optic and copper cables in-kind.

ANALYSIS:

Environmental:

This project has been evaluated in accordance with the Port's guidelines for the implementation of the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt under Section 15301 of the Port's CEQA guidelines.

Budget:

The total cost is accounted for in the overall budget for the ARP under CIP No. AA.00268.01 and will be funded by Alameda County Measure B Funding and Port cash. At the completion of the ARP, the funding parties will meet and negotiate each other's share of any cost overruns, should they exist.

RECOMMENDATION:

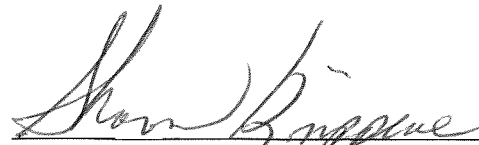
It is recommended that the Executive Director be authorized to execute an agreement with Pacific Bell as described above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

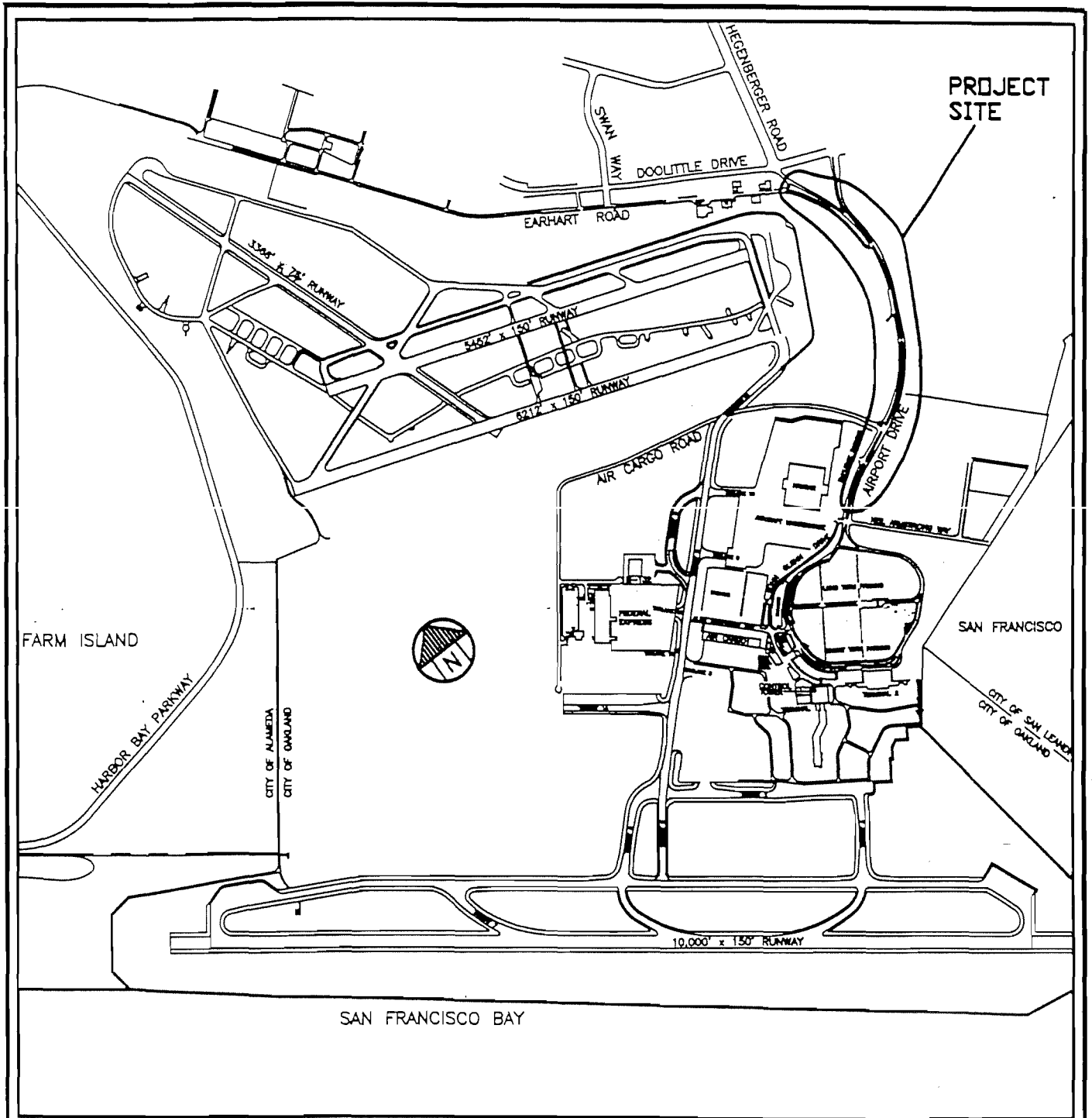
Approved by Resolution
No.

20295
BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

AUG 1 - 2000
DATE



PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 105

^{TD}
SUBJECT: Approval and Authorization for Execution of an Agreement
with Pacific Bell for Relocation of Facilities in Air Cargo Road
Way at Taxiway Bravo, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Airport Roadway Project (ARP) is an Alameda County Measure B tax-funded project to build an arterial roadway from I-880 at 98th Avenue to Oakland International Airport and through the Airport to Bay Farm Island, Alameda. As part of this project, a concrete bridge will be constructed at Taxiway "Bravo", with the vehicle traffic from Bay Farm Island being routed under the bridge.

Pacific Bell owns and maintains telecommunication cables along Taxiway "Bravo" to connect the tenants on Air Cargo Road with South Field. Since the current Air Cargo Road will be routed under the new Taxiway "Bravo" underpass, the Pacific Bell cables must be relocated during construction. An agreement prepared by Pacific Bell for the relocation of facilities requires the Port to provide all necessary conduits and manholes. This infrastructure is already included in the construction contract for the ARP. As part of the agreement, the Port will pay to Pacific Bell the sum of \$119,051 to replace all necessary fiber optic and copper cables in-kind.

ANALYSIS:

Environmental:

This project has been evaluated in accordance with the Port's guidelines for the implementation of the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt under Section 15301 of the Port's CEQA guidelines.

Budget:

The total cost is accounted for in the overall budget for the ARP under CIP No. AA.00268.01 and will be funded by Alameda County Measure B Funding and Port cash. At the completion of the ARP, the funding parties will meet and negotiate each other's share of any cost overruns, should they exist.

RECOMMENDATION:

It is recommended that the Executive Director be authorized to execute an agreement with Pacific Bell as described above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20296

BOARD ACTION TAKEN

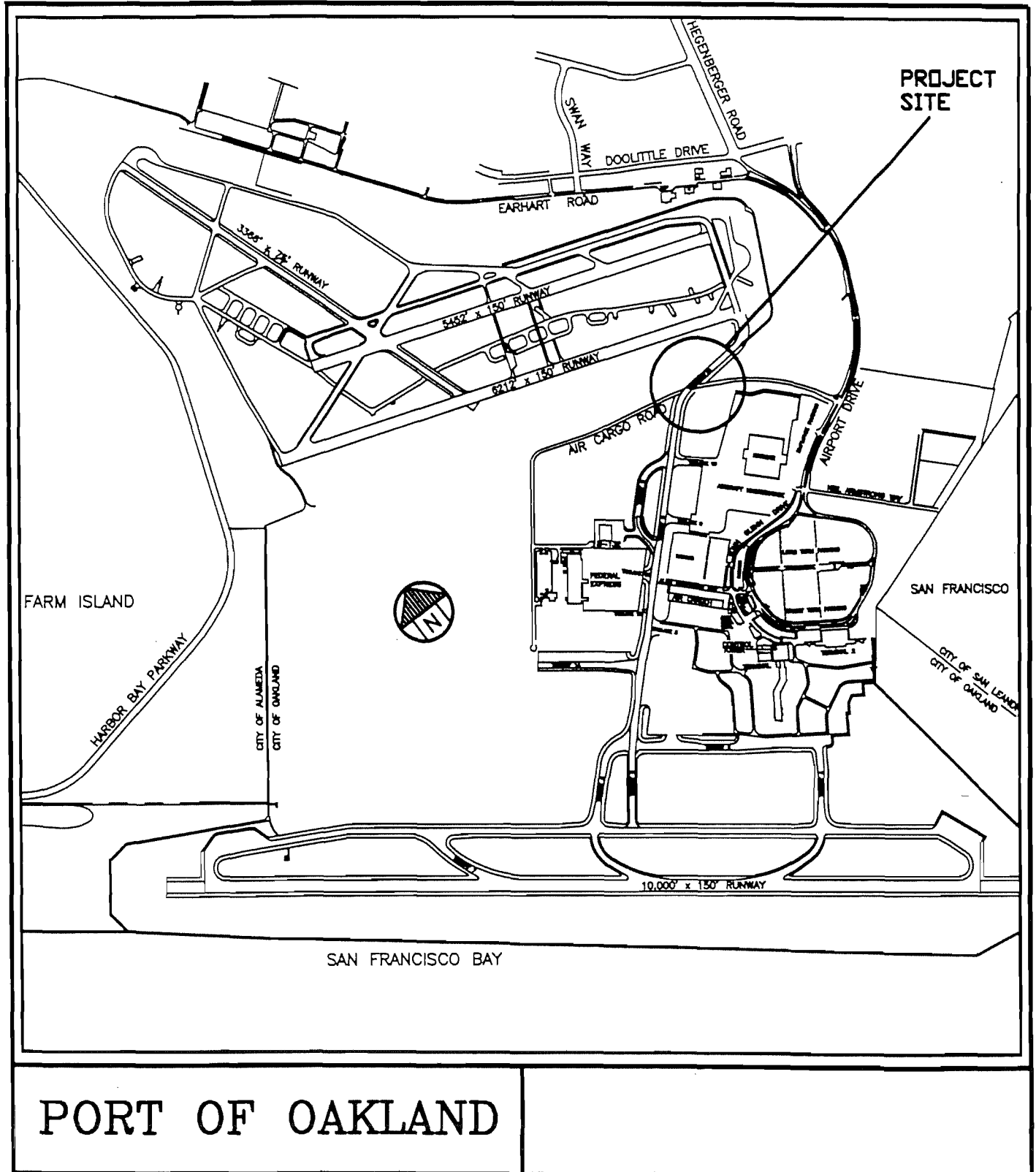
Assistant

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SECRETARY OF THE BOARD


AUG 1 - 2000
DATE

Approval and Authorization for Execution
of an Agreement with Pacific Bell for
Relocation of Facilities at Air Cargo Road Way
at Taxiway Bravo, OIA

August 1, 2000



Agenda Sheet


T.P. 
 SUBJECT: Award of Contract for Reconstruction of Embarcadero
 Between 5th Avenue and 16th Avenue, Embarcadero Cove

DATE: August 1, 2000

ITEM NO: 15S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Two bids were received and opened on June 28, 2000, for **Contract for Reconstruction of Embarcadero Between 5th Avenue and 16th Avenue, Embarcadero Cove, Oakland, California**. The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE (Items 1-42)
Gallagher & Burk, Inc.	Oakland, CA			X		\$1,562,230.00
O.C. Jones & Sons, Inc.	Berkeley, CA				X	\$1,598,600.00

*MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE = Local Business Area Business Enterprise

The project included an Alternate Bid Item for Concrete Curb to be installed in lieu of AC Extruded Dike. The City of Oakland selected the AC Extruded Dike. The Total Bid Price listed above is based on the cost of installing the AC Extruded Dike.

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

ANALYSIS:

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy, for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the location of the bidders and their subcontractors, and the length of time in those locations. Based on the comparison of the modified bid amounts, Gallagher and Burk, Inc. remains the low bidder.

Accordingly, it is recommended that Gallagher and Burk, Inc. be considered to be the lowest responsible bidder for the purpose of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with this recommendation.

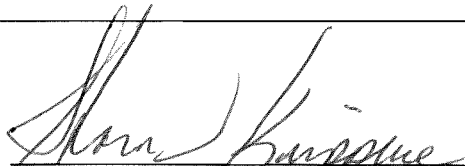
- MOTION
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- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20300

BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

Subcontractor Listing:

Gallagher & Burk, Inc., listed the following subcontractors and trucking company.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	MBE	WBE	LIABE	LBABE	“\$” AND “%” OF EACH SUBCONTRACTOR’S BID TO PRIME CONTRACTOR
Industrial Railways Co. Railroad Work	Pinole				X	\$71,182 / 4.44%
AC Dike Co. AC Dike	Lincoln		X			\$4,883 / 0.30%
Chrisp Co. Striping	Fremont				X	\$29,340 / 1.83%
M.F. Maher Concrete	Vallejo					\$104,070 / 6.49%
Williams Trucking Trucking	Oakland	X		X		\$87,000 / 5.43%
RMT Landscaping	San Leandro	X		X		\$255,975 / 15.97%
Ray's Electric Electrical	Oakland			X		\$68,000 / 4.24%
TDW Storm Drain	Livermore	X			X	\$133,830 / 8.35%

Budget:

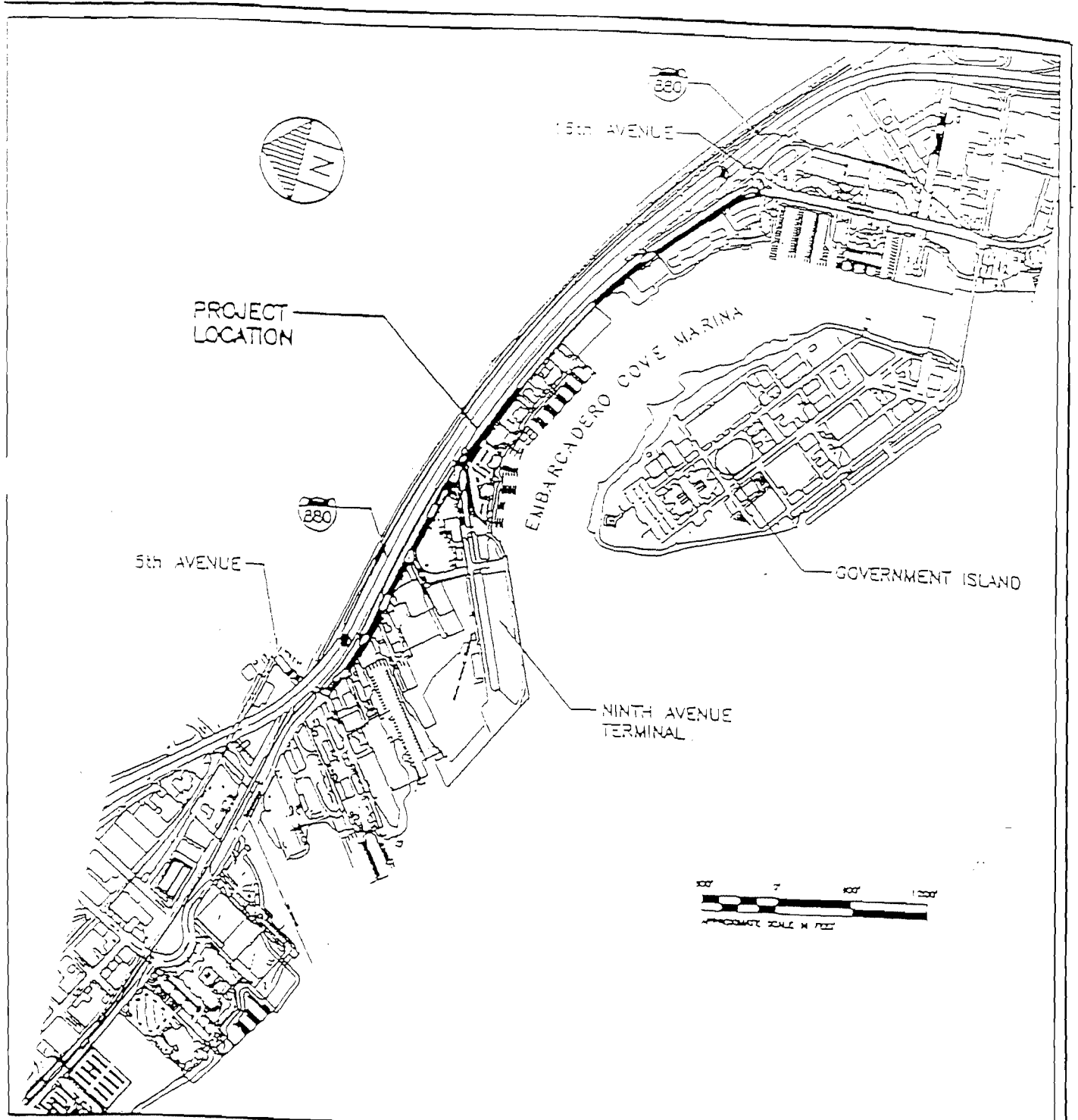
The capital budget for Fiscal Year 2000 provides for this work under CIP Item No. P1.00601.01. The funding source is Port cash. Portions of the project will be funded under a State Transportation Improvement Project (STIP) grant and through the City of Oakland Embarcadero Bike Trail Project. The low bid is within the project budget for this work.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this Contract, since the project is in the Commercial Real Estate area of the Port.

RECOMMENDATION:

It is recommended that Gallagher & Burk, Inc. be found to be the lowest responsible bidder, that the contract for the above project be awarded to Gallagher & Burk, Inc. for the amount of its bid, and that the other bid be rejected and the bid security be returned to the other bidder.



PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 29S

^{TD}
SUBJECT:

Approval of Plans and Specifications for the Construction of Product Recovery and Groundwater Treatment System at Union Pacific Railroad Trailer-on-Flatcar (UPTOFC) Site

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

Plans and specifications have been prepared for **CONSTRUCTION OF PRODUCT RECOVERY AND GROUNDWATER TREATMENT SYSTEM AT UNION PACIFIC RAILROAD TRAILER-ON-FLATCAR (UPTOFC) SITE, VISION 2000**, and are hereby submitted for approval and authorization to advertise for bids.

This is an environmental remediation project designed to recover the free product (liquid phase diesel fuel) from the underlying soils and groundwater at the former Union Pacific (UP) Railroad site. It would be beneficial to the overall Vision 2000 construction schedule to complete this project concurrently with the Berths 57/58 Container Terminal Wharf project and prior to the Berths 57/58 Container Terminal Yard project.

The project is located in the former UP Yard area leased from the Port and the Navy Fleet Industrial Supply Center (FISC) property. The UP has already vacated the site.

ANALYSIS

CEQA and NEPA requirements were completed, respectively, with Board certification of the Berths 55-58 Project Environmental Impact Report on April 20, 1999.

Pursuant to Sec. 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

The estimated total cost of this work is \$800,000. The costs of this work will be accumulated under "Bill to Others" (BTO) work order number 601056 established for this purpose. These costs will be applied against the Union Pacific Environmental Liability Account.

This work is covered by the terms of the Maritime and Aviation Project Labor Agreement (MAPLA)

RECOMMENDATION

It is recommended that the plans and specifications be approved and authorization be given to advertise for bids to be received on August 30, 2000.

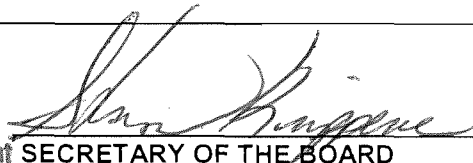
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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20306

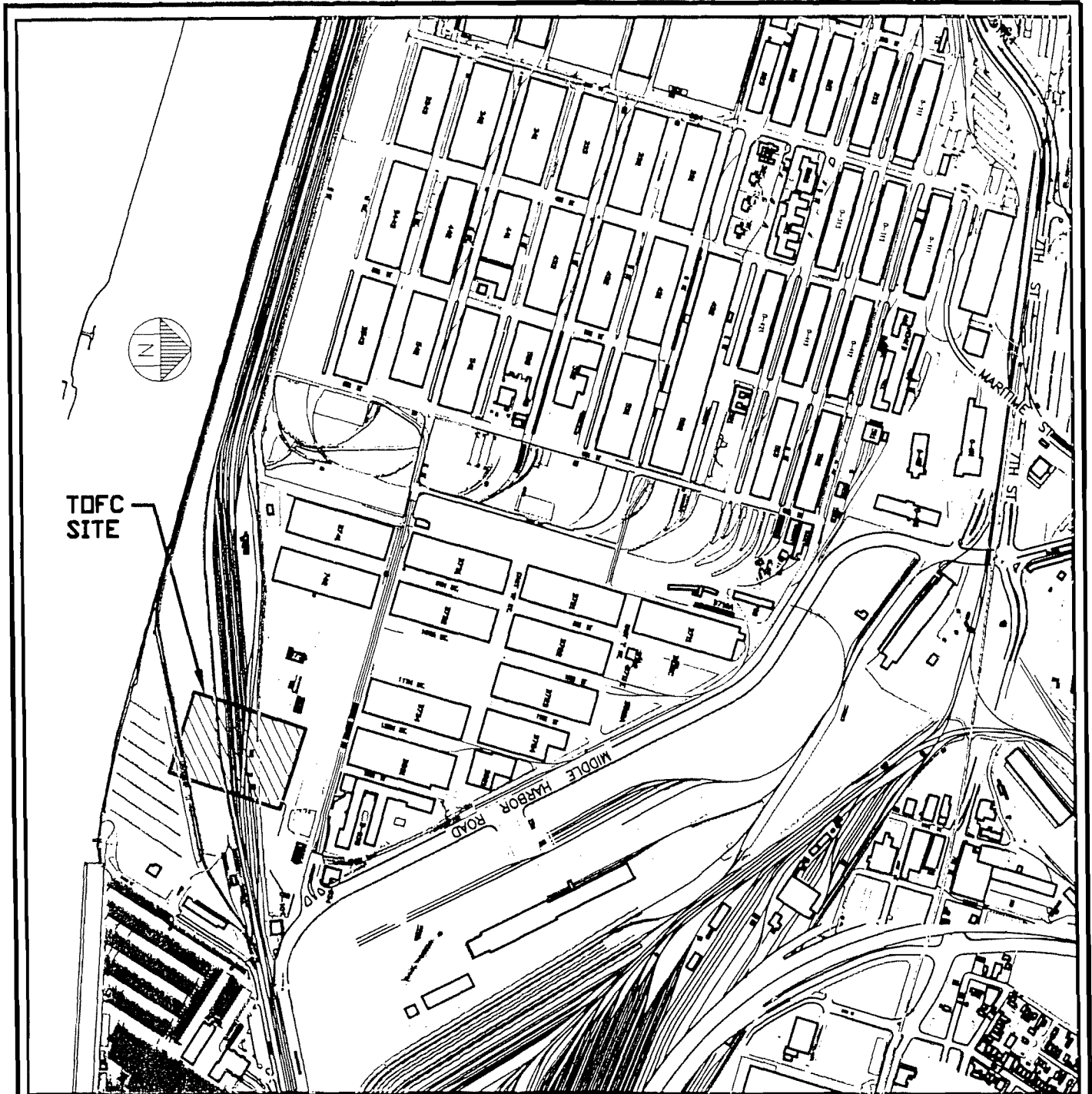
BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

AUG 1 - 2000

DATE



PORT OF OAKLAND

VISION 2000

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 30S

^{TD}
SUBJECT: Approval to Dispense with Formal Bids for the Purchase
of Two 50 Long Ton Spreaders for Berth 68 Cranes

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The KSEC container crane X417, purchased in 1986, serves the Howard Container Terminal at Berth 68. The spreader on this crane was also acquired in 1986 as part of the purchase. In February this year, the spreader was damaged beyond repair. As a result of negotiations between the tenant and our Maritime Division, the tenant has agreed to reimburse the Port for 50% of the cost of a replacement spreader. An additional spreader needs to be purchased for use as a spare.

Since there are only a few spreader manufacturers in the world capable of building spreaders for this crane, it is recommended that the spreader be purchased through informal quotes.

BUDGET:

The capital budget for fiscal year 2000-2001 provides for this work under CIP item No. MM.01170.04. The funding source will be Port cash or bonds. The location of the work is shown on the attached map.

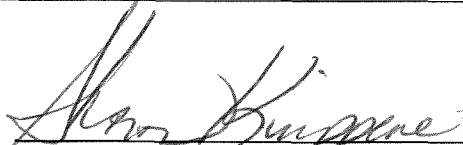
RECOMMENDATION:

It is recommended that the Board find it in the best interests of the Port to dispense with formal bidding procedures for purchasing two new spreaders for Berth 68, and that the Executive Director be authorized to negotiate a purchase contract for the purchase of the equipment.

Approved by Resolution
No.

2007

BOARD ACTION TAKEN

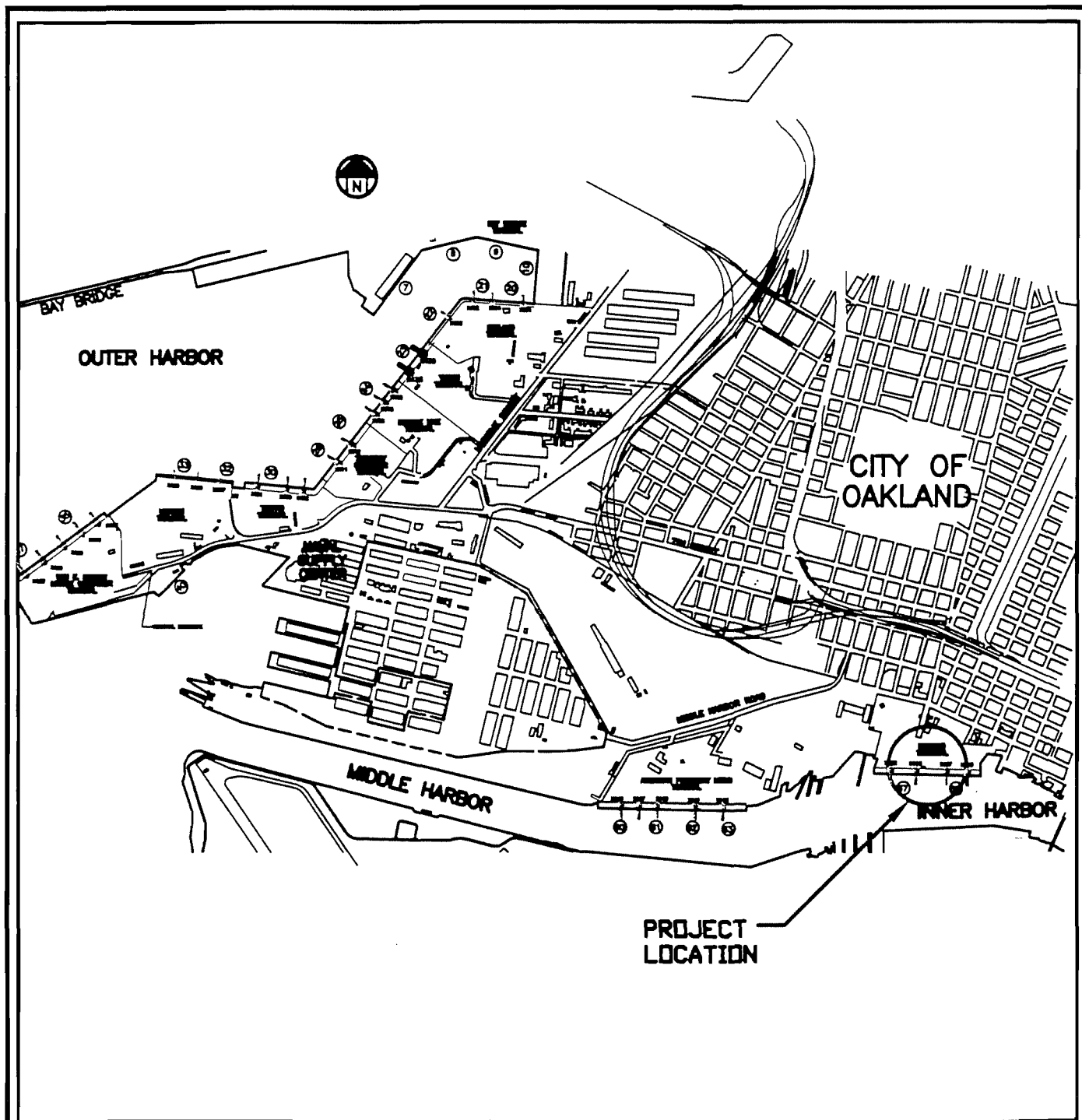


Assistant SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY



PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 35S

^{TD}
SUBJECT: Approval of As-Needed Analytical Laboratory Agreements

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Environmental Health & Safety Compliance Department (EH&SC) conducts various environmental compliance activities that require analytical laboratory services. Such activities include soil sampling, water sampling, and waste profiling. The Port prefers to contract directly with laboratories to eliminate the 10 – 20 % mark-up imposed by consulting firms. Demand for laboratory services has intensified due to the scope of the Port's Capital Improvement Program.

The Port has two existing analytical laboratory contracts with Sequoia Analytical and Curtis & Tompkins; both located in the Local Business Area (Alameda and Contra Costa Counties). Both contracts are about to expire.

To meet the ongoing demand for laboratory services, the EH&SC Department solicited proposals from state-certified laboratories within the San Francisco Bay Area. The proposal stated that the Port intends to select at least two laboratories with a contract ceiling of \$500,000 each. Subsequent analysis of expected demand indicates that two laboratories will be insufficient. In addition, our recent experience indicates that the Port's demand for laboratory services can exceed our laboratories' ability to respond in a timely fashion. Staff believes that selecting three laboratories will allow greater flexibility and will reduce the risk that laboratory delays will impact critical construction projects.

ANALYSIS:

Nine laboratories submitted proposals: four laboratories in the Local Business Area (LBA), and five laboratories outside the LBA. The EH&SC Department evaluated and scored proposals based on cost (maximum 50 points), technical expertise (maximum 35 points) and adherence to Port policies (maximum 15 points).

The EH&SC Department evaluated costs for both standard and rapid turnaround-time. For each category, the EH&SC Department ranked the laboratories according to cost and assigned points in direct proportion to the rankings.

The technical evaluation was based on responses to five questions. Questions related to situations typically encountered in the Port Area. The Office of Equal Opportunity (OEO) evaluated and scored the adherence to Port policies evaluation. No laboratories that meet the Port's requirements are located in the Local Impact Area (Oakland, Alameda, San Leandro and Emeryville).

The following laboratories submitted proposals: Chromolab, Inc. located in Pleasanton, Sequoia Analytical in Walnut Creek, McCampbell Analytical in Pacheco, Curtis & Tompkins in Berkeley, Columbia Analytical in Santa Clara, Entech Analytical in Sunnyvale, STL Sacramento in West Sacramento, Caltest Analytical in Napa, and Toxscan, Inc., in Watsonville. The three top-ranked laboratories, all LBA firms, were Chromolab, Sequoia Analytical, and McCampbell Analytical. Each is capable of performing the analyses typically required by the Port. Chromolab and McCampbell have never held a Professional Services contract with the Port.

Recommendation:

Staff recommends that the Port execute a \$500,000 Professional Services contract with each of the top three scoring laboratories: Chromolab of Pleasanton, Sequoia Analytical of Walnut Creek, and McCampbell Analytical of Pacheco. The duration of the contract is expected to be between two and three years. The work is budgeted under capital projects, operating expenses or bill to others. The funding source will be port cash or bonds depending on the task being performed.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20312

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

Agenda Sheet

DATE: August 1, 2000

SUBJECT: Authorization to Renew the Potomac Hull and Machinery and Protection and Indemnity Insurance

ITEM NO: 36S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Fred W. Rickert, Chief Financial Officer 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The agreement between the Port of Oakland and the Association for the Presidential Yacht Potomac dated September 27, 1983 requires the Port to provide Hull and Machinery and Protection and Indemnity Insurance on the vessel, USS Potomac. This insurance will expire on September 1, 2000.

The incumbent Commercial Union has quoted the same premium as last year's. Over the prior two years they have lowered their premium by 22%.

Hull and Machinery	\$ 6,000,000
Protection and Indemnity	\$ 1,000,000
Dockside General Liability	\$ 1,000,000
Deductibles (Hull/Liability)	\$ 125,000/\$100,000
Annual Premium	\$ 40,190

A separate policy is maintained for Pollution Liability for \$1,608.75 per year. This policy is required by Federal Statute.

Funds have been budgeted for Fiscal Year 2000 – 2001 under Risk Management, Non-Departmental, Other Insurance.

RECOMMENDATIONS:

It is recommended that the Board authorize the renewal of the Potomac's Hull and Liability Policy and Pollution Policy for a premium of \$41,798.75 subject to the Port Attorney's review for form and legality.

MOTION

RESOLUTION

ORDINANCE

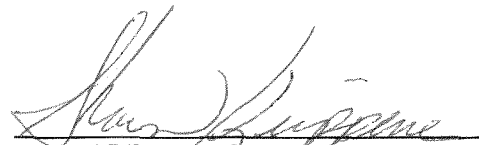
INFORMATION ONLY

Approved by Resolution

No. 20313

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE
PORT OF OAKLAND



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DAVID L. ALEXANDER
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Oakland, California 94607
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DARLENE AYERS-JOHNSON
FRANK KIANG
JOHN PROTOPAPPAS
PATRICIA A. SCATES

C A L E N D A R

**Regular Meeting of the Board of Port Commissioners
Tuesday, September 5, 2000 - 3:00 PM**

ROLL CALL

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

READING OF THE MINUTES:

Regular meeting of July 5, 2000

Deferred - Regular meeting of July 18, 2000; and regular
meeting of August 1, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Administration
Aviation
Maritime

READING OF SUMMARY ITEMS: (Marked "S")

12 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1** Reaffirming Port's Intent to Construct Entire Airport Roadway Project as a Part of the Airport Development Program, and Approving Agreements Committing the Port to Additional Payments for Such Construction Subject to Certain Conditions. (Resolution)
- 2** This item not used.
- 3** Approval of Change Order for Doolittle Drive and Airport Drive Interchange, Airport Roadway Project (Contract B), OIA. (Resolution)
- 4** Authorization to Dispense with Competitive Bidding Procedures and to Execute a Change Order for Construction of Remain Overnight (RON) Interim Aircraft Parking Positions, South Airport, OIA. (Resolution)
- 5** Authorization to Enter into an Agreement with Clean Fuels, LLC, to Operate Temporary Compressed Natural Gas Fueling Facility on Airport Property; and Authorization to Enter into an Agreement with Pickens Fuel Corporation to Operate and Maintain a Permanent Compressed Natural Gas Fueling Station on Airport Property. (Resolutions and Ordinance)
- 6** Authorize the Director of Aviation to Enter into a Contract with Clean Fuel Connection to Install Four Electric Vehicle Charging Units at the Airport. (Resolution)

- 7** Approval of Workout Agreement for the Collection of Underpaid Gross Revenues with TransOak, Inc. dba TransAir Services Corporation (3 Alan Shephard Way, South Airport). (Resolutions)
- 8** Authorization to Dispense with Formal Bids for Award to DiaLogic Communications Corp. for Design, Installation and Maintenance of a Communications Notification and Emergency Callback System "The Communicator!" at Oakland International Airport. (Resolution)
- 9S** Authorization to Execute and File an Application with the Metropolitan Transportation Commission (MTC) to Program Regional Improvement Program Funds into the 2000 Regional Transportation Improvement Program Augmentation for Project Development and Pre-Engineering Associated with the BART/Oakland International Airport Connector Project. (Resolution)
- 10S** Request Approval to Apply for Air District Funding for Alternative Fuel Taxicabs. (Resolution)
- 11S** Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Argenbright Security, Inc. (#1 Airport Drive, South Airport). (Resolution)
- 12S** Approval of License and Concession Agreement with Dollar Rent A Car Systems, Inc. (Adjacent to Building L-619, North Airport). (Resolution)
- 13S** Approval of License and Concession Agreement with East Bay Municipal Utility District (Vicinity of Port Buildings L-900, L-914 and L-927, North Airport). (Resolution)
- 14S** Authorization to Include the Demolition of Building L-643, North Airport, OIA, in the Small Business Program. (Resolution)
- 15S** Approval of Plans and Specifications for Overlay of Taxiway D (South of Taxiway M) and Taxiway J, North Airport, OIA. (Resolution)
- 16S** Approval of Plans and Specifications for Aircraft Sound Insulation Program, Phase I, Bay Farm Island, Alameda, California. (Resolution)

- 17S** Approval of Plans and Specifications for Construction of Aviation Maintenance Facilities Complex, North Airport, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 18** Approval of the Potomac Association Budget for Fiscal Year 00/01. (Resolution)
- 19** First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Key Source International for the Property Located at 7711 Oakport Street. (Ordinance)
- 20S** Amendment to Port Ordinance No. 3519, Establishing the Rules and Regulations for the Port of Oakland Marinas. (Ordinance)

MARITIME

- 22** Recommending Approval of Oakland Army Base Redevelopment Area Memorandum of Understanding (MOU) with the City of Oakland. (Resolution)
- 23** This item not used.
- 24** Ratify Action of Staff Directing Harding Lawson Associates (HLA) to Proceed with Work, and Approval of Supplemental Agreement with HLA to Complete Permit-Required Soil and Groundwater Analysis, Berths 57-59. (Resolution)
- 25** Adjustment to Compensation Based on Revised Land Value at American President Lines Terminal, Berths 60 and 61. (Resolution)
- 26S** Approval of Plans and Specifications for Replacement of Fender Systems at Berths 35-37, Ben E. Nutter Terminal. (Resolution)
- 27S** Award of Contract for Improvement of Yard Lighting, Berths 35-37, Ben E. Nutter Terminal. (Resolution)

OPERATIONS

- 31** Personnel Items: Creation of Salary Schedule; Creation of Classifications/Positions; Amendment of FY 2000-2001 Staffing Plan; and Unit Transfer and Amendment of Salary Schedule Assignment. (Ordinance)
- 32** Personnel Items: Termination. (Resolution)
- 33S** Ratify and Approve Increase in Ceiling for Internet Usability Enhancements. (Resolution)

CLOSED SESSION

- 40** Under Separate Cover by Secretary of the Board.

Vote on the following resolutions except Number 31:

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

Noes: None

Absent: None

Vote on Number 31:

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

Noes: None

Abstained: Commissioner Uribe – 1

Absent: None

RESOLUTIONS:

- 1 20322** REAFFIRMING PORT'S INTENT TO CONSTRUCT ENTIRE AIRPORT ROADWAY PROJECT AS A PART OF THE AIRPORT DEVELOPMENT PROGRAM, AND APPROVING AGREEMENTS COMMITTING THE PORT TO ADDITIONAL PAYMENTS FOR SUCH CONSTRUCTION SUBJECT TO CERTAIN CONDITIONS. (Airport – 1)
- 2 20323** APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC., FOR CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Airport – 3)

- 3 20324** FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR CONSTRUCTION OF REMAIN OVERNIGHT (RON) INTERIM AIRCRAFT PARKING POSITIONS, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport - 4)
- 4 20325** APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH CLEAN FUELS, LLC. (Airport - 5)
- 5 20326** AUTHORIZING BUILDING PERMIT FOR COMPRESSED NATURAL GAS FUELING STATION. (Airport - 5)
- 6 20327** FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR INSTALLATION AND MAINTENANCE OF FOUR ELECTRIC VEHICLE CHARGING UNITS, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT WITH CLEAN FUEL CONNECTION FOR SUCH WORK. (Airport - 6)
- 7 20328** FINDING CERTAIN ACCOUNTS RECEIVABLE TO BE UNCOLLECTIBLE AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO WRITE OFF SAME FROM THE BOOKS OF THE PORT. (Airport - 7)
- 8 20329** APPROVING AND AUTHORIZING EXECUTION OF A WORKOUT AGREEMENT WITH TRANSOAK, INC. DOING BUSINESS AS TRANSAIR SERVICES CORPORATION. (Airport - 7)
- 9 20330** FINDING AND DETERMINING THAT IT IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR DESIGN, INSTALLATION AND MAINTENANCE OF A COMMUNICATIONS NOTIFICATION AND EMERGENCY CALLBACK SYSTEM the communicatortm, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS AND AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT WITH DIALOGIC COMMUNICATIONS CORP. FOR SUCH WORK. (Airport - 8)

- 10 20331** AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AND FILE AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION TO PROGRAM REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM FUNDS INTO THE 2000 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM AUGMENTATION IN CONNECTION WITH THE BART CONNECTOR PROJECT. (Airport - 9S)
- 11 20332** AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT ("BAAQMD") FOR THE VEHICLE INCENTIVE PROGRAM. (Airport - 10S)
- 12 20333** APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH THE ARGENBRIGHT SECURITY, INC. (Airport - 11S)
- 13 20334** APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH DOLLAR RENT A CAR SYSTEMS, INC. (Airport - 12S)
- 14 20335** APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT. (Airport - 13S)
- 15 20336** GRANTING AUTHORIZATION TO INCLUDE DEMOLITION OF BUILDING L-643, 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport - 14S)
- 16 20337** APPROVING PLANS AND SPECIFICATIONS FOR OVERLAY OF TAXIWAY D (SOUTH OF TAXIWAY M) AND TAXIWAY J, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport - 15S)
- 17 20338** APPROVING PLANS AND SPECIFICATIONS FOR AIRCRAFT SOUND INSULATION PROGRAM, PHASE I, BAY FARM ISLAND, ALAMEDA, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport - 16S)

- 18 20339** APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF AVIATION MAINTENANCE COMPLEX, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport - 17S)
- 19 20340** APPROVING THE BUDGET OF THE ASSOCIATION FOR THE PRESIDENTIAL YACHT POTOMAC FOR FISCAL YEAR 2000/2001. (Commercial Real Estate - 18)
- 20 20341** APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE OAKLAND REDEVELOPMENT AGENCY FOR THE ESTABLISHMENT OF THE OAKLAND ARMY BASE REDEVELOPMENT AREA. (Maritime - 22)
- 21 20342** APPROVING AND AUTHORIZING EXECUTION OF SUPPLEMENTAL AGREEMENT WITH AMERICAN PRESIDENT LINES, LTD. (Maritime - 25)
- 22 20343** APPROVING PLANS AND SPECIFICATIONS FOR REPLACEMENT OF FENDER SYSTEM AT BERTHS 35-37, BEN E. NUTTER TERMINAL, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Maritime - 26S)
- 23 20344** AWARDING CONTRACT TO CALIFORNIA ELECTRIC COMPANY, FOR IMPROVEMENT OF YARD LIGHTING, BERTHS 35-37, BEN E. NUTTER TERMINAL, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime - 27S)
- 24 20345** TERMINATING CERTAIN APPOINTMENT. (Operations - 32)
- 25 20346** FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH ISYS IDEA SYSTEMS FOR REDESIGNING THE PORT OF OAKLAND INTERNET WEBSITE CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Operations - 33S)

- 26 20347** APPROVING THE APPOINTMENT OF THE LAW FIRM OF WENDEL ROSEN BLACK & DEAN, LLP AS SPECIAL COUNSEL PURSUANT TO A CONTINGENCY FEE ARRANGEMENT CONCERNING THE PORT'S APPEAL OF A TRIAL COURT JUDGMENT IN THE MATTER OF CITY OF OAKLAND V. NESTLE U.S.A., INC., ALBERS MILLING COMPANY, U.S.D.C., NORTHERN DISTRICT OF CALIFORNIA, CASE NO. C-98-3963. (Closed Session - 40)
- 27 20348** APPROVING THE APPOINTMENT OF THE LAW FIRM OF FARELLA BRAUN & MARTEL AS SPECIAL COUNSEL PURSUANT TO A CONTINGENCY FEE ARRANGEMENT CONCERNING CITY OF OAKLAND VS. J. C. PENNEY LIFE INSURANCE COMPANY, U.S.D.C. CASE NO. C-00-2975. (Closed Session - 40)
- 28 20349** APPROVING APPOINTMENT OF SPECIAL COUNSEL. (Closed Session - 40)
- 29 20350** 1) APPROVING AND AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH THE WATERKEEPERS, PREVIOUSLY KNOWN AS, AND SUCCESSOR TO SAN FRANCISCO BAYKEEPER ("BAYKEEPER") (U.S.D.C., N.D. CASE NO. C 002 2184), 2) APPROVING AND AUTHORIZING THE EXECUTION OF A WAIVER OF HEARING, AND 3) FINDING AND DETERMINING THAT THE PERFORMANCE OF CERTAIN VESSEL ACTIVITIES BY CONTRACT IS IN THE PUBLIC INTEREST BECAUSE OF ECONOMY OR BETTER PERFORMANCE, ALL CONCERNING THE MOBY DICK AND OTHER VESSEL ACTIVITIES IN THE CLINTON BASIN. (Closed Session - 40)
- 30 20351** APPROVING APPOINTMENT OF SPECIAL COUNSEL. (Closed Session - 40)
- 31 20352** APPROVING AND RATIFYING ACTION DIRECTING HARDING LAWSON ASSOCIATES ("HLA") TO PROCEED WITH WORK AND APPROVING AND AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH HLA. (Maritime - 24)

Vote on the following resolutions except Number 6:

Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates, Tagami, Uribe and President Kramer – 7
Noes: None
Absent: None

Vote on Number 6:

Ayes: Commissioners Ayers-Johnson, Kiang, Scates, Tagami, Uribe and President Kramer – 6
Noes: None
Abstained: Commissioner Protopappas – 1
Absent: None

ORDINANCES: ("S" for the numbered)

1 Port Ordinance No. 3579 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH VIJAY PATEL, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.6 ACRE PARCEL OF LAND LOCATED AT HEGENBERGER AND PARDEE ROADS."

Final.

2 Port Ordinance No. 3598 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH FEDERAL EXPRESS CORPORATION, AND DIRECTING RECORDATION THEREOF."

Final.

3 Port Ordinance No. 3600 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2833 RELATING TO BALLAST WATER."

Final.

4 Port Ordinance No. 3601 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE ADDITIONAL POSITIONS."

Final.

- 5** Port Ordinance No. ____ being, "AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF AGREEMENTS WITH PICKENS FUEL CORPOATION TO DESIGN, BUILD AND OPERATE A COMPRESSED NATURAL GAS FUELING STATION AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT WITHOUT COMPETITIVE BIDDING."

Airport – 5 to print.

- 6** Port Ordinance No. ____ being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PRUCHASE AND SALE AGREEMENT WITH KEY SOURCE INTERATNIONAL, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 1.3 ACRE PARCEL OF LAND LOCATED AT 7711 OAKPORT STREET."

Commercial Real Estate – 19 to print.

- 7** Port Ordinance No. ____ being, "AN ORDINANCE REVISING AND RESTATING PORT ORDINANCE NO. 3380, ESTABLISHING THE RULES AND REGULATIONS FOR THE PORT OF OAKLAND'S MARINAS AND FOR FIXING THE RATES AND CHARGES IN CONNECTION THEREWITH."

Commercial Real Estate – 20 to print.

- 8** Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTION 2.03, ADDING SECTIONS 5.185 AND 11.0069, AND TO AMEND SECTIONS 5.161 AND 5.184."

Operations – 31 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be a regular meeting held on Tuesday, September 19, 2000 at 3:00 PM

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

SUBJECT: Reaffirming Port's Intent to Construct Entire Airport Roadway Project as a Part of the Airport Development Program, and Approving Agreements Committing the Port to Additional Payments for Such Construction Subject to Certain Conditions.

ITEM NO: 1

PROGRAM AREA:

- Checked: Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

Handwritten signature of Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Airport Roadway Project is one of the Capital Improvement Projects approved by Alameda County voters with the passage of Measure B in 1986. The project is to build an arterial roadway from I-880 at 98th Avenue to the Oakland International Airport and through the Airport to Bay Farm Island, Alameda.

On May 7, 1996, the Board passed Resolution No. 96137, approving and authorizing execution of three related agreements for the Airport Roadway Project: (1) A "Measure B Funding Agreement" with the Alameda County Transportation Authority (ACTA), the City of Oakland (Oakland), and the City of Alameda (Alameda); (2) A "Measure B Implementation Agreement" with ACTA; and (3) an agreement with ACTA that the agreed-upon appraised value of the Port's Contributed Property for the Airport Roadway Project is \$11.6 million, subject to adjustment to account for substantial design changes.

On December 2, 1997, the Board passed Resolution No. 97359, approving and authorizing execution of an amendment to the Measure B Funding Agreement and the Measure B Implementation Agreement with ACTA.

On December 16, 1997, the Board passed Resolution No. 97376, certifying review and consideration of the Final Environmental Impact Report on the Airport Development Program, approving the Airport Development Program, including the Measure B Airport Roadway Project which is a specific project component of the program, and committing the Port's pro rata Local Match share of all eligible costs for the Airport Roadway Project.

On May 19, 1998, the Board passed Resolution No. 98189, approving and authorizing execution of a second amendment to the Measure B Funding Agreement and the Measure B Implementation Agreement with ACTA,

On June 15, 1999, the Board passed Resolution No. 99241, approving and authorizing execution of a third amendment to the Measure B Funding Agreement and the Measure B Implementation Agreement with ACTA, which established the current baseline project budget of \$104,085,354. In addition, the amendment provides that if the cost to complete the Project exceeds the budget of \$104,085,354, the parties shall contribute such Additional Funding Requirement as follows:

- ACTA will contribute a share of residual tax revenues received after ACTA sunsets in 2002, but the amount of such residuals has not yet been estimated and will be distributed to the Parties as unused Additional Funding Requirement.
Alameda will contribute up to 35.5% of the Additional Funding Requirement less the amounts contributed by the other parties, but such contribution will be limited to \$500,000, at no more than \$100,000 per year for 5 years commencing 2011 (when Alameda estimates the Bay Farm Island Transportation Improvement Fund will have available unencumbered money).
Oakland will contribute up to 1.5% of the Additional Funding Requirement less the amounts contributed by the other parties, but subject to the prorated limit as determined by contributions from Alameda
Port will contribute up to 63% of the Additional Funding Requirement less the amounts contributed by the other parties, but subject to the prorated limit as determined by contributions from Alameda

The amendment effectively established cost sharing among the partners for a total project budget of up to \$105.4 million.

Approved by Resolution No.

Handwritten number 20322

Handwritten signature of Sharon Krupp

SEP 5 - 2000

- MOTION
RESOLUTION (checked)
ORDINANCE
INFORMATION ONLY

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

DATE

On June 29, 1999, the Board passed Resolutions 99264, 99265, and 99266, awarding the contracts for the construction of the three contracts comprising the Airport Roadway Project - contract 'A' for Improvements to Harbor Bay Parkway, Air Cargo Road, Airport Drive, and Construction of Taxiway B Bridge; contract 'B' for Construction of Doolittle Drive and Airport Drive Interchange; and contract 'C' for Widening of 98th Avenue west of I-880. The contracting provisions for contract 'B' allowed the issuance of a Notice-To-Proceed ("NTP") within a period of between six months to twelve months after the award of the contract due to pending wetland permit applications. The contracting provisions for contract 'A' allowed the issuance of a NTP for a period of between nine months to eighteen months after the award of the contract due to pending wetland permit applications and pending FAA action on the Environmental Impact Statement ("EIS").

The NTP on contract 'C' was issued on July 1, 1999. The NTP on contract 'B' was issued on February 1, 2000, after the Army Corps of Engineers and the Regional Water Quality Control Board issued the wetland permit. The NTP on contract 'A' has not yet been issued due to the delay in the issuance of a Record of Decision ("ROD") by the FAA on the EIS. The FAA has recently provided a draft schedule showing the issuance of a ROD by December 26, 2000, 5 days before the eighteen-month period to issue the NTP will expire.

The current projected completion cost for all three portions of the Airport Roadway Project is estimated to be \$114.8 million, approximately \$9.4 million beyond the \$105.4 million budget as provided by the ACTA Funding Agreement as amended. The current projected completion cost as compared to the baseline budget is presented by cost category in Table 1 below.

<i>ITEM</i>	<i>Cost Category</i>	<i>Eligible Project Cost Per Measure B Implementation Agreement w/ ACTA</i>	<i>Projected Costs As of 8/11/2000</i>	<i>Difference</i>
1	Construction Cost	\$59,713,525	\$55,566,812	\$4,146,713
2	Engineering & Management	\$8,601,375	\$8,187,001	\$414,374
3	Construction Management and Administration	\$4,728,204	\$12,680,729	(\$7,952,525)
4	Contingency	\$4,953,221	\$10,528,374	(\$5,575,153)
5	Special Contracting Provisions	\$1,492,838	\$2,823,390	(\$1,330,552)
6	Contributed Properties	\$11,598,000	\$11,598,000	\$0
7	Third Party Properties	\$8,498,191	\$9,613,846	(\$1,115,655)
8	Additional Wetlands Mitigation	\$2,000,000	\$1,650,000	\$350,000
9	Hazmat Allowance/Overall Contingency	\$2,500,000	\$2,100,000	\$400,000
10	Total	\$104,085,354	\$114,748,152	(\$10,662,798)

Table 1

As shown in Table 1, there are 4 areas where the projected costs exceed the eligible project costs as defined in the Measure B funding agreement with ACTA as amended (Funding Agreement).

1. **Construction Management and Administration.** This item is comprised of the following elements.

A. Consulting Engineering Design Services during construction	Projected Costs \$3,199,000
B. Consulting Construction Management	Projected Costs \$6,341,730
C. In-House Labor & Overhead	Projected Costs <u>\$3,139,000</u>
	Total \$12,680,729

2. **Contingency.** This item is intended to budget for construction change orders. The eligible project cost amount budgeted for in the Funding Agreement was calculated at approximately 8 % of the construction cost.

At the last meeting of the Policy Advisory Committee (PAC) for the Airport Roadway Project, ACTA strongly urged that the budget for the Contract 'A' contingency be revised to include 12% of the bid price plus escalation. ACTA explained that this contractor has worked on other ACTA projects and has never had less than 12% change orders. The PAC agreed to ACTA's position.

3. **Special Construction Provision.** This item was intended to budget for construction cost escalation due to the delay in the issuance of the NTP for both contracts 'A' and 'B'. This provision protected the bidders from the cost escalation at whatever rate it might be. Absent this provision, the bids would have been higher as the bidders would have included their best guess as to the future escalation. The eligible project cost amount budget for in the Funding Agreement was 2.5% of the construction cost. The actual escalation factor specified in the construction contract was based on the Construction Cost Index for the San Francisco Area. This Construction Cost Index recently jumped from an annual rate of 1% to 5% per year. The very long delay in issuance of the NTP pushed us into a higher rate of escalation and a longer period over which escalation is applied. The contract documents provide that the escalation provision ends with the issuance of the NTP.

4. **Third Party Properties.** This item was intended to cover right-of-way acquisition costs. Additional funding is required to cover higher than anticipated right-of-way costs associated with the Cannizzaro property settlement, the Hilton property improvements, and City of Oakland right-of-way costs associated with Contracts B & C. It is noted that significant delays in acquisition of these properties resulted in higher prices as properties that were undeveloped when design began were developed by the time construction began.

ANALYSIS:

ACTA and Alameda propose that the Port agree to assume 100% of up to \$9.4 million of the additional ARP costs. Further negotiations for cost sharing with ACTA and Alameda are unlikely to be successful and could result in further delays in the issuance of a NTP for Contract A and could possibly adversely effect the ADP schedule.

RECOMMENDATION:

It is recommended that the Board determine that it is in the best interest of the Port to approve and authorize the Executive Director for and on behalf of the Board to execute such agreements as he deems appropriate to commit the Board to paying for all the increases in the cost for the Airport Roadway Project above and beyond the Port's present payment obligation in the Funding Agreement, in accordance with the provisions of the attached resolution, or such other provisions as may be determined appropriate by the Board.

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**RESOLUTION REAFFIRMING PORT'S INTENT TO
CONSTRUCT ENTIRE AIRPORT ROADWAY PROJECT AS A
PART OF THE AIRPORT DEVELOPMENT PROGRAM, AND
APPROVING AGREEMENTS COMMITTING THE PORT TO
ADDITIONAL PAYMENTS FOR SUCH CONSTRUCTION
SUBJECT TO CERTAIN CONDITIONS**

WHEREAS the Federal Aviation Administration ("FAA") has completed a Draft Environmental Statement ("DEIS") for the Airport Development Program at Metropolitan Oakland International Airport ("Airport"), which includes as an integral component the County Measure B Airport Roadway Project; and

WHEREAS the Board of Port Commissioners (the "Board") has prepared and certified a Final Environmental Impact Report ("FEIS") for, and has approved, the Airport Development Program, which includes the Airport Roadway Project, and has subsequently prepared and certified a Final Supplemental Environmental Impact Report ("FSEIR") for, and re-approved, the Airport Development Program, including the Airport Roadway Project; and

WHEREAS the Port, the Alameda County Transportation Authority ("ACTA"), the City of Oakland and the City of Alameda have approved the Airport Roadway Project and have entered into a Measure B Funding Agreement (as amended to date, the "Funding Agreement"), and the Port and ACTA have entered into a Measure B Project Implementation Agreement (as amended to date, the "Implementation Agreement"), which provide for the funding and construction of the Airport Roadway Project; and

WHEREAS the Funding Agreement and the Airport Roadway Project Implementation Agreement divide the Airport Roadway Project into three portions, consisting of "Contract A" (the portion of the ARP consisting of the Air Cargo Road extension to Harbor Bay Parkway/Maitland Drive and improvements at the Harbor Bay Parkway/Maitland Drive intersection, Air Cargo Road

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improvements to Airport Drive and Taxiway Bridge, and improvements to Airport Drive from Neil Armstrong Drive to Earhart Drive), "Contract B" (the portion of the Airport Roadway Project consisting of the Doolittle Drive/Airport Drive interchange) and "Contract C" (the portion of the Airport Roadway Project consisting of the widening of 98th Avenue between Interstate 880 and Airport Access Road); and

WHEREAS the City of Alameda and certain other parties have objected to the Board's approval of the Airport Development Program and have commenced litigation against the Port challenging the adequacy and sufficiency of the FEIR and the FSEIR, have appealed the judgments of the trial court upholding the FEIR and the FSEIR, and have taken various actions to delay and oppose the FAA's processing of an EIS for, and approval of, the Airport Development Program; and

WHEREAS although most, but not all, of the parties who are litigating the adequacy and sufficiency of the FEIR and the FSEIR, agreed during the pendency of the litigation that they do not object to or challenge the adequacy or sufficiency of the FEIR or FSEIR with respect to the Airport Roadway Project component of the Airport Development Program and therefore construction has commenced on the "Contract B" and "Contract C" portions of the Airport Roadway Project, those parties' objections to the Airport Development Program and their pending litigation have delayed the FAA's EIS process and approval of the Airport Development Program, including the "Contract A" portion of the Airport Roadway Project over which the FAA has jurisdiction; and

WHEREAS implementation of the Airport Development Program is an integral component of the regional transportation infrastructure, and will be a major contributor to the economic well-being of the San Francisco Bay Area, particularly the cities of the East Bay, because the Airport serves as a vital transportation center for both passengers and air cargo, infuses billions of dollars into the area economy annually, and employs or contributes to the employment of tens of thousands of people, and continued delay in the approval of the Airport Development Program by the FAA will significantly and adversely impact the public welfare; and

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WHEREAS the Board, as the Airport Roadway Project Sponsor, has fully-supported the Airport Roadway Project, has agreed in the Funding Agreement to assume approximately 63% (\$15,105,000) of the local share of the first \$98,258,000 of the total Airport Roadway Project costs, which is the Port's fair-share based on benefit studies as originally agreed to by all parties, and 100% of all of the next \$5,827,354 of the total Airport Roadway Project costs, which amount is in excess of the Port's fair share but was an increased cost resulting from delay that was required to be paid in order to construct the entire Airport Roadway Project and no other party would agree to pay any portion of it; and

WHEREAS the lengthy delays in completing the FAA EIS and decision process on the Airport Development Program, including the Airport Roadway Project, has resulted in significant adverse impacts to the traveling public and to the business, commerce, employment and financial interests of the City of Oakland and the San Francisco Bay Region, and has now contributed to an increase in the estimated total cost of completing the Airport Roadway Project by up to an additional amount of \$10,662,798; and

WHEREAS various parties, including ACTA and the City of Alameda, have requested the Port to cooperate in an effort to expedite the completion of the Airport Roadway Project; and

WHEREAS ACTA and the City of Alameda have requested that the Port commit to funding the entire \$10,662,778 amount which they estimate is the increase in the ultimate cost of the Airport Roadway project to \$114,748,152, to the extent said increase exceeds the parties' presently existing funding obligations, which would increase the Port's funding obligation by approximately \$9,363,000 and increase its percentage share of local costs from its 63% fair share amount to over 76%; and

WHEREAS the Airport Roadway Project is of direct benefit not only to the Port, as a component of the Airport Development Program, but also to the City of Alameda, the City of Oakland the City of San Leandro, the County of Alameda and the businesses, land owners and the residents in said cities and the County of Alameda; and

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WHEREAS under provisions of the Contract A construction contract the contractor is not required to construct the Contract A portion of the ARP unless the Port issues a notice to proceed to the contractor by December 31, 2000; and

WHEREAS the FAA has developed an August 4, 2000, schedule for completing the EIS process and preparing a Record of Decision ("ROD") on the Airport Development Program, including the Airport Roadway Project, by December 27, 2000 (the "FAA Schedule"); and

WHEREAS it is not in the public interest or otherwise appropriate to subordinate the completion of the FAA EIS and approval process for the Airport Development Program to the Airport Roadway Project, particularly when both the Airport Development Program and the Airport Roadway Project have been and should be processed together as a single project, and that process can and should be expeditiously completed; and

WHEREAS the Board is prepared to commit to assuming the entire additional amount of the costs now necessary to complete the Airport Roadway Project, up to approximately \$9,363,000, subject to the conditions set forth below in this resolution, in order to better assure the FAA's expeditious completion of the FAA EIS and approval process for the Airport Development Program and the expeditious completion of construction of the Airport Roadway Project, because of the Board's determination that achievement of such expeditious completion is in the best interest of the public and all parties involved, including the Port; now, therefore, be it

RESOLVED that the Board hereby reaffirms its intent to construct the Airport Roadway Project including the connection to Bay Farm Island in the City of Alameda; 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 agreements as he deems appropriate to commit the Board to paying for all increases in the cost of the Airport Roadway Project above and beyond the Port's present payment obligation in the Funding Agreement, subject to and conditioned upon each of the following:

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(1) From and after the date of this Resolution, each of ACTA, the City of Alameda and the City of Oakland (each an "ARP Party" and collectively the "ARP Parties"), fully supports, before all public agencies and officials, the FAA expeditiously completing the EIS and ROD process for the entire Airport Development Program, including the Airport Roadway Project, and opposes the FAA separating the federal environmental impact review process for the Airport Roadway Project from the environmental impact review process for the remainder of the Airport Development Program; provided that:

(a) If it develops that, after the comment period for FAA's Draft EIS expires, it no longer reasonably appears that completion of the EIS and ROD process for the entire Airport Development Program, including the Airport Roadway Project, is possible before the year 2001, then the ARP Parties, and the Port, will continue to support the expeditious completion of the EIS and ROD for the Airport Development Program, but will also cooperate in seeking from the FAA a Finding of No Significant Impact ("FONSI") and approval with respect to the Airport Roadway Project, separate from the remainder of the Airport Development Program, before the year 2001, but the Port shall not be obligated to support the FONSI or the separate approval of the Airport Roadway Project if the Port determines it may delay completion of the EIS and ROD process for the remainder of the Airport Development Program to beyond March 31, 2001, or if the Port determines that the completion of the EIS and ROD process

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for the remainder of the Airport Development Program may be delayed to beyond March 31, 2001, as a result of actions after the date of this resolution for which an ARP Party is responsible; and

- (b) The Board intends by this condition (1) to require that each of the ARP Parties fully support expeditious completion of the EIS and ROD process for the Airport Development Program, but does not intend to require by condition (1) that any ARP Party agree not to object to or challenge the adequacy or sufficiency of the EIS or agree to support approval or implementation of the non-Airport Roadway Project portions of the Airport Development Program;
- (2) The FAA completes the environmental impact review process for the entire Airport Development Program, including the Airport Roadway Project, or for the Airport Roadway Project separately pursuant to a FONSI, and issues a ROD approving the entire Airport Development Program, including the Airport Roadway Project, or approving the Airport Roadway project separately pursuant to a FONSI, not later than March 31, 2001;
- (3) The Board's commitment to pay cost increases does not apply to any cost increases caused by delays in completing the construction of the Airport Roadway Project or significant increases in the cost of the Airport Roadway Project that are the result of any litigation or objection with respect to the Airport Roadway Project or the Airport Development Program made after the date of this Resolution by the City of Alameda, the City of San Leandro, or CLASS, or any party

DRAFT

financed by any of them;

- (4) No other party to the Funding Agreement or the Implementation Agreement is in default in any of its obligations under either agreement;
- (5) The additional funds authorized by this resolution, in the estimated amount of \$9,353,000, is the amount required to fund the remainder of the Eligible Project Costs (as defined in the Implementation Agreement) of the Airport Roadway Project, up to a total estimated cost and budget amount of \$114,748,152, after ACTA, the Port, the City of Alameda and the City of Oakland have made all the contributions each is required to make under the presently existing Funding Agreement, including the Additional Funding Requirement under Section 2.1(A)(i) of the Funding Agreement;
- (6) The parties to the Funding Agreement agree that all expenditures and commitments for expenditures made by the Port and disclosed to the parties for the Airport Roadway Project prior to the agreement are Eligible Project Costs (as defined in the Implementation Agreement);
- (7) ACTA shall agree to loan to the Port, at the Port's request, any additional funds required to be paid by the Port pursuant to the authorization in this Resolution, at the prevailing interest rate ACTA earns on its reserve funds and subject to call as may be required by ACTA's other commitments for use of its funds;
- (8) The parties to the Funding Agreement reasonably and in good faith shall examine with the Port value-engineering alternatives

DRAFT

to reduce the total costs of the Airport Roadway Project and agree to include in the agreements that commit the Port to additional funding obligations to such practicable alternatives that may be identified; and

- (9) The Port Attorney gives written approval to the form and legality of all agreements; and be it

FURTHER RESOLVED that the Board does not intend to authorize the Port's payment of any share of any additional costs for the Airport Roadway Project beyond the presently estimated costs of up to \$114,748,152; 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.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: September 5, 2000


ITEM NO: 3

SUBJECT: Approval of Change Order for Doolittle Drive and Airport Drive Interchange, Airport Roadway Project (Contract B), OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc., dba Gallagher & Burk, Inc., and R & L Brosamer, Inc., dba Gallagher & Burk-Brosamer, a Joint Venture, for the **CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.** The Contract became effective on February 1, 2000, by Resolution No. 99265, with a contract sum of \$13,646,262.50. The work consists of roadway widening; constructing a new grade separation; pumping plant; cutoff walls; retaining walls; street light poles with foundations and lamps; sanitary sewer system; storm drain system; mechanical systems; electrical power systems, utility trenches; electric, telephone and water lines; traffic signal system; signage; pavement markings and striping; landscaping and irrigation.

ANALYSIS:

Soil

Contract B of the Airport Roadway Project requires the excavation and removal of approximately 7,000 cubic yards of soil for the underpass at Doolittle Drive. The uncontaminated material is slated to be disposed of at the Galbraith dredge material facility. To better understand the hazardous characteristics of the soil prior to the disposal at Galbraith, the Port directed its as-needed environmental consultant, Woodward-Clyde, to perform a Phase II investigation throughout the Airport Roadway Project area in February 1997. The investigation included the collection of soil samples at the Contract B site. The results of one sample collected at the Cannizzaro property in the Contract B area found hazardous waste concentrations of lead in soil. However, the consultant reported that concentrations of lead and other constituents in soil were not at levels to warrant additional sampling or concern.


As a follow-up to the 1997 sampling activity, the Port's Environmental Health and Safety Compliance Department directed its as-needed consultant, Kleinfelder, to perform additional soil sampling in the Contract B area in October 1999, to better understand soil and groundwater conditions in the project area. The results of this sampling event again found one area of the project site, the Cannizzaro property, with elevated concentrations of lead in the soil. Access to this area to perform additional sampling was difficult due to condemnation proceedings with the property owners. When the Port gained control of the property in August 2000, additional soil samples were collected along the proposed airport access road. A total of ten borings were advanced, and lead-contaminated fill material was present in five borings located on the Cannizzaro property. This material is classified as non-RCRA hazardous waste and must be transported to a California Class I disposal facility. The total amount of the soil that must be disposed of at the Class I facility is estimated at 6,250 cubic yards or 10,000 tons.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20323

BOARD ACTION TAKEN


 Assistant SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Groundwater

As part of the soil removal, dewatering the excavation by the pumping out of groundwater will be necessary to complete the excavation for the proposed Airport Drive undercrossing below Doolittle Drive to a depth of approximately 30 feet below ground surface.

Recent sampling of groundwater at this site has shown elevated levels of total petroleum hydrocarbons as motor oil (TPHmo), diesel (TPHd), and hydraulic fluid (TPHhf). Zinc was also identified above reporting limits. These contaminants must be removed prior to the discharge of the groundwater into the storm drain system. Laboratory analyses of groundwater samples previously collected by Woodward-Clyde Consultants and Geomatrix Consultants did not identify petroleum hydrocarbons or other contaminants in the groundwater.

In order to support the construction project schedule and to avoid delays, a pro-active approach to the dewatering operations has been developed. A granular activated-carbon (GAC) treatment system will be used to remove any petroleum hydrocarbons and metals prior to discharge to the storm drain system.

At the request of the Port, Pacific States Environmental Contractors, Inc., Gallagher & Burk's subcontractor, prepared a detailed cost estimate for the construction, operation, and maintenance of a groundwater treatment system for an eight-month period. Dewatering operations would occur essentially during the excavation of the Airport Drive undercrossing at Doolittle Drive. The treatment system would be capable of treating over one million gallons of groundwater per day. Groundwater would be pumped from the excavation into a series of 20,000-gallon above-ground tanks. These tanks would then be individually sampled and the groundwater analyzed to determine whether the water would need treatment prior to discharge to the storm drain system. If contaminants are not discovered, this water can be discharged directly to the storm drain system. If contaminants are discovered, the GAC system noted above will be used to remove them before discharge to the storm drain system.

BUDGET ANALYSIS:

This Change Order pays for the Contractor's equipment, material, and labor for the loading, off-haul, and disposal of 10,000 tons of Class I hazardous material. The first 200 tons will be off-hauled at the contract price of \$100 per ton. Thereafter, the unit price is expected to be negotiated down. Preliminary negotiation with the Contractor indicates that the cost could be as low as \$65 per ton. Using the contract unit price and the \$65 per ton for removing approximately 10,000 tons, the potential cost for this portion of the change order would be \$657,000. This change order also pays for the Contractor's equipment, material, and labor for set-up, operation, and demobilization of the groundwater treatment system and storage tanks. The potential costs for this portion of the change order would be \$440,000. The overall potential costs for this change order is estimated at \$1,100,000, but given the unknown quantities of contaminated soil and water in such work, it is recommended that a not-to-exceed cost of \$1,250,000 be approved. Lower quantities could, of course, result in costs below the \$1,100,000 estimate.

The funding for this change order will be covered by CIP Element No. AA.00268.01. A hazardous material contingency fund of \$2.5 million was set up in the project budget to pay for this type of work. The funding source is Measure B administered by the Alameda County Transportation Authority, and also from the City of Alameda, City of Oakland, and Port cash.

RECOMMENDATION:

It is recommended that the Board ratify a change order for a not-to-exceed amount of \$1,250,000 to Gallagher & Burk-Brosamer Joint Venture for the above-described work.

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 4

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

JS
 SUBJECT: Authorization to Dispense with Competitive Bidding Procedures
 and to Execute a Change Order for Construction of Remain
 Overnight (RON) Interim Aircraft Parking Positions, South Field, OIA

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The construction of Remain Overnight (RON) aircraft parking positions is a project component of the Airport Development Program. For several years, the existing overnight aircraft parking areas have been full every evening. The shortfall of RON parking positions affects ground safety, operational efficiencies, and Airport and airline economics as well as environmental conditions.

At the Airport, all gate positions and perimeter apron positions are normally occupied. Occasionally the Airport must close taxiways to accommodate arriving aircraft due to Federal Aviation Administration (FAA) departure delays in other regions, inoperative aircraft or weather diversions. The Airport implements several measures to accommodate the shortfall of RON spaces. Every night, some airlines are required to park aircraft in tandem or behind another aircraft parked at a gate. The tandem parking measure occurs regularly during holiday seasons or at any time an airline increases the number of its flights. Aircraft parked behind another may partially block vehicle service lanes increasing concern for safe ground movements. Added movements occur to reposition an aircraft for passenger loading. The additional aircraft towing services by ground surface equipment increases mp congestion and traffic. Parking in tandem results in added coordination by Airport operations thus reducing efficiencies and increasing airline costs.

Another measure followed by the Airport is to direct airlines, that have hangars at the Airport, to move their aircraft to their hangars overnight. The Airport directs airlines not based in Oakland to make arrangements for overnight aircraft parking with other airline tenants at the Airport. The airport tenants raise concerns because of their limited parking space. The added aircraft ground maneuvering, extended taxiing distances and movement by ground service equipment increases the amount of fuel that is used and increases air emissions. These added actions increase airline operating costs and decrease airlines and airport operations' efficiency.

This Agenda Sheet is for the immediate construction of an interim, temporary RON parking area within the same footprint as a future, permanent RON parking area. The interim RON positions must be built before inclement winter weather. It is critical that additional positions are available before the holiday air travel season begins in November. Plans and specifications for a permanent RON will be presented to the Board for consideration in the near future. Construction of the permanent RON is expected to begin in the summer of 2001, taking approximately one and a half years to build. To maintain Airport operations, the permanent RON will be built in stages. The interim RON will provide a temporary location for replacement aircraft parking positions during building of the permanent RON.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20324

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Construction of the interim RON will reduce the number and extent of aircraft ground movements and additional movements by ground service equipment. A reduction in ground movements reduces fuel consumption and air emissions by aircraft and by ground surface equipment. Construction of the interim RON will improve the environment. Reduced emissions improves air quality. Reduced fuel consumption extends the quantity of fossil fuels.

ANALYSIS:

In order to meet current demand, it is imperative that an interim RON parking facility for approximately 7 planes be constructed immediately rather than waiting for construction of a permanent facility. The interim facility would be approximately 133,000 square feet of asphalt concrete over an aggregate base, plus related temporary equipment such as lighting, storm drainage, signage, pavement markings and striping. This temporary facility will remain in place and act as the structural base for the permanent facility.

Environmental:

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is an initial phase of project component E.1, Remote Aircraft Parking, in the ADP. The EIR evaluates the impacts associated with the ADP and provides mitigation measures to be implemented. The Board of Port Commissioners certified the EIR on 6/29/99. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this project component of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

The project area is identified for Remote Aircraft Parking on the Airport Layout Plan (ALP) dated September 1995. That ALP is approved by the FAA for the Airport.

General Plan:

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

Budget:

The work to be performed under the contract change order will be covered under CIP No. A2.00682.03. The funding source is Port cash.

The total amount for the contract change order is estimated to be \$600,000.

Project Labor Agreement:

The work to be performed under the change order will be covered by the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA). The MAPLA will not apply to any other work of the contract to be changed unless it was executed with the MAPLA provisions included.

OPTIONS:

There were three options considered in light of the urgency of the situation:

Option 1: Normal competitive bidding procedures. This process will take approximately, five to six months from design, advertising and completion of construction. This process will not meet the current need of parking apron mid-November 2000.

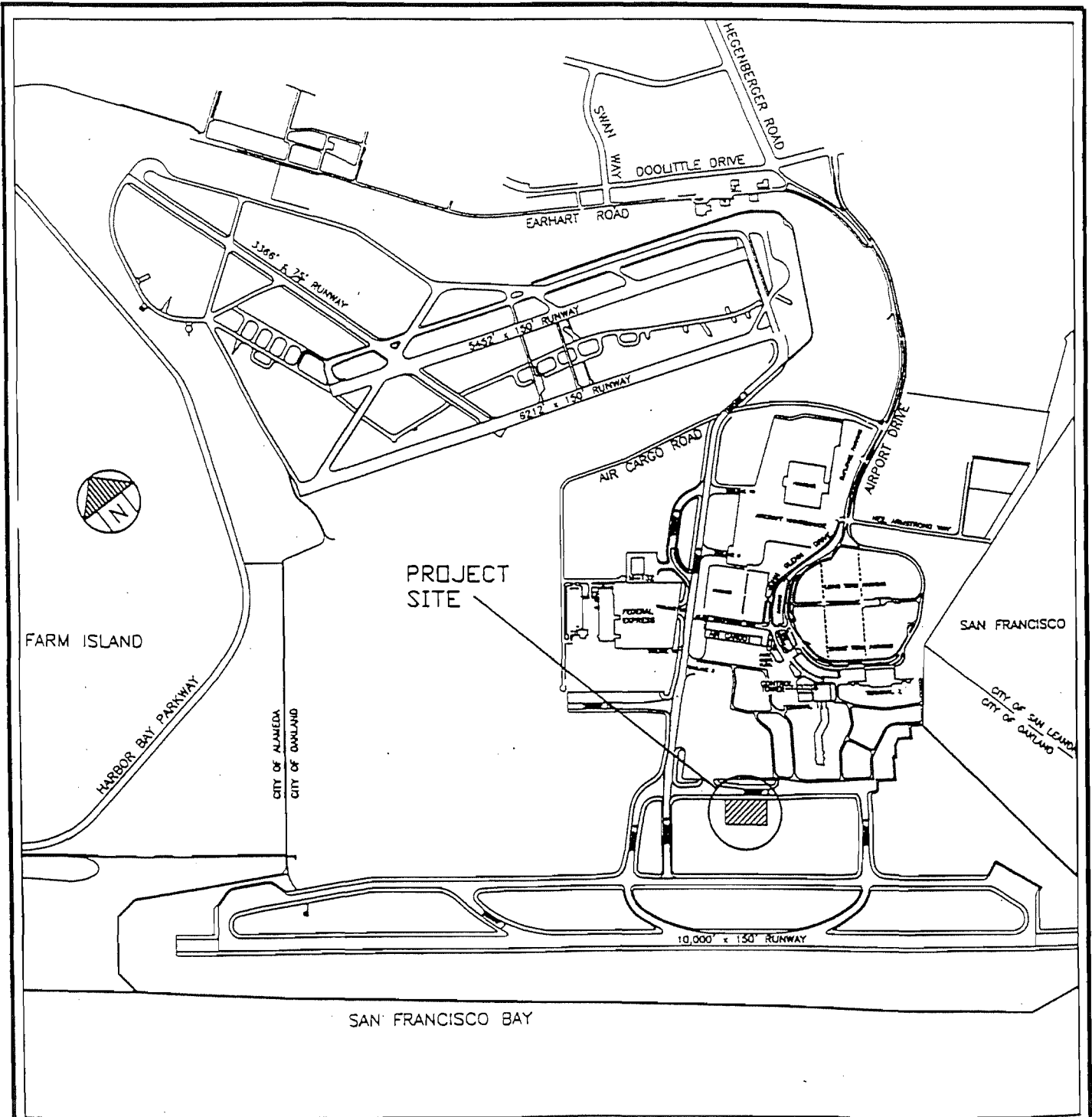
Option 2: Use of annual Fiscal Year Contractor for grading and paving to construct this project. The work could begin immediately; however, due to the annual dollar allocation and the estimated construction cost of this project, which is larger than the intended use of the annual contract, this option was not selected. Also, this option does not include the benefit of competitive bidding.

Option 3: Dispense with normal competitive bidding procedures and solicit contract change order proposals for this project from grading and paving contractors currently under contract with the Port. The advantages are that this option promotes increased competition and will save time since the contractor is already under contract with the Port.

It is believed to be in the best interests of the Port to dispense with normal competitive bidding procedures and solicit proposals to perform the work on this project from grading and paving contractors currently under contract with the Port. Upon receipt of the proposals, it is recommended that the Port negotiate and execute a contract change order with the lowest cost proposing contractor.

RECOMMENDATION:

It is recommended that the Board find it to be in the best interests of the Port to dispense with normal competitive bidding procedures for the subject project. It is also recommended that the Board authorize the Executive Director to negotiate and execute a contract change order with the lowest proposing contractor, currently under contract with the Port, to perform the construction work.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 5

SUBJECT: Authorization to enter into an Agreement with Clean Fuels, LLC, to operate the Temporary Compressed Natural Gas Fueling Facility on Airport Property; and Authorization to enter into an Agreement with Pickens Fuel Corporation to Operate and Maintain a Permanent Compressed Natural Gas Fueling Station on Airport Property

PROGRAM AREA:

- Checked box: Airport Operations C. I.
Other boxes: Commercial Real Estate, Maritime Operations, Overall Operations

SUBMITTED BY: Steven J. Grossman
EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND

The Port of Oakland's Airport Development Program (ADP) includes a program to reduce emissions of air pollutants from activities associated with Oakland International Airport. One element of this program is the Port's commitment to using alternative fuel vehicles and encouraging ground transportation providers serving Oakland International Airport to convert their fleets to alternative fuels vehicles, using either compressed natural gas (CNG) or electricity.

To accommodate the Port commitment to alternative fuels, the Port has solicited proposals to design, build and operate a Compressed Natural Gas (CNG) fueling station. The station is expected to be completed in the Spring of 2001. This CNG fueling station will accommodate Port-owned vehicles, shuttle vans, taxicabs, package delivery companies, and the general public.

Before the station is constructed, however, there is an immediate need to provide CNG fueling for Port vehicles. The City of Oakland has acquired equipment for a temporary CNG fueling facility and would like to have the City's operator install and operate the equipment on Airport property until the permanent CNG fueling station opens.

I. Temporary CNG Fueling Facility

KEY TERMS OF THE LICENSE AGREEMENT WITH CLEAN FUELS, LLC

The City's provider, Clean Fuels, LLC, would install and operate a semi-portable compressed natural gas vehicle fueling facility, consisting of a storage trailer, sequencing/control panel, dispenser and remote entry shutdown device. The agreement would be effective from June 27, 2000 through May 31, 2001, or until the permanent facility is operational. The premises would consist of approximately 1,080 square feet of unimproved land in the vicinity of Earhart Road and Convair Street at North Airport. Because of the project's benefits to the ADP, the Port would charge the Clean Fuels no rent for the temporary site use.

OPTIONS

- 1. Take no action.
2. Enter into a License and Concession Agreement with the City of Oakland's operator, Clean Fuels, LLC.
3. Enter into a License and Concession Agreement with another party.

Entering into an agreement with the Clean Fuels, LLC to install and operate the CNG fueling equipment, the Port benefits in several ways. First, the Port intends to use this facility to fuel its own CNG fleet vehicles. The absence of this facility on Airport property would require Port staff to use a an off-site fueling station, meaning additional cost in staff time and fuel costs.

Second, by using the City of Oakland's equipment, operated by Clean Fuels, LLC, instead of that of another party, the Port would realize additional savings by eliminating any rental or facility fees charged when hiring the services of another party to provide the same type of equipment.

Approved by Ordinance
passed to print

Approved by Resolution

No. 20325 - Agreement
+ 20326 - Building Permit [Signature]

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Finally, the proposed property for the temporary CNG fueling facility would be located at Earhart Road between Hangars 7 and 8 in the gore area created by bifurcation of old and new Earhart Roads. Unlike other revenue-generating properties at the port, the proposed location would allow the Port to make use of property for which a suitable tenant has not been found.

II. Permanent CNG Fueling Facility

ANALYSIS

On April 7, 2000 a Request for Proposals was distributed for the financing, design, building, operation and maintenance of a CNG fueling station. Two proposals were received and opened on May 12, 2000: one from Pickens Fuel Corporation and one from Pinnacle CNG Company.

The proposals were evaluated on proposed design, technical criteria, the Port's Equal Opportunity Policy and business proposals.

The two proposals offered equally attractive designs and technical aspects. For Local Business Utilization (including such things as mentoring, internships, workforce diversity), Pickens scored 0.75 points, and Pinnacle scored 0.25 points.

The business proposal by Pickens Fuel Corporation offered the best business deal. A summary of the estimated costs and revenues are shown below for each of the proposals for the first four years. After the fourth year, staff anticipates no significant change in annual costs and revenues.

<i>Company</i>		<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>
Pickens	<i>Fuel Costs</i>	(\$ 14,250)	(\$ 14,250)	(\$ 14,250)	(\$ 14,250)
	<i>Port Revenue</i>	\$ 5,967	\$ 5,967	\$ 5,967	\$ 5,967
	Net Costs	(\$ 8,283)	(\$ 8,283)	(\$ 8,283)	(\$ 8,283)
Pinnacle	<i>Fuel Costs</i>	(\$ 11,942)	(\$ 58,887)	(\$ 108,735)	(\$ 108,735)
	<i>Port Revenue</i>	\$ 2,266	\$ 2,029	\$ 2,029	\$ 2,029
	Net Costs	(\$ 9,676)	(\$ 56,858)	(\$ 106,706)	(\$ 106,706)

KEY TERMS OF THE AGREEMENT WITH PICKENS FUEL CORPORATION

The key terms of the recommended agreement with Pickens Fuel Corporation are as follows:

- The permanent CNG fueling facility would be located at Earhart Road between Hangars 7 and 8 in the gore area created by bifurcation of old and new Earhart Roads, the same location as the temporary facility.
- 10-year agreement with one 5-year extension.
- The Port will purchase CNG at \$0.95 per gasoline gallon equivalent, consisting of an "Index Price" of \$0.50 and a "Margin Price" of \$0.45.
- Port tenants and the general public will purchase CNG at \$1.39 per gasoline gallon equivalent, consisting of an "Index Price" of \$0.50 and a "Margin Price" of \$0.89.
- The Port will receive a royalty in the amount of \$0.025 per gasoline gallon equivalent for all CNG sold to Port tenants and the general public.

Beginning January 1, 2002 and each year thereafter, the operator may adjust the "Margin Price" per gasoline gallon equivalent of CNG, but not to exceed percentage change in the Consumer Price Index.

- The Port will pay up to \$450,000 in improvements, that may include \$250,000 for electrical work, and \$200,000 for grading, paving, and drainage. The grading, paving, and drainage will be performed by Pickens and is to be reimbursed by the Port. Because of the time limits on the use of grant funds from the Ford Motor Company, the Board is asked to waive the competitive bidding requirement.

OPTIONS

- Take no action.
2. Enter into an agreement with Pickens Fuel Corporation.
 3. Enter into an agreement with Pinnacle CNG Company.

Entering into an agreement with Pickens Fuel Corporation will provide the lowest overall price for CNG and the greatest revenue.

The Port intends to use this facility to fuel its own CNG fleet vehicles. The absence of this facility on Airport property would require Port staff to use a an off-site fueling station, meaning additional cost in staff time and fuel costs.

The CNG facility helps the Port achieve and enhance a major environmental mitigation for the ADP.

Project Labor Agreement:

The Permanent CNG Fueling Facility fall under the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement.

CEQA

The EIR for the ADP evaluates the impacts associated with the ADP and provides mitigation measures to be implemented. Air Quality Mitigation Measure 4.5 (3) for the ADP calls for the Port to encourage the van/shuttle fleet regularly serving the Airport to be converted to alternative fuels to reduce pollutant emissions. The proposed CNG fueling stations would both implement and enhance this mitigation measure by making CNG fueling accessible to the van/shuttle fleet, Port vehicles, taxicabs, package delivery companies, and the general public. Public access to the CNG Station provides additional air quality benefits over and above those achieved by the requirements of the MMRP. The existing MMRP will be modified to reflect the additional vehicle usage by taxicab and package delivery companies and by the general public. The FIR was certified on June 29, 1999 by the Board of Port Commissioners. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this mitigation measure of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

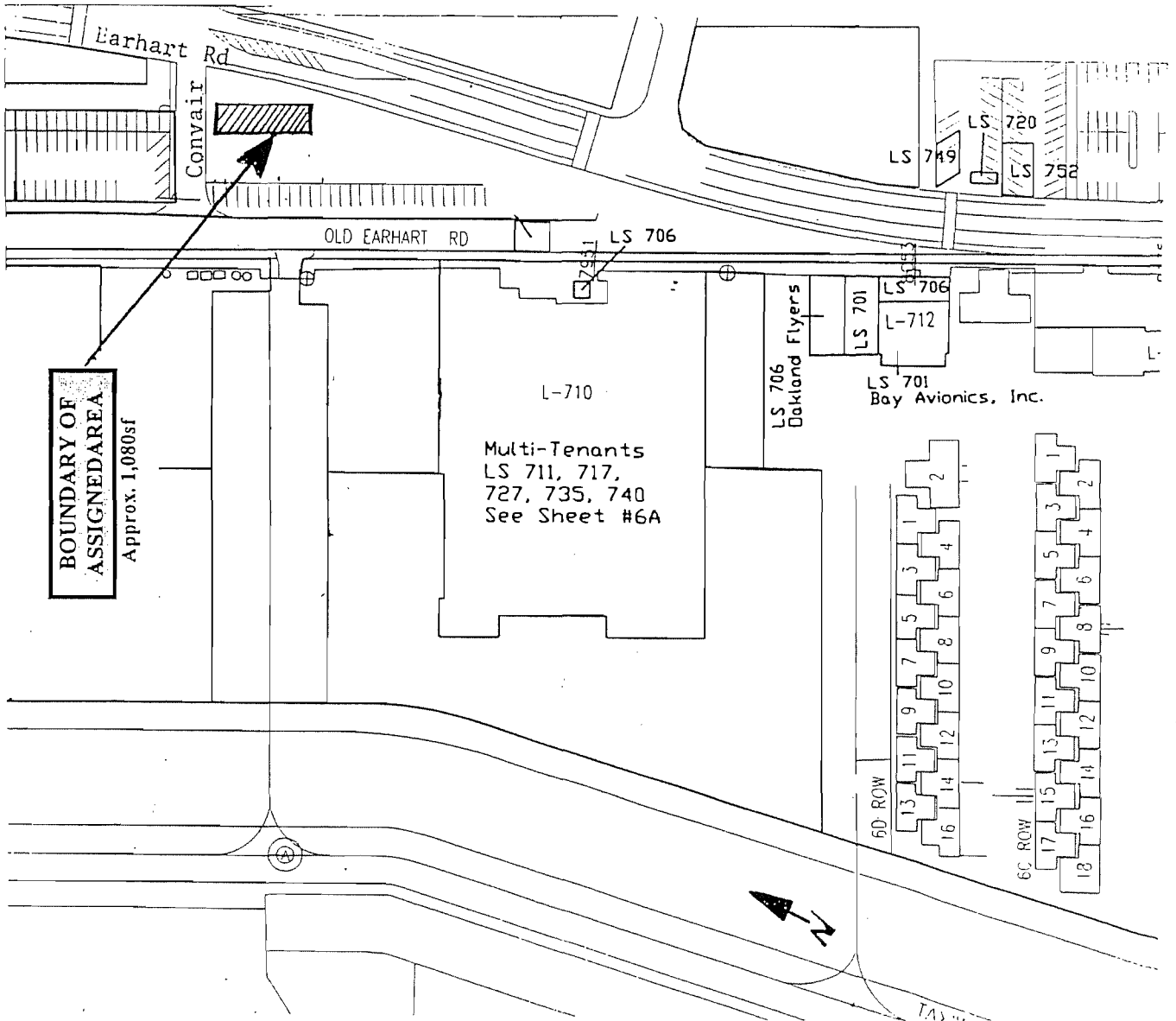
RECOMMENDATION

Based on the evaluation and terms of the agreements described above, it is recommended that:

1. The Board adopt a resolution authorizing the Executive Director to execute a License and Concession Agreement with Clean Fuels, LLC, to locate the City's temporary Compressed Natural Gas Fueling facility on Airport property on land in the vicinity of Earhart Road and Convair Street at North Airport.
2. The Board give first reading to an ordinance authorizing the Executive Director to execute the necessary agreements with Pickens Fuel Corporation to design, build and operate a Compressed Natural Gas Fueling Station according to the terms listed above on Airport property on land in the vicinity of Earhart Road and Convair Street at North Airport; and
3. The Board adopt a resolution authorizing the issuance of a building permit for the permanent Compressed Natural Gas Fueling Station, subject to the execution of the occupancy agreement and the operating agreement identified in Item 2 above.
4. Waive competitive bidding requirements for approximately \$200,000 in additional site improvements to be performed by Pickens because time limit on the use of grant funds form the Ford Motor Company as waiver is in the best interests of the Port in order to retain the Ford grant funds.

SKETCH OF PROPERTY

Oakland International Airport North Airport



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 6

SUBJECT: Authorize the Director of Aviation to Enter into a Contract with Clean Fuel Connection to Install Four Electric Vehicle Charging Units at the Airport

PROGRAM AREA:

- Airport Operations C.I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Port of Oakland's Airport Development Program (ADP) includes a program to reduce emissions of air pollutants from activities associated with Oakland International Airport. The Port now proposes to implement and enhance a portion of the air quality program by providing electric vehicle charging facilities and making them available at no charge for public use. Four parking lot locations at the Airport have been selected for the placement of electric vehicle charging units: the Long-term Lot, the Economy Lot, the Valet lot, and the Airport's VIP Lot.

The project includes providing four electric vehicle charging units, their installation, and a warranty. Each of the units will have one each of the two types of connectors, allowing each unit to charge two vehicles simultaneously. The Port is currently entering into a funding agreement with the Bay Area Air Quality Management District (BAAQMD) for \$21,000 that will partially offset the cost of the project.

Purchases under the ADP air quality program were included in the 2000-2001 fiscal year Capital Improvement Program (CIP# A1.683.01). The project is expected to cost \$80,000 and funds have been included in the Capital Improvement Program to cover this work.

Funds that are available from BAAQMD must be used by October 31, 2000. In addition, there are a limited number of companies that provide these services. Because of the time limits on the use of the funds and the limited number of companies able to provide the required service, the Board is asked to waive the competitive bidding requirement.

OPTIONS:

1. Enter into agreement with Clean Fuel Connection to provide the electric vehicle charging facilities.
2. Solicit competitive bids for providing electric vehicle charging facilities.

There are two major benefits of entering into a contract with Clean Fuel Connection. The first is that the work can be completed before the BAAQMD funds expire. The second is that Clean Fuel Connection is able to offer a discount on the work performed in the form of a credit from the equipment manufacturer in the amount up to \$9,000. Together with the BAAQMD grant, the total net cost to the Port could be reduced by up to \$30,000.

CEQA

The EIR for the ADP evaluates the impacts associated with the ADP and provides mitigation measures to be implemented. Air Quality Mitigation Measure 4.5(3) for the ADP calls for the Port to encourage the van/shuttle fleet regularly serving the Airport to convert to alternative fuels to reduce pollutant emissions. The mitigation measure does not require that electric vehicle charging stations be constructed or made available to the public. Public access to vehicle charging stations provides additional air quality benefits over and above those achieved by the requirements of the MMRP. The existing MMRP will be modified to reflect the additional electric vehicle usage by the general public. The EIR was certified on June 29, 1999 by the Board of Port Commissioners. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this modification of Mitigation Measure 4.5(3) of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20327

BOARD ACTION TAKEN Assistant SECRETARY OF THE BOARD

[Signature]

SEP 5 - 2000

DATE

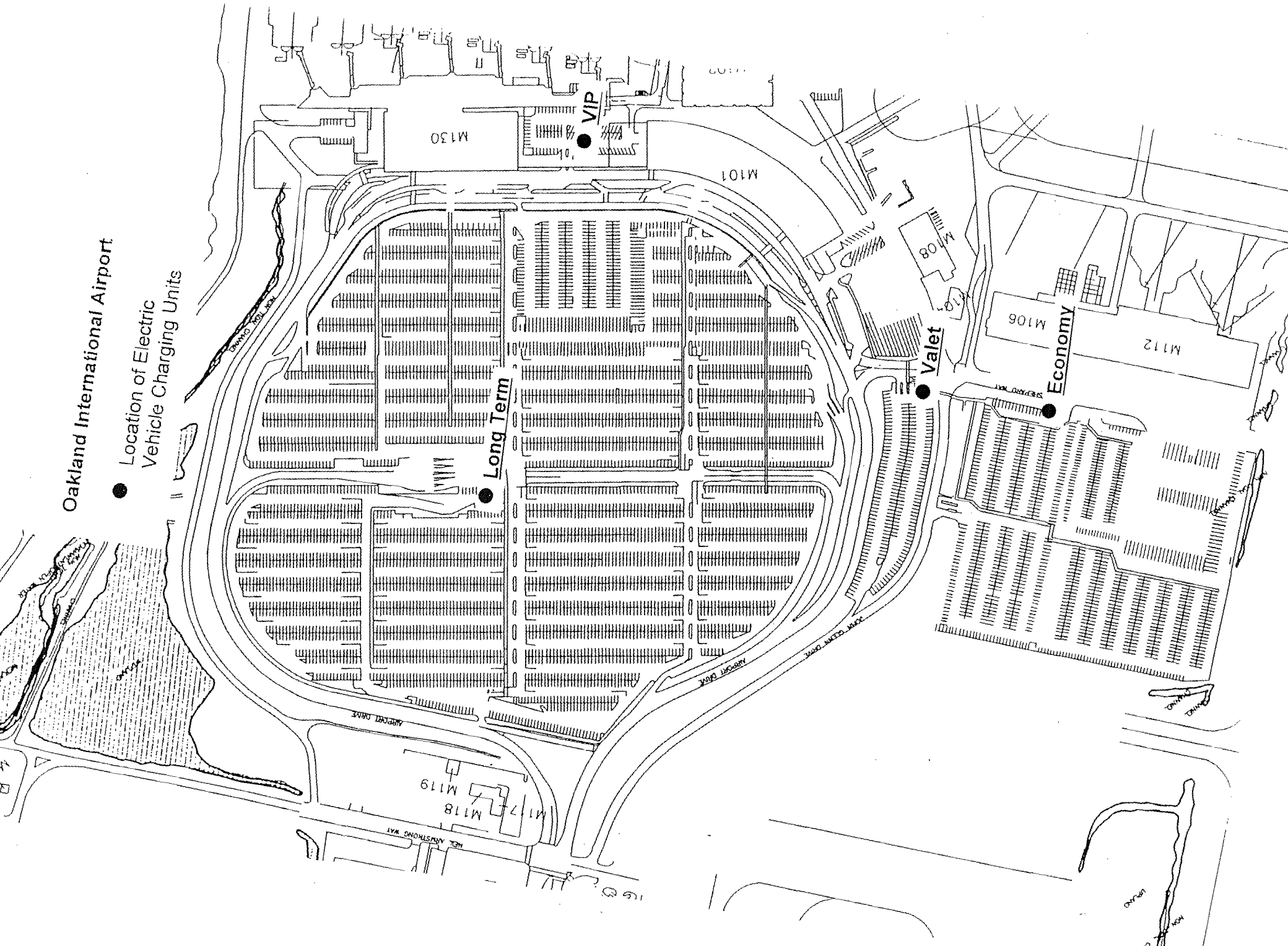
RECOMMENDATION:

Based on the evaluation and terms of the agreements described above, it is recommended that the Board:

1. Authorize the Executive Director to enter into a contract with Clean Fuel Connection to provide and install four electric vehicle charging units at the Airport at a cost not to exceed \$80,000.
2. Waive competitive bidding requirements because of the limited number of companies able to provide the required service.

Oakland International Airport

● Location of Electric Vehicle Charging Units



Long Term

Valet

Economy

M130

M101

M108

M106

M112

M119

M118

M117

VIP

Airport Lane

Airport Drive

John Glenn Drive

Mol. Armstrong Way

DRAINAGE

DRAINAGE

Agenda Sheet


DATE: September 5, 2000

ITEM NO: 7

SUBJECT: Approval of Workout Agreement for the Collection of Underpaid Gross Revenues with TransOak, Inc. dba TransAir Services Corporation (3 Alan Shephard Way, South Airport)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

TransOak, Inc., dba TransAir Services Corporation (TransAir) has provided cargo and ground handling services on the South Airport since 1995. TransAir occupies 2,200sf of warehouse space in Building M-106; current monthly rent is \$1,650.00 plus 10% of gross revenues. TransAir is the South Airport's only ground handler with an occupancy agreement in the Airport's multi-tenant cargo building, thereby enabling TransAir to provide cargo-handling services for the several airlines at the Airport carrying cargo that do not have a cargo bay. All other Building M-106 tenants are airlines that handle their own belly-loaded cargo.

As a part of the Port's ongoing audit program of its tenants paying percentage rentals, the Port scheduled an audit of TransAir for the years 1996 to 1999. The audit, performed by the Port's own Audit Department, revealed that TransAir underreported revenue received for said activities, with an audited total underpayment to the Port for the years 1996 to 1999 of \$232,162. Additional Port audit fees total \$8,117.

ANALYSIS:

In an effort to retain the Port's only independent cargo handler, Port staff and TransAir negotiated a Workout Agreement containing the following terms:

- Effective April 1, 2000, TransAir shall increase payments from ten percent (10%) to fifteen percent (15%) of gross revenues. The five percent (5%) difference shall be applied to reduce the \$240,279 in underpayments and audit fees to zero.
- TransAir shall dedicate all of its outstanding 1999 Oakland International Airport accounts receivable (approximately \$103,676) to the Port and receive credit therefore against the payment of said unpaid sum. To date, TransAir has remitted \$32,798. Most of these 1999 accounts receivable monies (\$67,844) represent 10% of the billings to TAESA Airlines, a bankrupt Mexican corporation, for which the Board already has written-off receivables due the Port under a previous action. It is highly unlikely that TransAir will recover any of these monies, and therefore, should not be liable for payment of 10% rent on gross receipts never received.
- Should TransAir fall thirty (30) days behind in any of the payments required under the Workout Agreement, the Port may accelerate the balance due, plus ten percent (10%) on the balance from January 1, 2000, and require immediate payment thereof.

Approved by Resolution

No. 20328-wroteoff
+ 20329-workout agreement



SEP 5 - 2000

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

DATE

Subject: Approval of Workout Agreement for the Collection of Underpaid Gross Revenues with TransOak, Inc. dba TransAir Services Corporation (3 Alan Shephard Way, South Airport)

Page 2 of 2

- TransAir shall execute a Confession of Judgment Statement and Attorney's Declaration In Support of Statement Confessing Judgment.
- Upon final payment of the stated underpayment, the Port shall return the Confession of Judgment and hold TransAir harmless for any filing thereof with the court.
- The Port and TransAir shall meet annually or sooner to determine any other means of accelerating payments.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing; and Class 21 of Section 15321 (a-2) which exempts actions by regulatory agencies and the adoption of an administrative order enforcing the lease, permit, license, certificate, or entitlement.

OPTIONS:

1. Do not approve. TransAir would most likely file for bankruptcy under applicable Federal statutes. The result of which would probably mean that the Port would not receive any monies. Excepting this matter, TransAir has been a good tenant and performs well as a cargo and ground handler.
2. Approve the proposed Workout Agreement.

RECOMMENDATION:

It is recommended that the Board adopt a resolution approving the Workout Agreement with TransOak, Inc., dba TransAir Services Corporation, as described above. It is further recommended that the Board adopt a resolution authorizing the write-off of up to \$70,878 in uncollected billings from TransAir.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: September 5, 2000

ITEM NO: 8

SUBJECT: Authorization to dispense with Formal Bids for Award to DiaLogic Communications Corp. for Design, Installation and Maintenance of a Communications Notification and Emergency Callback System *the communicator™* at Oakland International Airport.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

This program proposes approval of a contract for the purchase and installation of a state-of-the-art Communications Notification and Emergency Callback System *the communicator™* from DiaLogic Communications Corporation (DCC). This system would be located in one of the computer core rooms in Terminal One, South Airport. The system would be able to allow duty supervisors, or other authorized personnel, to launch emergency callback scenarios where personnel that are designated to be on call are contacted automatically by the system and are queried for various responses regarding their operational readiness and response capabilities. The system would also be used to alert Airport tenants to road closures or other delays to passenger arrivals due to construction disorder.

ANALYSIS:

Emergency Callback System Requirements: Airports certified under the FAA to operate pursuant to FAR 107/108 are required to have in place procedures for alerting key personnel to various emergency scenarios. These procedures require that the correct personnel are alerted and are able to reply in some way with their level of capability to respond to the given scenario. If the personnel on the primary list are unable or incapable of responding then the procedures dictate that secondary personnel are to be contacted and so on until the emergency resource contingent is at a full response capability for the given scenario. The types of scenarios vary from terrorist activity to aircraft calamity and would require response from Airport and possible inter-agency personnel from other external organizations. All of these personnel would be notified automatically by *the communicator™* once the duty chief or other authorized personnel initiated the correct startup sequence for beginning the emergency callback procedure.

Communications Notification System: During the upcoming years of the Terminal Expansion program, there will be the inevitable disruptions to passenger access/egress, parking conditions and other travel related anomalies. The notification of the Airline General Management and other tenants on a need to know basis would be accomplished by deploying *the communicator™* in such a situation.


GENERAL

Sole Source Justification: The DCC notification system *the communicator™* is based on a true client/server technology, a fully integrated network application, providing a solution that can be used by multiple departments simultaneously. It has the capability of supporting multiple simultaneous event notification by multiple simultaneous users from different multiple simultaneous locations running events set at different multiple simultaneous priority levels with no loss of functionality. It is the only system capable of notifying up to hundreds of persons per minute with off-site *1-Call™* service that will mirror the scenarios on the system owned by and located at the Airport. This *1-Call™* service also provides redundant technology for alert backup contingencies as well as disaster recovery of the application should the system hardware critically fail. DCC is the only like provider which is an ESRI GIS, a geographical interface database organization, mapping partner providing for the use of their own maps & data within the system application. It has been chosen as the standard in various State EOC's and is currently utilized by the California State Office of Emergency Services. The system to be procured for use at Oakland International Airport has an on-site capability that will allow expansion to 72 telephone lines for increased callback and notification speed. DCC is the only provider that is a full Microsoft partner, thereby able to have direct access to application support and code interface with their base operating system.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20330

BOARD ACTION TAKEN


SECRETARY OF THE BOARD

Assistant

SEP 5 - 2000

DATE

The current providers of similar notification systems are:

Rapid Reach
Reverse 911
Community Alert Network

All of the above competitors provide a callback strategy that is static (unable to compensate for the unavailability of personnel) and without the kind of dynamic integration that allows the interface of the application into rules based intelligence engines and network client administration. None of the above competitors have the DCC features described above in their systems.

The sum of charges required for purchasing, installing and maintaining *the communicator*™ for the next five years is \$109,200.00. This project is fully funded under Passenger Facility Charges, Application No. 9.

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) which exempts interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances, and Section 15061 (b) (3) which renders projects not subject to review for exemption under CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

OPTIONS:

The available Notification System options are:

1. Utilize the existing procedural protocol of manual consecutive personnel notification via telephone, radio and pagers.
2. Fund a study to develop more efficient manual emergency notification procedures to expedite resource response actions and to develop alternative notification procedures to incorporate community and airline tenant awareness of construction related delays.
3. Negotiate an agreement with DiaLogic Communications Corp.

RECOMMENDATION:

It is recommended that it be found in the best interest of the Port, for the enhanced capability to notify the necessary personnel in various critical and non-critical scenarios for response and action at the Airport, that a contract be awarded to DiaLogic Communications Corp. for a sum up to \$109,200.00 to be approved by the Executive Director. In addition, it is requested that the Executive Director be authorized to approve up to \$16,380 (15%) for contingencies as necessary.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 18

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBJECT: Approving the Potomac Association Budget for Fiscal Year 00/01

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Association for the Preservation of the Presidential Yacht Potomac (the "Association") is a nonprofit corporation established by the Port of Oakland to raise funds for, operate and preserve the Presidential Yacht Potomac as a museum and memorial to President Franklin Delano Roosevelt and his era. In 1991, the Presidential Yacht Potomac was named a National Historic Landmark. Revenue contributions are raised through private donations and fund-raising events. In addition, revenues are raised through fees charged for dockside tours, educational cruises and private charters. The Potomac restoration was officially completed on July 1, 1992. Upon completion of a wheel chair accessible dock, the Potomac opened to the public in 1995.

The Association is a tax-exempt organization in accordance with Section 501(c)(3) of the Internal Revenue Code. Under the terms of a 25-year agreement that began in 1983, the Association receives significant support, both cash and in-kind from the Port of Oakland. The Port is obligated to provide financial support to the association under the terms of the agreement, including the assumption of a significant portion of the vessel-related and administrative expenses of the Association. During FY 1999/2000, the Port incurred \$203,997 in expenses on behalf of the Association.

ANALYSIS

As per the agreement with the Potomac Association, the annual operating budget, prepared by the Association, is to be approved by Resolution of the Board of Port Commissioners. Attached for your review is a copy of the proposed FY 00-01 Potomac Support and Revenue Budget. The total amount projected for Port of Oakland support is \$213,940. This represents a 4.87% increase in support over the previous budget year.

Staff has requested that the Association provide details of a specific plan to become self-sufficient within the next 5-years, along with a plan to remain self-sufficient when the current agreement expires in 2008. Along with the operating subsidy, the Port is spending approximately \$3,000,000 to demolish and construct new public access and related improvements to support visitation of the Potomac and enhance public access.

OPTIONS

1. Approve as requested by Potomac Association
2. Do not approve
3. Approve with conditions consistent with CRE Restructure Plan including:
 - > 5-year plan to be self-sufficient. Plan to include specific performance measures and benchmarks for performance
 - > Funding plan for capital expenses
 - > Business development plan

The date for submittal of these plans and the precise form and level of detail for the three plans will be negotiated between the parties.

RECOMMENDATION

It is recommended that the Board approve the FY 00-01 operating budget for the Potomac Association under option #3 above, on the condition that the required self-sufficiency, funding and business plans are acceptable to the Port.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No.

20340 BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

SEP 5 - 2000 DATE

LIFT SUPPORT and REVENUE BUDGET
FY 00-01

REVENUE

CRUISES, PUBLIC - Standard 2-hour History	105,000	
DOCKSIDE TOURS AND EVENTS - PUBLIC	10,000	
PORT-OF CALL, Alameda, 2/00 , 2/01	6,000	
PORT-OF-CALL, To Be Determined, Spring 2001	8,000	
<i>Sub-Total - Revenue from Public Events</i>		<i>129,000</i>
CRUISES, PRIVATE - Full Fee and Port Discount	132,000	
DOCKSIDE EVENTS - PRIVATE	6,000	
<i>Sub-Total - Revenue from Private Events</i>		<i>138,000</i>
SALE OF MERCHANDISE -Gross sales	3,600	
BANK INTEREST	1,200	
MISCELLANEOUS INCOME	600	
<i>Sub-Total - Revenue from Miscellaneous</i>		<i>5,400</i>
TOTAL REVENUE		272,400

SUPPORT

Port of Oakland Support

Administrative Services Personnel (salary and benefits)	72,300	
Insurance	57,500	
General Support Cash Grant	60,500	
Bookkeeping (grant)	15,840	
Audit	7,800	
<i>Sub-Total - Port of Oakland Support</i>		<i>\$ 213,940</i>

Other Support

DONATIONS-Major Gifts, Corporate Support & Grants	50,000	
DONATIONS-In-Kind	10,000	
<i>Sub-Total - Grants and Major Gifts</i>		<i>60,000</i>
DONATIONS-Board of Governors	10,000	
DONATIONS-Memberships	5,000	
DONATIONS-Annual Appeal	2,000	
DONATIONS-Cash (Donation Box, etc)	2,500	
<i>Sub-Total - Memberships and Individual Donations</i>		<i>19,500</i>
CRUISES-FUNDRAISING-Fourth of July, 7/4/00	15,000	
CRUISES-FUNDRAISING-Blue Angels Shows, 10/00	12,000	
CRUISES-FUNDRAISING-Opening Day on Bay, 4/01	5,500	
CRUISES - FUNDRAISING, Fathers Day, 6/01	7,200	
CRUISES - SPECIAL, Veterans' Day Home Pkg., 11/00	10,500	
<i>Sub-Total - Fundraising Events</i>		<i>50,200</i>
TOTAL, SUPPORT		343,640

GRAND TOTAL SUPPORT AND REVENUE	616,040
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POTOMAC ASSOCIATION
EXPENSE BUDGET - DRAFT
FY 00-01

		<i>Proposed Budget</i>
		<i>2000-2001</i>
PERSONNEL		
Salaries, Executive Director (100%FTE)		\$ 57,200
G/E Salaries, Ass't Dir/Admin.(100%FTE;Port employee)		56,345
Salaries, Programs Coordinator (100% FTE)		38,000
Salaries, Reservationist (50% FTE)		11,500
Salaries, Vessel Ops./ Shipkeeper (40% FTE)		27,456
Salaries, Vessel Ops./ Maintenance (20% FTE)		8,000
Salaries, Vessel Ops./ Maintenance (occasional)		6,000
Salaries, Vessel Ops./ Training Officer (occasional)		5,000
Salaries, Vessel Ops., Ship's Crew		\$ 77,000
	<i>Salary Sub-total</i>	\$ 286,501
G/E Payroll Taxes		\$ 1,236
G/E Health Benefits		\$ 4,430
G/E Other Employee Benefits		\$ 10,284
Payroll Taxes		\$ 17,491
Health Benefits		\$ 7,200
Other Employee Benefits		\$ -
Workers' Comp.		8,600
Outside Contractors, Ticket Sales		\$ 8,200
Outside Contractors, Vessel Janitorial		\$ 6,800
Outside Contractor, Computer Services		\$ 4,000
Outside Contractors, Development Consultant (fundraising)		\$ 24,000
Outside Contractors, Marketing and other		\$ 2,000
	PERSONNEL SUB-TOTAL	380,742
VESSEL-RELATED EXPENSES		
G/E Insurance		57,500
Inspection Fees (Coast Guard, liferafts)		6,050
Oil Spill Response Contract		2,000
Crew Tests/ Certifications		975
Repair and Maintenance - dry dock reserve		17,200
Repair and Maintenance - vessel other		14,000
Fuel and Oil		12,000
Supplies, vessel		4,500
Uniforms, crew		700
Miscellaneous - Vessel-related		5,000
	VESSEL-RELATED EXPENSES, SUB-TOTAL	119,925

VISITOR SERVICES

Lease, Visitor Center complex	19,687
Utilities - Visitor Center complex	3,000
Artifacts, (acquisition and restoration)	\$ 1,000
Library materials	250
Advertising	6,500
Graphics, Signs, Photo, Video (Promotion & Exhibits)	2,500
Food/Beverages - public & volunteers	-
Food/Beverages - public	17,320
Sale Merchandise	1,800
Miscellaneous, Visitor Services	800
VISITOR SERVICES, SUB-TOTAL	52,857

ADMINISTRATIVE

G/E Audit	\$ 7,800
G/E Bookkeeping Services	15,850
Credit Card Bank Fees	2,800
Copying / Printing	2,000
License & Taxes	600
Memberships/Subscriptions	\$ 1,500
Office Expense / Computer Expense	delets
Office Supplies	3,000
Communications	800
Training and conferences	3,000
Volunteer Program; Training and Appreciation Events	\$ 5,000
Fundraising Costs	\$ 2,000
Miscellaneous - Administrative	\$ 800
ADMINISTRATIVE SUB-TOTAL	45,150

TOTAL OPERATING EXPENSES	598,674
plus Operations Contingency Reserve set-aside	16,500

GRAND TOTAL EXPENSES	615,174
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FY 00-01

Support & Revenue	616,040
Total Expenses	615,174
<i>Excess of Support/Revenue</i>	
<i>Over Total Expenses</i>	866

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Key Source International for the Property located at 7711 Oakport Street

ITEM NO: 19

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION

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FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan, which was approved by the Board in 1999, was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront.

Key Source International, currently located in Hayward, designs and manufactures custom computer keyboards for a customer base that includes the Men's Warehouse, Tandy (Radio Shack), Hallmark and Continental and Southwest Airlines.

ANALYSIS:

- Price: \$950,000
Deposit: \$100,000 within 3 days after the Effective Date of the Agreement.
Closing Date: 60 days after the Effective Date of the Agreement.
Port Repurchase Option: If the property is available for sale during an eighteen-month period after close of escrow, the Port has an option to repurchase the property.
Use: The property must be used for the proposed type of use for eighteen months after close of escrow.

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales.

It has also been determined:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
(b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's

Approved by Ordinance passed to print

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

Handwritten signature of Assistant Secretary

SEP 5 - 2000

DATE

Subject: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Warehouse Properties, Inc. for the Property located at Hegenberger Road and Pardee Drive

Page 2 of 2

(c) Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

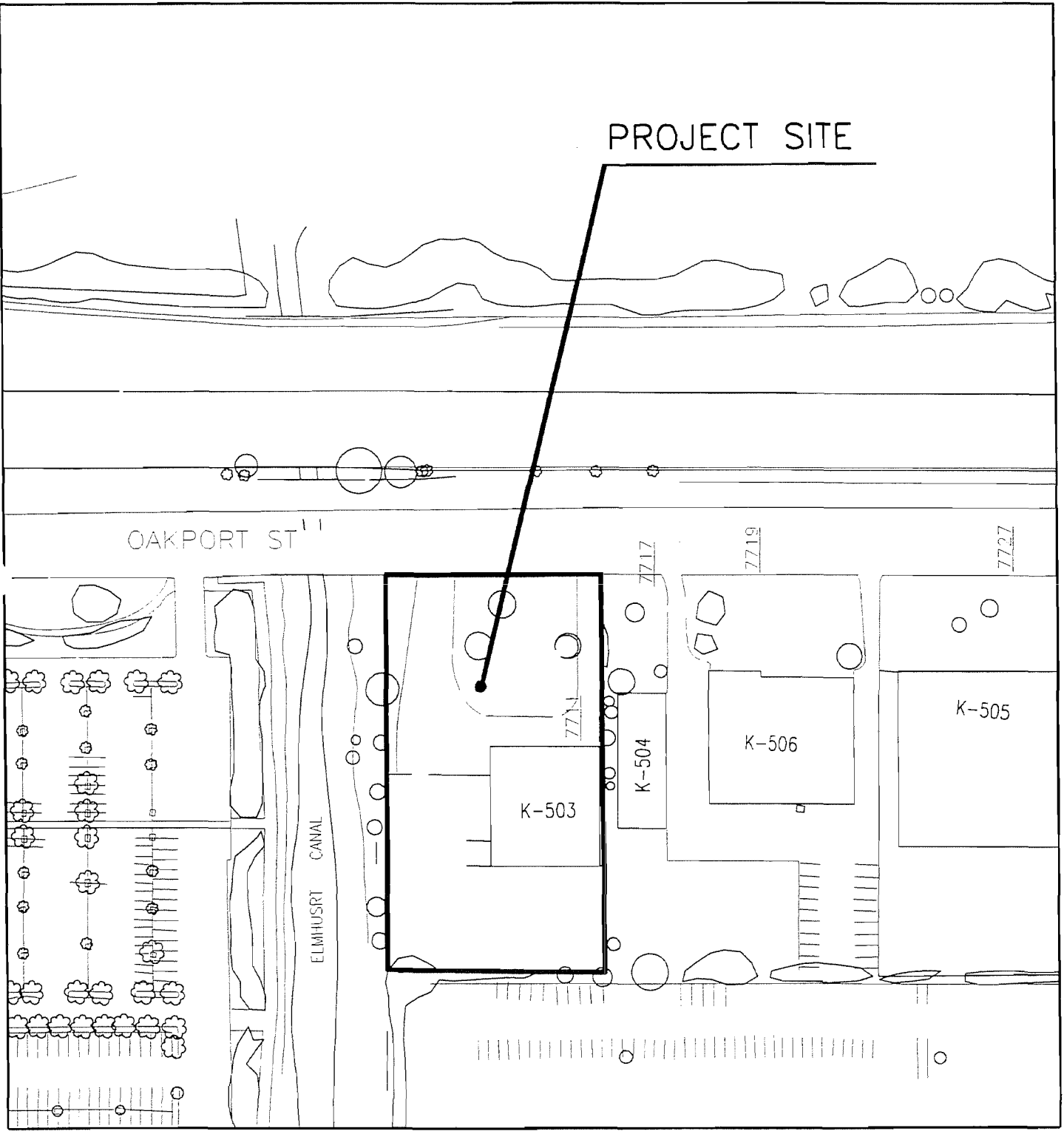
OPTIONS:

1. Do not sell the property, but continue to lease.
2. Put the parcel on the open market.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Key Source International, Inc. for the purchase of 7711 Oakport Street at a purchase price of \$950,000.

PROJECT SITE



PORT OF OAKLAND


COMMERCIAL
REAL ESTATE

**Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet**

SUBJECT: Recommended Approval of
Oakland Army Base Redevelopment Area
Memorandum of Understanding with the City

Date: September 5, 2000

Item No. 22

SUBMITTED BY: John Glover 

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

In preparation for transfer and reuse of the Oakland Army Base, the Oakland City Council approved on July 11, 2000 the establishment of the "Oakland Army Base Redevelopment Area", pursuant to the California Community Redevelopment Law (Health & Safety Code Section 33000 et seq.). Under state redevelopment law, specific redevelopment tools, such as tax increment financing of infrastructure and other site preparation activities, can be utilized only within specifically-designated Redevelopment Areas. Designating the Army Base will enable the City to realize development goals more quickly and in a fiscally prudent manner.

Of specific interest to the Port is that the City's Redevelopment Area includes not only the Army Base site itself, but a large area of land outside the base (see attached map). It includes all land on the water side of the I-880 freeway, extending from the Bay Bridge to the APL Terminal and along 3rd Street. Almost all of the land in the extended area is owned by the Port and is within Port planning jurisdiction. This Port land was included in the Redevelopment Area in order for the Army Base site to qualify as a Redevelopment Area district under the criteria established in state law. In addition, including the Port properties in the district allows the City to "capture" the possessory interest taxes generated by Port tenants to make tax increment financing of Army Base public works projects feasible.

Including Port lands and jurisdiction within the Redevelopment Area does not impact the Port or Port tenants financially. However, without a separate agreement limiting the actions of the Oakland Redevelopment Agency, it does conflict with the Port's Charter mandate to manage and control Port assets. In addition to allowing use of redevelopment programs and financing tools, the California Community Redevelopment Law also delegates police powers within the Redevelopment Area, and vests responsibility to carry out redevelopment activities (including condemnation of property) with the Oakland Redevelopment Agency. This delegation of power is at variance with applicable provisions in the City Charter, which vests that authority exclusively with the Board of Port Commissioners.

To overcome the apparent conflict of jurisdiction and to allow the benefits of the Redevelopment program to flow, Port and City staff have jointly prepared a Memorandum of Understanding (MOU) between the Port and the Oakland Redevelopment Agency which clarifies the roles, responsibilities and actions the two agencies will take as redevelopment activities occur in areas of the district under Port jurisdiction. The MOU is modeled after a similar one that was signed when the Coliseum Redevelopment Area was created approximately 8 years ago. It addresses all of the Port's concerns. Major components include:

- The Oakland Redevelopment Agency (Agency) agrees that it will not amend the boundaries of the Redevelopment Area as it relates to Port properties or jurisdiction without prior consent of the Port.

Approved by Resolution

No.

20341

SEP 5 - 2000

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

DATE



Assistant **SECRETARY OF THE BOARD**

- The Port will maintain and exercise its powers and duties established by the City Charter, including the powers to acquire, develop, manage or redevelop by its own means Port property, without review, consent or approval of the Agency.
- No planning, development, design controls, or zoning standards will be applied to the Port Area without prior approval of the Port.
- The Agency will not implement any project in the Port Area without the prior consent of the Port.
- The Agency will not acquire any property or leasehold in the Port Area through condemnation, purchase, gift, lease or by any other means without consent off the Port.

The City Council acted on July 11, 2000 to authorize Redevelopment Agency staff to sign the MOU.

Analysis:

The Port's objectives in this issue are as follows:

- To actively assist in the redevelopment of the Army Base by supporting the establishment of a Redevelopment Area and associated tax increment program that can be applied to the Oakland Army Base reuse program by both the City and the Port. Overall, the application of redevelopment programs such as tax increment financing is significant and positive. The Port has supported the City's efforts to make investments and utilize programs to infuse economic development initiatives in West Oakland.
- To ensure once the Redevelopment Area is established that the Port's Charter responsibilities and authorities to plan, approve, and develop projects within the Redevelopment Area are not compromised or assumed by the Redevelopment Agency;
- To ensure that the Board of Port Commissioners is consulted and its consent is obtained prior to any activities by the Redevelopment Agency to implement redevelopment plans in areas of Port jurisdiction, including relevant portions of the Army Base.

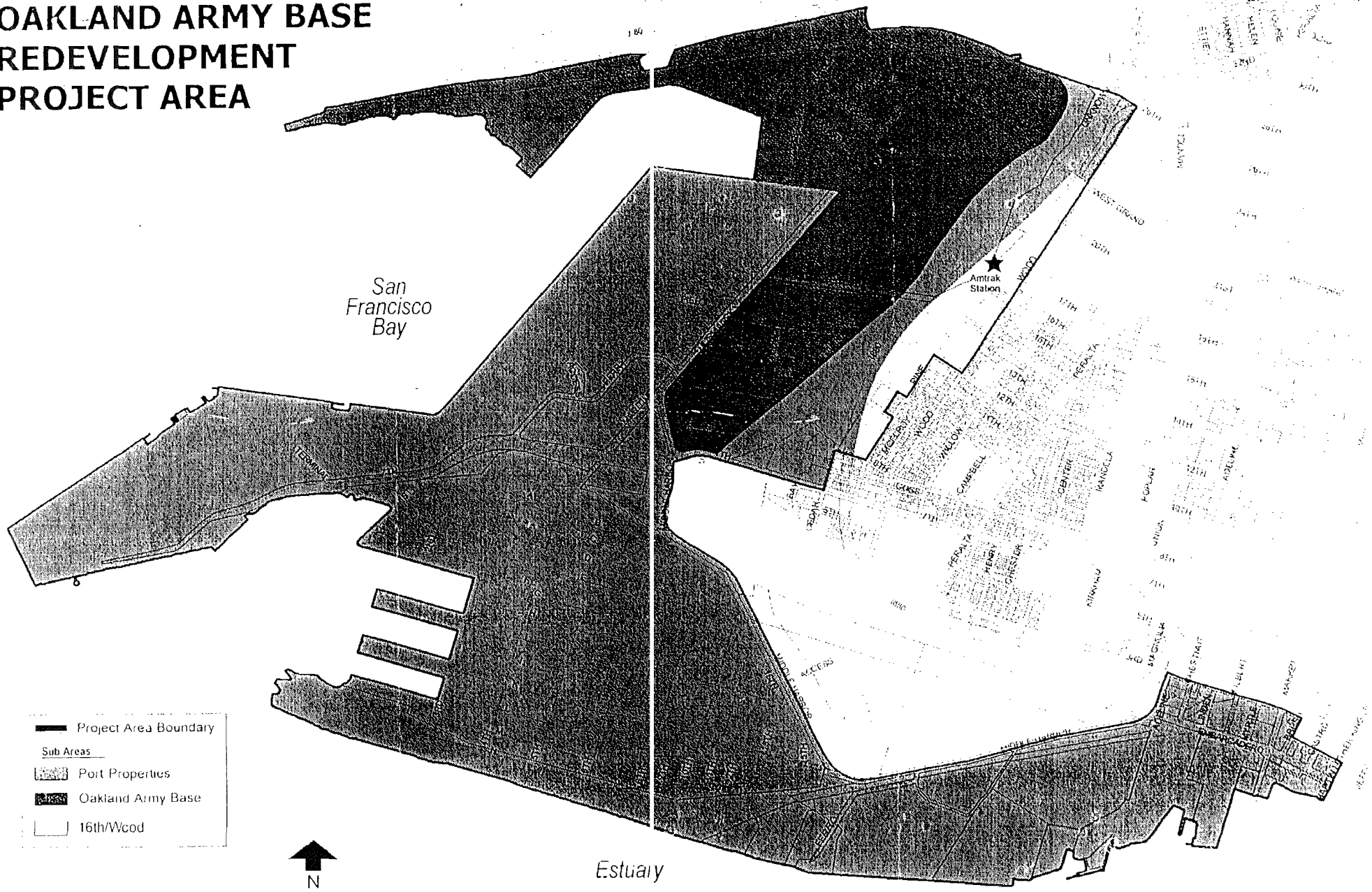
Options

- A. Authorize the Executive Director to enter into the above-referenced MOU. This will allow the application of redevelopment tools at the Army Base and will satisfy the Port's concerns.
- B. Decline to authorize the Executive Director to enter into the above-referenced MOU. The Redevelopment Agency has already approved the creation of the Redevelopment Area and the Redevelopment Plan for the area, which explicitly presents the powers and authorities of the Agency as established in California state redevelopment law. These provisions, unless modified by the proposed MOU, will conflict with relevant provisions of the City Charter that vest these powers with the Port. Without the recommended MOU, the Agency and the Port would be at odds over which agency's powers apply. Under this scenario, it is likely that the Agency would attempt to simply carry on its presumed authorities to plan, acquire, or approve redevelopment projects within the Port Area without Port concurrence.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to enter into an MOU with the Oakland Redevelopment Agency that addresses the objectives outlined above.

OAKLAND ARMY BASE REDEVELOPMENT PROJECT AREA



- Project Area Boundary
- Sub Areas
- ▨ Port Properties
- ▨ Oakland Army Base
- ▭ 16th/Wcod



Estuary



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: September 5, 2000

ITEM NO: 24

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

^{TD}
 SUBJECT: Ratify Action of Staff Directing Harding Lawson Associates (HLA) to Proceed with Work, and Approval of Supplemental Agreement with HLA to Complete Permit-Required Soil and Groundwater Analysis, Berths 57-59

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

The Port recently discovered petroleum-related products in the area of the to-be constructed Berths 57/58/59 wharf and yard, Vision 2000 project. The Regional Water Quality Control Board (RWQCB), through its project permit, requires control of potentially contaminated soil and groundwater during and after excavation. The work described herein is required to obtain RWQCB approval prior to proceeding with excavation in this area as part of Berth construction. In June 2000, the Environmental Health and Safety Compliance Department (EH&SC) tasked Harding Lawson Associates (HLA) to investigate and design a plan to define, contain, and reduce the petroleum product plumes. HLA, an environmental consulting and engineering firm, has an existing professional services contract (Contract No. 98027) with the Port to provide as-needed environmental consulting services.

At the time the task was defined, the HLA contract contained sufficient funds to complete all anticipated work. However, in early August, the Port received laboratory results indicating that the impact to soil and groundwater was much more extensive than those defined by HLA's initial studies. Because the new information enlarged the scope of the project, and because timely completion of this work is critical to maintaining the schedule for the berth project, HLA was directed to continue work beyond their contract maximum in order to complete the project.

The purpose of this supplemental agreement is to complete the tasks required to allow construction to proceed at Berth 59. These tasks include the following:

1. Re-sample specified locations to better define materials in the diesel and motor oil dissolved phase plumes and the separate phase oil plumes.
2. Complete the site plan and cross sections of the Berth 58 and 59 area to illustrate subsurface conditions, including concentration contours of the dissolved phase of diesel and motor oil plume on the site.
3. Perform hydrologic evaluation to determine the number, spacing, and location of proposed groundwater extraction wells and their corresponding flow rates.
4. Design and install groundwater monitoring wells that will provide sufficient characterization of the dissolved phase diesel and motor oil plumes and separate phase oil plume; the actual groundwater monitoring will be performed by others.
5. Prepare a remedial investigation report for the plumes.
6. Conduct a human health and ecological risk evaluation of the plumes.
7. Conduct a fate and transport study of the plumes.
8. Complete the permit application for the National Pollution Discharge Elimination System (NPDES) for the discharge of treated groundwater from the diesel plume to the storm drain.

.\Brd\gda\SuppHLA9500

Approved by Resolution
No.

Vote abstained

20352

Sharon Kuppens

SEP 5 - 2000

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

DATE

ANALYSIS:

The tasks HLA is performing involve detailed knowledge of site conditions, complex engineering design and methodologies that are not readily transferred to another as-needed contract. Furthermore, all of EH&SC's as-needed environmental consulting services contracts are nearing their \$600,000 contract limit. (EH&SC is currently out to bid to establish new contracts, which are not expected to be in place before January 2001.) Moving this task to another consultant would result in both delays and additional costs, while taking limited funds from other projects. Additionally, if the Port reassigns this work, then the RWQCB may perceive that the Port's efforts to resolve the groundwater issue are not coordinated and, therefore, not technically convincing.

HLA has committed to provide a minimum of 30% of the work to local subcontractors. The list of likely subcontractors includes four MBE/WBE/LIA firms.

The Port's Office of Equal Opportunity has reviewed this proposal and concurs that its objectives are met.

The Maritime Subcommittee of the Board has reviewed and approved this proposal.

HLA estimates that the cost of these services will not exceed \$201,100. This work is budgeted under CIP No. M6.00585.01. The funding source is Port Cash, but the cost will be charged to the Union Pacific environmental liability account.

DESCRIPTION	AUTHORIZED	PROPOSED
Original Agreement	\$600,000	
Additional Amount for Supplemental Agreement		\$201,000
Proposed Maximum Allowable Compensation		\$801,100

OPTIONS:

A supplemental agreement was chosen to cover the scope of services because the work is already in progress and partially completed under an existing professional services contract with HLA. A supplemental agreement is the most efficient method of obtaining funding to complete the work so that the environmental issues do not interfere with construction schedules. Because HLA has already been directed to exceed the contract limits, a supplemental agreement is required to compensate them for work performed.

RECOMMENDATION:

It is recommended that the Board ratify the action of staff directing Harding Lawson Associates to proceed with the work, and approve the preparation and execution of a supplemental agreement with Harding Lawson Associates, as described above, increasing the maximum compensation under the agreement by \$201,100.

Agenda Sheet

SUBJECT: Approval to Hire Consultants to Provide As-Needed Environmental Consulting Services

Date: January 6, 1998

Item No. 38

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *AK*

FACTUAL BACKGROUND:

The Port is subject to a variety of environmental laws and regulations. For example, to comply with these laws and regulations and to decrease Port liability, the Port is required to remove underground storage tanks and conduct environmental investigations, compliance audits, preliminary site assessments, health and environmental risk assessments, remediation design, and wastewater contamination studies. The Environmental Health and Safety Department (EH&SC) often requires professional consultants to perform or assist with these activities. Such professional services have been facilitated by having "as-needed" contracts in place so that assistance would be immediately available when required.

A Request for Proposals was sent out on September 30, 1997 because the existing contracts were due for renewal. Twenty-two proposals were received and reviewed. Ten teams were short-listed. The Office of Equal Opportunity (OEO) reviewed the ten short-listed teams to determine their responsiveness and preference points based on the new policy.

FOR INFORMATION ONLY
 The ten teams were invited for oral interviews in front of the selection panel. Two panelists were from within EH&SC, one panelist from OEO, one from Port Engineering, one from the City of Oakland, and one from the U.S. Army Corps of Engineers. The following five firms are being recommended to provide the Port with environmental consulting services:

<u>Firm</u>	<u>Location</u>	<u>LIA/LBA</u>
Harding Lawson Associates	Oakland	LIA
Kleinfelder	Oakland	LIA
Camp, Dresser, & McKee	Oakland	LIA
Baseline Environmental	Emeryville	LIA
Geraghty & Miller, Inc.	Richmond	LBA

FOR INFORMATION ONLY
 The Office of Equal Opportunity has current Professional Services Questionnaire/EEO-1 Work Force Reports on file for all five firms, and has determined that all firms are responsive to the Port's Non-Discrimination and Small Local Business Utilization Policy.

It is proposed to execute professional services contracts for approximately three years each, with all five firms and to compensate them at agreed billing rates on a time and materials basis for a total amount not to exceed \$600,000 per firm. For all five contracts, the three million dollar aggregate maximum amount recommended is based on expenditure of approximately one million dollars on similar services over the past two years. The recommendation to increase the maximum aggregate level is because the contracts are for approximately three years as compared to two years; to support the upcoming capital expansion; and because the Port is required to comply with tougher environmental regulations, such as those for stormwater compliance. The contracts will be used only as required and the contract maximums will not be exceeded without future Board approval.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

DATE

SECRETARY OF THE BOARD

The cost of these services is covered by the Capital Improvement Budget for FY 97-98, the Operating Budget for FY97-98, and appropriate Environmental Liability Accounts established for such work. For services required in subsequent years, staff will budget accordingly and authorized work will not exceed the approved budget.

The following tables list each Team's composition and their roles. The percentage of work varies for Team members depending upon the nature of the individual tasks assigned:

Team Member		Role
Harding Lawson Associates	LIA	Prime Consultant
Microsearch Environmental	LIA/MBE	Environmental Consultant

Team Member		Role
Kleinfelder	LIA	Prime Consultant
SCA Environmental, Inc.	LIA/MBE	Environmental Consultant
downUnder Technologies	LBA/WBE	Utility Locator/Geophysics
BEI Construction	LIA/MBE	Backhoe Operator
BDI	LIA/MBE	Community Outreach

Team Member		Role
Camp, Dresser & McKee	LIA	Prime Consultant
F. E. Jordan & Associates	LIA/MBE	Environmental Consultant
SCA Environmental, Inc.	LIA/MBE	Environmental Consultant
Dr. Mehrdad Javaherian		Toxicology/Risk Assessment
FARC, Inc.	LIA/MBE	Field Investigations
Ardes Construction	LIA/MBE	Heavy Equipment Operator
Gregg Drilling	LBA	Geotechnical
Zaccor Companies, Inc.	LIA	Engineering Contractor
Consolidated Waste Industries	LIA	Remediation Services
Theresa Hughes & Associates	LIA/MWBE	Socioeconomic Analysis

FOR INFORMATION ONLY

Team Member		Role
Baseline Environmental	LIA	Prime Consultant
SCA Environmental, Inc.	LIA/MBE	Environmental Consultant
Dr. Mehrdad Javaherian		Health/Eco-Risk Assessment
HEW	MBE	Drilling Services
Bates & Bailey	LBA	Surveyor
AFA Construction	LIA/MBE	Remediation Services
Pacific Meridian	LIA/WBE	GIS Mapping Services

Team Member		Role
Geraghty & Miller, Inc.	LBA	Prime Consultant
Ecologix	LBA/MBE	Remediation Services
MP Environmental	WBE	Remedial Engineering
Subdynamic Locating Services	MBE	Geophysical Services
Fast-Tek Engineering Services	LBA	Environmental Services
Western Strata Exploration	WBE	Drilling Services
E Data Resources		Document Research
Precision Sampling		Sampling Services

FOR INFORMATION ONLY

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the consulting services as described are professional services; and
2. Authorize the preparation and execution of agreements with Harding Lawson Associates, Geraghty & Miller, Kleinfelder, Camp Dresser & McKee, and Baseline Environmental as described above.

RESOLUTION NO. 98027

12/27

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH HARDING LAWSON ASSOCIATES FOR ENVIRONMENTAL 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. 38, dated January 6, 1998 (herein the "Agenda Sheet") the Board of Port Commissioners hereby finds and determines that the proposed agreement with HARDING LAWSON ASSOCIATES for as-needed environmental 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 HARDING LAWSON 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 HARDING LAWSON ASSOCIATES shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed \$600,000; and be it

FOR

INFORMATION ONLY

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.

FOR

INFORMATION ONLY

At regular meeting held January 6, 1998

Passed by the following vote:

Ayes: Commissioners Harris, Kramer, Lockhart, Loh, Taylor and President Ortiz - 6

Nocs: None

Absent: Commissioner Cole - 1

07/1

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 25

SUBJECT: Adjustment to Compensation Based on
Revised Land Value at American President Lines Terminal,
Berths 60 and 61

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle

RAB

EXECUTIVE OFFICE RECOMMENDATION:

[Signature]

FACTUAL BACKGROUND:

The Preferential Assignment Agreement for Berths 60 and 61 as well as the Office Building Lease Agreement with American President Lines ("APL") provide for a rental review and adjustment every five years based upon the percentage rate of return realized with respect to other Port agreements and the prevailing fair market value of the land. On April 20, 2000 APL was notified of our intent to exercise our rights to adjust the annual compensation in accordance with our Agreements, effective June 1, 2000.

Several discussions have taken place with APL concerning the proposed adjustment. On August 18, 2000 APL submitted written concurrence to the land value adjustment, relating back to June 1, 2000.

ANALYSIS & FINANCIAL IMPACT:

Current compensation is based upon land value of \$10.50 per square foot and a 10 percent rate of return. The increase will reflect a land value of \$11.50 per square foot at a 10% rate of return. The terminal Agreement for Berths 60 and 61 had a minimum and a maximum annual compensation provision. However, due to the level of activity, the Port actually receives the maximum annual compensation. Summarized below are the current rates for Berths 60 and 61 as well as the proposed compensation levels for both the land areas and office building:

	<u>Current Annual Rental</u>	<u>New Annual Rental</u>
<u>Berths 60& 61 Assignment Area</u>		
Areas A,B,C [1,535,002 sq.ft.]		
Minimum	\$2,368,990.00	\$2,522,491.00
Maximum	\$2,612,530.00	\$2,766,031.00
<u>2. Office Building Area</u>	\$ 392,472.00	\$ 399,488.00

Our analysis indicates the above proposal is in line with adjustments to the Consumer Price Index (CPI) and is consistent with the prevailing land value reflected in the Space Assignment rates in the Port's marine terminal tariff.

ALTERNATIVES:

None at this time. All of the APL Agreements are scheduled to expire July 31, 2001 and APL is presently evaluating its terminal requirements as the Agreements contain two 7 year options which APL is entitled to exercise.

The proposed compensation adjustments are categorically exempt under CEQA and the Port's CEQA Guidelines, Section 15301 (p) which provides for execution of license and concession agreements where the premises or licensed activity is leased to the same or another person and involving negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval of the new rental compensation levels, as outlined above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20342

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

- Creation of Salary Schedule
- Creation of Classifications/Positions
- Unit Transfer and Amendment of Salary Schedule Assignment

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations CI

SUBMITTED BY: Robert C. Martinez 

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

FACTUAL BACKGROUND:

I. CREATION OF SALARY SCHEDULE—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following Salary Schedule in order to implement its assignment to the creation of new classification later on this agenda.

Salary Schedule	Rep. Unit	Salaries
248.08	D	a--\$4,900; b--\$5,144; c--\$5,403; d--\$5,726; e--\$6,069

II. CREATION OF CLASSIFICATIONS/POSITIONS—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following classifications and positions as indicated below. The Maritime Projects Coordinator—Traffic Representative III-A is needed to implement the FY 2000-2001 Staffing Plan. The Training and Development Specialist is an additional FTE request to the FY 2000-2001 Staffing Plan.

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS	Rep. Unit	SALARY SCHEDULE ASSIGNED
Maritime Projects Coordinator—Traffic Representative III-A	CIP	Maritime	1	D	248.08 (a--\$4,900; b--\$5,144; c--\$5,403; d--\$5,726; e--\$6,069)
Training and Development Specialist	OPER	CAS	1	E	500.2 (a--\$5,096; b--\$5,352; c--\$5,618; d--\$5,956; e--\$6,313)


B) It is requested that the Board approve the creation of the following additional position as indicated. This position is needed to implement the appointment of a candidate on September 11, 2000. This action reallocates an existing FTE position within the Office of Equal Opportunity to this classification based on the recommendation of the Director of Equal Opportunity to meet operational needs. This action does not result in an increase to the FTE count or budget.

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS
Contract Compliance Officer	OPER	Equal Opportunity	1

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

III. UNIT TRANSFER AND AMENDMENT OF SALARY SCHEDULE ASSIGNMENT – Ordinance (2 Readings)

A) It is requested that the Board approve the transfer of the classification of **Personnel and Employee Services Supervisor** from Representation Unit D to **Representation Unit E** and the amendment of salary schedule assignment for this classification from Salary Schedule 274.33 (a--\$6,362; b--\$6,681; c--\$7,014; d--\$7,436; e--\$7,881) to **Salary Schedule 543.1 (a--\$6,363; b--\$6,681; c--\$7,015; d--\$7,436; e--\$7,882)**. This action implements consultant’s recommendation for reallocating classifications that are exempt from FLSA to the appropriate representation unit at the Port.

CURRENT EMPLOYEE COUNT

FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 8/31/99	AS OF 8/1/00	AS OF 9/1/00
Full-Time Employees	612.00 FTE	554.00 FTE	563.00 FTE	560.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators		3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)	11.00 FTE*	8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	567.40 FTE	576.40 FTE	573.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to five separations and two new appointments.

TEMPORARY AGENCY WORKER COUNT AS OF 8/24/2000

CATEGORY	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	TOTAL
	A	B	C	D	E	F	
BACKFILL	18	11	0	8	0	0	37
* CIP	0	0	9	4	0	0	13
LEAVE BACKFILL (NON MEDICAL)	2	0	0	0	0	0	2
MEDICAL BACKFILL	3	5	0	0	0	0	8
* SPECIAL PROJECT	4	2	1	5	1	0	13
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
T O T A L S	27	20	10	17	1	0	75

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	6/8/00	6/23/00	7/25/00	8/24/00
BACKFILL	27	27	27	31	37
* CIP	18	16	15	13	13
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	0	0	2	2
MEDICAL BACKFILL	4	4	7	8	8
* SPECIAL PROJECTS	11	14	15	14	13
WORKER'S COMP BACKFILL	3	1	1	2	2
T O T A L S	63	62	65	70	75

COUNT SUMMARY

CURRENT FTE COUNT	573.40
CURRENT TEMPORARY AGENCY BACKFILLS	37.00
VACANT POSITIONS	<u>36.00</u>
T O T A L	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding, creation of salary schedules, creation of classifications/positions, and unit transfer and amendment of salary schedule assignment.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 32

SUBJECT: Personnel Items
- termination

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CWF*

FACTUAL BACKGROUND:

I. TERMINATION—Resolution (1 Reading)

A) It is requested that the Board approve the termination of **Mr. Roberto Gomez, Port Equipment Driver**, in the Aviation Division, for cause, effective the close of the workday of September 6, 2000.

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding termination.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20345

BOARD ACTION TAKEN

Assistant

Sharon Krupp
SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall

EXECUTIVE OFFICE RECOMMENDATION: *CCM*

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Pursuant to subdivision (a) of Section 54956.9.

Name of Case:

City of Oakland, et al. v. Nestle USA, Inc. et al.,
U.S. District Court Case No. C-98-3963 SC

City of Oakland v. Keep On Trucking, et al.,
U.S. District Court, N.D. of CA Case No. C95-03721 CRB

City of Oakland, et al. v. J. C. Penney Life Insurance Company,
U.S. District Court Case No. C 00 2975
(related to Keep On Trucking/Ninth Avenue Matter)

BayKeeper, et al. v. City of Oakland, et al.,
U.S. District Court Case No. C 00 2184
(related to Moby Dick Matter)

Pizzeria Uno of Jack London Square v. Oakland
Portside Associates, et al., Alameda County Superior
Court Case No. 822803-7

Paul Capolungo v. City of Oakland, et al., Alameda County
Superior Court Case No. 830031-5

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to subdivision (b)
of Section 54956.9: 3 matters

3. CONFERENCE WITH LEGAL PROPERTY NEGOTIATOR, as provided
under Government Code Section 54956.8, under negotiations:

Property: Selected Locations
Jack London Square
Oakland, CA 94606

Negotiating Parties: Port of Oakland and Oakland Portside Associates

Under Negotiations: Price and Terms of Payment

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20347, 20348
20349, 20350 & 20351

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

Sharon King
SEP 5 - 2000
DATE

SUMMARY AGENDA OF BOARD CALENDAR
September 5, 2000

AIRPORT

- 9S** Authorization to Execute and File an Application with the Metropolitan Transportation Commission (MTC) to Program Regional Improvement Program Funds into the 2000 Regional Transportation Improvement Program Augmentation for Project Development and Pre-Engineering Associated with the BART/Oakland International Airport Connector Project. (Resolution)
- Recommends approval to file the application for certain funding for project development and pre-engineering associated with the connector project.
- 10S** Request Approval to Apply for Air District Funding for Alternative Fuel Taxicabs. (Resolution)
- Recommends approval to submit an application for certain funds to be used for alternative fuel taxicab operations at the Airport.
- 11S** Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Argenbright Security, Inc. (#1 Airport Drive, South Airport). (Resolution)
- Recommends approval of the agreement which provides for their occupancy of 340 square feet of office space in Terminal I.
- 12S** Approval of License and Concession Agreement with Dollar Rent A Car Systems, Inc. (Adjacent to Building L-619, North Airport). (Resolution)
- Recommends approval of the agreement which provides for their occupancy of improved land on the North Airport used for the storage of cars.
- 13S** Approval of License and Concession Agreement with East Bay Municipal Utility District (Vicinity of Port Buildings L-900, L-914 and L-927, North Airport). (Resolution)
- Recommends approval of the agreement which would provide for site investigation work for the potential use of aquifers for water storage.

14S Authorization to Include the Demolition of Building L-643, North Airport, OIA, in the Small Business Program. (Resolution)

Recommends approval to add the demolition of the old building to the Port's Small Business Program.

15S Approval of Plans and Specifications for Overlay of Taxiway D (South of Taxiway M) and Taxiway J, North Airport, OIA. (Resolution)

Recommends their approval and authority to advertise for bids for the paving overlay of the taxiways.

16S Approval of Plans and Specifications for Aircraft Sound Insulation Program, Phase I, Bay Farm Island, Alameda, California. (Resolution)

Recommends their approval and authority to advertise for bids for the sound insulation program for homes on Bay Farm Island.

17S Approval of Plans and Specifications for Construction of Aviation Maintenance Facilities Complex, North Airport, OIA. (Resolution)

Recommends their approval and authority to advertise for bids for the construction of the new airport maintenance facility.

COMMERCIAL REAL ESTATE

20S Amendment to Port Ordinance No. 3519, Establishing the Rules and Regulations for the Port of Oakland Marinas. (Ordinance)

Recommends approval to amend the ordinance by adding certain new provisions regarding vessel removal operations and increasing rates at the Embarcadero Cove and Union Point Marinas.

MARITIME

26S Approval of Plans and Specifications for Replacement of Fender Systems at Berths 35-37, Ben E. Nutter Terminal. (Resolution)

Recommends their approval and authority to advertise for bids for the replacement of the fender systems.

27S Award of Contract for Improvement of Yard Lighting, Berths 35-37, Ben E. Nutter Terminal. (Resolution)

Notifies of the 5 bids received and recommends award of the contract to the second low bidder as the low bidder was found to be non-responsive due to an inadequate bid bond.

OPERATIONS

33S Ratify and Approve Increase in Ceiling for Internet Usability Enhancements. (Resolution)

Recommends approval to increase the funds available for the enhancements to the Port's Internet project.

ORDINANCES:

Port Ordinance No. 3579 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH VIJAY PATEL, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.6 ACRE PARCEL OF LAND LOCATED AT HEGENBERGER AND PARDEE ROADS."

Provides purchase and sale agreement of 2.6 acre parcel with Vijay Patel.

Port Ordinance No. 3598 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH FEDERAL EXPRESS CORPORATION, AND DIRECTING RECORDATION THEREOF.

Provides for an agreement which will add employee parking spaces to the site.

Port Ordinance No. 3600 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2833 RELATING TO BALLAST WATER.

Provides for amending Port Tariff Item No. 02215 regarding ballast requirements.

Port Ordinance No. 3601 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE ADDITIONAL POSITIONS.

Provides for creation of additional positions.

Agenda Sheet

DATE: May 2, 2000

ITEM NO: 50

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property located at Hegenberger and Pardee Roads

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin
EXECUTIVE OFFICE RECOMMENDATION:

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has received an offer from Vijay Patel to purchase an approximately 2.6 acre site with dual frontage on Hegenberger and Pardee Streets located adjacent to the Hilton hotel.

Mr. Patel will be proposing the development of a 125-room Wingate Inn. The Wingate product represents an upper midmarket hotel, which is technology driven and targeted to the business traveler. The guest room is larger than average with separate work and sleep areas, and access to a 24-hour self-serve business center.

ECONOMIC TERMS:

- Price: \$15.25 per square foot
\$1,700,000
- Deposit: \$100,000
- Due Diligence: 60 days
- Buyer's Obligations: Marketing and feasibility report
Executed agreement with Wingate Hotels for a Wingate Inn
Evidence of financial capability
Design development plans
Review of applicable ordinances
- Closing Date: 45 days after the 60-day due diligence period
- Commission: A commission of 6% payable to Coldwell Banker Commercial

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to construction and/or operation of the hotel. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Approved by Ordinance
passed to print**

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD

MAY - 2 2000

DATE

Subject: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Vijay Patel for the Property located at Hegenberger and Pardee Roads

This matter has been discussed at a number of Commercial Real Estate Committee meetings.

OPTIONS:

1. Do not sell.
2. Put the parcel on the open market

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Vijay Patel for the purchase of the Hegenberger Road parcel at a price of \$15.25 per square foot.

Agenda Sheet


DATE: August 1, 2000

ITEM NO: 5S

SUBJECT: First Reading of Ordinance Approving Multi-Year License and Concession Agreement with Existing Tenant Federal Express Corporation (Air Cargo Road, South Airport)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

**DUPLICATE
OF PRIOR**

CALENDAR MEMO

FACTUAL BACKGROUND:

This action would approve a Multi-Year License and Concession Agreement with Federal Express Corporation (FedEx) for 4.43 additional acres of land located near the intersection of Air Cargo Road and Sally Ride Way at Oakland International Airport (OAK). FedEx has multiple leases and license agreements covering the rental of space at the Airport for its small parcel air cargo business. Under these agreements, it pays the Port almost \$3,000,000 per year in rent. Its business requires space to park employee vehicles and FedEx has requested approval of an agreement for this additional acreage for employee parking.

The subject 4.43 acres of land are unimproved and located immediately adjacent to land FedEx presently rents from the Port under another Lease and another License. FedEx has approximately 2,000 employees working at its OAK hub, on different shifts. FedEx proposes to construct an open-air surface parking lot on approximately 226,000 square feet (5.2 acres), accommodating a total of approximately 700 automobile parking spaces for use by FedEx employees. The proposed parking lot would be sited on land FedEx rents from the Port now, as well as on this additional acreage.

ANALYSIS:

FedEx' employees' vehicles currently are parked off-airport at a commercial lot. The employees then are bussed to the on-airport FedEx sort facility. Construction of the proposed parking lot would enable FedEx' employees to park within walking distance of their place of employment. The OAK FedEx complex is about one mile from Airport Drive and is not served by any form of public transit.

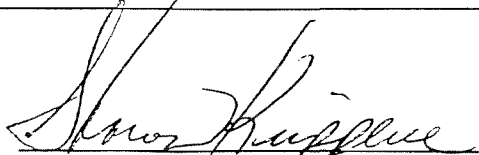
The proposed Multi-Year License and Concession Agreement would have a ten-year term commencing October 6, 2000 with a 30-day mutual termination provision and would cover 192,971sf (4.43 acres) of unimproved land at a monthly rental of \$14,723.69 or \$0.0763psf. [If this action is approved on August 1st, staff will prepare an accompanying 45-day Right-of-Entry and Indemnity Agreement for execution by FedEx, permitting FedEx to start its project in September.] The proposed rental rate is comparable to similar rates for unimproved land on adjoining parcels that FedEx presently occupies, and will continue to occupy under a proposed lease. [That lease still is in negotiations with FedEx and is now being finalized for the Board's consideration.] Rental would be adjusted every thirty (30) months, in accordance with increases in the Consumer Price Index, All Urban Consumers, San Francisco-Oakland.

This aviation project conforms to establish aviation uses and has been determined to be consistent with the

- MOTION
- RESOLUTION
- ORDINANCE
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BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

population designation of the City of Oakland Comprehensive Plan.

The 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) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

ALTERNATIVES:

Do not approve. FedEx employees will continue to be bussed to and from the off-Airport parking site to the non-airport FedEx sort facility. Because the San Francisco Bay Area economy is so competitive, FedEx has experienced difficulty in retaining competent employees because the shuttle bussing adds significant time to a part-time shift worker's schedule. [FedEx offers its employees a full benefits package with employment.]

Authorize the use, but require staff to renegotiate the terms and conditions of the agreement. FedEx wishes to commence construction of the proposed improvements in September 2000. Renegotiation of the License's terms and conditions would delay the start of the project.

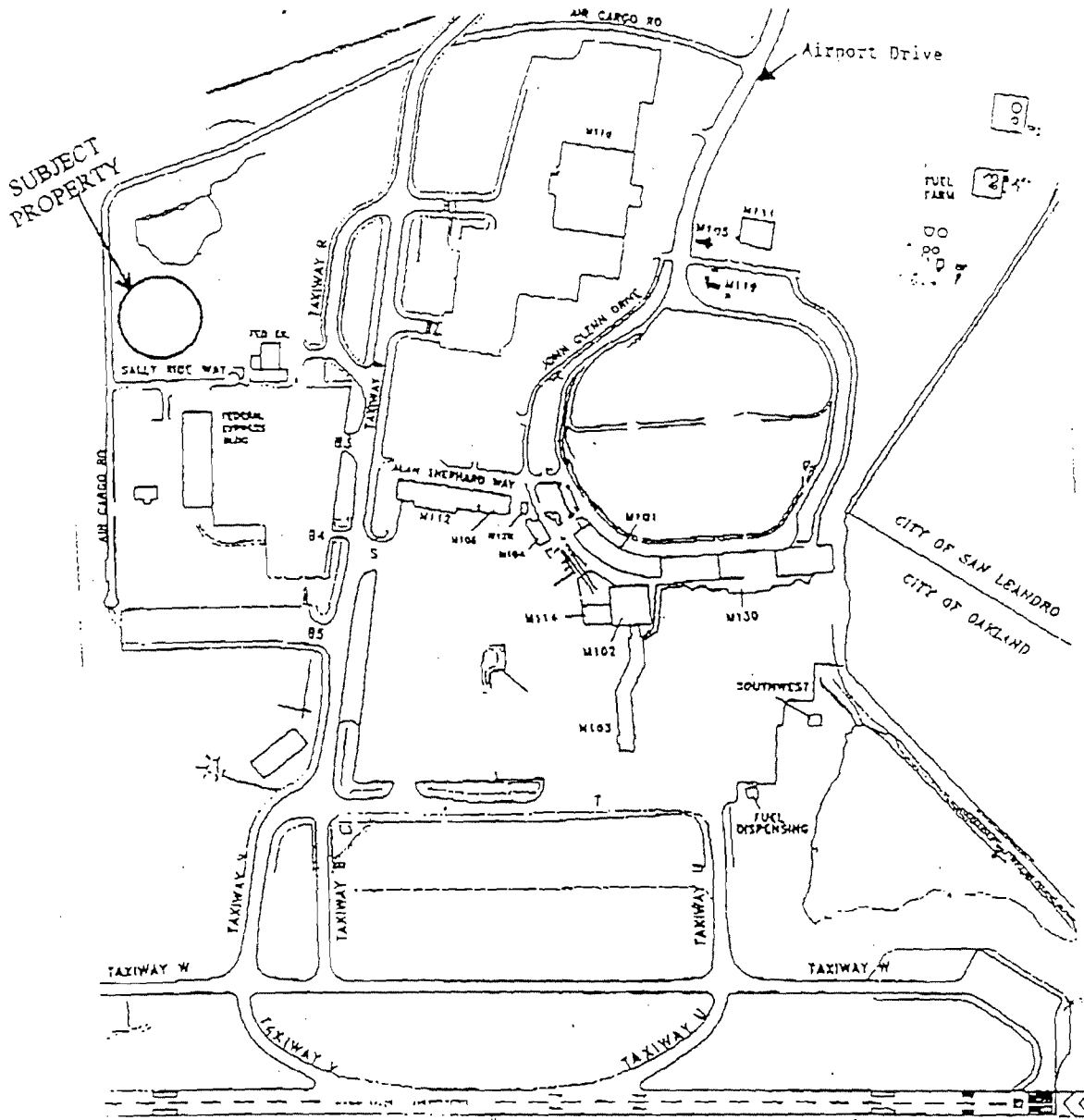
Approve the proposed Multi-Year License and Concession Agreement.

RECOMMENDATION:

It is recommended that the Board give first reading of an ordinance approving and authorizing the execution by Executive Director of the subject Multi-Year License and Concession Agreement with Federal Express Corporation, as described above.

**Board of Port Commissioners
Calendar Item**

First Reading of Ordinance Approving Multi-Year License and Concession Agreement with Existing Tenant Federal Express Corporation (Air Cargo Road, South Airport)



Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 11

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Warehouse Properties, Inc. for the Property located at Hegenberger Road and Pardee Drive

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate C. I
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

DUPLICATE OF PRIOR

EXECUTIVE OFFICE RECOMMENDATION:

CALENDAR MEMO

FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has negotiated the terms of a Purchase and Sale Agreement with WP Investments, Inc. covering the purchase of an approximately 10.43 acre irregularly-shaped site with frontage on Hegenberger Road located adjacent to Francesco's Restaurant.

WP Investments, which specializes in developing industrial and office properties throughout the San Francisco Bay Area, is proposing the development of four buildings with a total size of approximately 180,000 square feet in a business park setting. The estimated cost of the improvements is \$19,000,000. They are targeting the project as a technology park, with a service component on the Hegenberger frontage. The quality of the building will be comparable to the Yosemite Business Park, a Silicon Valley project designed to attract tenants in a highly competitive market.

ANALYSIS:

- Price: \$9.00 per square foot
\$4,088,977
- Deposit: \$50,000 at execution of Purchase and Sale Agreement
\$50,000 at expiration of due diligence period
Both deposits shall be credited against the purchase price
- Due Diligence: 60 days
- Buyer's Obligations: Evidence of financial capability
Design development plans
- Closing Date: 90 days after the 60-day due diligence period
- Extension: One 30-day extension at a cost of \$50,000
- Commission: A commission of 4% payable to BT Commercial

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to construction and/or operation of the project. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

MOTION RESOLUTION ORDINANCE INFORMATION ONLY

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BOARD ACTION TAKEN Assistant

SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

has also been determined that:

- a) That the Property has become unnecessary for Port purposes or harbor development; and
 - b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.)
- The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

This matter has been discussed at a number of Commercial Real Estate Committee meetings.

OPTIONS:

- Do not sell the property, and continue to land bank the parcel.
- Put the parcel on the open market.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Warehouse Properties, Inc. for the purchase of the Hegenberger Road parcel at a price of \$9.00 per square foot.

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 21

SUBJECT: Authorization to Amend Item No. 02215 in the Port of Oakland
Tariff 2-A To Suspend Ballast Water Requirements Covered by
State Statutory Provisions

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond Boyle **RAB**

DUPLICATE

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

OF PRIOR

CALENDAR MEMO

FACTUAL BACKGROUND:

On June 15, 1999 the Board of Port Commissioners adopted Port Ordinance No. 3516 which established a provision in the Port's marine terminal tariff regarding ballast water management for vessels calling at Port facilities. The tariff requires that all vessels that call at the Port intending to discharge ballast water into San Francisco Bay or the Gulf of the Farallones, first exchange that water in the open ocean to reduce the potential for discharge of invasive species, and that the vessel provide to the Port a report of its ballast water activities. The tariff allows for exceptions to this provision when:

- The ballast water source is the West Coast of North America; or
- The vessel has performed other ballast water management measures per the International Maritime Organization (IMO) Guidelines; or
- The exchange was not made because of stress of weather or stability or hull stress concerns.

The tariff item became effective on August 1, 1999, and enforcement provisions are scheduled to become effective August 1, 2000.

The Board's adoption of the ballast water tariff requirements implements one of the mitigation measures adopted by the Board on April 20, 1999, when it certified the Berths 55-58 Project Final EIR and approved and adopted mitigation measures for the Project. Due to a potential increase in invasive species entering San Francisco Bay as a result of the Project, the Board adopted as one of several mitigation measures the regulations established by Port Ordinance No. 3516 (Port Resolution No. 99154, Appendix 1, Mitigation Measure 3.6-13/M1). Adoption of the ballast water tariff requirements also satisfies conditions of permits for construction of the Berths 55-58 Project issued by regulatory agencies.

After the Board adopted Port Ordinance No. 3516, the State of California enacted a new law effective January 1, 2000 (Chapter 849 Statutes of 1999) imposing a similar but more environmentally protective exchange requirement on all vessels entering California from outside the U.S. Exclusive Economic Zone [(EEZ) 200 miles from shore] on a statewide basis as well as mandating other ballast water management practices. The State law includes an exemption for safety considerations. The following vessels are exempt from the provisions of the California law:

- Crude oil tankers engaged in coastwise trade,
- Passenger vessels employing on-board treatment systems designed to kill potentially invasive species,
- Department of Defense and Coast Guard vessels subject to the Uniform National Discharge Standards for Vessels of the Armed Forces,
- Vessels that discharge ballast water or sediments only at the source location, and
- Vessels merely traversing the territorial seas of the United States and not entering or departing a United States Port.

The new law is equally if not more protective of marine resources than the Port tariff because:

- It applies to vessels calling throughout California, not just those calling at Port of Oakland facilities;
- It requires exchange in waters farther from shore (200 miles offshore vs. west of the Gulf of the Farallones National Marine Sanctuary in the Port tariff); and
- It applies to ballast water originating from waters off the West Coast of Baja California (Mexico) and the West Coast of Canada, but the Port tariff exempts these discharges.

The State law sunsets on January 1, 2004.

Port shipping line tenants have informed Port staff that they are confused by the separate Port and State restrictions and reporting requirements. Reporting of ballast water management practices to the State for vessels calling at Oakland has been somewhat lower than for other ports in the State, possibly because of this confusion. Finally, an issue may be raised whether the new State

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BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

AUG 1 - 2000

DATE

law legally preempts the Port's tariff provisions. Port staff has initiated the steps necessary to amend the permits for the Berths 55-58 Project by deleting the condition that the Port maintain the present Port ballast water tariff provision. It appears that the permitting issuing agencies will agree to delete this condition from their respective permits.

Staff therefore recommends that the Board adopt an ordinance (a) in which the Board finds and determines that the new State law mitigates the potential environmental impacts of the Berths 55-58 Project as or more effectively than the tariff provisions adopted by Port Ordinance No. 3516, and (b) that modifies the Port of Oakland tariff to suspend, effective upon the appropriate amendment of the Port's Berths 55-58 permits, the existing tariff restrictions and reporting provisions, such suspension to continue until the Board determines by ordinance that the new State law, or other State or Federal law at least as effective as the suspended Port tariff provisions, does not apply to vessels using Port terminal facilities. Staff also recommends that the reference to the IMO Guidelines in the tariff be updated to reflect the most recent version of the Guidelines, and that the tariff provisions be amended to authorize the Executive Director to collect information regarding vessel practices for ballast water that originates within the U.S. EEZ.

RECOMMENDATION:

It is recommended that the Board give first reading to an Ordinance amending Port Tariff Item No. 02215 regarding ballast water requirements as described above, effective September 15, 2000.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: August 1, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS
 Creation of Classifications/Positions
 - Annual Salary Adjustments (COLA)

**DUPLICATE
 OF PRIOR
 CALENDAR MEMO**

PROGRAM AREA:
 Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations C. I.

SUBMITTED BY: Robert C. Martinez

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

FACTUAL BACKGROUND:

I. CREATION OF CLASSIFICATIONS/POSITIONS—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following classifications and positions as indicated below. These classifications/positions are needed to implement the FY 2000-2001 Staffing Plan.

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS	Rep. Unit	SALARY SCHEDULE ASSIGNED
Noise Abatement Specialist	OPER	Aviation	1	D	226 (a--\$3,932; b--\$4,128; c--\$4,337; d--\$4,596; e--\$4,871)
Airport Ground Transportation Aide	OPER	Aviation	1	D	212 (a--\$3,422; b--\$3,593; c--\$3,773; d--\$3,997; e--\$4,239)
Labor Relations Specialist	OPER	CAS	1	D	246.9 (a--\$4,842; b--\$5,084; c--\$5,337; d--\$5,661; e--\$5,999)
Project Cost Compliance Specialist	CIP	Engineering	1	D	263 (a--\$5,683; b--\$5,967; c--\$6,267; d--\$6,642; e--\$7,041)
Equal Opportunity Specialist	OPER	EO	1	D	236 (a--\$4,345; b--\$4,560; c--\$4,788; d--\$5,076; e--\$5,381)
Contract Compliance Supervisor	OPER	EO	1	E	529 (a--\$5,917; b--\$6,213; c--\$6,524; d--\$6,915; e--\$7,330)

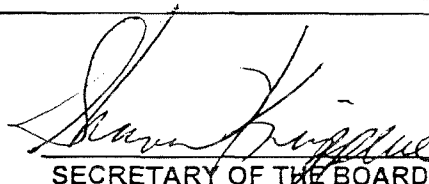
B) It is requested that the Board approve the creation of the following additional positions as indicated. These positions are needed to implement the FY 2000-2001 Staffing Plan.

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS
Commercial Representative IV	OPER	Aviation	1
Semiskilled Laborer	OPER	Aviation	2
Aviation Commercial Representative II	OPER	Aviation	1
Commercial Representative III	CIP	Aviation	1
Commercial Representative IV	CIP	Aviation	1
Port Programmer/Analyst	OPER	CAS	1
Junior Environmental Planner	CIP	Engineering	3
Assistant Port Environmental Planner	CIP	Engineering	4
Associate Port Environmental Planner	CIP	Engineering	4
Custodian	OPER	Engineering	2
Fire Prevention Systems Engineer	OPER	Engineering	1
Plumber	OPER	Engineering	1

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Assistant

AUG 1 - 2000

DATE

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS
Semiskilled Laborer	OPER	Engineering	1
Civil Engineer	CIP	Engineering	3
Port Electrical/Mechanical Engineer	CIP	Engineering	2
Senior Secretary	OPER	Finance	1
Port Senior Auditor	OPER	Port Auditor's Office	2
Port Auditor II	OPER	Port Auditor's Office	1
Executive Assistant	OPER	Port Auditor's Office	1
Senior Secretary	OPER	Port Communications	1

II. ANNUAL SALARY ADJUSTMENTS (COLA)—Ordinance (2 Readings)

B) It is requested that the Board approve a 3.5% cost of living adjustment (COLA) increase to all salary schedules assigned to classifications in Representation Unit F to be effective August 19, 2000, pursuant to the provision in IBEW's MOU.

CURRENT EMPLOYEE COUNT

**FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE**

EMPLOYEES	AS OF 2/1/91	AS OF 8/3/99	AS OF 6/23/00	AS OF 8/1/00
Full-Time Employees	612.00 FTE	557.00 FTE	561.00 FTE	563.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	570.40 FTE	574.40 FTE	576.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to three separations and five new appointments.

TEMPORARY AGENCY WORKER COUNT AS OF 7/25/2000

CATEGORY	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	TOTAL
	A	B	C	D	E	F	
BACKFILL	13	11	1	6	0	0	31
* CIP	0	0	9	4	0	0	13
LEAVE BACKFILL (NON MEDICAL)	1	1	0	0	0	0	2
MEDICAL BACKFILL	3	5	0	0	0	0	8
* SPECIAL PROJECT	5	2	0	6	1	0	14
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
TOTALS	22	21	10	16	1	0	70

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	5/25/00	6/8/00	6/23/00	7/25/00
BACKFILL	27	31	27	27	31
* CIP	18	16	16	15	13
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	0	0	0	2
MEDICAL BACKFILL	4	4	4	7	8
* SPECIAL PROJECTS	11	16	14	15	14
WORKER'S COMP BACKFILL	3	2	1	1	2
TOTALS	63	69	62	65	70

COUNT SUMMARY

CURRENT FTE COUNT	576.40
CURRENT TEMPORARY AGENCY BACKFILLS	31.00
VACANT POSITIONS	<u>39.00</u>
TOTAL	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of classifications/positions and annual salary adjustments (COLA).

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 9S

SUBJECT: Authorization to execute and file an application with the Metropolitan Transportation Commission (MTC) to program Regional Transportation Improvement Program funds into the 2000 Regional Transportation Improvement Program Augmentation for project development and pre-engineering associated with the BART/Oakland International Airport Connector project

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Port of Oakland staff are working with the Bay Area Rapid Transit District (BART) on planning, environmental review, and pre-engineering activities associated with the proposed BART/Oakland International Airport Connector project.

ANALYSIS:

The Port could receive approximately \$1,142,000 in external funding to support the project development and pre-engineering activities for the Connector described above.

To be eligible to receive this external funding, the Port must execute and file an application with the Metropolitan Transportation Commission (MTC) to program Regional Transportation Improvement Program funds into the 2000 Regional Transportation Improvement Program Augmentation.

OPTIONS:

- Do not execute and file an application with MTC, and spend Port funds on the activities described above.
Execute and file an application with MTC in an effort to secure approximately \$1,142,000 in external funding, as described above.

RECOMMENDATION:

It is recommended that the Board pass a resolution (1) agreeing to abide by the assurances required to be eligible for the external funding through the State Transportation Improvement Program Augmentation, and (2) authorizing the Executive Director to execute and file an application with the Metropolitan Transportation Commission (MTC) to program Regional Transportation Improvement Program funds into the 2000 Regional Transportation Improvement Program Augmentation for project development and pre-engineering associated with the BART/Oakland International Airport Connector project.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20331

BOARD ACTION TAKEN

Assistant

Signature of Secretary

SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 105

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBJECT: Request approval to apply for Air District funding for alternative fuel

Taxicabs

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND

The Port of Oakland, through the approval of the Airport Development Program (ADP) Environmental Impact Report (EIR), is developing a program to reduce emissions of air pollutants from activities associated with Oakland International Airport. Specifically, the Port has committed to using alternative fuel vehicles and encouraging ground transportation providers serving Oakland International Airport to convert their fleets to alternative fuels vehicles, using either compressed natural gas (CNG) or electricity. Towards this goal, in October, 1999, the Board of Port Commissioner approved Port Ordinance 3542, part of which required 50% of all taxicabs holding operating permits at the Airport be powered by alternative fuels by January 1, 2001.

The Bay Area Air Quality Management District is currently soliciting grant applications for their "Vehicle Incentive Program" (VIP). The purpose is to provide funding to offset the incremental cost difference between the alternative fuel vehicles and gasoline vehicles. In order to facilitate the conversion of taxicab fleets to alternative fuels, Port staff proposes applying for a grant in an amount up to \$100,000. These funds would be evenly distributed among the taxicab companies, depending on the number of alternative fuel vehicles required.

OPTIONS:

The options are:

1. Submit an application for VIP funding on behalf of the taxicab companies; or
2. Submit no application for funding.

Since only public agencies are allowed to receive funding from the Air District, without Port sponsorship of a VIP grant, these funds would not be available to taxicab companies.

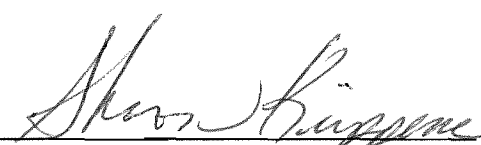
RECOMMENDATION:

Authorize the Director of Aviation to submit a grant application to the Bay Area Air Quality Management District for the District's "Vehicle Incentive Program" for an amount up to \$100,000 to offset incremental costs of alternative fuel taxicabs operating at Oakland International Airport.

Approved by Resolution
No.

- MOTION
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- INFORMATION ONLY

20332
BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

SEP 5 - 2000

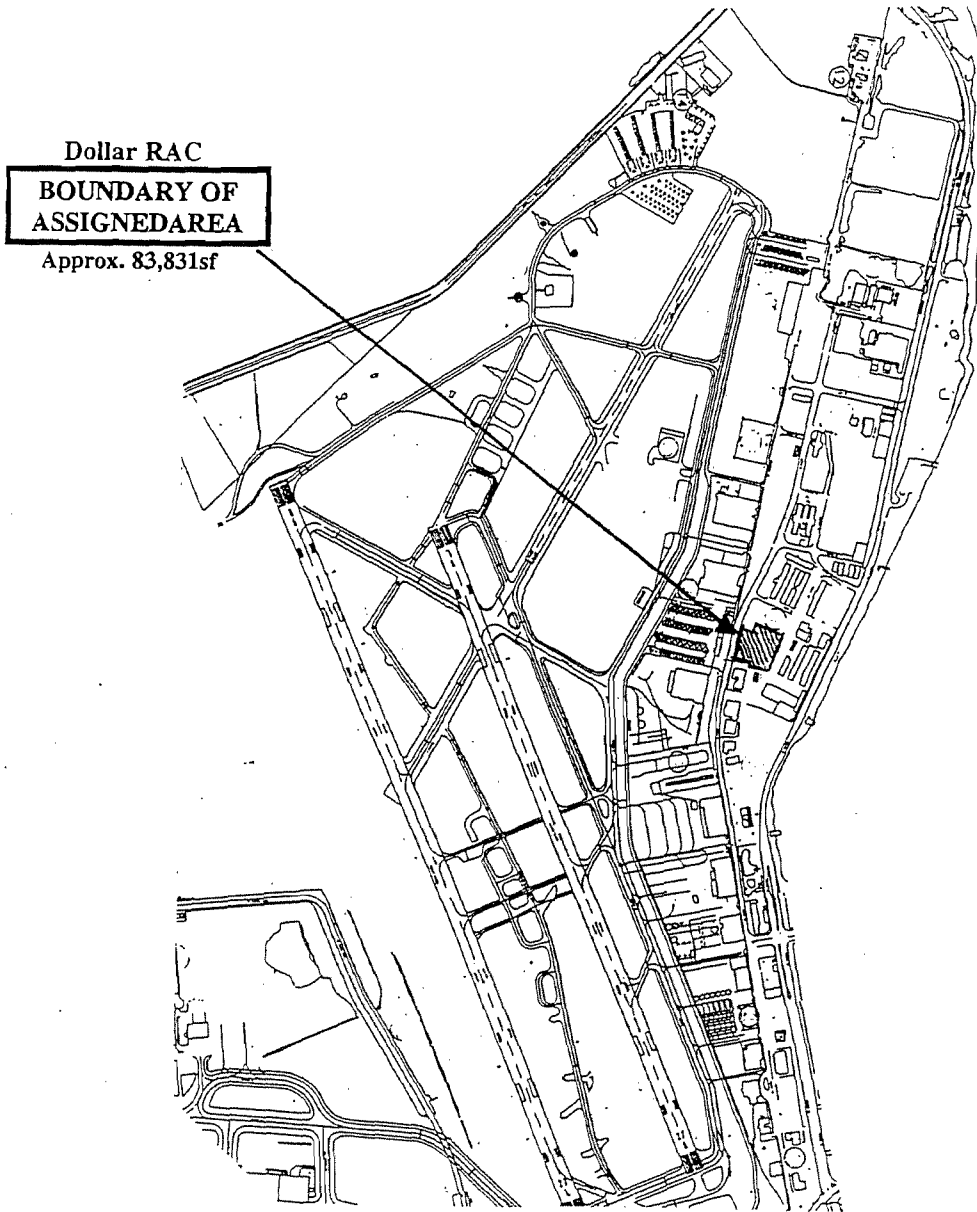
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Board of Port Commissioners

Calendar Item

Approval of License and Concession Agreement with Dollar Rent A Car Systems, Inc. (Adjacent to Building L-619, North Airport)

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT



Airport Properties



Oakland
International Airport
North Airport

Map Not to Scale

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 11S

SUBJECT: Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Argenbright Security, Inc. (#1 Airport Drive, South Airport)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *SJG*

EXECUTIVE OFFICE RECOMMENDATION: *OK*

FACTUAL BACKGROUND:

Argenbright Security, Inc. (Argenbright), a security checkpoint screening service, is currently under a Right-of-Entry and Indemnity Agreement (Right-of-Entry) which provides for occupancy of approximately 340sf of office space in Terminal I (Building M-102) on the South Airport. The Right-of-Entry was effective November 12, 1999; rent is \$1,592.56 per month plus 10% of gross revenues.

ANALYSIS:

The proposed Agreement to Extend Right-of-Entry and Indemnity Agreement would extend Argenbright's occupancy of the same premises, commencing August 1, 2000 and ending July 31, 2001, with a mutual 30-day termination provision. Monthly rent which is established in accordance with the Airport's annual rates and charges, would remain the same until March 31, 2001 and would be adjusted based on Port Ordinance 1119 effective April 1, 2001.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the Agreement to Extend Right-of-Entry and Indemnity Agreement with Argenbright Security, Inc. as described above.

- MOTION
- RESOLUTION
- ORDINANCE
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Approved by Resolution No.

20333

BOARD ACTION TAKEN Assistant

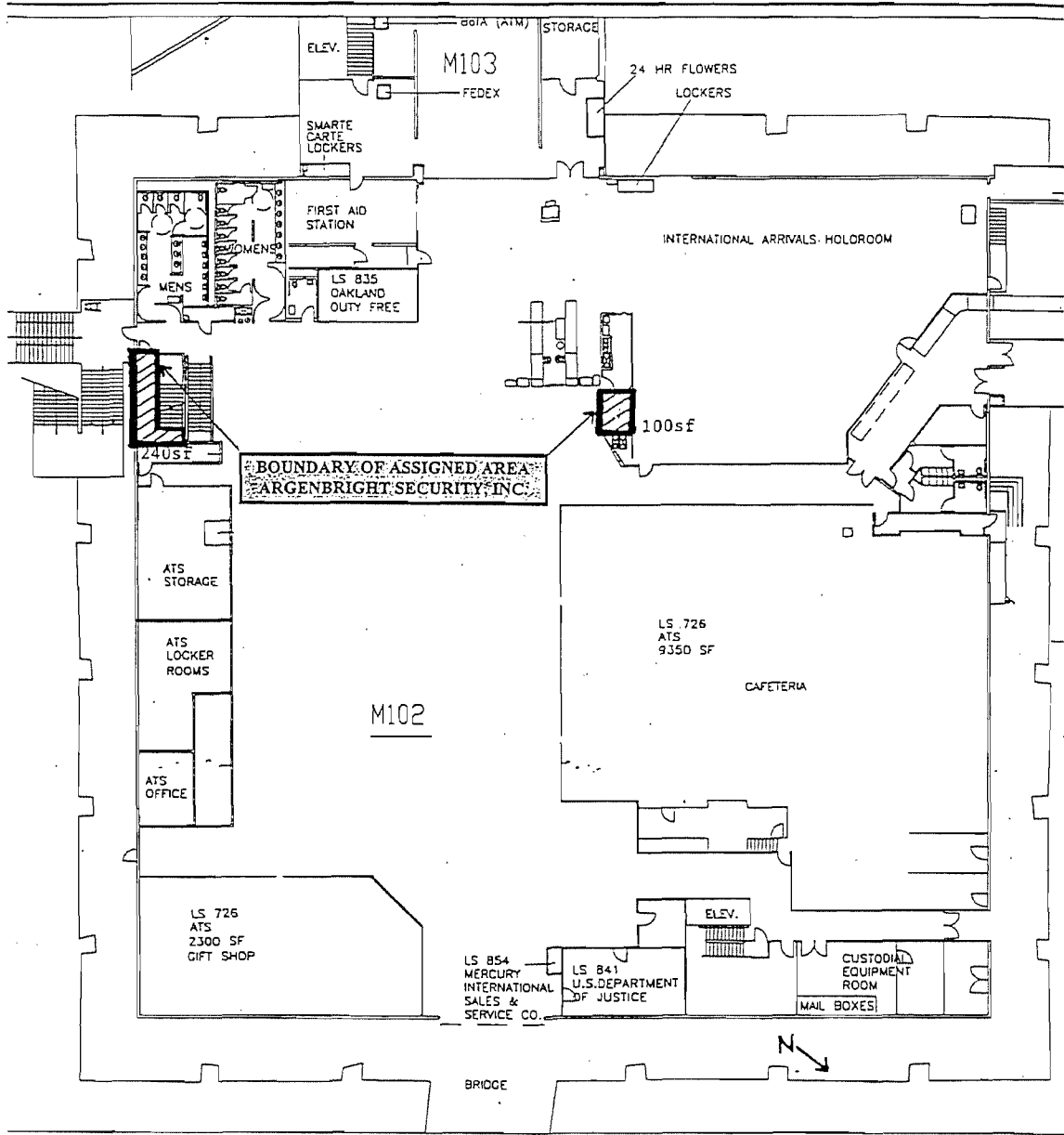
Shon Higgins
SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

**Board of Port Commissioners
Calendar Item**

Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Argenbright Security, Inc. (#1 Airport Drive, South Airport)



Land Records Management
1st Floor
Building M102
Oakland Airport

Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with Dollar Rent A Car Systems, Inc. (Adjacent to Building L-619, North Airport)

DATE: September 5, 2000

ITEM NO: 12S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Dollar Rent A Car Systems, Inc. (Dollar) is currently under a Right-of-Entry and Indemnity Agreement (Right-of-Entry) which provides for occupancy of approximately 83,831sf of improved land adjacent to Building L-619 on the North Airport. The premises is used for parking and storage of rental cars. The Right-of-Entry Agreement term is July 17, 2000 through August 30, 2000. Rent is \$10,856.11 per month.

ANALYSIS:

The proposed one-year License and Concession Agreement would further supersede and extend Dollar's occupancy of the same premises commencing July 17, 2000 through June 30, 2001. Monthly rent would remain the same.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

The project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

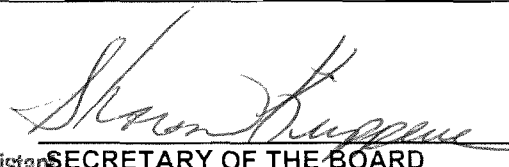
It is recommended that the Board approve the above-described License and Concession Agreement with Dollar Rent A Car Systems, Inc.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20334

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

SEP 5 - 2000

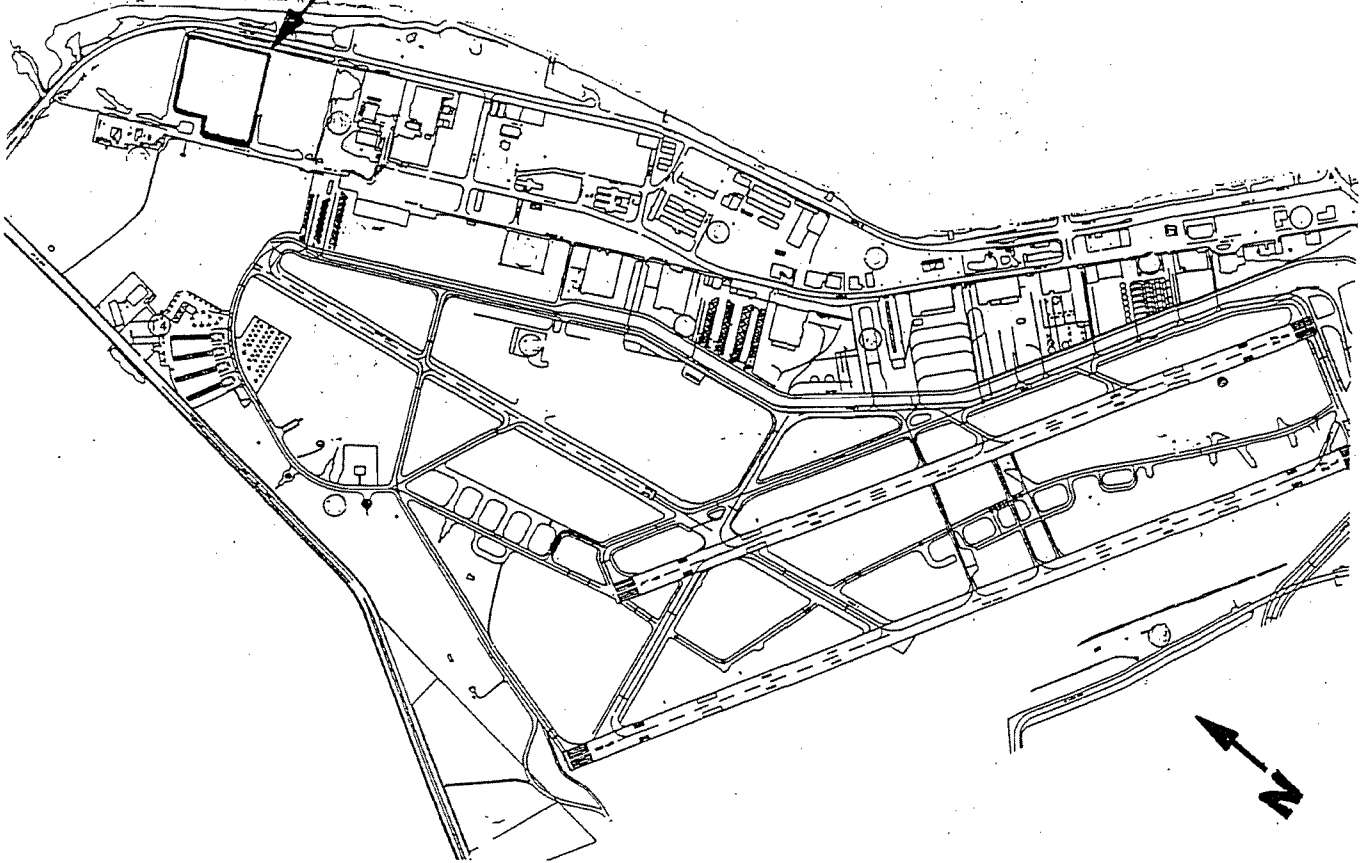
DATE

Board of Port Commissioners Calendar Item

Approval of License and Concession Agreement with East Bay Municipal Utility District
(Adjacent to Buildings L-900, L-914 and L-927, North Airport)

OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT

EBMUD
BOUNDARY OF
ASSIGNED AREA
Approx. 1.5 Acres



Airport Properties

Port of Oakland

**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of License and Concession Agreement with East Bay Municipal Utility District (Vicinity of Port Buildings L-900, L-914 and L-927, North Airport)

DATE: September 5, 2000

ITEM NO: 13S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

To increase the reliability of the water supply, East Bay Municipal Utility District (EBMUD) is considering storage of treated water in deep (generally below depths of 150 feet) high-quality, water-bearing formations known as aquifers. Deep aquifers are protected from surface contamination by thick layers of clay materials. Stored water would be extracted and used during emergencies such as droughts or earthquakes, or to satisfy peak seasonal demands. EBMUD has identified a site on North Airport for testing to determine if it would qualify as a storage area.

ANALYSIS:

The proposed one-year License and Concession Agreement would provide for site investigation work on a 1.5-acre site of unimproved land in the vicinity of Port Buildings L-900, L-914 and L-927. The work would consist of soil borings, installation of two (2) ground water monitoring wells and ground water sampling and testing. The proposed use could lead to a permanent source of potable water for more rapid use by Oakland International Airport in the event of emergencies.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 15306, Class 6, information collection and research activities that do not result in a serious or major disturbance to an environmental resource and Class One of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

There are limited alternative uses for the subject site due to its being surrounded by wetlands.

RECOMMENDATION:


It is recommended that the Board approve the above-described License and Concession Agreement with East Bay Municipal Utility District.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20335

BOARD ACTION TAKEN

Assistant

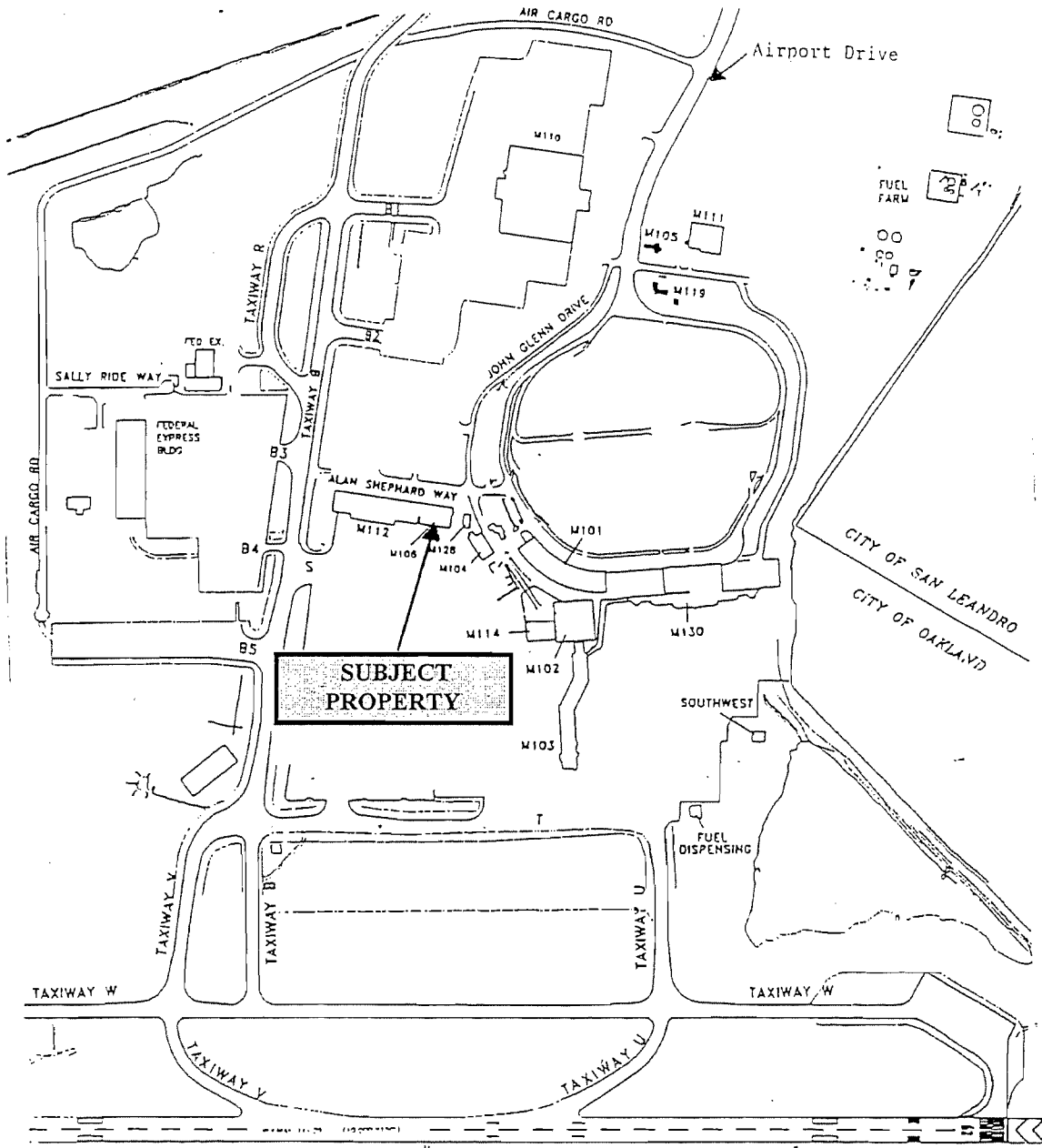

SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

**Board of Port Commissioners
Calendar Item**

Approval of Workout Agreement for the Collection of Underpaid Gross Revenues with TransOak, Inc. dba TransAir Services Corporation (3 Alan Shephard Way, South Airport)



Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 14S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

TD
 SUBJECT: Authorization to Include the Demolition of Building L-643,
 North Field, OIA, in the Small Business Program

SUBMITTED BY: Joseph K. Wong *[Signature]*
 EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port proposes to demolish Building L-643 at the North Field of the Oakland International Airport. This is a 9,900 sq.ft deteriorated wood-frame building, approximately 50 years old, and contains hazardous materials such as asbestos and lead paint. The building also attracts transients and wild animals seeking shelter.

This demolition work will not only remove a deteriorated structure and hazardous materials, and eliminate associated maintenance costs, but it will also allow the site to be developed for replacement rental car facilities.

ANALYSIS:

It is believed to be in the best interests of the Port to include this project in the Port's Small Business Program. This program allows small local contractors to attain experience in public sector work. To encourage small local contractor participation in this work, it is recommended that the Port dispense with competitive bidding procedures and engage in an outreach program by initially soliciting proposals from only small local contractors.

ensure that this work is completed on time for the subsequent development of the site, the proposal documents and advertisement will be modified to encourage all contractors to pick up Plans and Specifications. The contractors will be informed that the Port will initially only consider proposals from small local contractors. If no responsive proposals are received, all companies on record as having received Plans and Specifications will be invited to submit proposals on a newly scheduled proposal submission date.

Environmental:

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is part of Project B-5, Replacement Rental Car Service Facilities, in the EIR. The EIR evaluates the impacts associated with this project and provides mitigation measures to be implemented with this project. The Board of Port Commissioners certified the EIR on 6/29/99. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this project component of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

General Plan:

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

Budget:

The Total Project Cost is estimated to be \$217,500.

The Capital Budget for Fiscal Year 2000-2001 provides for this work under CIP Item No. A1.00815.01. The funding source is Port cash.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20336

BOARD ACTION TAKEN

[Signature]
 Assistant SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Subject Labor Agreement:

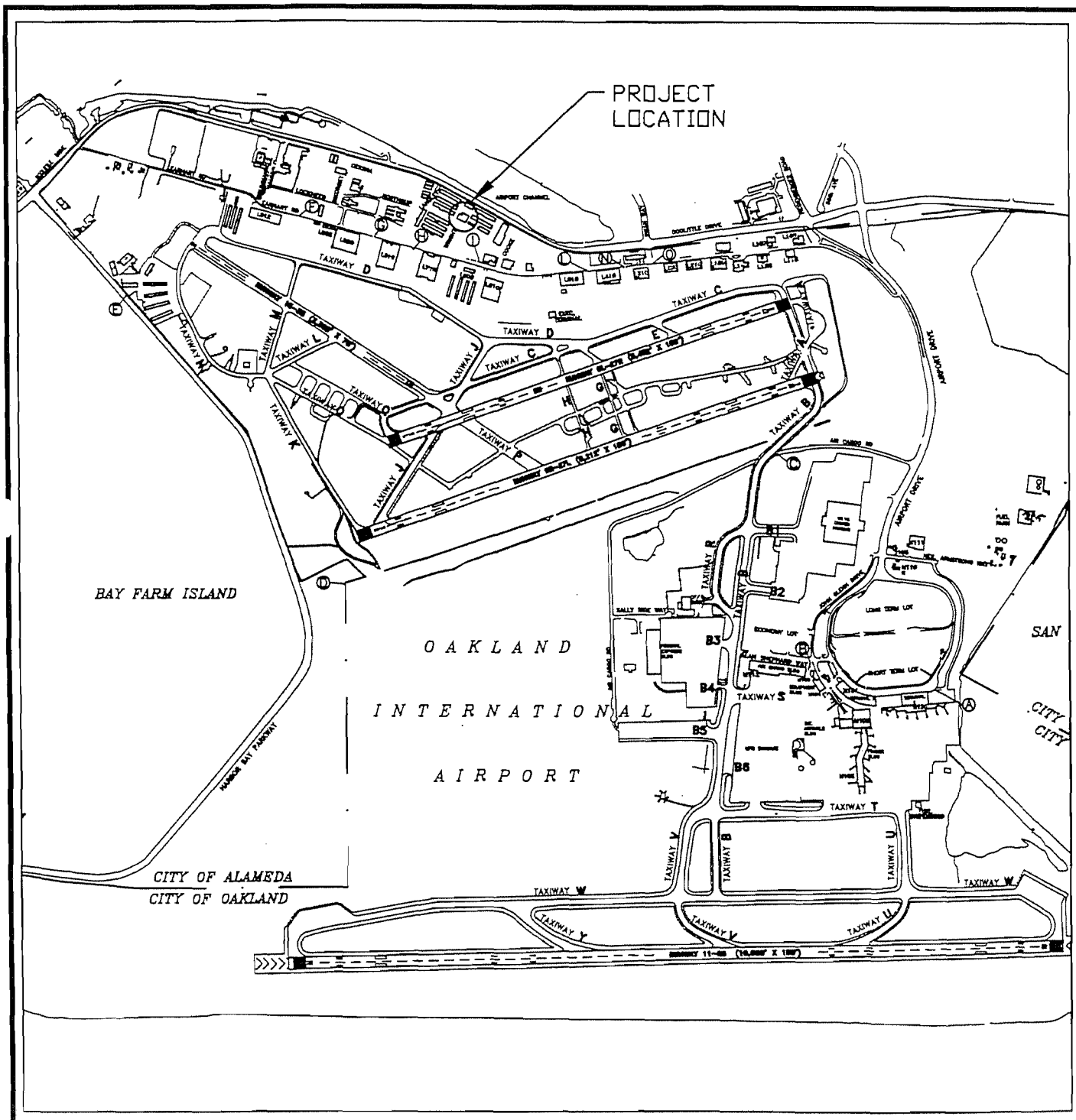
The provisions of the Port of Oakland Maritime and Aviation Project labor Agreement (MAPLA) apply for this work.

However, if a qualifying small local contractor submits a proposal that is acceptable to the Port and said contractor is otherwise eligible for exemption from the MAPLA under the program established in the MAPLA's Appendix "G" – Letter of Understanding re: Small Business Utilization Program, it is the Port's intention to exercise the exemption and to award the contract under that program.

RECOMMENDATION:

It is recommended that the project **Demolition of Building L-643, North Field, OIA**, be included in the Port's Small Business Program, and that it be found to be in the best interests of the Port to dispense with competitive bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor who submits an acceptable proposal.

It is further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on informal proposals, if the attempt to secure an acceptable proposal from a small local contractor is not successful.



PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 155

AA
TD
SUBJECT: Approval of Plans and Specifications for Overlay of
Taxiway D (South of Taxiway M) and Taxiway J,
North Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Plans and Specifications have been prepared for **Overlay of Taxiway (South of Taxiway M) and Taxiway J, North Field, Oakland International Airport, Oakland, California**, and are submitted for approval and authorization to advertise for bids.

Taxiway D and Taxiway J, built in the 1940s, are showing signs of deterioration and are in need of pavement and taxiway light improvements. The taxiways will also require strengthening and widening in order to meet the needs of larger air cargo aircraft and to conform to Federal Aviation Administration (FAA) requirements. This project is part of a program to reconstruct existing aprons and taxiways at the North Field to enhance the safety and extend the life of the facilities.

The scope of work consists of: 1) overlaying and widening the taxiway and shoulder of Taxiway D (South of Taxiway M); 2) overlaying the taxiway and widening the shoulder of Taxiway J; 3) installing new taxiway lighting systems and signs; 4) modifying/raising existing storm drainage lines and utilities; and 5) pavement striping and marking. The approximate lengths of Taxiway D and J are 3,800 linear feet and 2,300 linear feet, respectively. The Taxiway D and J work is included as the base bid. This project also includes installation of the master drainage system along Taxiway D as a bid additive alternate. The decision on whether or not to install the master drainage system will be determined upon review of the bids received. The determination of how to rank the bids for award purposes will be announced immediately prior to the bid opening.

On August 16, 2000, we submitted the plans and specifications to the FAA for approval. The FAA has approved the plans and specifications for the project.

ANALYSIS:

Environmental:

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 15301, Class 1 (a, d and f) and Section 15302, Class 2 (b and c).

General Plan:

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

Budget:

The Total Project Cost for the taxiway portion is estimated to be \$5,317,000, and, \$6,443,000 for the base bid plus the master drainage additive alternate.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20337

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

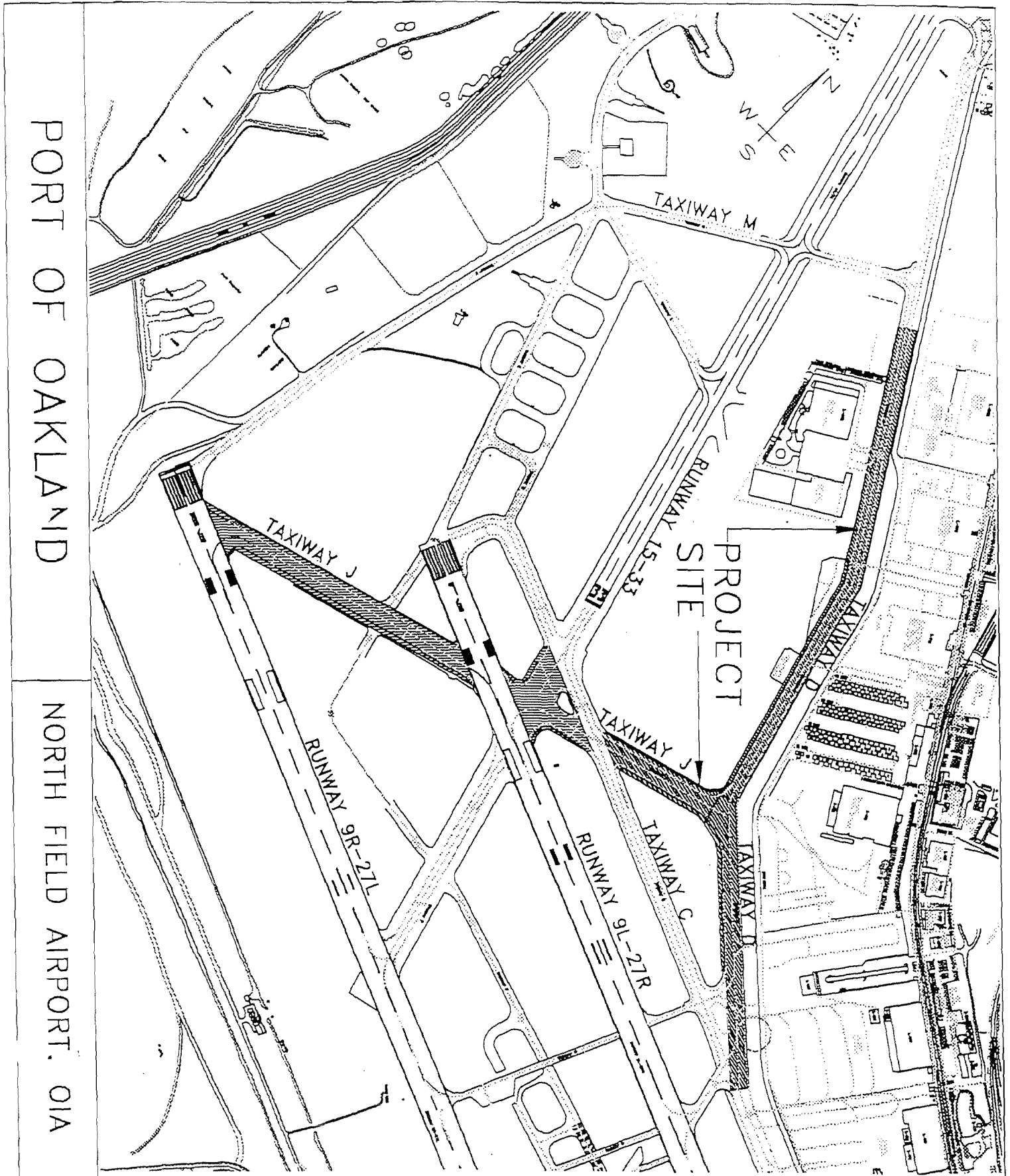
The taxiway portion is budgeted under CIP A1.00626.03 and the funding source is AIP-22, AIP-23, AIP 24 (fiscal year 2000) and Passenger Facility Charges (PFCs). The master drainage system is not currently budgeted. The need for the improved drainage system is not critical at this time, but will eventually be necessary as development continues at the North Field. If bids for the system are deemed within an acceptable level, the Aviation Division will fund the additional work through other funding sources.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that the Plans and Specifications be approved and authorization granted to advertise for bids to be received on October 11, 2000.



KA

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Plans and Specifications for Aircraft Sound Insulation Program, Phase 1, Bay Farm Island, Alameda, California

DATE: September 5, 2000

ITEM NO: 16S

PROGRAM AREA:

- Checked: Airport Operations C. I.
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong
EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND:

Plans and Specifications have been prepared for the Aircraft Sound Insulation Program, Phase 1, Bay Farm Island, Alameda, California, and are hereby submitted for approval and authorization to advertise for bids.

In February 1999, the Airport completed a Pilot Sound Insulation Program, which included soundproofing four homes in the Bay Farm Island area of Alameda. This was a sample program to evaluate the effectiveness of the insulation and to determine the best program management and design criteria for the large scale Sound Insulation Program (SIP). The purpose of both the pilot and large scale sound insulation programs was to bring all homes within the Airport's "Noise Impact Area" into compliance with California's Noise Standards Title 21, Subchapter 6. A "Noise Impact Area" includes residential areas that are located within an airport's 65 Decibel (db) Community Noise Equivalent Level (CNEL) noise contour. The CNEL represents the average noise level, measured in decibels, during a 24-hour day with extra weight given to aircraft operations during evenings and nighttime. If this noise level results in home interior levels greater than 45 db CNEL, airports are responsible for mitigating noise in these areas. Residential sound insulation programs are a common and effective method for meeting State law requirements. The pilot program was effective in reducing the interior noise levels of the four homes to a noise level of less than 45 db CNEL. It created a noticeable difference for the homeowners, and also met government guidelines for noise level reduction.

On January 4, 2000, the Board authorized the hiring of Muller & Caulfield Architects to prepare plans and specifications to obtain construction bids to soundproof the balance of the homes in the "Noise Impact Area" in six phases with approximately 100 homes in each phase.

The overall project consists of ultimately soundproofing approximately 586 town homes and 32 single-family homes in the Bay Farm Island area of Alameda. The SIP is expected to be completed in a number of phases over a six-year period by insulating approximately 100 homes per year. The soundproofing involves replacing all windows and sliding glass doors with acoustical units; sealing exterior doors and replacing exterior hollow core doors; modifying fireplace openings, dampers and skylights; and providing fresh air makeup of the existing heating systems. The work included in the Plans and Specifications for which approval is being requested will constitute the first phase of the program and will include the first 100 homes.

The project specifications include the requirement that the bidders meet minimum qualification of completion of two projects in excess of \$1,000,000 each which were completed in the last 5 years and each of which involved interactions with at least 50 homeowners.

ANALYSIS:

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15301, Class 1 (a and F).

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20338

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Budget:

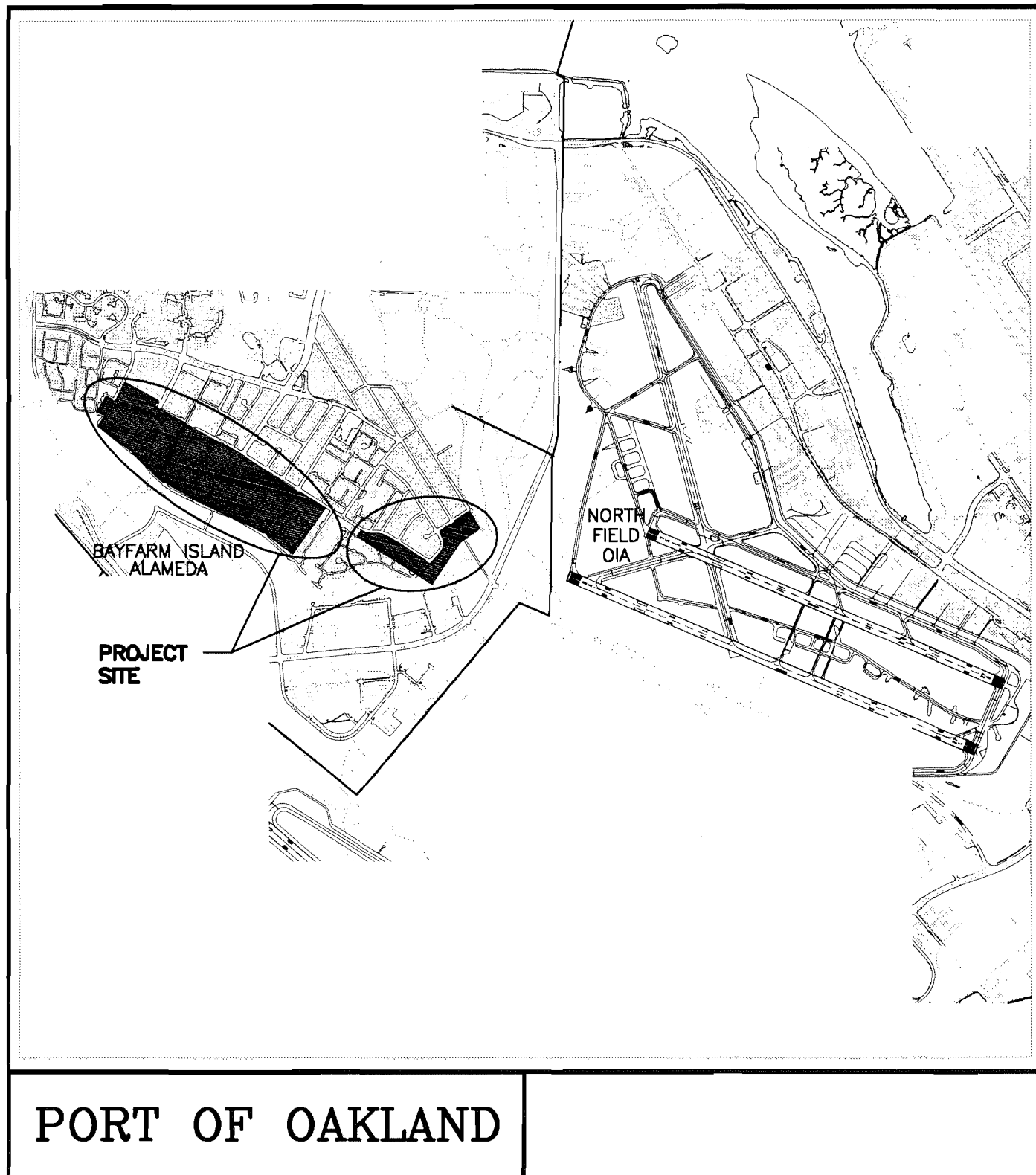
The Capital Budget for Fiscal Year 2001 provides for this work under CIP No. AA.03291.02. The funding source is Passenger Facility Charges (PFCs). The Total Project Cost for Phase 1 is estimated to be \$2,900,000. The Total Program Cost for all phases is estimated to be \$16,400,000.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that the Plans and Specifications be approved and authorization granted to advertise for bids to be received on October 25, 2000.



PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 17S

^{TD}
SUBJECT: Approval of Plans and Specifications for Construction of
Aviation Maintenance Facilities Complex, North Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *JKW*

FACTUAL BACKGROUND:

Plans and Specifications have been prepared for **Construction of Aviation Maintenance Facilities Complex, North Field, Oakland International Airport, Oakland, California**, and are submitted for approval and authorization to advertise for bids.

The scope of work consists of constructing a new maintenance facility to replace the existing Aviation maintenance facilities being displaced by planned Airport development. The work includes required site preparation and grading, paving, installation of new utilities, and construction of 3 or 4 new buildings based on the bid alternate selected. The buildings include a 9,400 sq. ft. administration office building, a 14,400 sq. ft. shop complex, and an 11,875 sq. ft. warehouse in the base bid; and a 14,700 sq. ft. vehicle and equipment maintenance building as a bid additive alternate. The decision on whether to build the facility based on the base bid or the base bid and alternate will be determined upon review of the bids received. The determination of how to rank the bids for award purposes will be announced immediately prior to the bid opening.

In an effort to provide prime contracting opportunities to small local contractors, various components of the project sitework will be bid separately under the Small Business Program. These sitework components include landscaping, fencing and gates, and pavement striping and vehicle bumpers.

A small portion of the development site is currently covered by a lease to KaiserAir as a piece of their larger premises. The portion of the Kaiser Air premises needed for this project is part of the KaiserAir parking lot, but is not actually used by the tenant for parking. The Port is negotiating with KaiserAir to acquire the leasehold of this portion of the site in order to develop the main entrance to the new Facilities Complex. If these attempts are not successful, the Port will be required to pursue condemnation in order to gain the necessary access to the project site. Provisions have been incorporated into the construction documents to defer work within the KaiserAir portion of the project for up to 90 days in order to accommodate the time required to negotiate with Kaiser Air or pursue the condemnation process.

ANALYSIS:

Environmental:

On December 22, 1998, the Port of Oakland filed a Notice of Exemption from the requirements of the California Environmental Quality Act (CEQA) on the project with the Alameda County Clerk. On February 8, 1999, the San Francisco Bay Conservation and Development Commission (BCDC) approved Permit No. M98-71 for the project. On February 25, 2000, BCDC approved Amendment No. One approving a time extension for the project.

General Plan:

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20339

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

udget:

The Total Project Cost for the base bid is estimated to be \$9,900,000, and \$14,200,000 for the base bid plus additive alternates, of which \$300,000 has already been spent on design.

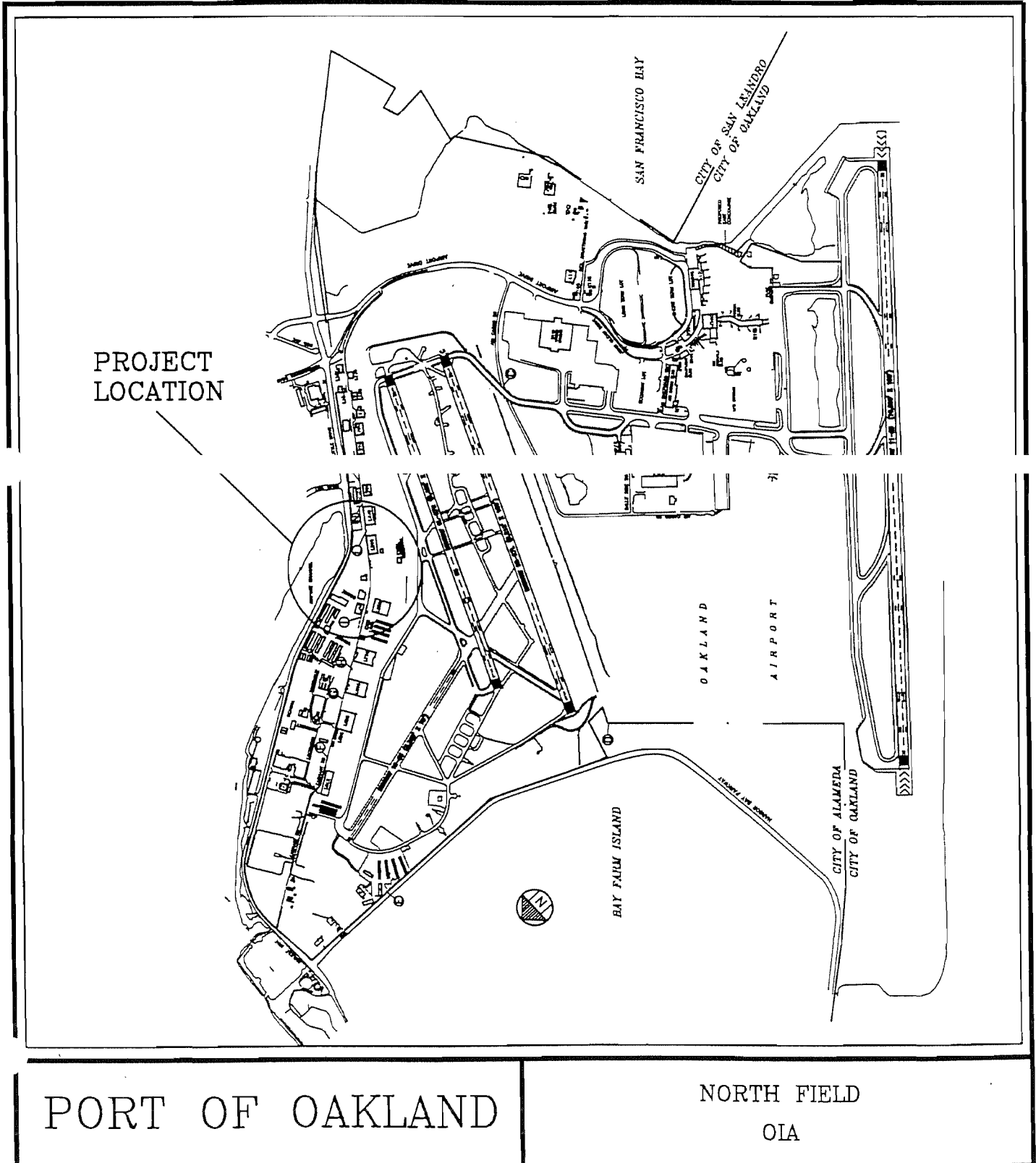
This base bid is budgeted under CIP A1.00685.01 and funded by Port cash with possible future bond reimbursement. The additive alternate for the vehicle and equipment maintenance building is not currently budgeted. This portion of the Facilities Complex is not required at this time since there are no immediate plans to redevelop their current site for other uses and the existing facility is currently meeting the Aviation Facilities Department's needs. However, the need to construct this facility in the future remains for potential other future development and to consolidate Aviation Facilities for improved efficiencies. If the bid for the vehicle and equipment building is deemed within an acceptable level, the Aviation Division will fund the additional building through other funding sources.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work

RECOMMENDATION:

It is recommended that the Board approve the plans and specifications and authorize advertisement for bids to be received on October 25, 2000.



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 20S

SUBJECT: Amendment to Port Ordinance No. 3519, Establishing the Rules and Regulations for the Port Of Oakland Marinas

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Omar R. Benjamin
EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Port Ordinance 3519 establishes the Rules and Regulations for the Port of Oakland recreational marina operation among other things. Port staff recommends that Port Ordinance 3519 be amended to clarify and revise vessel removal, dismantling and salvaging operations and procedures ("vessel removal operations") as well as to increase the berthing rate at certain Port-operated marinas.

Concerns have recently been raised about the Port's periodic vessel removal operations culminating in an allegation of violation of the federal Clean Water Act emanating from the Port's removal and disposition of a sinking/derelect vessel known as the Moby Dick.

Specifically, the Port has received an Administrative Civil Liability Complaint from the Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB") regarding the Moby Dick incident and its past vessel removal/operations. The RWQCB Complaint assesses \$80,000 as a penalty and for staff costs. In addition, the Port, former Commissioner Loh and the Harbormaster have been named in a Complaint filed in Federal District Court by the BayKeeper (a project of the WaterKeeper) regarding the Moby Dick incident as well as its past vessel removal operations. The Port has incurred significant costs in responding to the RWQCB administrative process and related litigation.

Analysis:

The Port has undertaken such operations infrequently in the past and there is no permitted existing Port-operated vessel removal facility. In fact, the Port has undertaken, on average, less than four such removals per year for the last five years. Permitting, constructing and operating such a facility would be difficult, costly and unwarranted given the infrequency of such vessel removal and salvaging operations. For example, land use approvals would be required to construct such a facility and the facility could well have to comply with a myriad of laws and regulations relating to the potential discharge of pollutants associated with the activity.

There are marine service contractors with experience in raising, towing, removing, storing and demolishing sinking, abandoned or derelect vessels. These contractors have the specialized equipment and training for such tasks. In addition, the storage or demolition of such vessels would not occur on Port property, obviating the need for a Port facility. Such contractors are available in the vicinity of the Port Area.

Port staff recommends that the Port revise and clarify its vessel removal policies. The proposed revisions are mainly contained in Section 8 of the revised proposed Marina Ordinance and provide a set of policies to govern the Port's future vessel removal operations in the Port Area. It is proposed that more detailed regulations be adopted that contain specific procedures consistent with the Marina Ordinance and state law.

The revised Marina Ordinance includes the following components:

- Cessation of all sinking, derelect or abandoned vessel removal, storage, demolition, salvage and shipwrecking activities in the Port Area, except for certain limited activities necessitated in the case of emergencies.
Utilization of the services of a qualified marine services firm to take direct action in responding to sinking, derelect and abandoned vessels, such as, but not limited to, towing, removing from the water and storing vessels, and conducting salvage, etc., demolition and disposal activities.

- MOTION
RESOLUTION
[X] ORDINANCE
INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN Assistant

SECRETARY OF THE BOARD

SEP 5 - 2000
DATE

- Procedures for responding to emergency situations involving sinking, derelict, or abandoned vessels.
- Procedures for notification of proper federal, state and local officials as appropriate in situations involving sinking, derelict or abandoned vessels.
- Routine monitoring program to identify and address abandoned inoperable and un-seaworthy vessels before they become derelict.

Commercial Real Estate (including the Port's Harbormaster) and Engineering (both Environmental Planning and the Environmental Health and Safety Compliance) staff have been working together on drafting the vessel removal procedures contained in the revised Marina Ordinance. Adoption of the Revised Marina Ordinance is in the best interest of the Port, in particular the public interest in economy and better performance. First, permitted Port facilities for such operations are non-existent. Second, the expense and difficulty in creating a Port facility for such operations are significant and unwarranted in that the Port's vessel removal activities are, at best, infrequent. Finally, third party marine services firms are available to accomplish such activities on an as-needed basis and have the specialized equipment and expertise to conduct such operations.

In addition, it is further proposed that the Marina Ordinance be amended to provide for a 5% increase in marina rental rates, effective October 1, 2000, for 348 berths in the Embarcadero Cove and Union Point Basin Marinas. The Jack London Square Marinas would be excluded from this proposed rate increase since their new rates (\$8 per foot) were established last year.

Marina rates were last increased by 5% in October 1997. Since the current vacancy rate in these marinas is less than 4%, staff believes that a moderate increase is justified and supportable in the competitive market. A recent survey of rates for both public and private marinas in the San Francisco Bay Area shows that the average rate for public marinas is \$5.41 per lease foot (plf), excluding utilities. The new Port rates will average \$6.31 plf, including built-in utility charges. Private marinas, which offer more amenities, average about \$6.09 plf, excluding utilities.

Attached is a schedule outlining the existing and proposed marina rates.

Recommendation:

It is recommended that the Board give first reading to the revised Marina Ordinance (attached) and direct the Director of Commercial Real Estate to prepare and adopt the more detailed Vessel Removal Regulations consistent with the revised Marina Ordinance and state law.

NORTH BASIN I AND II, CENTRAL BASIN, UNION POINT BASIN

BERTH WATER
DIMENSIONS

MONTHLY RENTAL

20' X 17.0'	\$135.00
22' X 11.0'	\$108.00
24' X 11.0'	\$119.00
25' X 11.0'	\$123.00
25' X 12.0'	\$127.00
25' X 13.0'	\$131.00
25' X 13.5'	\$134.00
28' X 11.5'	\$144.00
28' X 12.0'	\$146.00
28' X 12.5'	\$148.00
28' X 13.0'	\$150.00
28' X 13.5'	\$152.00
29' X 12.0'	\$150.00
29' X 14.0'	\$160.00
30' X 12.0'	\$159.00
30' X 13.0'	\$166.00
30' X 13.5'	\$167.00
30' X 14.0'	\$169.00
30' X 14.5'	\$172.00
30' X 15.0'	\$174.00
32' X 12.5'	\$172.00
32' X 13.0'	\$174.00
32' X 13.5'	\$177.00
32' X 14.0'	\$179.00
32' X 15.5'	\$187.00
34' X 12.0'	\$182.00
34' X 12.5'	\$186.00
34' X 13.0'	\$188.00
34' X 13.5'	\$190.00
34' X 14.0'	\$194.00
34' X 14.5'	\$196.00
34' X 15.0'	\$199.00
34' X 15.5'	\$202.00
34' X 16.0'	\$204.00
36' X 13.0'	\$199.00
36' X 14.0'	\$204.00
36' X 15.0'	\$210.00
36' X 15.5'	\$212.00
36' X 16.0'	\$215.00
36' X 17.0'	\$221.00
38' X 12.0'	\$225.00
38' X 15.0'	\$228.00

NORTH BASIN I AND II, CENTRAL BASIN, UNION POINT BASIN

**BERTH WATER
DIMENSIONS**

MONTHLY RENTAL

38' X 15.5'	\$229.00
38' X 16.0'	\$231.00
40' X 15.0'	\$236.00
40' X 16.0'	\$242.00
40' X 16.5'	\$246.00
40' X 17.0'	\$248.00
42' X 14.0'	\$245.00
42' X 14.5'	\$248.00
42' X 15.0'	\$252.00
42' X 16.0'	\$258.00
42' X 16.5'	\$262.00
45' X 16.0'	\$280.00
45' X 16.5'	\$284.00
45' X 17.0'	\$286.00
45' X 17.5'	\$290.00
47' X 16.0'	\$291.00
47' X 17.0'	\$298.00
47' X 17.5'	\$302.00
47' X 21.0'	\$325.00
52' X 16.0'	\$324.00
52' X 17.0'	\$332.00
52' X 18.0'	\$340.00
52' X 20.0'	\$354.00

**NORTH BASIN I AND II, CENTRAL BASIN AND
UNION POINT BASIN OVERHANG CHARGE**

\$6.00 per linear foot

**NORTH BASIN I AND II, CENTRAL BASIN AND
UNION POINT BASIN SIDE TIE RATES**

**30' or under \$5.50 per linear foot
over 30' \$6.00 per linear foot**

(c) Rafts, dinghies or other small boats may be kept with the original boat for which the berther has a berthing agreement at no extra charge if totally maintained in the water or float within that berth.

(d) Rafts, dinghies or other small boats may be kept in another part of the marina, if space is available, at the following charge:

\$1.00 per linear foot per month

(e) Floats for row boats or other small watercraft:

\$15.00 or \$18.00 per month

(f) In the Jack London Marinas at the following rates:

JACK LONDON MARINAS

\$8.00 per linear foot

(g) In the Seabreeze Marina, wet storage only, at the following rate:

SEABREEZE MARINA

Berths and

Side-ties \$4.25 per linear foot

- (2) Application. An application for a berth agreement shall be accompanied by an application fee of \$100 for such berth agreement. Said fee shall not be refunded in the event a berth agreement for occupancy is executed. It shall, however, be refunded in the event an application for a berth agreement is withdrawn prior to notification of owner by the Director of Commercial Real Estate that a vacancy exists. The applicant shall have ten (10) days from the date of said notice to respond in writing and to pay the monthly berth rent and charges plus an equal sum as a performance deposit, less the amount of the above application fee. In the event applicant fails to respond to the notice of vacancy, the application fee will be forfeited and the applicant's name removed from the waiting list.

Subject to the prior approval of the Board of Port Commissioners, a berth agreement may be entered into with the United States of America, the State of California, the County of Alameda, the City of Oakland, with any public agency thereof, to berth a vessel within the Port Area and Port Marina Areas without the payment of rent therefor.

- (3) Live-aboard Rates and Service Charges. The following rates apply to vessels used as live-aboards: \$100.00 per month for the permittee and \$50.00 for each additional person residing on the live-aboard vessel. The Director of Commercial Real Estate has full discretion to determine the total number of occupants on each vessel given live-aboard status.
- (4) Commercial Vessels. No berth agreement shall be entered into for a vessel that is used for commercial purposes except for a vessel operating under a current valid commercial fishing or charter license.
- (5) Admission to berth is at the Discretion of the Director of Commercial Real Estate. The berthing of vessels in the Port Area or Port Marina Areas shall be subject to the direction and control of the Director of Commercial Real Estate who shall determine the admissibility of vessels to the Port Area or Port Marina Areas based on type, condition, size and availability of berthing space.
- (6) Assignment or Subleasing of Berths. Berths are assigned for the exclusive use of the berth agreement holder and may not be assigned or subleased by such berther without the prior written consent of the Director of Commercial Real Estate who may grant such consent based upon the following terms and

Agenda Sheet


DATE: September 5, 2000

ITEM NO: 26S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

^{TP}
SUBJECT: Approval of Plans and Specifications for Replacement of Fender System at Berths 35-37, Ben E. Nutter Terminal

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Plans and specifications have been prepared for the **Replacement of Fender System at Berths 35-37, Ben E. Nutter Terminal, Oakland, California**, and are hereby submitted for approval and authorization to advertise for bids. The work consists essentially of removal of portions of the existing wooden fender structure (the structure used to cushion the impacts of large ships as they approach to berth along an existing wharf) and replacement with new rubber fender units installed along the face of the wharf.

The existing fender system at Berths 35-37, comprised of wooden fender piles and hollow rubber dock units, offers relatively low energy absorption capacity compared to modern rubber fender systems. Additionally, it poses a relatively high maintenance cost to the Port. Several piles are replaced annually either due to collision by the vessels or due to deterioration of the wooden piles. The Maritime Division requested Engineering to evaluate the available fender options, recommend an adequate unit fender system and prepare plans and specifications for the installation.

ANALYSIS:

Engineering carried out a comprehensive study of fender system alternatives that could be implemented at this existing wharf. During the analysis, the design criteria were modified to account for the "next generation of ships" that could call at the Port. The configuration and berthing procedures for these larger vessels were utilized to determine the projected energy absorption capacity required at the wharves. Consequently, the final fender system design compares favorably with that employed at Berths 55-56, one of the Port's most recent berths presently under construction.

Environmental Issues:

The project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA). The Port's Environmental Health and Safety Compliance Department (EHS&C) investigated disposal options for treated wooden fender piles and determined appropriate waste disposal sites.

Budget:

The capital budget for Fiscal Year 2000 provides for this work under CIP Item No. M2.00617.04. The total project cost is estimated to be \$1.6 million. The funding source for the work is Port bonds.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that the plans and specifications be approved and authorization be granted to advertise for bids to be received on Wednesday, October 11, 2000.

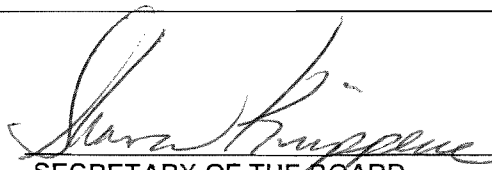
- MOTION
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- INFORMATION ONLY

Approved by Resolution

No. 20343

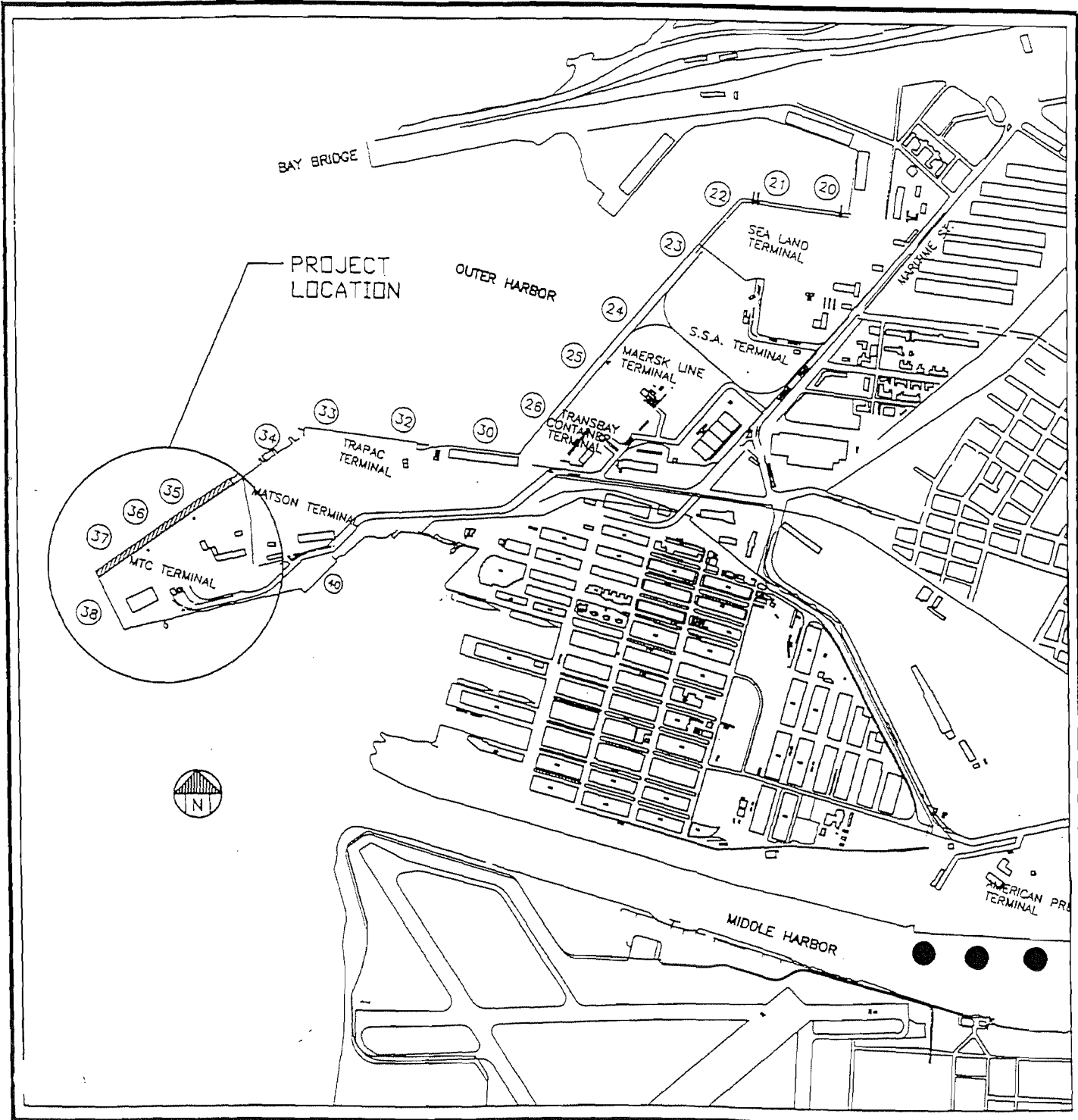
BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

SEP 5 - 2000

DATE



PORT OF OAKLAND

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Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 27S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations C. I.
- Overall Operations

SUBJECT: Award of Contract for Improvement of Yard Lighting, Berths 35-37, Ben E. Nutter Terminal

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Five bids were received and opened on August 9, 2000, for the **Improvement of Yard Lighting, Berths 35-37, Ben E. Nutter Terminal, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE (Items 1-11)
Hertz Electric Contractors	Oakland, CA			**		\$307,050.00
California Electric Company	Oakland, CA			X		\$337,244.60
St. Francis Electric	Hayward, CA				**	\$525,200.00
Sousa Electric Corporation dba D.C. Sousa Electric	Livermore, CA				**	\$665,715.00
Steiny and Company, Inc.	Vallejo, CA					\$671,345.00

* MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE Local Business Area Business Enterprise

** Bidder not certified as an LIABE/LBABE at time of bid.

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

ANALYSIS:

Non-Responsive Low Bidder:

The apparent low bidder, Hertz Electric Contractors, submitted a non-responsive bid bond and bid form with their bid, as explained below.

- Section 5(b) of Port Ordinance No. 1606 requires that all bids be accompanied by an acceptable form of bid security in an amount not less than 10% of the bid amount. However, Hertz's bid bond in the amount of "not to exceed \$30,000" was less than the required ten percent (10%) of the Total Bid Price.
- Hertz Electric Contractors did not sign the bid form (Document 00400).

Hertz Electric Contractors was notified by the Port in writing on August 10, 2000, that their bid appeared to be non-responsive. Hertz Electric Contractors submitted a response on August 21, 2000, in which it asserted that the defects in its bid were inconsequential and therefore should be waived. The Port subsequently responded in writing to Hertz Electric Contractors identifying the results of the modified bid amounts in accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy stated below.

- MOTION
- RESOLUTION
- ORDINANCE
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Approved by Resolution

No. 20344

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the business locations of the bidders and their subcontractors, and the length of time at those locations. Hertz Electric Contractors' modified bid remains at \$307,050 and California Electric Company's modified bid is \$303,940 in accordance with the Policy. Based on the comparison of the modified bid amounts, California Electric Company is the lowest responsible bidder.

Accordingly, it is recommended that California Electric Company be considered to be the lowest responsible bidder for the purpose of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with this recommendation. LBABE Participation is 100%, of which 95.85% is LIABE.

Subcontractor Listing:

California Electric Company listed the following subcontractor with their bid.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	MBE	WBE	LIABE	LBABE	“\$” AND “%” OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
E. E. Gilbert Construction Excavation	Martinez, CA				X	\$14,000 / 4.15%

Budget:

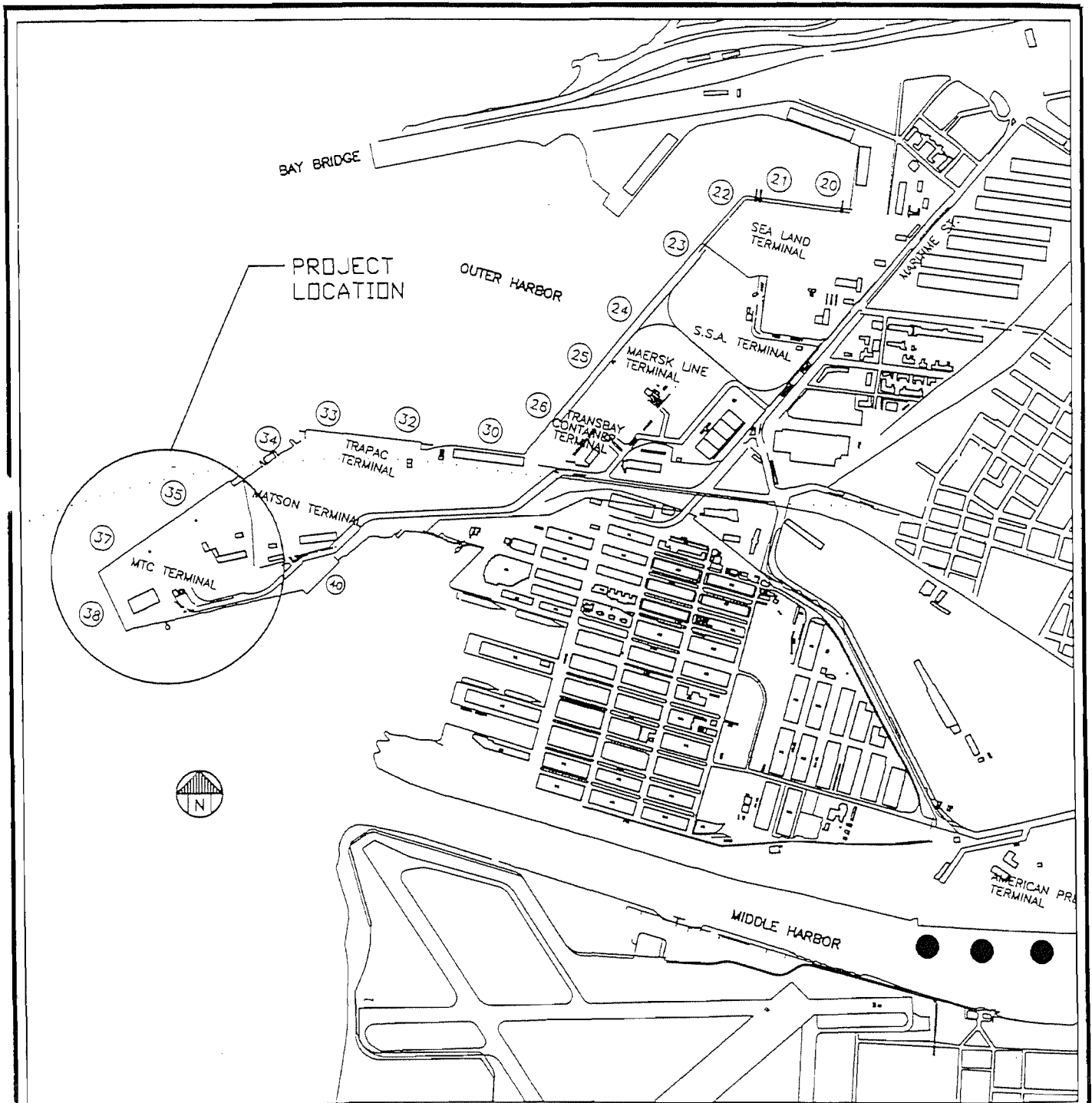
The capital budget for Fiscal Year 2001 provides for this work under CIP Item No. M2.00617.06. The funding source is Port cash. California Electric Company's bid is within the project budget for this work.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this Contract.

RECOMMENDATION:

It is recommended that California Electric Company be found to be the lowest responsible bidder, that the contract for the above project be awarded to California Electric Company for the amount of its bid, that the other bids be rejected, and that the bid securities be returned to the respective bidders.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: September 5, 2000

ITEM NO: 335

SUBJECT: Ratify and Approve Increase in Ceiling for Internet Usability
Enhancements

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert Martinez 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND

The Port of Oakland has a contract with Isys Idea Systems (IIS) for the redesign, hosting, and maintenance of the Port's Internet website (Board Agenda Sheet September 20, 1999 Item #32). The contract's ceiling was \$75,000. While Isys Idea Systems was redesigning the Internet website, the Port's MIS department was also developing the Port's Intranet system. The Internet website serves as a tool for communicating with the general public while the Intranet serves the internal information communications needs of the Port's employees.

ANALYSIS

Although the Port's Intranet has been launched and positively received, it is at a critical juncture. The Port's various divisions are now either adding data into the Intranet or desire to do so. However, the structure of the current Intranet makes adding data difficult. It also lacks consistency within the various divisions in its page presentation. To facilitate better usage and to augment Port staff expertise and time, a professional web design company was sought after to design templates. These templates would allow selected Port division staff to quickly and effectively insert new content into the Intranet. Additionally, it is thought that graphical designs by the same firm would give the entire Port Intranet/Intranet a more professional and consistent look and feel.

Isys Idea Systems was approached to complete these Intranet Usability Enhancements. It is the staff's judgment that IIS is best suited to provide the Port this service because they have redeveloped, and are currently under contract to host and maintain the Port's Internet site. The Port originally chose Isys Idea Systems for the Port's Internet website redesign after submitting Request for Proposals to fifteen firms in Oakland, Berkeley, and San Francisco. IIS is an Oakland based, woman owned firm with a solid background and experience in website creation and design.

Budget

This external contract programming cost has been budgeted under the current Board approved Port Intranet Development Project (CIP project Q0007.05 Work order #103480). It is estimated that up to \$45,000. in contract programming and graphic design would be required to accomplish this objective. Board approval to raise the expenditure ceiling set with the IIS contract by the same amount is required.

RECOMMENDATION

It is recommended that the Board approve raising the Isys Internet consulting contract's ceiling by up to \$45,000 for the proposed Intranet Usability Enhancements.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20346

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 Water Street
Oakland, California 94607
TELEPHONE: (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

COMMISSIONERS

DAVID KRAMER
President

PETER URIBE
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PHILLIP H. TAGAMI
Second Vice President

DARLENE AYERS-JOHNSON
FRANK KIANG
JOHN PROTOPAPPAS
PATRICIA A. SCATES

C A L E N D A R

**Regular Meeting of the Board of Port Commissioners
Tuesday, September 19, 2000 - 3:00 PM**

ROLL CALL

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

READING OF THE MINUTES:

Deferred - Regular meeting of July 18, 2000; regular
meeting of August 1, 2000; and regular meeting of
September 5, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

Introduction of Nakhodka Sister City Delegation

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Audit, Budget and Finance
City/Port Liaison
Commercial Real Estate

READING OF SUMMARY ITEMS: (Marked "S")

7 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1** This item not used.
- 2** Authorization to Accept Federal Aviation Administration (FAA) Grant Offer for AIP-24. (Resolution)
- 3S** Approval of Consultant Agreement with J.D. Franz Research, Inc. for Conducting a Passenger Survey and Analysis at Oakland International Airport (#1 Airport Drive). (Resolution)
- 4S** Approval of Building Permit Application for the Construction of Corporate Aircraft Hangar, North Airport, for BayAir, Inc. (Resolution)
- 5S** This item not used.

COMMERCIAL REAL ESTATE

- 11** Recommended Approval of Fiscal Year 00-01 Annual Target Rental Rates for License and Concession Agreements. (Resolution)
- 12** Ratify Change Order for Reconstruction of Jack London Square Marina. (Resolution)
- 13** Amendment of Port Ordinance Establishing New Transient Parking Rates in Jack London Square. (Ordinance)

MARITIME

- 21** Approval to Submit a Joint Application to the Bay Conservation and Development Commission to Amend the San Francisco Bay Area Seaport Plan to Accommodate Redevelopment of the Oakland Army Base by the Oakland Base Reuse Authority and the Port of Oakland. (Resolution)
- 22** Approval of Change Order to Construction of Berths 57/58 Container Wharf, Fill and Middle Harbor Shoreline Modifications. (Resolution)
- 23** Approval of Change Order for Construction of Joint Intermodal Terminal, Middle Harbor. (Resolution)
- 24** Approval of Environmental Consulting Services in the Area of Human Health and Ecological Risk Assessments for the Ninth Avenue Terminal. (Resolution)
- 25** Recommendation to Adopt an Ordinance Authorizing Execution of Agreement with Alameda Gateway, Ltd. (and Related Parties) Regarding the Oakland Harbor Navigation Improvement (50-Foot) Project, and to Adopt Resolutions Authorizing Execution of Settlement Agreement with Alameda Gateway, Ltd. and United States, Execution of Amendments to Existing Agreements Between the Port and Bay Ship & Yacht Co. and Between the Port and the City of Alameda Regarding the Oakland Harbor Navigation Improvement (50-Foot) Project, and Other Related Actions. (Resolutions & Ordinance)
- 26S** Approval of Agreement with PG&E for Relocation of 12kV Service to Building C-401, Vision 2000 Program. (Resolution)
- 27S** Resolution Granting Consent to Assignment of GTE Mobilnet of California Limited Partnership Lease to Crown Castle GT Company LLC. (Resolution)
- 28S** Authorization to Include Improvement of Yard Lighting, Berth 23, Outer Harbor Terminal, in the Port's Small Business Program. (Resolution)

OPERATIONS

- 31** Approval of Memorandum of Understanding with the City of Oakland for Special Services Payments for Fiscal years Ending June 30, 2000 and June 30, 2001. (Resolution)
- 32** This item not used.
- 33S** Travel Authorization. (Resolution)

BUILDING PERMIT APPLICATION ("S")

Pacific Commodities, installation of an awning constructed of wooden building materials and covered with roofing materials to overhang from the existing roof and provide protection from the weather, at their location on Middle Harbor Road.

Rainin Air, installation of motorized (electrical) hangar door opening assemblies for the two telescoping hangar doors of Bay A, Hangar 7, North Airport.

CLOSED SESSION

- 40** Under Separate Cover by Secretary of the Board.

Vote on the following Resolutions:

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

Noes: None

Absent: Commissioner Uribe and President Kramer - 2

RESOLUTIONS:

- 20353 1 ACCEPTING FEDERAL AVIATION ADMINISTRATION GRANT OFFER UNDER THE AIRPORT IMPROVEMENT PROGRAM ("AIP") PROJECT NO. 24. (Airport – 2)
- 20354 2 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH J.D. FRANZ RESEARCH, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport – 3S)

- 20355 3 GRANTING BAYAIR, INC., PERMISSION TO PERFORM CERTAIN WORK. (Airport – 45)
- 20356 4 INSTRUCTING PORT STAFF REGARDING RENTAL RATES AND TERMS TO BE NEGOTIATED WITH EXISTING OR PROSPECTIVE LICENSEES OF CERTAIN COMMERCIAL REAL ESTATE PROPERTIES. (Commercial Real Estate – 11)
- 20357 5 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH RANGER PIPELINES, INC., FOR RECONSTRUCTION OF JACK LONDON SQUARE MARINA, OAKLAND, CALIFORNIA. (Commercial Real Estate – 12)
- 20358 6 APPROVING FILING OF JOINT APPLICATION WITH THE OAKLAND BASE REUSE AUTHORITY (OBRA) TO THE BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) REQUESTING AMENDMENT OF THE SAN FRANCISCO BAY PLAN AND SAN FRANCISCO BAY AREA SEAPORT PLAN, AND APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT AMONG BCDC, OBRA AND THE PORT. (Maritime – 21)
- 20359 7 APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH BERTHS 57/58 CONSTRUCTORS, A JOINT VENTURE, FOR CONSTRUCTION OF THE BERTHS 57/58 CONTAINER WHARF, FILL AND MIDDLE HARBOR SHORELINE MODIFIATIONS, OAKLAND, CALIFORNIA. (Maritime – 22)
- 20360 8 APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH OLIVER DESILVA, INC., DBA GALLAGHER & BURK, INC., FOR CONSTRUCTION OF JOINT INTERMODAL TERMINAL, MIDDLE HARBOR, OAKLAND, CALIFORNIA. (Maritime – 23)
- 20361 9 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH ENVIRON INTERNATIONAL CORPORTION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime – 24)
- 20362 10 APPROVING AND AUTHORIZING EXECUTION OF LITIGATION SETTLEMENT AGREEMENT AMONG THE UNITED STATES OF AMERICA, ALAMEDA GATEWAY, LTD. AND THE PORT. (Maritime – 25)

- 20363 11 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENTS WITH BAY SHIP & YACHT CO., THE CITY OF ALAMEDA AND ALAMEDA GATEWAY, LTD. (AND RELATED PARTIES) REGARDING 50-FOOT DREDGING PROJECT. (Maritime – 25)
- 20364 12 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY FOR RELOCATION OF 12KV SERVICE TO BUILDING C-401, VISION 2000 PROGRAM. (Maritime – 26S)
- 20365 13 CONSENTING TO ASSIGNMENT OF GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP LEASE TO CROWN GT COMPANY LLC. (Maritime – 27S)
- 20366 14 GRANTING AUTHORIZATION TO INCLUDE IMPROVEMENT OF YARD LIGHTING, BERTH 23, OUTER HARBOR TERMINAL, 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Maritime – 28S)
- 20367 15 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 1999-2000 AND 2000-2001 SPECIAL SERVICES. (Operations – 31)
- 20368 16 CONCERNING CERTAIN TRAVEL. (Operations – 33S)
- 20369 17 GRANTING PACIFIC COMMODITIES, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20370 18 GRANTING RAININ AIR, INC., PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)

Vote on the following Ordinances:

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

Noes: None

Absent: Commissioner Uribe and President Kramer - 2

ORDINANCES:

- 1** Port Ordinance No. 3602 being, "AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF AGREEMENTS WITH PICKENS FUEL CORPOATION TO DESIGN, BUILD AND OPERATE A COMPRESSED NATURAL GAS FUELING STATION AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT WITHOUT COMPETITIVE BIDDING."
Final.
- 2** Port Ordinance No. 3603 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH KEY SOURCE INTERNATIONAL, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 1.3 ACRE PARCEL OF LAND LOCATED AT 7711 OAKPORT STREET."
Final.
- 3** Port Ordinance No. 3604 being, "AN ORDINANCE REVISING AND RESTATING PORT ORDINANCE NO. 3380, ESTABLISHING THE RULES AND REGULATIONS FOR THE PORT OF OAKLAND'S MARINAS AND FOR FIXING THE RATES AND CHARGES IN CONNECTION THEREWITH."
Final.
- 4** Port Ordinance No. 3605 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTION 2.03, ADDING SECTIONS 5.185 AND 11.0069, AND TO AMEND SECTIONS 5.161 AND 5.184."
Final.

- 5** Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3044, FIXING CERTAIN REVISED PARKING RATES AT THE PARKING FACILITIES IN JACK LONDON SQUARE."

Commercial Real Estate – 13 to print.

- 6** Port Ordinance No. ____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENT WITH ALAMEDA GATEWAY, LTD. (AND RELATED PARTIES) REGARDING THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT."

Maritime – 25 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be an adjourned regular meeting held on Tuesday, October 10, 2000 at 3:00 PM

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


DATE: September 19, 2000

ITEM NO: 2

SUBJECT: ^{TD} Authorization to Accept Federal Aviation Administration (FAA) Grant Offer For AIP-24

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

The Airport Improvement Program (AIP) was established by the Airport and Airway Improvement Act of 1982, and amended by the Airport and Airway Safety and Capacity Expansion Act of 1987. Under this program which is administered by the Federal Aviation Administration (FAA), grants are made to public agencies, and in some cases, private owners or entities, for the planning and development of public-use airports. The FAA provides two funding sources to support the AIP: 1) entitlement funds; and, 2) discretionary funds. Entitlement funds are allocated annually based on the number of enplaning passengers and air cargo traffic units per airport; discretionary funds are made available above and beyond the entitlement funding levels for certain projects that the FAA regards as high priority in nature, principally involving improvements to airfield capacity and safety. The Port was notified by the FAA that the entitlement funds were available to the Port under the AIP for federal fiscal year 2000 (10/01/99-09/30/00). Generally, the Port receives approximately 3 million entitlement funds per year.

On May 25, 2000, the Board approved the submittal of an Airport Improvement Program (AIP) grant application to the FAA to fund the Overlay Taxiway D (south of Taxiway M) and Taxiway J and the Overlay Runway 11/29 projects. Runway 11/29 was overlaid in 1977 and partially overlaid in 1989 based on a ten-year design life. The frequency and nature of recent pavement failures have indicated that the runway is in need of an overlay. Due to the urgency of the work, the Port applied for funds in May from the FAA and then added the project to the Port work program in July this year.

The Overlay Runway 11/29 project consists of several elements to maximize effectiveness of the project and to reduce impacts. (a) The asphalt concrete overlay will have a porous friction course surface or transverse grooved surface for runway friction purposes. Work is scheduled for Spring/ Summer 2001. (b) A blast fence may be used during construction to decrease the number of air carrier operations that would be diverted to North Field. (c) The Port will ask the FAA to designate a Stop Way at the end of the Runway for safety enhancement. During construction the Stop Way may be used in conjunction with a blast fence. The Stop Way area would be used only when an aircraft takeoff must be aborted. The 1,000 foot area proposed for the Stop Way is already paved. Grading, paving and pavement repairs would be performed. Lighting, navigational equipment, signage and related equipment would be relocated in compliance with FAA regulations. (d) The Port will ask the FAA to designate Taxiway W as a runway during the overlay work on Runway 11/29. The temporary designation would reduce the number of aircraft diversions. The temporary designation may require paving and installing equipment such as lighting and cables, navigational equipment, signage, striping and related equipment in compliance with FAA regulations. (e) A temporary on-site, portable asphalt concrete plant may be used to assure adequate quantities of hot material. (f) Maintenance improvements will occur for Taxiways B / C. The Taxiways B / C replacement and reconstruction is for future maintenance work that has been scheduled within the Port's five-year Capital Improvement Program (CIP). That maintenance work has been moved ahead to the year 2001 to accommodate additional operations during the proposed maintenance closure of Runway 11/29. The taxiways were built in the 1960's and show signs of deterioration. The project has been part of a maintenance program to enhance safety and to extend the life of the facilities. The work consists of pavement repair, overlaying the taxiways, and replacing existing lighting, cables, conduit, pavement striping and marking, signage and related equipment and work. Work is scheduled for Spring 2001. (g) Improve shoulders and install required replacement lighting, pavement striping, marking and signage and related equipment.


Prior to construction of the runway overlay, the Port will continue to perform temporary pavement repairs on Runway 11/29. Pavement requiring immediate repair is being repaired during the weekly Monday morning closure of Runway 11/29. Airport Facilities is accomplishing the work by utilizing the fiscal year paving contractor. The intent is for these repairs to be sufficient to maintain the runway serviceability through the upcoming winter. The Port will also be completing a Runway 11/29 lighting project that has been scheduled within the Port's prior five-year CIP, for award of contract this year. The Board approved plans and specifications for this project in May, awarded a construction contract on August 1st, and work will begin this Fall. The lighting project will replace deteriorated conduit and cable and rewire fixtures. Work will be performed during the weekly Monday morning closure of Runway 11/29.

- MOTION
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Approved by Resolution

No. 20353

BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

SEP 19 2000

DATE

As described above, the May AIP grant application to FAA included a request for funding the Overlay of Taxiways D / J, a reconstruction and reconstruction project. On September 5th, the Board approved plans and specifications for this airfield maintenance project. Taxiways D / J were constructed over 40 years ago and have deteriorated over the years. The overlay of Taxiways D / J is a maintenance project to meet current Airport operations needs and must conform to FAA standards. The Taxiways D / J project has been scheduled within the Port's prior five-year CIP, for award of contract this year and for construction to begin in the winter.

ANALYSIS:

The total estimated cost of the Overlay Taxiway D and J project is \$5,580,600. On March 31, 1999, the Port accepted the FAA Grant Offer of \$1,832,551 under AIP-22, which was the first portion of the entitlement funds for the fiscal year 1999. On July 20, 1999, the Port accepted the remainder of fiscal year 1999 grants under AIP-23 in a total amount of \$1,143,764. The FAA intends to offer to the Port a Grant Offer in the amount of \$1,508,967 of the entitlement funds for fiscal year 2000 to fund the rest of the Taxiway project. The remainder of the entitlement funds will be applied to the Overlay Runway 11/29 project. The total estimated cost of the Overlay Runway 11/29 project is \$8.5 million. The Port requested multi-year funding to recover the full FAA share for the Overlay Runway 11/29 project. The Board is required to be aware of the provisions in the Grant. The Regional FAA Office has advised Port staff that it may not be able to provide a draft of the Grant terms prior to the Board meeting on September 19th, due to the press of business for the close of the Federal fiscal year (ending September 30th). FAA staff has provided the Port with the newly revised airport grant assurances dated 9/99. As Board action is required prior to September 30th to retain the \$3,487,008 in AIP grant funds, it is recommended that the Board accept the grant, and authorize the Executive Director in consultation with the Port Attorney to review and approve, if appropriate, the grant offer upon receipt by the Port.

The following shows the fiscal year 2000 funding proposed under this grant:

Project	Estimated Total Project Cost	FAA Share	Port Share
Overlay Taxiway D (south of Taxiway M) and Taxiway J	\$5,580,600	\$1,832,551 (AIP-22) \$1,143,764 (AIP-23) \$1,508,967 (FY-00)	\$731,885 (AIP-22&23) \$363,433 (FY-00)
Overlay Runway 11/29	\$8,500,000	FY 2000 Funding Only \$1,978,041 (FY-00)	FY 2000 Funding Only \$476,409 (FY-00)

ENVIRONMENTAL:

The project to overlay Runway 11/29 has been determined to be Categorical Exempt from CEQA and the Port CEQA Guidelines pursuant to Section 15301, Class 1 (a, c, d and f) and Section 15302, Class 2 (b and c). Repairs must be done to meet current airport operations needs and FAA regulations. The project reconstructs and restores an existing paved surface used by aircraft. The project includes the repair, maintenance, or minor alteration of existing Runway 11/29, Taxiway W and Taxiways B / C involving negligible or no expansion of use beyond that previously existing. The project will replace existing Runway 11/29 and Taxiways B / C with facilities that have the same size, purpose and capacity as the existing facilities. The project does not add to or expand the existing runways or taxiways. Furthermore, environmental analysis performed by staff shows that an exception to the exemptions does not apply because all project impacts will be less than significant. Issues considered include, but are not limited to: noise, air quality, water quality, endangered and threatened species, biotic communities, wetlands, flooding and floodplains, hazardous materials, natural resources, transportation and circulation and construction impacts. Additional environmental analysis is available for review at the Port of Oakland, Environmental Planning Department, 530 Water Street in Oakland.

GENERAL PLAN:

Pursuant to Section 727 of the City Charter, the projects have been determined to conform to the transportation designation for the sites in the Oakland General Plan.

BUDGET:

This work is included in the CIP Item Nos. A1.00626.03 and A2.00641.04.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to accept the Federal Aviation Administration's Grant Offer for AIP-24 when finally released.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Recommended Approval of Fiscal Year 00-01 Annual Target Rental Rates for License and Concession Agreements

DATE: September 19, 2000

ITEM NO: 11

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

In 1989, the Board approved procedures for the renewal of existing License and Concession Agreements. These procedures provide that the Board at closed session, under instructions to negotiators, considers the recommendations as to the annual renewal rental rate for each tenant.

Under separate letter, the target rents for the Commercial Real Estate Division tenants on the attached renewal list will be presented for consideration by the Board in closed session for implementation of the procedure at the September 19, 2000 Board Meeting. The proposed target rents were discussed with the Commercial Real Estate Committee at their September meeting.

The renewals of existing License and Concession Agreements have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1, Section 15301 (p) which exempts renewals, extensions or amendments to Leases or License and Concession Agreements when the premises or licensed activity were previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

1. Approve recommended increase.
2. Do not approve recommended increase.
3. Approve some but not all recommended increases.

FISCAL IMPACT:

License and Concession Agreements represent 2.5% of the Commercial Real Estate Division's anticipated revenue. As recommended this amount is \$480,508.

RECOMMENDATION:

It is recommended that the Board adopt a resolution authorizing staff to negotiate the target rents in accordance with its instructions.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20356 BOARD ACTION TAKEN

Assistant Secretary of the Board

SEP 19 2000

DATE

FISCAL YEAR 2000 -2001
LICENSE AND CONCESSION AGREEMENTS
TENANT NAME AND ADDRESS

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, 3 rd & 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 TV	Port Building H-108, 295 Fifth Avenue
9) Orient Reefer Container Services	Vacant land on Fifth Avenue
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) Integre Marine Ltd.	Water area adjacent to Port Building P-107
16) Integre Marine Ltd.	Vacant land adjacent to Port Building P-502, 1211 Embarcadero
17) Marine Max Company	Vacant land at 1285 Embarcadero
18) Athens Bakery	Vacant land adjacent to Port Building J-321 on Embarcadero
19) Oakland Fire Department	Port Building J-321, 2400 Embarcadero

AKC

Agenda Sheet

DATE: September 19, 2000

^{TD}
SUBJECT: Ratify Change Order for Reconstruction of
Jack London Square Marina

ITEM NO: 12

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *Ref*

FACTUAL BACKGROUND:

The Port has a contract with Ranger Pipelines, Inc., for **RECONSTRUCTION OF JACK LONDON SQUARE MARINA, OAKLAND, CALIFORNIA**, which became effective on October 19, 1998, at lump sum and unit prices totaling \$9,927,380.

The work consists of dredging and demolition of the existing marinas; construction of new berthing facilities; driving new piles; installation of new floats; construction of a masonry and wood-framed Harbormaster's Building; fuel storage tanks and miscellaneous site improvements. The work also includes providing firewater, domestic (potable) water, telephone, and electric services to the new berthing facilities.

ANALYSIS:

On October 5, 1999, the Board ratified a change order to the above contract for relocation of electric services to the West and Center Basin Marinas at an estimated cost of \$150,000, and the addition of firewater services at an estimated cost of \$200,000, for a not-to-exceed total cost of \$350,000. This additional work was performed under the force account (time and materials) provisions of the contract. The actual cost of the work exceeded the approved amount of \$350,000 by \$156,000.

1) Electric Service Relocation

The Port's revised plans required the contractor to install PG&E's new service transformers in subsurface vaults at their new locations at the West and Center Basin Marinas, instead of installing them on on-grade concrete pads per the original contract plans. The plans also required constructing additional trenches for rerouting the underground electric service conduits for the marinas. However, while excavating at the new vault locations, the Contractor encountered existing buried concrete foundations and utility lines that were not indicated on the plans. The Port directed the Contractor to remove these obstructions and dig around the utility lines to make room for the vaults.

In addition, the original contract plans call for constructing a joint trench for both PG&E's electric and Pacific Bell's telephone service conduits. Since the electrical conduit was being rerouted, the Contractor believed that it was prudent to also reroute and place the telephone conduit in the same trench as the electrical conduit. The Port concurred with the Contractor, as the resulting work was confined to a smaller area without inconveniencing the tenants and the general public. Further, in the course of performing this change order work, the Contractor was directed, on several occasions, to demobilize and stop work to accommodate Port-sponsored events held at the construction sites. To make up for lost time and get back on schedule, the Port authorized the Contractor to work overtime and on some weekends.

The Contractor incurred about \$75,000 in overtime costs, additional costs for removing the obstructions and excavating bigger holes for the transformer vaults at the West and Center Basin Marinas, and \$60,000 for additional trenching costs for the telephone conduits. The total cost increase under this Work Item 1 is \$135,000.

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No. 20357
BOARD ACTION TAKEN

Mason Kipp
Assistant SECRETARY OF THE BOARD

SEP 19 2000
DATE

2) **Additional Firewater Services**

The Contractor installed the new firewater lines (waterside) on the West, Center and East Basin docks as shown on the Port's revised plans. However, there were modifications made to the landside firewater mains. The firewater main for the East Basin Marina was to be installed alongside the installed domestic water line under the Webster Street pier concrete walkway adjacent to Il Pescatore restaurant, but Il Pescatore's management requested the Port to delay it for two months to minimize the impact to their business. To avoid delaying the contract, the Port instead directed the Contractor to reroute and mount this line above-grade on the restaurant exterior wall. Rerouting of this line required more piping. At the West Basin Marina, the Contractor excavated additional trenches to reroute the firewater main around an existing domestic waterline serving the Waterfront Plaza Hotel.

Under this Work Item 2, the Contractor incurred additional costs of about \$21,000 for rerouting the above firewater mains.

The work is budgeted under CIP Item No. P1.00315.02. The funding source is Port Cash / Department of Boating and Waterways loan.

OTHER OPTIONS CONSIDERED:

1) **Electric Service Relocation**

Staff considered possible alternative sites for the transformer vaults and a separate telephone trench. However, both of these options were impractical and too costly to implement. The Contractor would have spent more time backfilling the excavated holes and digging new holes at the alternate sites. Excavating separate trenches (one telephone and one electric) required two adjacent construction sites in the same general area, which would have restricted access to some stores/restaurants and thus impacted their business.

In addition, the work was on the contract schedule's critical path. If the Contractor were granted a contract time extension in lieu of allowing them to work overtime and on weekends, the scheduled opening of the marinas would have been further delayed, depriving the Port of much needed revenues.

2) **Additional Firewater Services**

Staff investigated the possibility of installing the new firewater line below grade in the promenade area fronting the new Harbormaster's building. This alternative route was shorter and required less piping, but selecting this route would have delayed installation of concrete pavers for the promenade. By installing the line above grade, the Contractor was able to complete the work on the pavers and allowed the opening of the promenade to the public in time for the Christmas holidays.

RECOMMENDATION:

It is recommended that the Board ratify a change order for a total amount of \$156,000 to cover additional costs incurred by Ranger Pipelines, Inc., as described above.

Agenda Sheet

DATE: September 19, 2000

ITEM NO: 13

SUBJECT: Amendment to Ordinance to Establish Parking Rates in Jack London Square

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate C. I.
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

On June 20, 2000 the Board of Port Commissioners passed a Resolution approving an increase in transient and monthly parking rates charged in Jack London Square (copy attached). The transient rates include validated and unvalidated rates charged to visitors and customers of the Square. The purpose of the commencement of a validation program was to offer an advantage to Port tenants to pass on to their customers. The original validation program consisted of two validation systems available to Jack London Square merchants: 1) Validation Stamps – used by merchants with a low volume of business who were able to purchase a book of 100 validation stamps at the cost of \$10.00 per book (\$.10 per stamp), and 2) Valometers – used by high volume business merchants at the flat rate of \$20.00 per month, which provided unlimited validations each month.

The economics and the integrity of the Valometer system have been to the Port's disadvantage as a result of the frequent repair and replacement of the Valometer machines and the limited income received (flat rate of \$20 per month). Because the cost of the Valometer has been nominal to the merchants, there has been little control or discretion used in the issuance of validations and potential parking revenues were lost. The new parking rates approved by the Board in June addressed the economic and operational issues by providing for a \$.25 per validation cost to the merchants.

Port staff and JLS merchants had subsequent discussions seeking an alternative to the \$.25 per validation. On August 18th Port staff presented an option to the merchants who addressed their concerns while enhancing the economics and integrity of the Valometer system to the Port. The option is as follows:

Transient Rates	Previous Rates	Board Approved Rates as of June 20, 2000	Option Presented to Merchants
Validation Charged to Merchants	\$20.00/mo. Unlimited validations to merchant	\$0.25 per validation to merchant	\$0.10 per validation to merchant plus \$0.50 to visitor for the first hour
Unvalidated Rate for 1 st hour	\$1.00 per 1 st hour	\$1.25 per 1 st hour	\$1.00 per ½ hour

Options:

- Do not amend the Ordinance as described above. According to the tenants this will create financial hardship as, in some instances, parking costs will increase from \$20.00 or \$40.00 per month to \$1,025.00 per month.

- MOTION
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Assistant


 SECRETARY OF THE BOARD

SEP 19 2000

DATE

financial hardship as, in some instances, parking costs will increase from \$20.00 or \$40.00 per month to \$1,025.00 per month.

2. Amending the Ordinance as described above is a compromise, which Port staff and JLS merchants feel is financially feasible to both.

We have also been working with Amtrak to develop a program that includes patron validation that will be monitored by Amtrak personnel. Patrons will be charged \$3.00 for 24-hour parking. In addition, rates for short-term public parking will be revised to \$.75 per half-hour, with a \$6.00 maximum for four hours.

Fiscal Impact:

Amending the Ordinance as described above would not have a negative impact on our parking revenues.

Recommendation:

It is recommended that the Board authorize the amendment of the parking rates approved on June 20, 2000 as indicated above.

Agenda Sheet

DATE: June 20, 2009

SUBJECT: First Reading of an Ordinance to Establish Parking Rates in Jack London Square

ITEM NO: _____

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Port of Oakland currently has 2,600 parking stalls in the Jack London Square portfolio. On an annual basis, a comparison analysis of parking rates in Jack London Square and downtown Oakland is performed. As a result of the analysis, it is now proposed to adjust the rates as follows (a site map is attached for reference):

<i>Location</i>	<i>Program</i>	<i>Proposed Rates</i>
Washington St. Garage	5 th – 7 th Level Monthly Parking	\$80.00
	1 st – 7 th Level Monthly Parking	\$133.00
*Half-Moon Lot (Oak Street)	Discounted Monthly Parking For Port Employees	\$20.00
Washington Street Garage	Unvalidated Rates	\$1.25 - 1 st hr. \$1.25 each add'l ½ hr \$13.00 (12 - hr Max)
Washington Street Garage	Validated Rates	Free - 1 st hr. \$1.00 each add'l ½ hr \$11.00 (12 - hr Max)
Underground Garage	Unvalidated Rates	\$1.50 - 1 st hr. \$1.50 each add'l ½ hr \$15.00 (12 - hr Max)
Underground Garage	Validated Rates	Free - 1 st hr. \$1.50 each add'l ½ hr \$13.00 (12 - hr Max)
Lots 5, 7 and 9	Monthly Parking Tenants and their employees and berthers	\$74.00
Lots 5, 7 and 9	Unvalidated Rates	\$1.25 - 1 st hr. \$1.25 each add'l ½ hr \$13.00 (12 - hr Max)

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- ORDINANCE
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DATE

Lots 5, 7 and 9	<i>Validated Rates</i>	Free -1 st hr. \$1.00 each add'l ½ hr \$11.00 (12 - hr Max)
Lot 11	<i>Monthly Parking</i>	\$74.00
Potomac Yard	<i>Monthly Parking</i>	\$74.00
Amtrak Lot	<i>Monthly Parking</i>	\$74.00
Amtrak Lot	<i>Short-term Public</i>	\$0.75 per hour; \$3.00 for up to 4 hours max
Amtrak Lot	<i>Long-term Amtrak riders</i>	\$3.50 per 24 hours
<i>Validation Programs</i>		
	<i>Merchant Validations (1 hour free)</i>	\$25.00 per book (100 stamps, \$.25 each)
	<i>Valometer for high volume merchants (1 hour free)</i>	\$0.25 per validation Collect up front from merchants on set number of validation on descending meter
	<i>Office Tenants (1 hour free)</i>	\$125.00 per book (100 stamps, \$1.25 each)
	<i>12-hour validation</i>	\$75.00 per sheet (10 stamps, \$7.50 each)
	<i>Port of Oakland visitors and clients (4 hour free)</i>	\$300 per book (100 stamps, \$3.00 each)
	<i>Port Valometers (1 hour free)</i>	Free
	<i>On line validations (excluding cinema, as per lease)</i>	\$.25 per validation
Current Valet Program Lot #2 - Broadway Underground Garage	<i>Operated by Licensee Collected on a per car basis from Licensee and paid to the Port</i>	\$3.00 per car up to 4 hrs \$6.00 per car beyond 4 hrs up to 12 hrs
Port operated Valet program		\$10.00 with validation \$15.00 w/o validation

As part of the proposed parking rate adjustments, we have developed an alternative proposal for the Port of Oakland employees. The parking lot on Oak and Embarcadero Streets is the proposed location for employee parking, at a discounted rate of \$20.00 per month. Pansini Oakland Associates, the parking management company for Jack London Square, would coordinate a shuttle service to the lot as well as the 12th Street Bart Station, in 12-minute intervals, from 6:30 am –10:30 am and 3:00 PM – 7:00 PM. Depending on the utilization of the Oak Street lot, this program may be extended to the employees of Jack London Square tenants. It is also proposed to use this shuttle service as a parking mitigation factor for future development in Jack London Square. This proposal is a more efficient use of a now under-utilized parking resource.

The above outlined parking program was discussed and recommended for full Board consideration at the June 7, 2000 Commercial Real Estate Committee.

RECOMMENDATION:

It is recommended that a first reading of an ordinance establishing new parking rates and revisions to the existing program in Jack London Square, as outlined above, be authorized.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 19, 2000

ITEM NO: 21

SUBJECT: Approval to Submit a Joint Application to the Bay Conservation and Development Commission to Amend the San Francisco Bay Plan and San Francisco Bay Area Seaport Plan to accommodate Redevelopment of the Oakland Army Base by the Oakland Base Reuse Authority and the Port of Oakland.

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Tay Yoshitani

EXECUTIVE OFFICE RECOMMENDATION:

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FACTUAL BACKGROUND:

The Oakland Army Base (OAB) was recommended for closure in 1995 by the Defense Base Closure and Realignment Commission (BRAC) and was approved for closure by the President of the United States pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510).

While the Port may exercise its 1949 preferential contract right to lease and/or acquire fee title to Government-owned lands lying west of Maritime Street (OAB-West), the Oakland Base Reuse Authority (OBRA) has been designated as the Local Reuse Authority (LRA) that is responsible for administering the reuse and closure of the entire base.

The Maritime Committee has been advised that, to address and resolve BCDC's concerns, OBRA and the Port in concert with the City, are working cooperatively to develop an alternative plan that reconfigures the proposed Port/City boundaries as delineated in the original Reuse Plan.

ANALYSIS and RISKS:

OBRA has retained the services of Lamphier and Associates to assist it in understanding the actions and analyses that are needed to amend the Bay and Seaport Plans and to satisfy related BCDC requirements.

Calculations performed independently by both the Port and Lamphier Associates indicate that the new throughput capacity for the reconfigured boundaries will, in fact, satisfy the requirements set forth in the Bay and Seaport Plans.

- MOTION
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Approved by Resolution No.

20358

BOARD ACTION TAKEN

Assistant

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SEP 19 2000

DATE

The BCDC staff has informally indicated that the proposed application for plan amendments appears reasonable and should be well received, but cannot speak to the outcome of the BCDC vote early next year. The OBRA, the City and the Army are anxious to expedite the closure and reuse of OAB and the associated boundary reconfiguration and have looked to the Port to assist in providing demonstrated base closure expertise. To date, the Port has proactively provided such assistance and resources to the collective benefit of the Port and OBRA/City. However, it must be noted that there is an element of risk associated with submitting an application to BCDC before all of the complex closure and reuse details of OAB are known. These unknowns include final roadway alignments, approval of the State Lands commission, final configuration of boundaries, final acreages to be conveyed to the Port and OBRA/City, the economics associated with these components and a number of related technical, procedural and political considerations. Port and OBRA staff believe that the overall benefits of submitting the application on schedule outweigh the potential risks.

Other strategies of transferring OAB lands to the parties without amending the Bay and Seaport Plans exist. However, after evaluating these strategies, both Port and OBRA staffs have concluded that these other strategies would result in a land transfer burdened with deed restrictions that would impact the economic viability of the program or would otherwise be unsuccessful.

The BCDC is preparing a draft Memorandum of Agreement (MOA) that will fund the Seaport Plan Amendment process that both OBRA and the Port will be required to sign. Subsequent BCDC actions will include a descriptive notice of the proposed plan amendments, the actual adopted notice of the public hearing, a staff report to the BCDC Seaport Committee, a report to the BCDC commission before the public hearing, staff recommendation, various notices after the vote, and finishing up subsequent state and federal reviews of the amendment processes.

BUDGET:

The BCDC requires an application fee of \$5,000 and reimbursement of costs for BCDC staff time expended during the process of up to approximately \$80,000 all of which the Port and OBRA agreed to split 50/50. The Port and OBRA must each pay \$20,000 at the time the MOA is signed to initiate the request for amendment which is included in the estimated \$80,000 reimbursement. The Port and/or OBRA may perform some of the staff work which will reduce the above amount. The Port's portion of the costs is budgeted under CIP No. M7.0901.01.

SCHEDULE:

Amending the Bay and Seaport Plans will require a vote by the BCDC commission that is scheduled to occur late this year or early next year. Actual conveyance of Government owned lands to the Port and OBRA/City is expected to occur no earlier than early summer of 2001.

ENVIRONMENTAL DOCUMENTATION:

The City of Oakland, as lead agency under the California Environmental Quality Act (CEQA), has performed an Initial Study and approved a Mitigated Negative Declaration, dated July 2, 1998, for the interim leasing of OAB (Notice of Determination dated July 29, 1998). The City of Oakland is also preparing to commence work on a Programmatic Environmental Impact Report that is expected to be completed within the next 10-12 months. As lead agency under the National Environmental Policy Act (NEPA), the Army has prepared and approved an Environmental Assessment and a Finding of No Significant Impact (FONSI) for same dated October 1997. The Army has also prepared an Environmental Impact Statement dated September 1999 for the Disposal and Reuse of OAB to support conveyance, but it is currently on hold until the above-described consistency determination problems are worked out with BCDC. A Record of Decision (ROD) is expected some time in late Spring or early Summer of 2001. In addition, BCDC staff will oversee preparation of a non-NEPA programmatic Environmental Assessment prepared in accordance with and as required by BCDC regulations.

SUBJECT: Approval to Submit a Joint Application to the Bay Conservation and Development Commission to Amend the San Francisco Bay Plan and San Francisco Bay Area Seaport Plan to accommodate Redevelopment of the Oakland Army Base by the Oakland Base Reuse Authority and the Port of Oakland.

September 19, 2000

Page 3 of 3

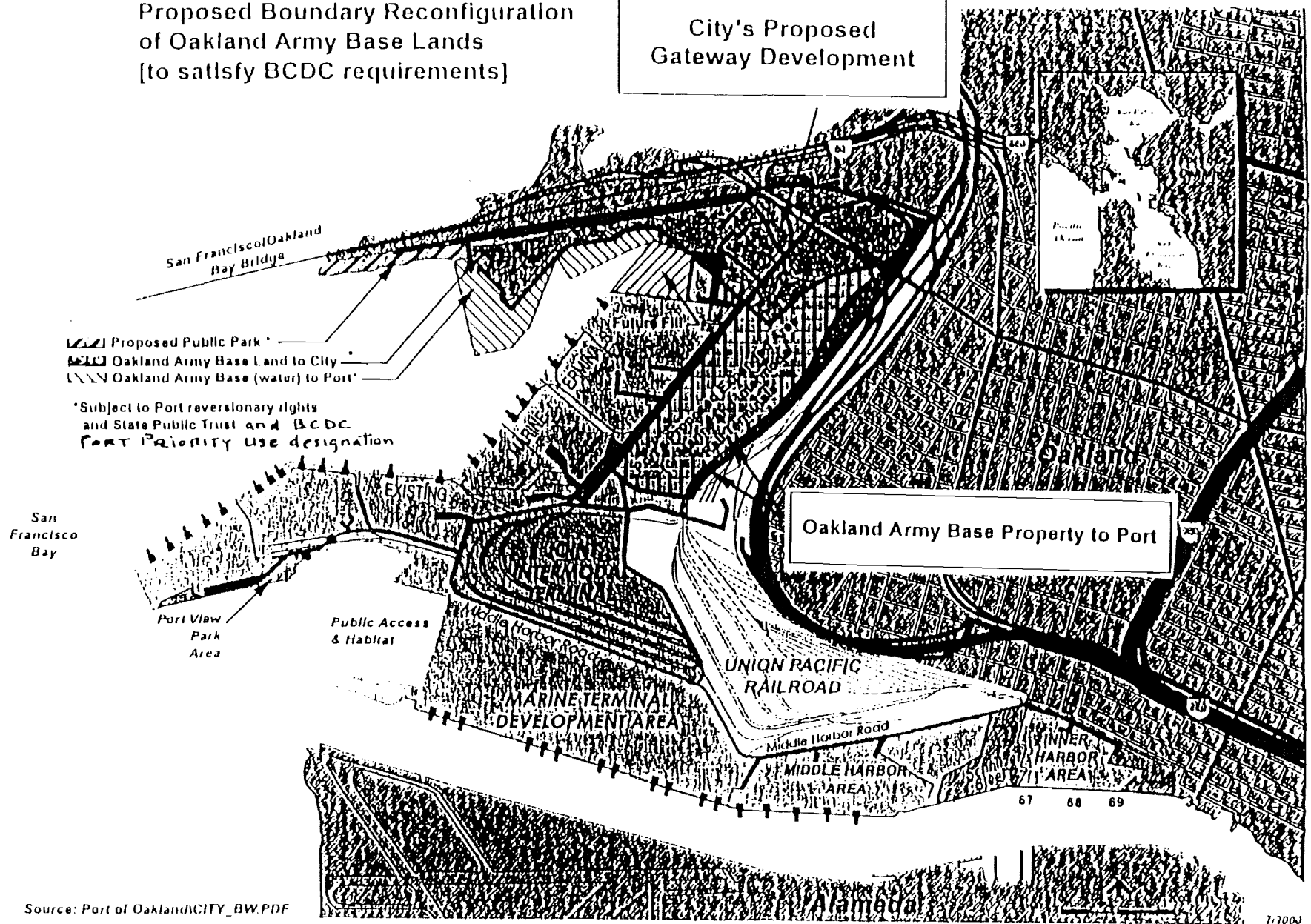
RECOMMENDATION:

It is recommended that the Board:

1. Authorize the Executive Director to file an application jointly with the Oakland Base Reuse Authority to the Bay Conservation and Development Commission that requests the amending of the San Francisco Bay Plan and San Francisco Bay Area Seaport Plan to remove from port priority use designation, the Gateway Development area as described above,
2. Authorize the Executive Director to execute a Memorandum of Agreement among the Bay Conservation and Development Commission, the Oakland Base Reuse Authority and the Port addressing the application and processing of same, and
3. Authorize the Executive Director to pay 50% of the costs for said application and processing.

Proposed Boundary Reconfiguration of Oakland Army Base Lands [to satisfy BCDC requirements]

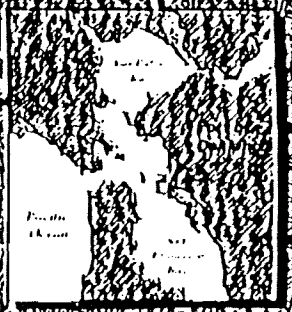
City's Proposed Gateway Development



- ▨ Proposed Public Park *
- ▨ Oakland Army Base Land to City *
- ▨ Oakland Army Base (water) to Port *

*Subject to Port reversionary rights and State Public Trust and BCDC Port Priority use designation

Oakland Army Base Property to Port



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 19, 2000

ITEM NO: 22

SUBJECT: Approval of Change Order to Construction of Berths 57/58 Container Wharf, Fill and Middle Harbor Shoreline Modifications

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong
EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port has a contract with Berth 57/58 Constructors, a Joint Venture, for the CONSTRUCTION OF BERTHS 57/58 CONTAINER WHARF, FILL AND MIDDLE HARBOR SHORELINE MODIFICATIONS, which became effective on June 20, 2000, at lump sum and unit prices totaling \$61,701,177.

ANALYSIS:

As part of the Vision 2000 program, the Port is widening the channel in the Inner Harbor by removing recent Bay deposits, rock, miscellaneous fill and native sands to move the westerly shoreline by up to 300 feet. This work connects the new berths to the present channel line. Ultimately the 50-foot channel will abut the berth line.

With the timing of the Berths 57/58 project, the Port may now have an opportunity to dredge approximately 100,000 cubic yards of the 50-foot project material and dispose of it as part of the fill being created for the Berth 56, Phase 3, container yard.

BUDGET ANALYSIS:

The project is budgeted under CIP Item No. MA.02871.03. The funding source is Port bonds.

This work is covered by the terms of the Maritime and Aviation Project Labor Agreement (MAPLA).

RECOMMENDATION:

It is recommended that the Board approve the negotiation and execution of a Change Order for an amount not to exceed \$1,000,000 to dredge material and dispose of it as part of the fill we are creating for the Berth 56, Phase 3 Container Yard.

Bdltrs9-19CO57/58Container Wharf.doc

- MOTION
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Approved by Resolution No. 20359 BOARD ACTION TAKEN

Signature of Secretary of the Board

SEP 19 2000 DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

70
SUBJECT: Approval of Change Order for Construction of Joint Intermodal Terminal, Middle Harbor

DATE: September 19, 2000

ITEM NO: 23

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*
EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc., doing business as Gallagher and Burk, Inc. for the Construction of Joint Intermodal Terminal, Middle Harbor, Oakland, California, (JIT) which became effective on April 24, 2000, at lump sum and unit prices totaling \$22,715,035. The work consists of constructing approximately 75 acres of railroad intermodal terminal and approximately 40 acres of graded parking area. The scope of work includes placing approximately 650,000 cubic yards of embankment to raise grades across the site and installing storm and sanitary sewer systems, domestic and fire protection water systems, yard and street lighting, railroad track, striping and signing, and security fencing.

ANALYSIS:

Prior to the award of this construction contract, Port engineers had been working with Union Pacific Railroad (UPRR) Engineers to plan, design and construct a storm drain system to replace the existing storm drain system that will be demolished during construction of the Vision 2000 projects. A change order was approved on July 5, 2000, to construct a segment of this new system across the project limits of the construction project, "Construction of 7th Street Realignment and The New Road, Oakland, California," to prevent delays to that project.

The final design for the new UPRR storm drain system was completed in June, 2000. Construction plans have been prepared by both the Port and UPRR. The UPRR will construct a segment of the system across Middle Harbor Road. The Port will construct a segment across the JIT site under the construction contract, "Construction of Joint Intermodal Terminal, Middle Harbor, Oakland, California." The Port will construct the remainder, and majority, of the system under the construction contract, "Construction of Berths 57/58 Container Wharf, Fill, and Middle Harbor Shoreline Modifications."

The estimated cost for construction of the segment of the new UPRR storm drain system across the JIT is \$78,000, based on a preliminary quote from the Contractor. The Port continues to negotiate with the Contractor and the final price is expected to be significantly lower.

The construction costs for the new storm drain system will be shared by the Port and UPRR based on a proportionate percentage of the system capacity between manholes. The UPRR will reimburse the Port for 75% of the cost of the segment to be constructed under the JIT construction contract.

BUDGET ANALYSIS:

The total estimated maximum cost of this change order is \$78,000. The funding for this change order is budgeted under CIP Element No. M6.00585.02. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board approve this change order to continue construction of the UPRR storm drain system that the Port is obligated to provide to the UPRR for the not-to-exceed amount of \$78,000.

Bdltrs9-19 ApproveCOJIT.doc

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20360
BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD
SEP 19 2000
DATE

Agenda Sheet

DATE: September 19, 2000

ITEM NO: 24

^{TD}
SUBJECT: Approval of Environmental Consulting Services in the Area of Human Health and Ecological Risk Assessments for the Ninth Avenue Terminal

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Ninth Avenue Terminal (Terminal) is located along the Oakland Estuary between Seventh and Tenth Avenues. The Terminal encompasses approximately 33 acres of property, including concrete and timber wharves, and has been used extensively by Port tenants for maritime activities and various commercial and industrial activities since 1940.

Environmental investigations conducted to date have documented the following:

- Soil and groundwater have been impacted by petroleum hydrocarbons;
- Petroleum hydrocarbons have been observed to accumulate in an inactive storm drain system;
- Inactive underground storage tanks are known to remain in place in some areas; and,
- A solvent plume exists near the center of the Terminal.

For the past several years, the Port, the City of Oakland, and other interested parties have been evaluating potential changes in use of the Terminal area as part of the Estuary Policy Plan. The current version of the Estuary Policy Plan suggests that the Terminal be transformed into a mixed-use development with public space, buildings for commercial and public use, and a pedestrian walkway along the shoreline. A Specific Plan will be prepared to further refine the Estuary Policy Plan concepts.

In order to make the transition from a primarily industrial use to a mixed use/public space development, the Port will need to retain an environmental consulting firm to perform the remainder of the environmental investigations, including human health risk assessments (HHRA) and an ecological risk assessment (ERA) in preparation for development activities. The Prime Consultant will enter into a standard form professional services agreement with the Port to provide environmental consulting, on a task specific basis, in the areas of hazardous materials assessment, HHRA, ERA, remedial alternative cost estimating, strategic risk management planning, and corrective action plan preparation.

ANALYSIS:

Requests for Proposals (RFPs) were sent to ten environmental consulting firms in the Local Business Area (LBA) and the Local Impact Area (LIA) with known expertise in performing human health and ecological risk assessments. Four firms submitted proposals, namely:

1. Environ International Corporation, located in Emeryville, CA
2. ENTRIX, located in Walnut Creek, CA
3. McLaren Hart, located in Alameda, CA
4. Malcolm Pirnie, located in Oakland, CA

Staff evaluated and scored the four proposals based on technical expertise (maximum 20 points), cost (maximum 15 points), and evidence of compliance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (maximum 15 points). Each firm could earn a maximum of 50 points in the proposal review portion of the selection process.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20361

[Signature]
Assistant SECRETARY OF THE BOARD

SEP 19 2000
DATE

BOARD ACTION TAKEN

Staff also interviewed each firm and evaluated their responses to four questions that would demonstrate their expertise in the field of human and ecological risk assessments. A maximum of 50 points could be earned in the interview portion of the selection process.

The top-ranked firm, Environ International Corporation (Environ), is located in the LIA. The firm is capable of performing the services required and has never held a professional services contract with the Port.

FIRM	TEAM MEMBERS	LOCATION	OEO STATUS **	% OF WORK
Environ International Corporation	Liz Miesner Robert Scofield	Emeryville, CA	LIA	49%
EVS	Chris Boudreau Susan McGroddy	Alameda, CA	LIA	20%
SCA Environmental	Chuck Siu	Oakland, CA	MBE / LIA	7%
Chromalab	Gary Cook	Pleasanton, CA	MBE / LBA	6%
McGill Martin (Self)		Walnut Creek, CA	WBE / LBA	6%
Aquifer Sciences	Rebecca Sterbentz	Lafayette, CA	WBE / LBA	8%
Columbia Analytical Services	John Hicks	Santa Clara, CA	n.a.	5%

It is proposed to execute a professional services contract with Environ for approximately four years, and to compensate the firm at agreed billing rates on a time-and-materials basis for a total amount not to exceed \$600,000. The \$600,000 aggregate amount is based on the cost estimate provided in Environ's proposal, as requested in the RFP. The contract will be used only as required and will not be exceeded without prior approval from the Board

The Port's Office of Equal Opportunity participated in all phases of evaluating the consultants and their proposals. OEO has determined that Environ is responsive to the Port's Non-Discrimination and Small/Local Business Utilization Policy. The EEO-1 Work Force Reports/Professional Services Questionnaires are on file.

BUDGET:

The cost of these services is covered by the EH&SC Operating Budget for FY00-01, and the appropriate Environmental Liability Account established for such work. For services required in subsequent years, staff will budget accordingly and authorized work will not exceed the approved budget.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the consulting services, as described, are professional services; and
2. Authorize the preparation and execution of an agreement with Environ International Corporation, to perform risk assessments at the Ninth Avenue Terminal in accordance with the above provisions.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 19, 2000

ITEM NO: 25

SUBJECT: Recommendation to Adopt an Ordinance Authorizing Execution of Agreement With Alameda Gateway, Ltd. (and Related Parties) Regarding the Oakland Harbor Navigation Improvement (50-Foot) Project, and to Adopt Resolutions Authorizing Execution of Settlement Agreement With Alameda Gateway, Ltd. and United States, Execution of Amendments to Existing Agreements Between the Port and Bay Ship & Yacht Co. and Between the Port and the City of Alameda Regarding the Oakland Harbor Navigation Improvement (50-Foot) Project, and Other Related Actions.

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
X Maritime Operations
Overall Operations

SUBMITTED BY: Raymond A. Boyle

Handwritten signature: RAB

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Oakland Harbor Navigation Improvement (50-Foot) Project ("50-Foot Dredging Project") is a Federal Project. If funded by Congress, the 50-Foot Dredging Project will be designed and constructed by the Army Corps of Engineers ("Corps").

As part of the 50-Foot Dredging Project, the Port proposes the deepening and widening of the existing turning basin in the Inner Harbor (the "Turning Basin"), which is located partly in the City of Oakland and partly in the City of Alameda.

Early this year the Board approved agreements between the City of Alameda and the Port (the "Alameda-Port Agreement"), and between Bay Ship & Yacht Co. ("BSY") and the Port (the "BSY-Port Agreement"), which have been signed and have resolved all 50-Foot Dredging Project issues with those two parties.

Approved by Ordinance passed to print

Approved by Resolution

No. 20362 + 20363 [Signature] Assistant SECRETARY OF THE BOARD

SEP 19 2000

- MOTION
x RESOLUTION
x ORDINANCE
INFORMATION ONLY

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

DATE

Under the Alameda-Port Agreement, the Port agrees to acquire and Alameda agrees to convey, based upon a price established pursuant to an agreed-upon appraisal process, the real estate interests for the 50-Foot Dredging Project required in the former FISC Annex property. Under the BSY-Port Agreement, to which Alameda also became a party under a Limited Party Agreement, the Port and BSY reached agreement on Turning Basin construction phasing to avoid adverse impacts on BSY's business, and on two main alternatives to accommodate BSY upon full construction of the Turning Basin, i.e., the Port would either (1) construct new "Repair Facilities" on Gateway's and Alameda's property to replace the existing facilities presently used by BSY which are to be removed for the Turning Basin or (2) in the event of Repair Facilities "Project Infeasibility", pay BSY's relocation costs to establish its business at a new location. The budget for the latter two options (construction of new Repair Facilities, or payment of BSY's relocation expenses) was set at a maximum of \$10 million (subject to certain Construction Cost Index increases). Based on these Agreements, Alameda and BSY have withdrawn all objection and opposition to the 50-Foot Dredging Project.

The Port was unable to reach an agreement with Gateway at the time the Port entered into the BSY-Port Agreement and the Alameda-Port Agreement, due in large part to pending litigation involving Gateway over the previous 42-Foot Dredging Project which required the removal of the northern ends of Piers 2 and 4 on Gateway's property (shown in white in the attached map). In late May, however, the Federal Ninth Circuit Court of Appeals upheld the Federal Government's \$1.7 million judgment against Gateway for the cost of removing the northern ends of Piers 2 and 4 for the 42-Foot Dredging Project. The Federal Government, Gateway and the Port have engaged in subsequent settlement negotiations and a litigation settlement is now proposed.

Meanwhile, BSY and Gateway have been unable to reach agreement on the terms of a revised sublease to cover the new Repair Facilities to be constructed for BSY on Gateway's fee-owned and on Alameda's master-leased property. That possibility and other difficulties in concluding acceptable arrangements regarding Gateway and Gateway's lender, were contemplated in the BSY-Port Agreement. Under the BSY-Port Agreement, if these matters were not resolved by the "Consistency Deadline" (except as the Port and BSY may otherwise agree, this is the date the Corps submits its second stage Consistency Determination on the 50-Foot Dredging Project to BCDC for approval, which is planned to occur this September), Project Infeasibility occurs. Pursuant to the BSY-Port Agreement, upon "Project Infeasibility", rather than constructing the proposed new Repair Facilities, the Port is to use the budget for payment of BSY's costs to relocate. The Port has proposed to BSY an extension of the Consistency Deadline date, but BSY has not agreed.

ANALYSIS:

Litigation Settlement Agreement

Under the proposed litigation settlement agreement among the United States, Gateway and the Port, Gateway would dismiss with prejudice two pending lawsuits it commenced and its appeal in the lawsuit by the United States against Gateway for removal of the ends of Pier 2 and Pier 4. The first two lawsuits involve, respectively, a Federal District Court lawsuit by Gateway challenging the Corps' denial of a permit application for a marina in the turning basin area, and a U.S. Court of Claims lawsuit by Gateway against the United States and the Port seeking compensation for an alleged taking of Gateway's property as a result of demolition of the northern ends of Piers 2 and 4 and dredging for the 42-Foot Dredging Project. Gateway's appeals involve the Federal District Court's ruling, recently affirmed by Federal Court of Appeals, issuing a \$1.7 million Judgment against Gateway for the cost of removal of the northern ends of Piers 2 and 4.

In exchange for Gateway's dismissals, the United States and the Port would agree not to execute on the \$1.7 million Judgment against Gateway. The \$1.7 million of costs would be shared by the United States and the Port, 75% United States (\$1,275,000) and 25% Port (\$425,000), the same as the other "general navigation feature" costs for the 42-Foot Dredging Project.

The litigation Settlement Agreement is conditioned upon Gateway and the Port reaching agreement on the 50-Foot Dredging Project.

Gateway-Port Agreement on 50-Foot Dredging Project

The main features of the proposed Gateway-Port Agreement are the following:

- (1) Gateway would not be required to pay any costs to remove the remainder of Piers 2 or 4, to demolish any other improvements, or to pay any cost to construct any -50 Foot Dredging Project facilities.
- (2) Gateway would convey to the Port, for no compensation, all interests required in Gateway's fee-owned or leased property for the -50 Foot Dredging Project. This property includes both water areas and upland areas. The Port would not be required to provide any relocation assistance or benefits to Gateway, or to compensate Gateway for any impacts resulting from relocation or interference with Gateway's tenants.
- (3) Gateway would agree not to interfere with use of the Turning Basin or Federal channel for navigation purposes.
- (4) Gateway would own, and be free to use, the new bulkheads built along the shoreline of its property as a part of the 50-Foot Dredging Project, but would also be responsible to repair and maintain them as necessary for safe navigation of the Federal Channel, including the Turning Basin.

Liens on Gateway's Property

The major existing lien on Gateway's property, arising from a first deed of trust securing a loan of approximately \$1.7 million, has priority over the existing Gateway-BSY lease and would have priority over the Port's rights under the BSY-Port Agreement and the Gateway-Port Agreement. The lender (Bar-K, Inc.) was unwilling to enter into a nondisturbance agreement with BSY acceptable to BSY. The Port is seeking to reach a subordination agreement with the lender, or some other agreement with the lender, and with parties related to Gateway who are proposing to acquire the loan, to protect the Port's interests. These agreements would need to be in place before the Litigation Settlement Agreement and Gateway-Port Agreement are effective.

BSY-Port Agreement and Alameda-Port Agreement

If the parties are able to reach agreement to extend the Consistency Deadline, and to continue with the proposed construction of the Repair Facilities, certain amendments to the BSY-Port Agreement and the Alameda-Port Agreement may be required. None of these amendments are expected to have significant financial or operational impacts on the Port, and most of the amendments discussed (which relate to the BSY-Port Agreement and have been requested by Gateway) relate mainly to the relationships of the other three parties.

Environmental documentation of the Dredge Project is contained in the EIR/EIS for the Oakland Harbor Navigation Improvement (50-Foot) Project dated February 1999 and certified by the Board on February 1, 2000, and in the Addendum certified by the Board on July 18, 2000.

OPTIONS:

The major option is not to settle the Gateway litigation or enter into the 50-Foot Dredging Project Agreement with Gateway. Under this option, the pending litigation would continue, and the same general issues would potentially be litigated again for the 50-Foot Dredging Project. The Port would be required to appraise Gateway's upland property, make an offer, and potentially commence an eminent domain lawsuit against Gateway. These actions may potentially delay the 50-Foot Dredging Project. This option exposes the Port to the costs and risks of continued litigation on the 42-Foot Dredging Project and future litigation on the 50-Foot Dredging Project. The Port Attorney has separately communicated confidentially with the Board on these costs and risks. In addition, Port staff and the Port Attorney are prepared to discuss these matters further with the Board in closed session before the Board takes action on the recommendations made below.

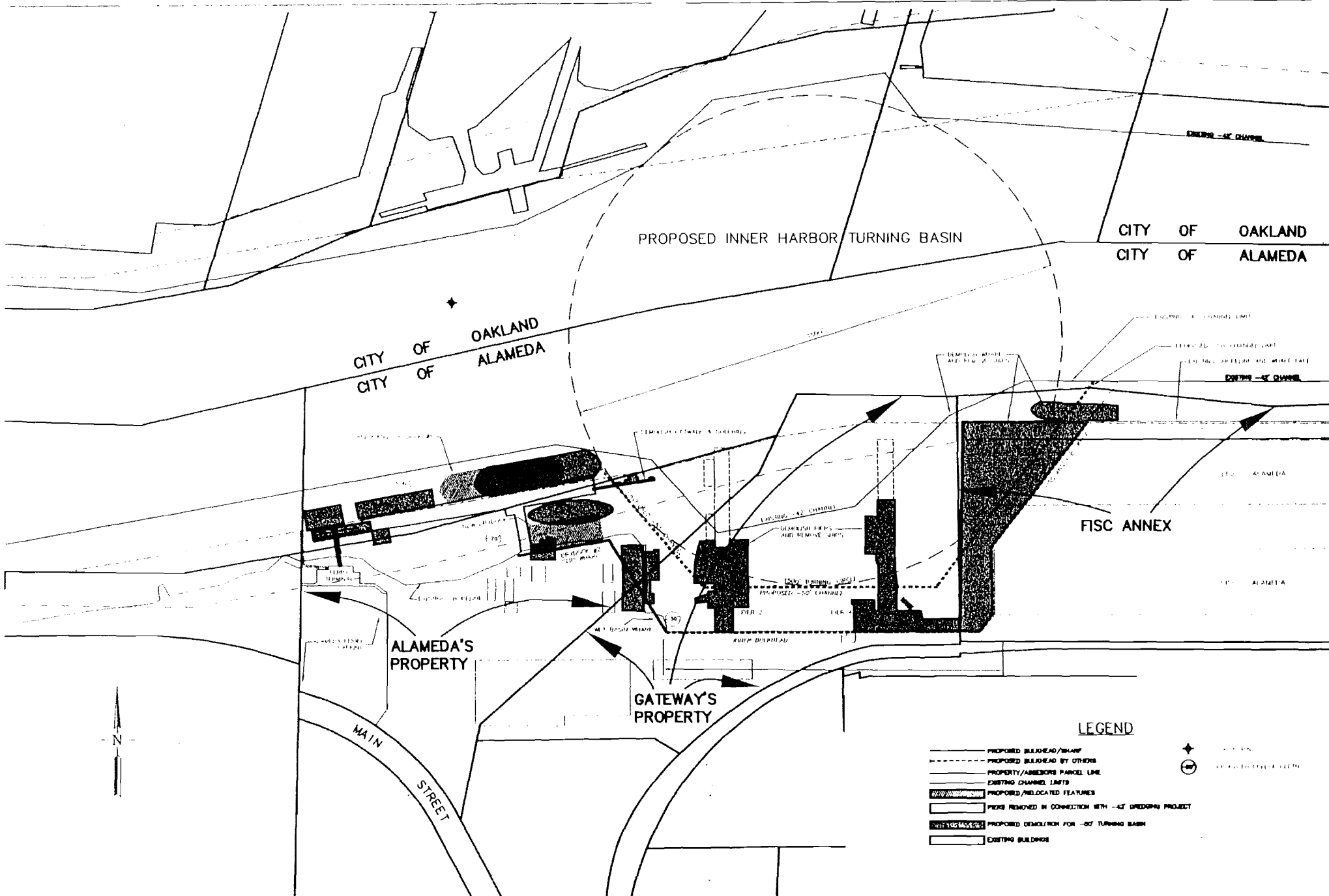
FINANCIAL IMPACT:

The 50-Foot Dredging Project is covered under CIP element MA 02871. The recommended actions would allow the project to proceed within the current estimate and would not increase it.

RECOMMENDATION:

It is recommended that the Board take the following actions:

- (1) Give first reading of an ordinance approving and authorizing execution of an agreement between Gateway (and related parties) and the Port regarding the -50 Foot Dredging Project, as described above, and containing such other related and reasonable provisions as the Executive Director and the Port Attorney determine are necessary or appropriate for implementation of the 50-Foot Dredging Project;
- (2) Pass a resolution approving and authorizing execution of a settlement agreement among the United States, Gateway and the Port, as described above, and containing such other related and reasonable provisions as the Port Attorney determines are necessary or appropriate;
- (3) Pass a resolution approving and authorizing execution of agreements for protecting the Port's interests against prior liens on Gateway's property, provided that additional Board authority will be required before any Port funds are expended to pay any amount secured by such liens or to redeem the property from the prior liens; and
- (4) Pass a resolution approving and authorizing execution of amendments to the BSY-Port Agreement, and/or the Alameda-Port Agreement, in order to provide for construction of the Repair Facilities as described above, and containing such other related and reasonable provisions as the Executive Director and the Port Attorney determine are necessary or appropriate.



CITY OF OAKLAND
CITY OF ALAMEDA

CITY OF OAKLAND
CITY OF ALAMEDA

FISC ANNEX

ALAMEDA'S PROPERTY

GATEWAY'S PROPERTY

PROPOSED INNER HARBOR TURNING BASIN

MAIN STREET

LEGEND

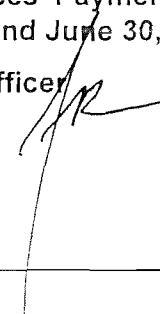
- PROPOSED BULKHEAD/WHARF
- - - PROPOSED BULKHEAD BY OTHERS
- PROPERTY/ANNEXORS PARCEL LINE
- EXISTING CHANNEL LIMITS
- ▨ PROPOSED/RELOCATED FEATURES
- ▨ PIECE REMOVED IN CONNECTION WITH -42' DREDGING PROJECT
- ▨ PROPOSED DEMOLITION FOR -50' TURNING BASIN
- ▨ EXISTING BUILDINGS

Agenda Sheet

SUBJECT: Approval of Memorandum of Understanding with the City of Oakland for Special Services Payments for Fiscal Years Ending June 30, 2000 and June 30, 2001

Date: September 19, 2000

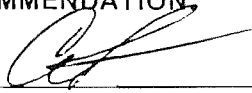
Item No. 31

SUBMITTED BY: Fred Rickert, Chief Financial Officer 

PROGRAM AREA

- Airport Operations
- Commercial real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

The FY 1999–2000 and FY 2000–2001 Operating Budgets were adopted by the Board of Port Commissioners on June 15, 1999 and July 5, 2000 respectively. The Port budgets **Special Services Payments to the City of Oakland**, which covers police services at the Airport, Jack London Square, and the Maritime area, as well as other specified administrative services that the City provides to the Port.

In addition to the Port budgeting this payment in the operating budget, the City and Port must execute an annual Memorandum of Understanding covering these Special Services Payments. The Port includes this operating expense in its budget each year and the City bills the Port for such services based on actual expenditures on an annual basis. The Aircraft Rescue and Fire Fighting Program (ARFF) of \$3.9 million in both FY 1999-2000 and FY 2000-2001 has a separate MOU and is not included in the Special Services Payments MOU. The Port's share of investment expenses under Finance Services is subject to audit by the Port, starting with FY 1997-1998.

The estimated Special Services Payments to the City are detailed as follows:

<u>Services</u>	<u>FY 1999-2000</u>	<u>FY 2000-2001</u>
City Clerk	\$1,200	\$1,200
Finance	269,600	198,800
Personnel	172,400	172,400
Airport Security	1,204,800	1,204,800
Overweight Vehicles	128,400	134,000
West Oakland Security	150,000	150,000
Jack London Square Security	<u>130,000</u>	<u>130,000</u>
Total	<u>\$2,056,400</u>	<u>\$1,991,200</u>

RECOMMENDATION:

It is recommended that the Board of Port Commissioners authorize the Executive Director to execute a Memorandum of Understanding with the City of Oakland for the FY 1999–2000 and FY 2000–2001 Special Services Payments for an amount not to exceed \$2,056,400 and \$1,991,200 respectively.

BOARD ACTION REQUIRED:

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20367

SEP 19 2000

BOARD ACTION TAKEN

DATE



SECRETARY OF THE BOARD

Assistant

Agenda Sheet

DATE: September 19, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall



EXECUTIVE OFFICE RECOMMENDATION:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Pursuant to subdivision (a) of Section 54956.9.

Name of Case:

City of Oakland v. Keep On Trucking, et al.,
U.S. District Court, Northern District of California Case No.
C95-03721 CRB

Alameda Gateway, Ltd. V. United States of America and Port of Oakland, U.S. Court of
Federal Claims Case No. 97-160L (42 Foot Dredging Project)

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to subdivision (b) of Section
54956.9: 3 matters

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: City of Alameda Side of Oakland Inner Harbor Turning Basin
Required for -50' Dredging Project

Negotiating Parties: Port of Oakland/Alameda Gateway,
Ltd./Bay Ship & Yacht Co. and
City of Alameda

Under Negotiation: Price and Terms of Payment

Property: Annual Renewals (See Commercial Real Estate – 11)

Negotiating Parties: Port of Oakland and 19 Tenants

Under Negotiation: Price and Terms of Payment

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

SUMMARY AGENDA OF BOARD CALENDAR
September 19, 2000

AIRPORT

3S Approval of Consultant Agreement with J.D. Franz Research, Inc. for Conducting a Passenger Survey and Analysis at Oakland International Airport (#1 Airport Drive). (Resolution)

Recommends approval to enter into the agreement to provide for the survey and analysis.

4S Approval of Building Permit Application for the Construction of Corporate Aircraft Hangar, North Airport, for BayAir, Inc. (Resolution)

Recommends approval for the construction of the new corporate aircraft hangar on the North Airport.

5S This item not used.

MARITIME

26S Approval of Agreement with PG&E for Relocation of 12kV Service to Building C-401, Vision 2000 Program. (Resolution)

Recommends approval of the agreement which provides for PG&E to relocate the electrical service.

27S Resolution Granting Consent to Assignment of GTE Mobilnet of California Limited Partnership Lease to Crown Castle GT Company LLC. (Resolution)

Recommends approval of the consent to assignment of the lease. Notes that GTE will still be liable for the obligation of the lease.

28S Authorization to Include Improvement of Yard Lighting, Berth 23, Outer Harbor Terminal, in the Port's Small Business Program. (Resolution)

Recommends approval to include the project in the Port's Small Business Program. Notes that the project includes the replacing of 192 old light fixtures.

OPERATIONS

33S Travel Authorization. (Resolution)

Recommends approval of the travel of two engineers to Shanghai regarding the new cranes; and one aviation marketing representative to China to call on certain air cargo carriers.

ORDINANCES:

Port Ordinance No. 3602 being, "AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF AGREEMENTS WITH PICKENS FUEL CORPOATION TO DESIGN, BUILD AND OPERATE A COMPRESSED NATURAL GAS FUELING STATION AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT WITHOUT COMPETITIVE BIDDING."

Provides for approving the agreements with Pickens Fuel Corporation to design and build and operate a compressed natural gas fueling station at the Airport.

Port Ordinance No. 3603 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH KEY SOURCE INTERNATIONAL, FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 1.3 ACRE PARCEL OF LAND LOCATED AT 7711 OAKPORT STREET."

Provides for authorizing the purchase and sale agreement with Key Source International for 1.3 parcel of land.

Port Ordinance No. 3604 being, "AN ORDINANCE REVISING AND RESTATING PORT ORDINANCE NO. 3380, ESTABLISHING THE RULES AND REGULATIONS FOR THE PORT OF OAKLAND'S MARINAS AND FOR FIXING THE RATES AND CHARGES IN CONNECTION THEREWITH."

Provides for establishing the rules and regulations for the Port's Marinas.

Port Ordinance No. 3605 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTION 2.03, ADDING SECTIONS 5.185 AND 11.0069, AND TO AMEND SECTIONS 5.161 AND 5.184."

Provides for amending Port Ordinance No. 867.

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 5

SUBJECT: Authorization to enter into an Agreement with Clean Fuels, LLC, to operate Temporary Compressed Natural Gas Fueling Facility on Airport Property; and Authorization to enter into an Agreement with Pickens Fuel Corporation to Operate and Maintain a Permanent Compressed Natural Gas Fueling Station on Airport Property

PROGRAM AREA:

- Airport Operations C. I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

**DUPLICATE
OF PRIOR**

CALENDAR MEMO

FACTUAL BACKGROUND

The Port of Oakland's Airport Development Program (ADP) includes a program to reduce emissions of air pollutants from activities associated with Oakland International Airport. One element of this program is the Port's commitment to using alternative fuel vehicles and encouraging ground transportation providers serving Oakland International Airport to convert their fleets to alternative fuels vehicles, using either compressed natural gas (CNG) or electricity.

To accommodate the Port commitment to alternative fuels, the Port has solicited proposals to design, build and operate a Compressed Natural Gas (CNG) fueling station. The station is expected to be completed in the Spring of 2001. This CNG fueling station will accommodate Port-owned vehicles, shuttle vans, taxicabs, package delivery companies, and the general public.

Before the station is constructed, however, there is an immediate need to provide CNG fueling for Port vehicles. The City of Oakland has acquired equipment for a temporary CNG fueling facility and would like to have the City's operator install and operate the equipment on Airport property until the permanent CNG fueling station opens.

1. Temporary CNG Fueling Facility

KEY TERMS OF THE LICENSE AGREEMENT WITH CLEAN FUELS, LLC

The City's provider, Clean Fuels, LLC, would install and operate a semi-portable compressed natural gas vehicle fueling facility, consisting of a storage trailer, sequencing/control panel, dispenser and remote entry shutdown device. The agreement would be effective from June 27, 2000 through May 31, 2001, or until the permanent facility is operational. The premises would consist of approximately 1,080 square feet of unimproved land in the vicinity of Earhart Road and Convoir Street at North Airport. Because of the project's benefits to the ADP, the Port would charge the Clean Fuels no rent for the temporary site use.

OPTIONS

1. Take no action.
2. Enter into a License and Concession Agreement with the City of Oakland's operator, Clean Fuels, LLC.
3. Enter into a License and Concession Agreement with another party.

Entering into an agreement with the Clean Fuels, LLC to install and operate the CNG fueling equipment, the Port benefits in several ways. First, the Port intends to use this facility to fuel its own CNG fleet vehicles. The absence of this facility on Airport property would require Port staff to use a an off-site fueling station, meaning additional cost in staff time and fuel costs.

Second, by using the City of Oakland's equipment, operated by Clean Fuels, LLC, instead of that of another party, the Port would realize additional savings by eliminating any rental or facility fees charged when hiring the services of another party to provide the same type of equipment.

**Approved by Ordinance
passed to print**

Approved by Resolution

No. *20325 - Agreement*

4 20326 - Building Permit *Sharon Kinsman*

SEP 5 - 2000

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

DATE

Finally, the proposed property for the temporary CNG fueling facility would be located at Earhart Road between Hangars 7 and 8 in the gore area created by bifurcation of old and new Earhart Roads. Unlike other revenue-generating properties at the airport, the proposed location would allow the Port to make use of property for which a suitable tenant has not been found.

II. Permanent CNG Fueling Facility

ANALYSIS

On April 7, 2000 a Request for Proposals was distributed for the financing, design, building, operation and maintenance of a CNG fueling station. Two proposals were received and opened on May 12, 2000: one from Pickens Fuel Corporation and one from Pinnacle CNG Company.

The proposals were evaluated on proposed design, technical criteria, the Port's Equal Opportunity Policy and business proposals.

The two proposals offered equally attractive designs and technical aspects. For Local Business Utilization (including such things as mentoring, internships, workforce diversity), Pickens scored 0.75 points, and Pinnacle scored 0.25 points.

The business proposal by Pickens Fuel Corporation offered the best business deal. A summary of the estimated costs and revenues are shown below for each of the proposals for the first four years. After the fourth year, staff anticipates no significant change in annual costs and revenues.

<i>Company</i>		<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>
Pickens	<i>Fuel Costs</i>	(\$ 14,250)	(\$ 14,250)	(\$ 14,250)	(\$ 14,250)
	<i>Port Revenue</i>	\$ 5,967	\$ 5,967	\$ 5,967	\$ 5,967
	Net Costs	(\$ 8,283)	(\$ 8,283)	(\$ 8,283)	(\$ 8,283)
Pinnacle	<i>Fuel Costs</i>	(\$ 11,942)	(\$ 58,887)	(\$ 108,735)	(\$ 108,735)
	<i>Port Revenue</i>	\$ 2,266	\$ 2,029	\$ 2,029	\$ 2,029
	Net Costs	(\$ 9,676)	(\$ 56,858)	(\$ 106,706)	(\$ 106,706)

KEY TERMS OF THE AGREEMENT WITH PICKENS FUEL CORPORATION

The key terms of the recommended agreement with Pickens Fuel Corporation are as follows:

- The permanent CNG fueling facility would be located at Earhart Road between Hangars 7 and 8 in the gore area created by bifurcation of old and new Earhart Roads, the same location as the temporary facility.
- 10-year agreement with one 5-year extension.
- The Port will purchase CNG at \$0.95 per gasoline gallon equivalent, consisting of an "Index Price" of \$0.50 and a "Margin Price" of \$0.45.
- Port tenants and the general public will purchase CNG at \$1.39 per gasoline gallon equivalent, consisting of an "Index Price" of \$0.50 and a "Margin Price" of \$0.89.
- The Port will receive a royalty in the amount of \$0.025 per gasoline gallon equivalent for all CNG sold to Port tenants and the general public.
- Beginning January 1, 2002 and each year thereafter, the operator may adjust the "Margin Price" per gasoline gallon equivalent of CNG, but not to exceed percentage change in the Consumer Price Index.
- The Port will pay up to \$450,000 in improvements, that may include \$250,000 for electrical work, and \$200,000 for grading, paving, and drainage. The grading, paving, and drainage will be performed by Pickens and is to be reimbursed by the Port. Because of the time limits on the use of grant funds from the Ford Motor Company, the Board is asked to waive the competitive bidding requirement.

OPTIONS

- Take no action.
2. Enter into an agreement with Pickens Fuel Corporation.
 3. Enter into an agreement with Pinnacle CNG Company.

Entering into an agreement with Pickens Fuel Corporation will provide the lowest overall price for CNG and the greatest revenue.

The Port intends to use this facility to fuel its own CNG fleet vehicles. The absence of this facility on Airport property would require Port staff to use a an off-site fueling station, meaning additional cost in staff time and fuel costs.

The CNG facility helps the Port achieve and enhance a major environmental mitigation for the ADP.

Project Labor Agreement:

The Permanent CNG Fueling Facility fall under the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement.

CEQA

The EIR for the ADP evaluates the impacts associated with the ADP and provides mitigation measures to be implemented. Air Quality Mitigation Measure 4.5 (3) for the ADP calls for the Port to encourage the van/shuttle fleet regularly serving the Airport to be converted to alternative fuels to reduce pollutant emissions. The proposed CNG fueling stations would both implement and enhance this mitigation measure by making CNG fueling accessible to the van/shuttle fleet, Port vehicles, taxicabs, package delivery companies, and the general public. Public access to the CNG Station provides additional air quality benefits over and above those achieved by the requirements of the MMRP. The existing MMRP will be modified to reflect the additional vehicle usage by taxicab and package delivery companies and by the general public. The EIR was certified on June 29, 1999 by the Board of Port Commissioners. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this mitigation measure of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

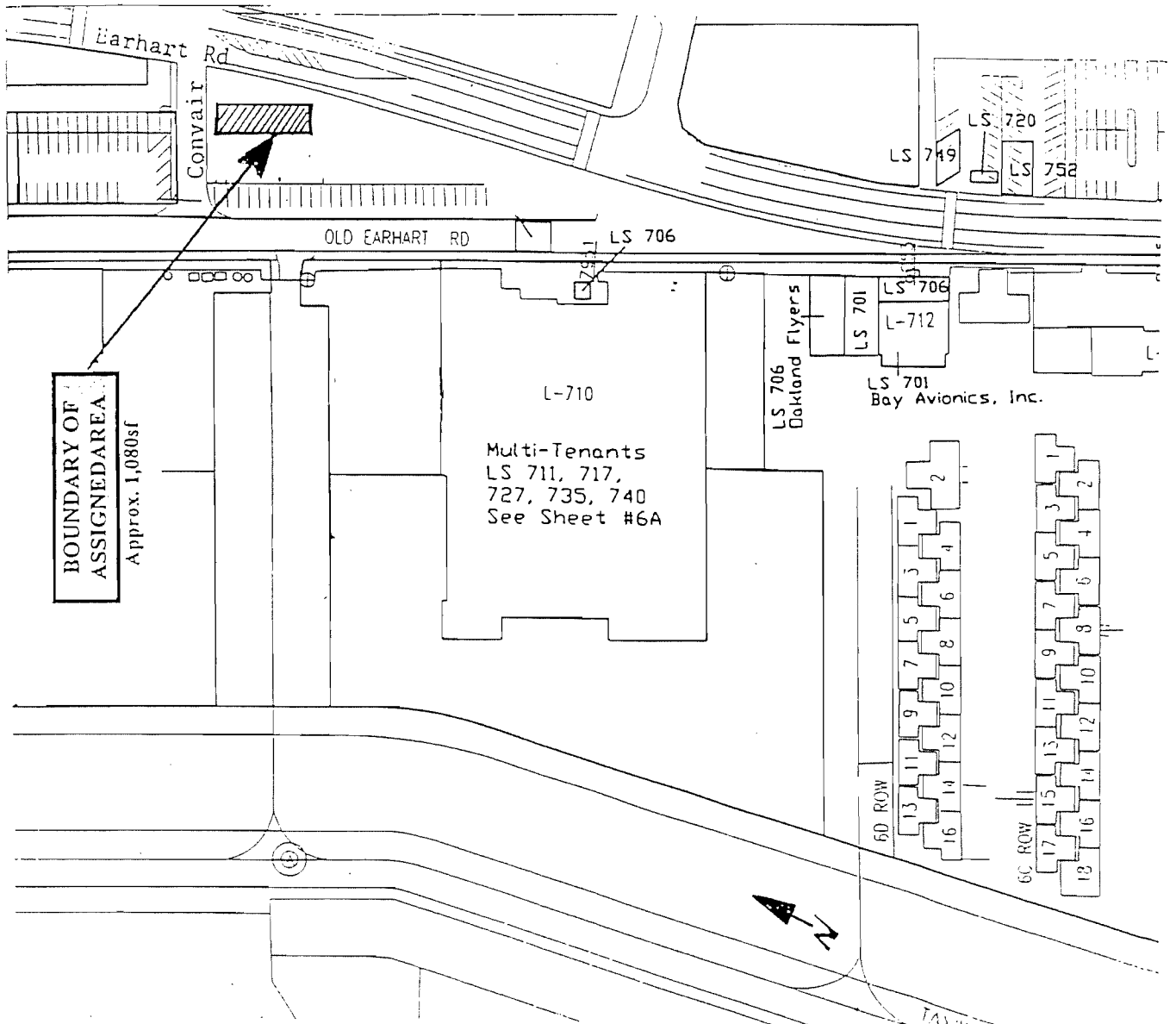
RECOMMENDATION

Based on the evaluation and terms of the agreements described above, it is recommended that:

1. The Board adopt a resolution authorizing the Executive Director to execute a License and Concession Agreement with Clean Fuels, LLC, to locate the City's temporary Compressed Natural Gas Fueling facility on Airport property on land in the vicinity of Earhart Road and Convair Street at North Airport.
2. The Board give first reading to an ordinance authorizing the Executive Director to execute the necessary agreements with Pickens Fuel Corporation to design, build and operate a Compressed Natural Gas Fueling Station according to the terms listed above on Airport property on land in the vicinity of Earhart Road and Convair Street at North Airport; and
3. The Board adopt a resolution authorizing the issuance of a building permit for the permanent Compressed Natural Gas Fueling Station, subject to the execution of the occupancy agreement and the operating agreement identified in Item 2 above.
4. Waive competitive bidding requirements for approximately \$200,000 in additional site improvements to be performed by Pickens because time limit on the use of grant funds form the Ford Motor Company as waiver is in the best interests of the Port in order to retain the Ford grant funds.

SKETCH OF PROPERTY

Oakland International Airport North Airport



Agenda Sheet

DATE: September 5, 2000

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Key Source International for the Property located at 7711 Oakport Street

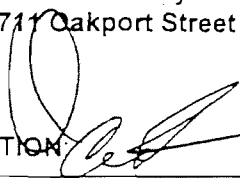
ITEM NO: 19

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION



DUPLICATE OF PRIOR

FACTUAL BACKGROUND:

CALENDAR MEMO

A critical component of the Commercial Real Estate Division's restructure plan, which was approved by the Board in 1999, was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has negotiated the terms of a Purchase and Sale Agreement with Key Source International, Inc. covering the purchase of an approximately 1.3 acre site located at 7711 Oakport Street containing a 9,000 square foot building.

Key Source International, currently located in Hayward, designs and manufactures custom computer keyboards for a customer base that includes the Men's Warehouse, Tandy (Radio Shack), Hallmark and Continental and Southwest Airlines.

ANALYSIS:

- Price: \$950,000
- Deposit: \$100,000 within 3 days after the Effective Date of the Agreement. The deposit shall be credited against the purchase price.
- Closing Date: 60 days after the Effective Date of the Agreement.
- Port Repurchase Option: If the property is available for sale during an eighteen-month period after close of escrow, the Port has an option to repurchase the property.
- Use: The property must be used for the proposed type of use for eighteen months after close of escrow. Any change in use during that period will trigger liquidated damages.

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to construction and/or operation of the project. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined:

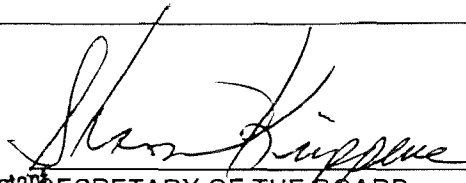
- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant Secretary of the Board



SEP 5 - 2000

DATE

Subject: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Warehouse Properties, Inc. for the Property located at Hegenberger Road and Pardee Drive

Page 2 of 2

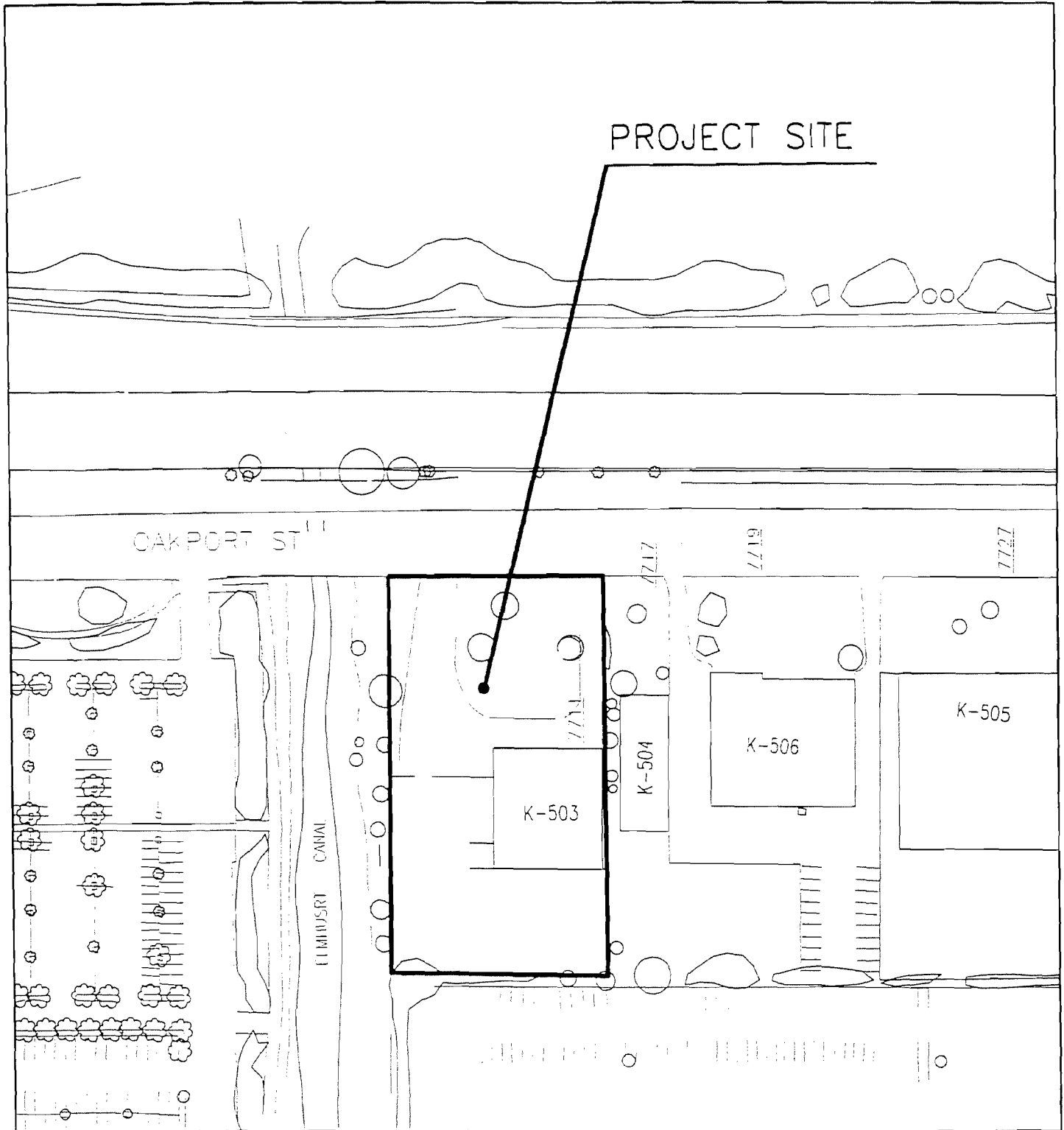
(c) Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

OPTIONS:

1. Do not sell the property, but continue to lease.
2. Put the parcel on the open market.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Key Source International, Inc. for the purchase of 7711 Oakport Street at a purchase price of \$950,000.



PORT OF OAKLAND

COMMERCIAL
REAL ESTATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Amendment to Port Ordinance No. 3519, Establishing the Rules and Regulations for the Port Of Oakland Marinas

DATE: September 5, 2000

ITEM NO: 205

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin
EXECUTIVE OFFICE RECOMMENDATION:

DUPLICATE OF PRIOR

FACTUAL BACKGROUND:

CALENDAR MEMO

Port Ordinance 3519 establishes the Rules and Regulations for the Port of Oakland recreational marina operation among other things. Port staff recommends that Port Ordinance 3519 be amended to clarify and revise vessel removal, dismantling and salvaging operations and procedures ("vessel removal operations") as well as to increase the berthing rate at certain Port-operated marinas.

Concerns have recently been raised about the Port's periodic vessel removal operations culminating in an allegation of violation of the federal Clean Water Act emanating from the Port's removal and disposition of a sinking/derelict vessel known as the Moby Dick.

Specifically, the Port has received an Administrative Civil Liability Complaint from the Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB") regarding the Moby Dick incident and its past vessel removal/operations. The RWQCB Complaint assesses \$80,000 as a penalty and for staff costs. In addition, the Port, former Commissioner Loh and the Harbormaster have been named in a Complaint filed in Federal District Court by the BayKeeper (a project of the WaterKeeper) regarding the Moby Dick incident as well as its past vessel removal operations. The Port has incurred significant costs in responding to the RWQCB administrative process and related litigation.

Analysis:

The Port has undertaken such operations infrequently in the past and there is no permitted existing Port-operated vessel removal facility. In fact, the Port has undertaken, on average, less than four such removals per year for the last five years. Permitting, constructing and operating such a facility would be difficult, costly and unwarranted given the infrequency of such vessel removal and salvaging operations. For example, land use approvals would be required to construct such a facility and the facility could well have to comply with a myriad of laws and regulations relating to the potential discharge of pollutants associated with the activity.

There are marine service contractors with experience in raising, towing, removing, storing and demolishing sinking, abandoned or derelict vessels. These contractors have the specialized equipment and training for such tasks. In addition, the storage or demolition of such vessels would not occur on Port property, obviating the need for a Port facility. Such contractors are available in the vicinity of the Port Area.

Port staff recommends that the Port revise and clarify its vessel removal policies. The proposed revisions are mainly contained in Section 8 of the revised proposed Marina Ordinance and provide a set of policies to govern the Port's future vessel removal operations in the Port Area. It is proposed that more detailed regulations be adopted that contain specific procedures consistent with the Marina Ordinance and state law.

The revised Marina Ordinance includes the following components:

- Cessation of all sinking, derelict or abandoned vessel removal, storage, demolition, salvage and shipwrecking activities in the Port Area, except for certain limited activities necessitated in the case of emergencies.
- Utilization of the services of a qualified marine services firm to take direct action in responding to sinking, derelict and abandoned vessels, such as, but not limited to, towing, removing from the water and storing vessels, and conducting salvage sale, demolition and disposal activities.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

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BOARD ACTION TAKEN

SECRETARY OF THE BOARD

SEP 5 - 2000

DATE

- Procedures for responding to emergency situations involving sinking, derelict, or abandoned vessels.
Procedures for notification of proper federal, state and local officials as appropriate in situations involving sinking, derelict or abandoned vessels.
- Routine monitoring program to identify and address abandoned inoperable and un-seaworthy vessels before they become derelict.

Commercial Real Estate (including the Port's Harbormaster) and Engineering (both Environmental Planning and the Environmental Health and Safety Compliance) staff have been working together on drafting the vessel removal procedures contained in the revised Marina Ordinance. Adoption of the Revised Marina Ordinance is in the best interest of the Port, in particular the public interest in economy and better performance. First, permitted Port facilities for such operations are non-existent. Second, the expense and difficulty in creating a Port facility for such operations are significant and unwarranted in that the Port's vessel removal activities are, at best, infrequent. Finally, third party marine services firms are available to accomplish such activities on an as-needed basis and have the specialized equipment and expertise to conduct such operations.

In addition, it is further proposed that the Marina Ordinance be amended to provide for a 5% increase in marina rental rates, effective October 1, 2000, for 348 berths in the Embarcadero Cove and Union Point Basin Marinas. The Jack London Square Marinas would be excluded from this proposed rate increase since their new rates (\$8 per foot) were established last year.

Marina rates were last increased by 5% in October 1997. Since the current vacancy rate in these marinas is less than 4%, staff believes that a moderate increase is justified and supportable in the competitive market. A recent survey of rates for both public and private marinas in the San Francisco Bay Area shows that the average rate for public marinas is \$5.41 per lease foot (plf), excluding utilities. The new Port rates will average \$6.31 plf, including built-in utility charges. Private marinas, which offer more amenities, average about \$6.09 plf, excluding utilities.

Attached is a schedule outlining the existing and proposed marina rates.

Recommendation:

It is recommended that the Board give first reading to the revised Marina Ordinance (attached) and direct the Director of Commercial Real Estate to prepare and adopt the more detailed Vessel Removal Regulations consistent with the revised Marina Ordinance and state law.

NORTH BASIN I AND II, CENTRAL BASIN, UNION POINT BASIN

<u>BERTH WATER DIMENSIONS</u>	<u>MONTHLY RENTAL</u>
20' X 17.0'	\$135.00
22' X 11.0'	\$108.00
24' X 11.0'	\$119.00
25' X 11.0'	\$123.00
25' X 12.0'	\$127.00
25' X 13.0'	\$131.00
25' X 13.5'	\$134.00
28' X 11.5'	\$144.00
28' X 12.0'	\$146.00
28' X 12.5'	\$148.00
28' X 13.0'	\$150.00
28' X 13.5'	\$152.00
29' X 12.0'	\$150.00
29' X 14.0'	\$160.00
30' X 12.0'	\$159.00
30' X 13.0'	\$166.00
30' X 13.5'	\$167.00
30' X 14.0'	\$169.00
30' X 14.5'	\$172.00
30' X 15.0'	\$174.00
32' X 12.5'	\$172.00
32' X 13.0'	\$174.00
32' X 13.5'	\$177.00
32' X 14.0'	\$179.00
32' X 15.5'	\$187.00
34' X 12.0'	\$182.00
34' X 12.5'	\$186.00
34' X 13.0'	\$188.00
34' X 13.5'	\$190.00
34' X 14.0'	\$194.00
34' X 14.5'	\$196.00
34' X 15.0'	\$199.00
34' X 15.5'	\$202.00
34' X 16.0'	\$204.00
36' X 13.0'	\$199.00
36' X 14.0'	\$204.00
36' X 15.0'	\$210.00
36' X 15.5'	\$212.00
36' X 16.0'	\$215.00
36' X 17.0'	\$221.00
38' X 12.0'	\$225.00
38' X 15.0'	\$228.00

NORTH BASIN I AND II, CENTRAL BASIN, UNION POINT BASIN

**BERTH WATER
DIMENSIONS**

MONTHLY RENTAL

38' X 15.5'	\$229.00
38' X 16.0'	\$231.00
40' X 15.0'	\$236.00
40' X 16.0'	\$242.00
40' X 16.5'	\$246.00
40' X 17.0'	\$248.00
42' X 14.0'	\$245.00
42' X 14.5'	\$248.00
42' X 15.0'	\$252.00
42' X 16.0'	\$258.00
42' X 16.5'	\$262.00
45' X 16.0'	\$280.00
45' X 16.5'	\$284.00
45' X 17.0'	\$286.00
45' X 17.5'	\$290.00
47' X 16.0'	\$291.00
47' X 17.0'	\$298.00
47' X 17.5'	\$302.00
47' X 21.0'	\$325.00
52' X 16.0'	\$324.00
52' X 17.0'	\$332.00
52' X 18.0'	\$340.00
52' X 20.0'	\$354.00

**NORTH BASIN I AND II, CENTRAL BASIN AND
UNION POINT BASIN OVERHANG CHARGE**

\$6.00 per linear foot

**NORTH BASIN I AND II, CENTRAL BASIN AND
UNION POINT BASIN SIDE TIE RATES**

30' or under \$5.50 per linear foot
over 30' \$6.00 per linear foot

(c) Rafts, dinghies or other small boats may be kept with the original boat for which the berther has a berthing agreement at no extra charge if totally maintained in the water or float within that berth.

(d) Rafts, dinghies or other small boats may be kept in another part of the marina, if space is available, at the following charge:

\$1.00 per linear foot per month

(e) Floats for row boats or other small watercraft:

\$15.00 or \$18.00 per month

(f) In the Jack London Marinas at the following rates:

JACK LONDON MARINAS

\$8.00 per linear foot

(g) In the Seabreeze Marina, wet storage only, at the following rate:

SEABREEZE MARINA

Berths and

Side-ties \$4.25 per linear foot

- (2) Application. An application for a berth agreement shall be accompanied by an application fee of \$100 for such berth agreement. Said fee shall not be refunded in the event a berth agreement for occupancy is executed. It shall, however, be refunded in the event an application for a berth agreement is withdrawn prior to notification of owner by the Director of Commercial Real Estate that a vacancy exists. The applicant shall have ten (10) days from the date of said notice to respond in writing and to pay the monthly berth rent and charges plus an equal sum as a performance deposit, less the amount of the above application fee. In the event applicant fails to respond to the notice of vacancy, the application fee will be forfeited and the applicant's name removed from the waiting list.

Subject to the prior approval of the Board of Port Commissioners, a berth agreement may be entered into with the United States of America, the State of California, the County of Alameda, the City of Oakland, with any public agency thereof, to berth a vessel within the Port Area and Port Marina Areas without the payment of rent therefor.

- (3) Live-aboard Rates and Service Charges. The following rates apply to vessels used as live-aboards: \$100.00 per month for the permittee and \$50.00 for each additional person residing on the live-aboard vessel. The Director of Commercial Real Estate has full discretion to determine the total number of occupants on each vessel given live-aboard status.
- (4) Commercial Vessels. No berth agreement shall be entered into for a vessel that is used for commercial purposes except for a vessel operating under a current valid commercial fishing or charter license.
- (5) Admission to berth is at the Discretion of the Director of Commercial Real Estate. The berthing of vessels in the Port Area or Port Marina Areas shall be subject to the direction and control of the Director of Commercial Real Estate who shall determine the admissibility of vessels to the Port Area or Port Marina Areas based on type, condition, size and availability of berthing space.
- (6) Assignment or Subleasing of Berths. Berths are assigned for the exclusive use of the berth agreement holder and may not be assigned or subleased by such berther without the prior written consent of the Director of Commercial Real Estate who may grant such consent based upon the following terms and

Agenda Sheet

DATE: September 5, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

- Creation of Salary Schedule
- Creation of Classifications/Positions
- Unit Transfer and Amendment of Salary Schedule Assignment

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations CI

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CWF*

**DUPLICATE
OF PRIOR**

CALENDAR MEMO

FACTUAL BACKGROUND:

I. CREATION OF SALARY SCHEDULE—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following Salary Schedule in order to implement its assignment to the creation of new classification later on this agenda.

Salary Schedule	Rep. Unit	Salaries
248.08	D	a--\$4,900; b--\$5,144; c--\$5,403; d--\$5,726; e--\$6,069

II. CREATION OF CLASSIFICATIONS/POSITIONS—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of the following classifications and positions as indicated below. The Maritime Projects Coordinator—Traffic Representative III-A is needed to implement the FY 2000-2001 Staffing Plan. The Training and Development Specialist is an additional FTE request to the FY 2000-2001 Staffing Plan.

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS	Rep. Unit	SALARY SCHEDULE ASSIGNED
Maritime Projects Coordinator—Traffic Representative III-A	CIP	Maritime	1	D	248.08 (a--\$4,900; b--\$5,144; c--\$5,403; d--\$5,726; e--\$6,069)
Training and Development Specialist	OPER	CAS	1	E	500.2 (a--\$5,096; b--\$5,352; c--\$5,618; d--\$5,956; e--\$6,313)

B) It is requested that the Board approve the creation of the following additional position as indicated. This position is needed to implement the appointment of a candidate on September 11, 2000. This action reallocates an existing FTE position within the Office of Equal Opportunity to this classification based on the recommendation of the Director of Equal Opportunity to meet operational needs. This action does not result in an increase to the FTE count or budget.

CLASSIFICATION	OPER/ CIP	DIVISION	# OF POSITIONS
Contract Compliance Officer	OPER	Equal Opportunity	1

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

Sharon Kuppel

SEP 5 - 2000

DATE

III. UNIT TRANSFER AND AMENDMENT OF SALARY SCHEDULE ASSIGNMENT — Ordinance (2 Readings)

A) It is requested that the Board approve the transfer of the classification of **Personnel and Employee Services Supervisor** from Representation Unit D to **Representation Unit E** and the amendment of salary schedule assignment for this classification from Salary Schedule 274.33 (a--\$6,362; b--\$6,681; c--\$7,014; d--\$7,436; e--\$7,881) to **Salary Schedule 543.1** (a--\$6,363; b--\$6,681; c--\$7,015; d--\$7,436; e--\$7,882). This action implements consultant's recommendation for reallocating classifications that are exempt from FLSA to the appropriate representation unit at the Port.

CURRENT EMPLOYEE COUNT

FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 8/31/99	AS OF 8/1/00	AS OF 9/1/00
Full-Time Employees	612.00 FTE	554.00 FTE	563.00 FTE	560.00 FTE
Part-Time Employees	2.13 FTE	2.40 FTE	2.40 FTE	2.40 FTE
Relief Telephone Operators	11.00 FTE*	3.00 FTE	3.00 FTE	3.00 FTE
Relief Airport Custodians (P/T)		8.00 FTE	8.00 FTE	8.00 FTE
Relief Airport Custodians (Intermittent, P/T)		0.00 FTE	0.00 FTE	0.00 FTE
TOTAL	625.13 FTE	567.40 FTE	576.40 FTE	573.40 FTE**

* Statistical breakdown of various Reliefs was not available during this period.

** Count increase due to five separations and two new appointments.

TEMPORARY AGENCY WORKER COUNT AS OF 8/24/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	18	11	0	8	0	0	37
* CIP	0	0	9	4	0	0	13
LEAVE BACKFILL (NON MEDICAL)	2	0	0	0	0	0	2
MEDICAL BACKFILL	3	5	0	0	0	0	8
* SPECIAL PROJECT	4	2	1	5	1	0	13
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
TOTALS	27	20	10	17	1	0	75

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNTS

CATEGORY	10/1/97	6/8/00	6/23/00	7/25/00	8/24/00
BACKFILL	27	27	27	31	37
* CIP	18	16	15	13	13
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	0	0	2	2
MEDICAL BACKFILL	4	4	7	8	8
* SPECIAL PROJECTS	11	14	15	14	13
WORKER'S COMP BACKFILL	3	1	1	2	2
T O T A L S	63	62	65	70	75

COUNT SUMMARY

CURRENT FTE COUNT	573.40
CURRENT TEMPORARY AGENCY BACKFILLS	37.00
VACANT POSITIONS	<u>36.00</u>
T O T A L	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding, creation of salary schedules, creation of classifications/positions, and unit transfer and amendment of salary schedule assignment.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: Sept. 19, 2000

ITEM NO: 3S

SUBJECT: Approval of Consultant Agreement with J.D. Franz Research, Inc. for conducting a Passenger Survey and Analysis at Oakland International Airport (#1 Airport Drive, Oakland)

PROGRAM AREA:

- Airport Operations (checked)
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

Handwritten signature/initials

FACTUAL BACKGROUND:

The Board is asked to consider approving a consultant agreement with J.D. Franz Research, Inc. to conduct an Oakland International Airport passenger survey.

The Metropolitan Transportation Commission ("MTC") has conducted passenger surveys at all three Bay Area Airports every five years since 1975. In the 1990s, the Port, San Francisco and San Jose funded the MTC survey efforts. The survey information has been very useful to the airports. First, it provides details of the Airport's passenger-characteristics, and the passengers' demand for and use of the Oakland Airport facilities (parking, baggage claim, seating, transportation, and roadways). Second, it provides a comparison of the three Bay Area airports' passenger-characteristics and satisfaction levels.

Due to the MTC staff workload, the MTC will not conduct the survey in 2000 as anticipated by the Airport. The MTC has not announced plans for when it will conduct another survey to update the 1995 data. There have been substantial changes in passenger composition and behavior since 1995, due to factors such as increased business travel, electronic tickets, door-to-door shuttles, and restrictions on carry-on luggage. The Airport Terminal Expansion Program and the Aviation Division needs the survey data to simulate passenger and traffic flow through the new roadways and Terminal design. Without an updated survey, the model simulation of the selected terminal concept will use outdated passenger characteristics from the 1995 MTC survey. For that reason, it is proposed that the Port conduct the survey for Oakland passengers in October 2000, so that the survey results will be available in time for model simulation work scheduled for Spring 2001. The proposed survey would use a tailored MTC survey format, but would only sample responses from Oakland International Airport passengers, instead of all three Bay Area airports.

J.D. Franz Research, Inc. is a Sacramento-based firm that conducted the survey on behalf of the MTC in 1990 and 1995. Staff has asked the company to submit a cost estimate for conducting the survey for only the Oakland International Airport.

ANALYSIS:

The proposed passenger survey would provide Oakland-specific information that would refine nation-wide trends of air passenger behavior. The survey data collected will be used to "model" or simulate how vehicles, passengers and luggage will flow through the new terminal facility. For example, the survey would provide the percent of Oakland passengers in the year 2000 that are "dropped-off" at the curb, the percent that use the parking lot, and the percent that have a well-wisher that accompanies the traveler(s) into the Terminal to "see them off". Using these and other factors such as the location and amount of luggage checked and flight arrivals and departure information, the model will simulate passenger flow on the roadways, curbside and through the new terminal. The simulation will identify potential congestion or other problems at an early stage in the design process. Updated passenger survey data is important for simulating accurate passenger-behavior and traffic-flow.

- MOTION
RESOLUTION (checked)
ORDINANCE
INFORMATION ONLY

Approved by Resolution No.

20354

BOARD ACTION TAKEN

Assistant

Handwritten signature of Secretary

SECRETARY OF THE BOARD

SEP 19 2000

DATE

**SUBJECT: Approval of Consultant Agreement with J.D. Franz Research, Inc.
for conducting a Passenger Survey and Analysis at Oakland
International Airport (#1 Airport Drive, Oakland)**

**September 19, 2000
Page 2**

It is proposed that J.D. Franz Research, Inc. be retained rather than receiving quotes for the service from multiple firms. The company can respond in the short time available and conduct the Oakland survey in October 2000, in large part due to its prior experience with the MTC surveys. J.D. Franz Research, Inc. would provide on-site supervision to interviewers that are recruited through local business area-temporary agencies. Those interviewers would perform the on-site survey of Airport passengers.

The proposed scope of work includes planning and conducting the passenger survey; sorting, refining and tabulating the survey data; and analysis and correlation of relevant passenger characteristics. In addition to a report, the delivered product would be the coded, cleaned and tabulated data. Conducting the passenger survey in October 2000 would provide updated data in time for it to be used in the early 2001 model simulation of the selected terminal concept.

The consultant agreement would be for \$71,400 for a 1,000-passenger survey, with a contingency of \$15,000 to respond to problems in obtaining enough surveys for a valid sample size. The total amount of the contract would be an amount not to exceed \$86,400. The project would be funded from the capital budget for the TEx program.

The Port's Office of Equal Opportunity has determined that the firm presented is responsive to and meets the intent of the Port of Oakland's Non-Discrimination and Small Local Business Utilization Policy. The firm is located in Sacramento and there are no sub-consultants. Their workforce is at parity with census data. The Office of Equal Opportunity concurs with the recommendation of this firm.

Options:

1. Take no action, do not conduct the survey and use the 1995 survey data for the Terminal Expansion Concept simulation and other passenger facility upgrades.
2. Obtain three fee quotes from similar firms to conduct the survey and return to the Board with a recommendation based on the three quotes and the firms' experience with similar surveys.
3. Waive competitive bidding and award the contract with this consultant to conduct the survey as described above.

RECOMMENDATION:

It is recommended that the Board waive competitive bidding and award the contract as described above with J.D. Franz Research, Inc. for an amount not to exceed \$86,400, and authorize the Executive Director to sign the agreement, subject to the Port Attorney's review and approval of the documents.

Agenda Sheet


DATE: September 19, 2000

ITEM NO: 4S

SUBJECT: Approval of a Building Permit Application
for Construction of Corporate Aircraft Hangar,
North Field, for BayAir, Inc.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

BayAir, Inc. (BayAir) has submitted a permit application to construct a new Corporate Aircraft Hangar at the North Field. On September 20, 1999 the Board of Port Commissioners approved a lease of approximately 1.83 acres of land just easterly of the Chevron Corporate aircraft hangar (Hangar 10). BayAir is building the hangar for Corporate aircraft storage, and maintenance. This space will serve as the departure and return point for business executives using company flight services.

This proposed work will include:

- Construction of approximately 31,000 square feet of aircraft hangar and associated office space.
- Construction of approximately 11,000 square feet of concrete driveway.
- Provision for 36 parking spaces (including 2 handicapped parking spaces).
- Parking striping and traffic markings for the parking lot.
- Installation of a vehicle security gate entry for access to hangar.
- Connection to the Port's electrical, water, sanitary and storm drain systems, costs be paid by BayAir.
- Security cameras and lighting for the entry gate and access road.

Financial Benefit:

Project will continue \$5,569 in monthly ground rent payments to the Port; these payments escalate every 2.5 years based upon the change in the CPI and every 10 years based upon fair market rental value appraisals. Post-construction, the project will also generate \$0.15 @ gallon monthly in fuel flowage fee revenues to the Port. Finally, upon termination of the lease (11/30/2024), ownership of the structure, a corporate jet hangar, will revert to the Port. Then, the Port would receive not only ground rent but also building rent. The project will also generate substantial possessory interest tax revenues for the City of Oakland.

Budget:

The estimated value of the work is \$1,500,000. All costs are the responsibility of BayAir.

Environmental:

An Initial Study was prepared in accordance with the California Environmental Quality Act and a Mitigated Negative Declaration was certified by the Board on September 20, 1999.

General Plan:

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

RECOMMENDATION:

It is recommended that the Board approve this building permit application subject to a written agreement being executed with BayAir, Inc. that requires that they pay all costs related to the connection and upgrading of utility service for this project.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20355

BOARD ACTION TAKEN

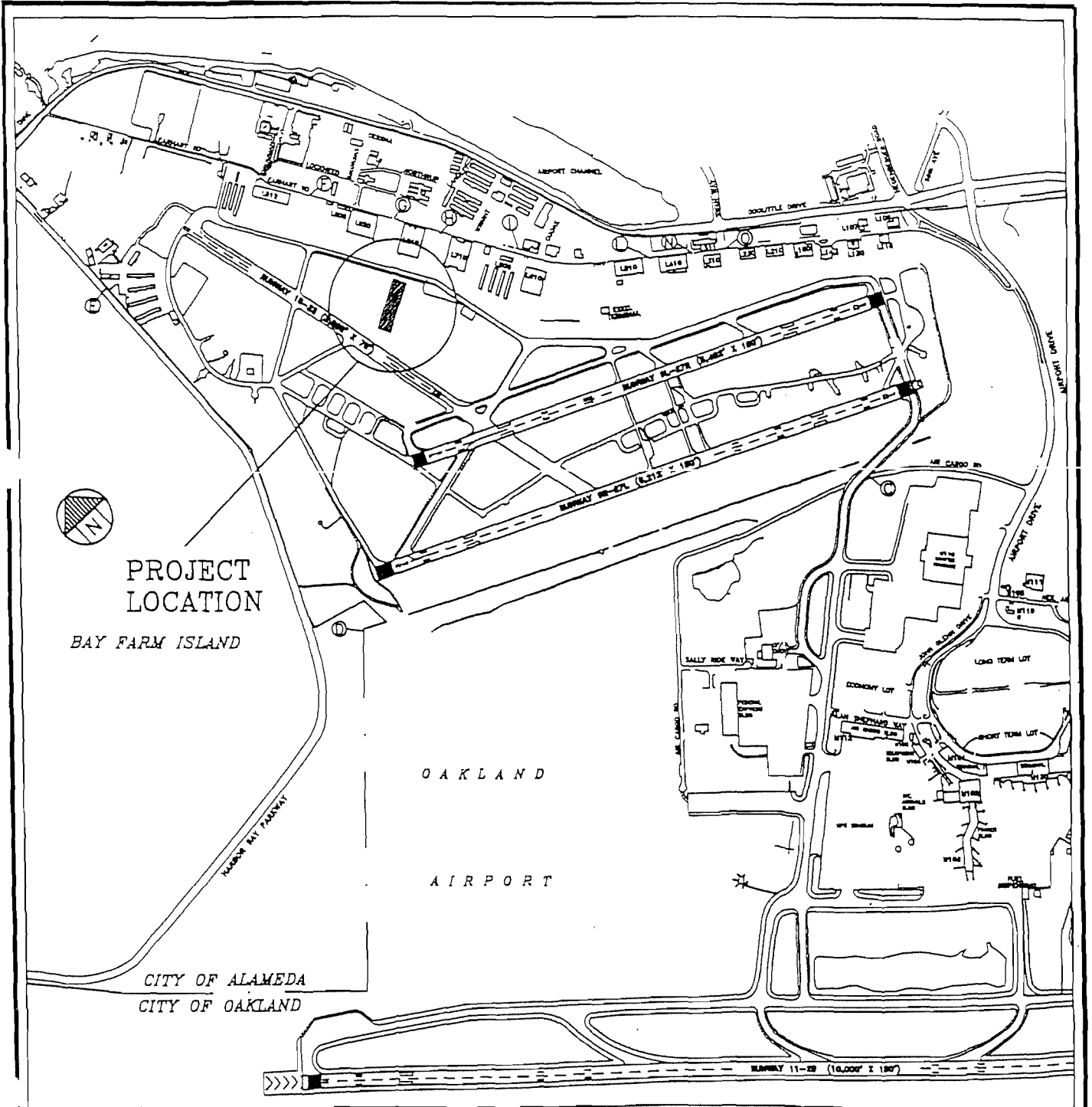


Assistant

SECRETARY OF THE BOARD

SEP 19 2000

DATE



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

^{JD}
SUBJECT: Approval of Agreement with PG&E for Relocation of
12kV Service to Building C401 Vision 2000 Program

DATE: September 19, 2000
ITEM NO: 26S

SUBMITTED BY: Joseph K. Wong 
EXECUTIVE OFFICE RECOMMENDATION:

- PROGRAM AREA:
- Airport Operations
 - Commercial Real Estate
 - Maritime Operations
 - Overall Operations

FACTUAL BACKGROUND:

The Port is currently constructing several projects of the Vision 2000 program. These include a Joint Intermodal Terminal (JIT), New Road/7th Street realignment, and public access facilities, all in and around the former Navy Fleet Industrial Supply Center, Oakland (FISCO) site. As part of this project, the railroad tracks along 7th Street are being realigned in order to include a public access bicycle path. This track realignment requires that existing Utility Company facilities be relocated. The Pacific Gas and Electric Company (PG&E) owns and maintains a 12kV overhead service to Building C401, which connects to a distribution line along the North side of 7th Street. The distribution conductors cross over the elevated BART structure. A power pole, three (3) pole-mounted transformers, distribution conductors, and service drop conductors must be relocated.

PG&E has prepared an agreement under which they will furnish a detailed design of the new arrangement, perform construction work and inspection utilizing PG&E personnel, furnish all of the materials, and connect the new service drop to the building service entrance conductors. The cost for this work is \$38,847.94.

ENVIRONMENTAL ASSESSMENT:

QA Determination: The realignment of a portion of Seventh Street is a component of the Port's Vision 2000 Maritime Development Program which includes the Berths 55-58 Project, the Joint Intermodal Terminal, Middle Harbor Shoreline Park, and other infrastructure improvements, including roads and public utilities. The full Vision 2000 Program was analyzed in the *Final EIS/EIR for the Disposal and Reuse of the Fleet Industrial Supply Center Oakland (FISCO)/Vision 2000 Development* (Port of Oakland Resolution No. 97272.) The *Final EIS/EIR* was certified by the Board of Port Commissioners on September 2, 1997. The project-level effects of the 7th Street realignment were analyzed in the *Final EIR for the Berths 55-58 Project* which was certified by the Board of Port Commissioners on April 20, 1999 (Port of Oakland Resolution No. 99153.)

BUDGET ANALYSIS:

The project is budgeted under CIP No. M6.00545.01 and is funded by Port bonds.

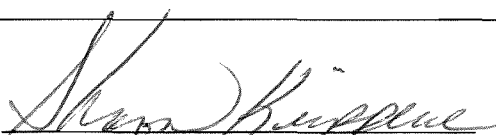
RECOMMENDATION:

It is recommended that the Executive Director be authorized to execute an agreement with PG&E as described above.

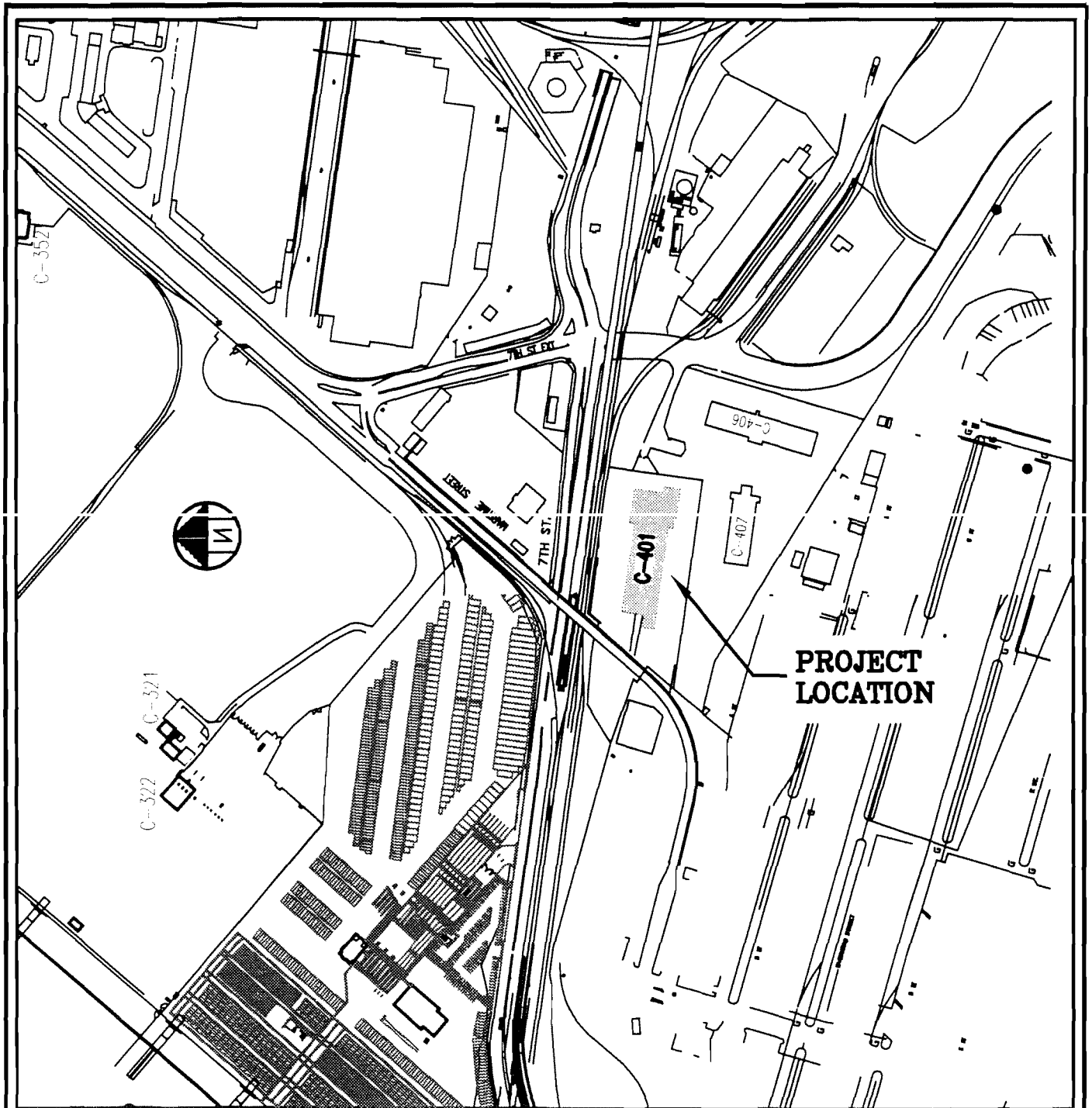
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MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Resolution
 No. 20364
 BOARD ACTION TAKEN


 Assistant SECRETARY OF THE BOARD

SEP 19 2000
 DATE



**PROJECT
LOCATION**

PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: September 19, 2000

ITEM NO: 27S

SUBJECT: Resolution Granting Consent to Assignment of GTE Mobilnet of California Limited Partnership Lease to Crown Castle GT Company LLC

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Raymond A. Boyle

PAB

EXECUTIVE OFFICE RECOMMENDATION

[Signature]

FACTUAL BACKGROUND:

The Port of Oakland ("Port") and GTE Mobilnet of California Limited Partnership ("GTE") entered into a Lease Agreement ("Lease") dated December 19, 1989, covering premises of 2,500 square feet in the Outer Harbor. GTE operates an unmanned cellular switching as well as radio receiving and transmitting station on the premises. GTE exercised its option to extend the term of the Lease Agreement for a five year period prior to the September 30, 1994 expiration date. The Board approved a First Supplemental Agreement on November 15, 1994, extending the Lease term to September 30, 1999. On December 7, 1999, the Board approved a Second Supplemental Agreement extending the term to September 30, 2004. The Lease provides for one remaining option to extend the term for five years.

GTE Wireless Incorporated and certain of its affiliates, including GTE, entered into an agreement with Crown Castle International Corp. to form a tower company called Crown Castle GT Company LLC ("Crown") for the purpose of operating and managing cellular towers. Accordingly GTE intends to transfer and assign all of its rights and obligations under the Lease to Crown. In accordance with Lease provisions, GTE has submitted a written request for Port approval to assign the Lease to Crown.

ANALYSIS:

Crown is very experienced and knowledgeable with transmission towers. Crown presently operates and manages over 10,000 towers in the United States and Europe.

Upon transfer and assignment to Crown, GTE will remain liable to the Port for the obligations of the Lessee. GTE intends to lease back from Crown and as sublessee will continue to use the site as it currently does. There will be no change in the use or manner in which the site is utilized. All terms and conditions of the Lease shall remain in force.

FINANCIAL IMPACT:

None. The assignment does not lessen the Port's position nor impact the net worth of the tenant relationship.

ALTERNATIVES:

None.

The assignment to Crown is categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 Guidelines Section 15301 (p) which exempts renewals, extensions, or amendments to leases or License and Concession Agreements where the premises or licensed activity was previously leased or licensed to the same person or another person and involving negligible and or no expansion of use beyond that previously existing.

RECOMMENDATION:

It is recommended that the Board pass a resolution approving assignment of GTE Lease to Crown with leaseback to GTE and authorizing the Executive Director to grant such consent.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No.

20365

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

SEP 19 2000

DATE

Agenda Sheet


DATE: September 19, 2000

ITEM NO: 28S

^{TD}
SUBJECT: Authorization to Include Improvement of Yard Lighting,
Berth 23, Outer Harbor Terminal, in the Port's Small
Business Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Plans and Specifications have been prepared for **Improvement of Yard Lighting, Berth 23, Outer Harbor Terminal, Oakland, California**, and hereby submitted for approval and authorization to advertise for proposals.

This project will improve the container yard lighting system for Berth 23. The work consists, in general, of replacing 192 aging light fixture assemblies, installing 36 additional fixture assemblies on existing light poles, and installing one new light pole to replace a damaged pole, including 12 new light fixtures, electrical panel and pole foundation repair. The work will be phased to minimize the impact on tenant operations.

ANALYSIS:

It is believed to be in the best interests of the Port to include this project in the Port's Small Business Program. This program allows small local contractors to attain experience in public sector work. The proposal documents and advertisement will be modified to encourage all contractors to pick up Plans and Specifications. The contractors will be informed that the Port will initially only consider proposals from small local contractors. If no responsive proposals are received, all companies on record as having received Plans and Specifications will be invited to submit proposals on a newly scheduled proposal submission date.

Environmental:

The project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act (CEQA), pursuant to the State CEQA Guidelines and Port of Oakland CEQA Guidelines, Section 15302 (c) which applies to the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

General Plan:

Pursuant to Section 727 of the City Charter, the Port has determined that this project conforms to the policies of the City of Oakland General Plan.

Budget:

This work is budgeted under CIP Item No. M1.00495.10. The total project Cost is estimated to be \$590,000. The funding source will be Port Bonds. The estimated cost of \$45,000 for replacing the damaged pole, fixtures etc. will be reimbursed by the tenant.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) apply for this work.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20366
BOARD ACTION TAKEN


ASSISTANT SECRETARY OF THE BOARD

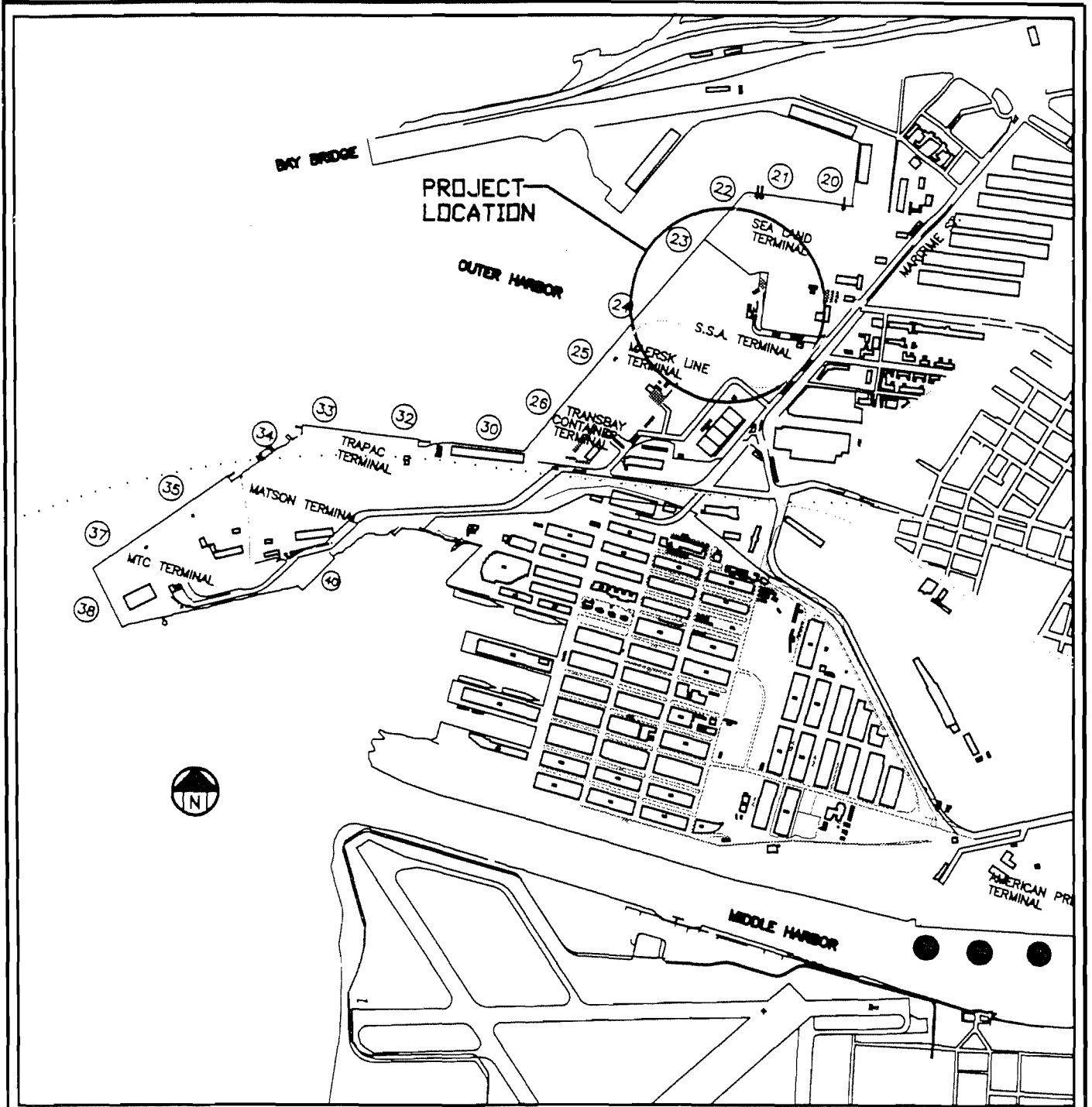
SEP 19 2000
DATE

However, if a qualifying small local contractor submits a proposal that is acceptable to the Port and said contractor is otherwise eligible for exemption from the MAPLA under the program established in the MAPLA's Appendix "G" – Letter of Understanding re: Small Business Utilization Program, it is the Port's intention to exercise the exemption and to award the contract under that program.

RECOMMENDATION:

It is recommended that the project, **Improvement of Yard Lighting, Berth 23, Outer Harbor Terminal**, be included in the Port's Small Business Program, and that it be found to be in the best interests of the Port to dispense with competitive bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor who submits an acceptable proposal.

It is further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on informal proposals, if the attempt to secure an acceptable proposal from a small local contractor is not successful.



PORT OF OAKLAND

Agenda Sheet

SUBJECT: TRAVEL AUTHORIZATION

DATE: September 19, 2000

ITEM NO: 335

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall *CCM*

EXECUTIVE OFFICE RECOMMENDATION: *af*

As provided for in the Port's Administrative Manual, it is recommended that the Board ratify the travel of Terry Smalley and Carlos Palza, Supervising Electrical/Mechanical Engineer and Principal Electrical/Mechanical Technician, to Shanghai, China, on or about September 7 – 25, 2000, to inspect Berth 55 Cranes before they are shipped to Oakland.

Also recommended is the travel of George Turner, Manager, Aviation Marketing & Communications, to Guangzhou, China and other Chinese cities, on or about October 13 - 21, 2000, to meet with China Southern airlines, and other Chinese carriers, to discuss opportunities for both future passenger and cargo services between China and OIA.

RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20368

BOARD ACTION TAKEN

Assistant

Sharon King
 SECRETARY OF THE BOARD

SEP 19 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 Water Street
Oakland, California 94607
TELEPHONE: (510) 627-1100

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Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

**Adjourned Regular Meeting of the Board of Port Commissioners
Tuesday, October 10, 2000 - 3:00 PM**

ROLL CALL

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

READING OF THE MINUTES:

Deferred - Regular meeting of July 18, 2000; regular
meeting of August 1, 2000; regular meeting of September 5,
2000; and regular meeting of September 19, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Aviation

Administration

Audit, Budget and Finance

Maritime

READING OF SUMMARY ITEMS: (Marked "S")

16 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1** Approval to Dispense with Competitive Bidding Procedures for the Purchase of Nine Fuel System Hydrant Pits for Terminal 1, Building M-103, OIA. (Resolution)
- 2** Approval to Dispense with Competitive Bidding Procedures for the Purchase and Installation of Four Passenger Loading Bridges for Terminal 1, Building M-103, OIA. (Resolution)
- 3** Ratification of Executive Director's Acceptance of Federal Aviation Administration (FAA) AIP-11 Grant Amendment No. 1. (Resolution)
- 4S** Approval of Mitigated Negative Declaration and Building Permit Application for Rolls Royce, Inc., 7200 Earhart Road. (Resolution)
- 5S** Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Bayair, Inc., Sierra Academy of Aeronautics, Inc. and John Roth (7843 Earhart Road, North Airport). (Resolution)
- 6S** Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Electronic Technologies Corporation (8135 Earhart Road, North Airport). (Resolution)
- 7S** Purchase of ASCOM Parking Revenue Control System Upgrade. (Resolution)
- 8S** First Reading of Amendment to Port Ordinance No. 3542 Providing Rules and Regulations on Taxicabs at Oakland International Airport. (Ordinance)

- 9S** Approval of Change Order for Widening of 98th Avenue West of I-880, Airport Roadway Project (Contract C), OIA. (Resolution)
- 10S** Approval of Plans and Specifications for Construction of Remain Overnight (RON) Aircraft Parking Apron and AC Overlay of Taxiway T, South Airport, OIA. (Resolution)
- 11S** Approval of Specifications for Furnishing Maintenance and On-Call Service for Parking Lot Revenue Control Systems for the Period Commencing January 1, 2001 and Ending December 31, 2001, 2002 or 2003, South Airport, OIA. (Resolution)

MARITIME

- 21** This item not used.
- 22** Adjustment to Compensation Provisions in the Assignment of Berths 55/56 to Hanjin Shipping. (Resolution)
- 23** Approval to Hire Consultant Team Led by the Tioga Group to Conduct a Port Services Location Study. (Resolution)
-
- 24 HELD OVER** Authorization to Negotiate and Execute an Agreement with Michael Willis & Associates to Provide Architectural Design Services for the Construction of Port Field Support Services Complex, Inner Harbor. (Resolution)
-
- 25S** Recommendation to Adopt an Ordinance Amending Item 02210 of Port Oakland Tariff 2-A on Handling, Storage and Use of Toxic Materials. (Ordinance)
- 26S** Approval of Building Permit Application for Installation of a Traffic and Operations Control System at Ben E. Nutter Terminal (Berths 35, 37 & 38). (Resolution)
- 27S** Ratification of Addenda and Award of Contract for Construction of Product Recovery and Groundwater Treatment System at Union Pacific Trailer-on-Flatcar (UPTOFC) Site. (Resolution)
- 28S** Authorization to Execute an Agreement with Pacific Bell for Relocation of Facilities in Middle Harbor Road. (Resolution)

OPERATIONS

- 31** Personnel Item: Title Change. (Ordinance)
- 32** Approval to Negotiate and Execute Professional Services Agreement to Administer Project Labor Agreements. (Resolution)
- 33** Approval to Enter into Consultant Contract with Naughton Sheehan and Monfredini for Executive Recruitment Services. (Resolution)
- 34** This item not used.
- 35S** Approval of 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, 2001 and Ending December 31, 2001, 2002 or 2003. (Resolution)
- 36S** Travel Authorization. (Resolution)
- 37S** Amendment of the Discrimination Complaint Policy and Procedure and the Unlawful Harassment Complaint Policy and Procedure. (Resolution)
- 38S** Approval of FY 2000-01 Open Account Agreements and Materials Testing Agreements, and Sale of Surplus Generators. (Resolution)

BUILDING PERMIT APPLICATION ("S")

Stevedoring Services of America, Inc., installation of portable office trailer and ADA accessible entry ramp.

KIQI Radio, construction of a 216 square foot building addition adjacent to the existing transmitter building.

Southwest Airlines Co., remodel the existing ticket counter to increase ticketing positions from 15 to 24.

Bank of America, replace existing signage at their ATM machine to reflect their new logo.

Oakland International Services, install a new signage at the new business providing secured baggage storage for passengers.

Southwest Airlines Co., modifications to meet the Americans with Disabilities Act Requirements, Building M106.

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

VOTE ON THE FOLLOWING RESOLUTIONS:

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

Noes: None

Absent: Commissioner Scates - 1

RESOLUTIONS:

- 20371 1 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR PURCHASE OF NINE FUEL SYSTEM HYDRANT PITS FOR TERMINAL 1, BUILDING M-103, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport – 1)
- 20372 2 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR PURCHASE AND INSTALLATION OF FOUR PASSENGER LOADING BRIDGES FOR TERMINAL 1, BUILDING M-103, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPEITITVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport – 2)
- 20373 3 RATIFYING AND APPROVING SUBMITTAL OF A GRANT AMENDMENT (AIP-11 GRANT AMENDMENT NO. 1) TO FEDERAL AVIATION ADMINISTRATION UNDER THE AIRPORT IMPROVEMENT PROGRAM. (Airport – 3)

- 20374 4 CERTIFYING CONSIDERATION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE ROLLS ROYCE EXPANSION PROJECT, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE MITITGATED NEGATIVE DECLARATION, THE MITIGATION MONITORING AND REPORTING PROGRAM AND GRANTING ROLLS ROYCE INC. PERMISSION TO PERFORM CERTAIN WORK. (Airport – 4S)
- 20375 5 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH BAYAIR, INC., SIERRA ACADEMY OF AERONAUTICS, INC. AND JOHN ROTH. (Airport – 5S)
- 20376 6 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH ELECTRONIC TECHNOLOGIES CORPORATION. (Airport – 6S)
- 20377 7 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRCT FOR PURCHASE AND INSTALLATION OF PARKING REVENUE CONTROL SYSTEM UPGRADE, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT WITH ASCOM FOR SUCH WORK. (Airport – 7S)
- 20378 8 APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH OLIVER DESILVA, INC., DBA GALLAGHER & BURK, INC., FOR CONSTRUCTION OF WIDENING OF 98TH AVENUE WEST OF I-880, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Airport – 9S)
- 20379 9 APPROVING PLANS AND SPECIFIATIONS FOR CONSTRUCTION OF REMAIN OVERNIGHT (RON) AIRCRAFT PARKING APRON AND AC OVERLAY OF TAXIWAY T, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport – 10S)
- 20380 10 APPROVING 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, 2001, AND ENDING DECEMBER 31, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport – 11S)

ADJOURNED REGULAR MEETING
October 10, 2000

- 20381 11 APPROVING AMENDMENT TO PROPOSED NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH HANJIN SHIPPING COMPANY, LTD. (Maritime – 22)
- 20382 12 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH THE TIOGA GROUP FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime – 23)
- 20383 13 GRANTING MARINE TERMINALS CORPORATION, PERMISSION TO PERFORM CERTAIN WORK. (Maritime – 26S)
- 20384 14 RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PRODUCT RECOVERY AND GROUNDWATER TREATMENT SYSTEM AT UNION PACIFIC TRAILER-ON-FLAT (UPTOFC) SITE, OAKLAND, CALIFORNIA, AND AWARDED CONTRACT TO DNL CONSTRUCTION COMPANY, INC., DOING BUSINESS AS DNL COMPANY, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime – 27S)
- 20385 15 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH PACIFIC BELL FOR RELOCATION OF FACILITIES IN MIDDLE HARBOR ROAD. (Maritime – 28S)
- 20386 16 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH PARSONS CONSTRUCTORS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 32)
- 20387 17 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NAUGHTON SHEEHAN AND MONFREDINI FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 33)

- 20388 18 APPROVING SPECIFICATIONS FOR FURNISHING MAINTENANCE AND ON-CALL SERVICE FOR PARKING LOT REVENUE CONTROL SYSTEM FOR THE PERIOD COMMENCING JANUARY 1, 2001, AND ENDING DECEMBER 31, 2001, 2002 OR 2003, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Operations – 355)
- 20389 19 CONCERNING CERTAIN TRAVEL. (Operations – 365)
- 20390 20 AMENDING THE PORT OF OAKLAND EQUAL OPPORTUNITY POLICY. (Operations – 375)
- 20391 21 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH HARZA ENGINEERS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 385)
- 20392 22 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH TESTING ENGINEERS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 385)
- 20393 23 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH INSPECTION CONSULTANTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 385)
- 20394 24 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH KLEINFELDER, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 385)
- 20395 25 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CONSOLIDATED ENGINEERING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 385)

- 20396 26 FINDING AND DETERMINING THAT CERTAIN TAYLOR POWER SYSTEMS GENERATORS OWNED BY THE PORT ARE NO LONGER REQUIRED FOR PORT USE AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SELL SURPLUS GENERATORS. (Operations – 38S)
- 20397 27 RATIFYING PURCHASE ORDER FOR COMPUCOM, APPROVING OPEN ACCOUNT AGREEMENTS FOR AM PM SERVICE, CRYSTAL DATA SYSTEMS, EAST BAY CONSERVATION CORPS, ELITE REPROGRAPHICS, GALLAGHER & BURK, J.A. JONES, RIGGING INTERNATIONAL VS SUPPLY, UNITED RENTALS, W.W. GRAINGER, WASTE MANAGEMENT, WESCO/G & W, AND XEROX, AND DISPENSING WITH COMPETITIVE BIDDING. (Operations – 38S)
- 20398 28 GRANTING STEVEDORING SERVICES OF AMERICA, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20399 29 GRANTING KIQI RADIO, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20400 30 GRANTING SOUTHWEST AIRLINES CO., PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20401 31 GRANTING BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20402 32 GRANTING OAKLAND INTERNATIONAL BAGGAGE SERVICE, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20403 33 GRANTING SOUTHWEST AIRLINES CO., PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20404 34 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A TOLLING AGREEMENT WITH CHEVRON U.S.A., INC. CONCERNING ENVIRONMENTAL CONTAMINATION AT THE “CHEVRON NORTH FIELD TANK FARM” AT THE METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Closed Session – 40)
- 20405 35 COMPROMISING AND SETTLING CLAIMS AND AUTHORIZING EXECUTION OF STIPULATED SETTLEMENT.
- 20406 36 APPROVING APPOINTMENT OF SPECIAL COUNSEL.

20407 37 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SETTLEMENT AGREEMENT, MUTUAL RELEASE, AND COVENANT NOT TO SUE ("SETTLEMENT AGREEMENT") WITH THE HOWARD TERMINAL COMPANY, A DISSOLVED CALIFORNIA CORPORATION, THE HOWARD TERMINAL RAILWAY COMPANY (COLLECTIVELY "HTC") AND THEIR SHAREHOLDERS, OFFICERS, DIRECTORS AND TRUSTEES ("HTC SHAREHOLDERS") AND LIBERTY MUTUAL INSURANCE COMPANY, AS THE INSURER FOR THE DISSOLVED HTC ("LM"), CONCERNING THE CITY OF OAKLAND, A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS BOARD OF PORT COMMISSIONERS VS. PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, AND DOES I THROUGH 20; UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION, ACTION NUMBER C-27-00894 (SBA) (THE "HOWARD TERMINAL LITIGATION").

Vote on the following Ordinances:

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

Noes: None

Absent: Commissioner Scates – 1

ORDINANCES

1 Port Ordinance No. 3606 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3044, FIXING CERTAIN REVISED PARKING RATES AT THE PARKING FACILITIES IN JACK LONDON SQUARE."

Final.

2 Port Ordinance No. 3607 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENT WITH ALAMEDA GATEWAY, LTD. (AND RELATED PARTIES) REGARDING THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT."

Final.

- 3** Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3542 WITH RESPECT TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT TAXICABS."

Airport - 8S to print.

- 4** Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2833 PERTAINING TO HANDLING, STORAGE AND USE OF TOXIC MATERIALS."

Maritime - 25S to print.

- 5** Port Ordinance No. ____ being, "AN ORDINANCE AMENDING SECTION 9.153 OF PORT ORDINANCE NO. 867."

Operations - 31 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be an adjourned regular meeting held on Tuesday, October 24, 2000 at 3:00 PM

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 1

^{7D}
SUBJECT: Approval to Dispense with Competitive Bidding Procedures for the Purchase of Nine Fuel System Hydrant Pits for Terminal 1, Building M-103, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Nine new hydrant fuel pits are required for two new interim gate positions to be created by realigning the existing passenger loading bridges at Building M-103.

Staff feels that it is in the best interest of the Port to purchase the pits and hydrant fuel assemblies that match the existing hydrant geometry and accommodate the nozzle connection assembly on the Airport's fuel carts. The manufacturer of the existing pits is Dabico, Inc. of Costa Mesa, California.

ANALYSIS:

Environmental:

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is an initial phase of project component A1, Terminal 1 Expansion. The EIR evaluates the impacts associated with the ADP and provides mitigation measures to be implemented. The Board of Port Commissioners certified the EIR on June 29, 1999. The ADP was approved at the same time. No subsequent Supplemental EIR is required with respect to this project component of the ADP, because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

General Plan:

This project is consistent with the City of Oakland General Plan (Section 727 of the City Charter) and with the Airport Layout Plan (ALP) dated September 1995.

Budget:

This work is budgeted under the interim gates project, CIP NO. A2.00760.01 and will be funded by Passenger Facility Charges. The total project cost for the interim gates is estimated to be \$5,890,000. The estimated value of the hydrant fuel pit purchase is \$150,000.

RECOMMENDATION:

It is recommended that the Board find it to be in the best interests of the Port to dispense with competitive bidding procedures for the purchase of nine hydrant fuel pits, and that the Executive Director be authorized to negotiate a purchase contract for the purchase of the equipment.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20371

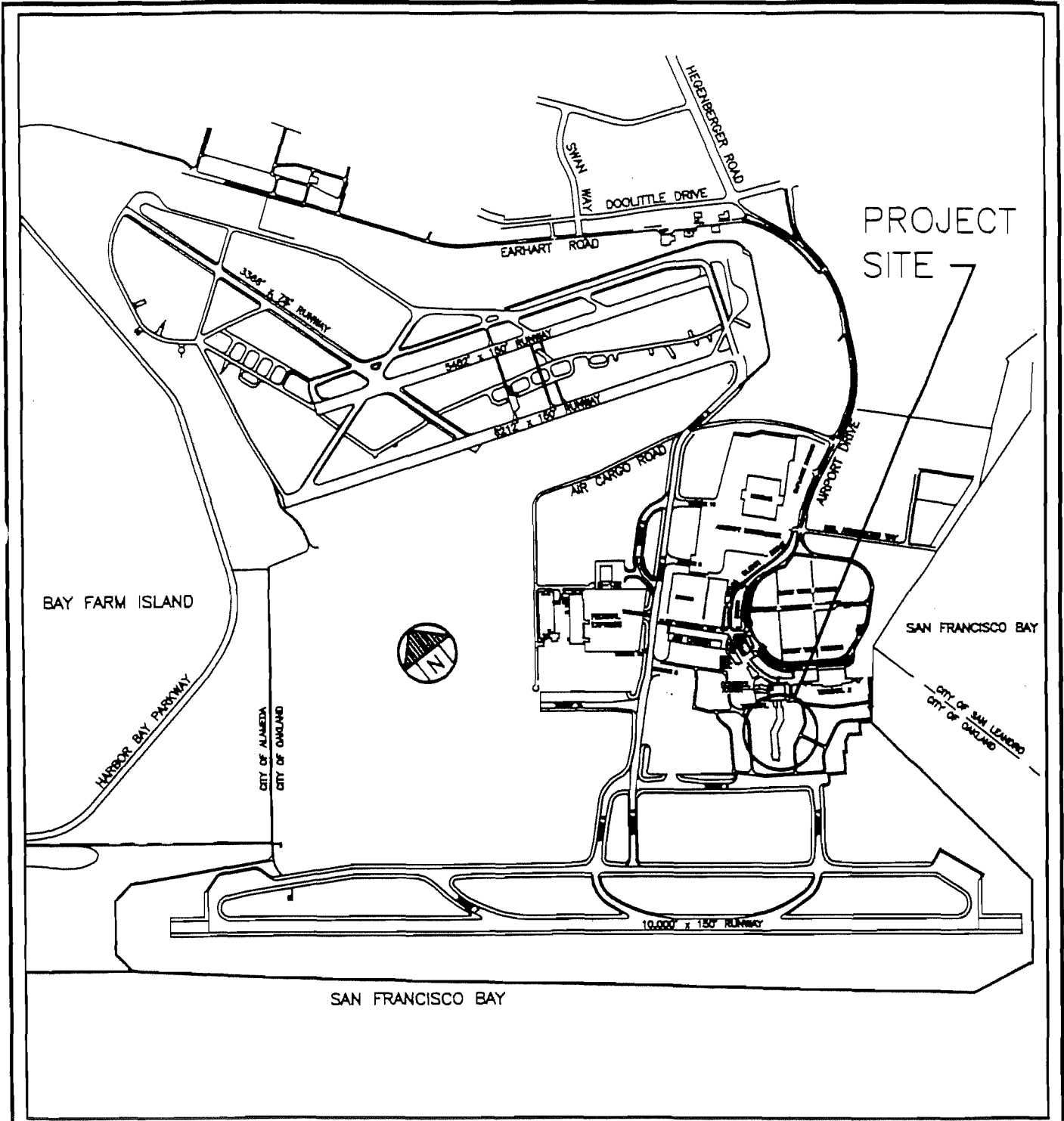
BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

OCT 10 2000

DATE



PORT OF OAKLAND

OIA

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 2

^{TD}
SUBJECT: Approval to Dispense with Competitive Bidding Procedures for
the Purchase and Installation of Four Passenger Loading Bridges
for Terminal 1, Building M-103, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATIONS *[Signature]*

FACTUAL BACKGROUND:

Two apron drive passenger loading bridges are required to replace two existing stationary elevating bridges at Building M-103 to allow for increased flexibility in using existing aircraft boarding gates. Two additional apron drive loading bridges are required for the two new interim gates being designed for Building M-103. Passenger loading bridges and foundations are constructed based on a manufacturer's proprietary design and customized for terminal building configuration, aircraft mix and soil conditions that are specific to the airport. Manufacturers typically use their own work forces to erect their passenger loading bridges. The subject contract will specify that the manufacturer design and construct the foundations for the passenger loading bridges. However, the manufacturer may elect to have the foundations constructed by a local contractor under a subcontract. Extension of the power, water, and communication services from the existing sources that will be connected to the loading bridges will be included in a subsequent contract to construct aircraft boarding gates.

Staff has identified only two passenger loading bridge manufacturers that meet the Port's minimum experience qualifications for constructing and installing loading bridges. The experience qualifications consist of manufacturing and installing five passenger loading bridge projects within the last five years, with inventory facilities in the United States.

ANALYSIS:

Environmental:

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is an initial phase of project component A1, Terminal 1 Expansion. The EIR evaluates the impacts associated with the ADP and provides mitigation measures to be implemented. The Board of Port Commissioners certified the EIR on June 29, 1999. The ADP was approved at the same time. No subsequent or Supplemental EIR is required with respect to this project component of the ADP, because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

General Plan:

This project is consistent with the City of Oakland General Plan (Section 727 of the City Charter) and with the Airport Layout Plan (ALP) dated September 1995.

Budget:

This work is budgeted under the interim gates project, CIP No. A2.00760.01, and will be funded by Passenger Facility Charges. The total project cost for the interim gates is estimated to be \$5,890,000. The estimated cost of the passenger loading bridge purchase and installation is \$2,000,000.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20372

BOARD ACTION TAKEN

Assistant

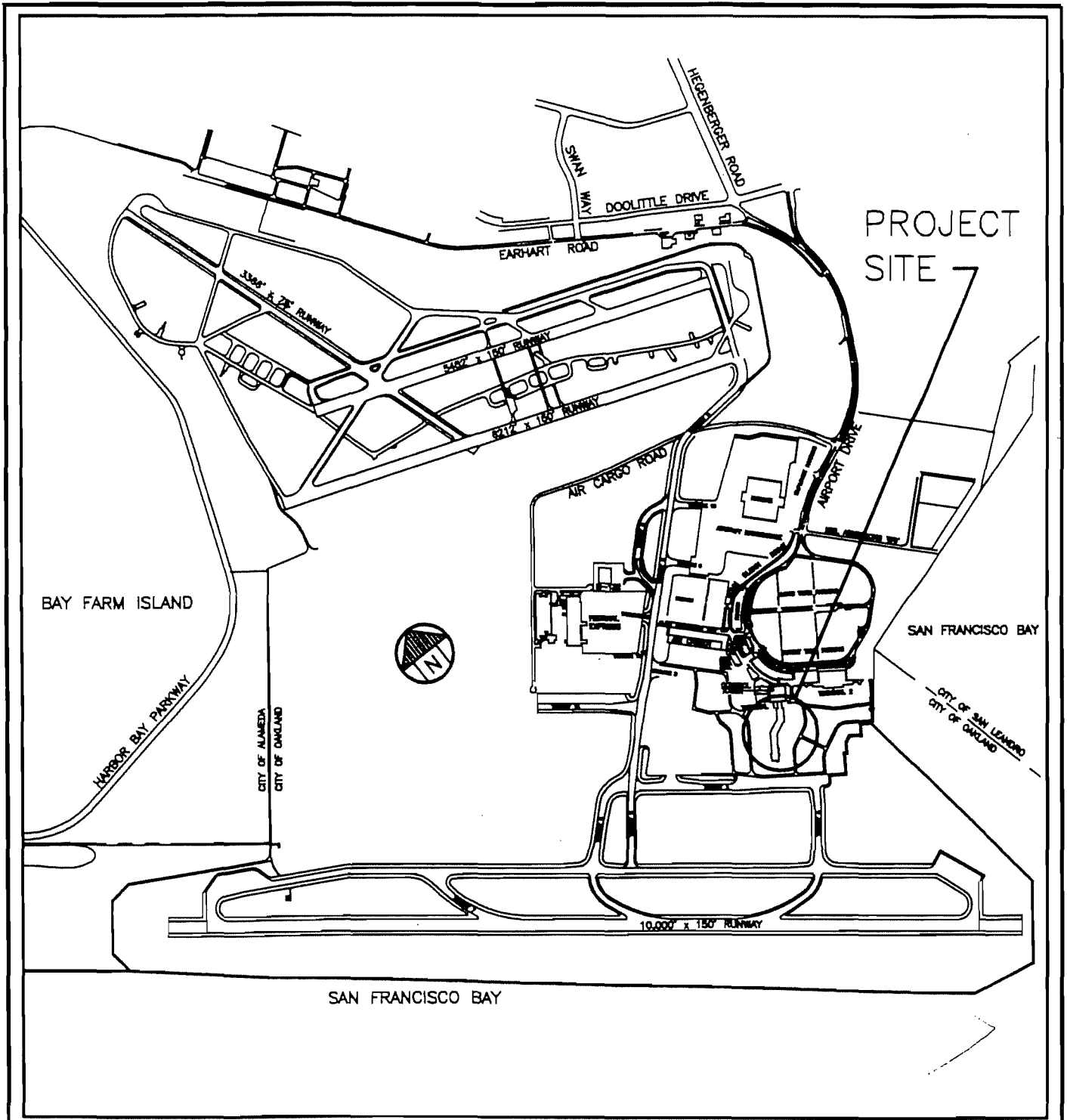
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SECRETARY OF THE BOARD

OCT 10 2000

DATE

RECOMMENDATION:

Given that the work is of such a specialized nature and only two manufacturers have the necessary qualifications to perform the work, it is recommended that the Board find it to be in the best interests of the Port to dispense with competitive bidding procedures and solicit proposals from the two qualified manufacturers for purchasing and installing four (4) passenger loading bridges, and that the Executive Director be authorized to negotiate a purchase contract for the purchase and installation of the equipment.



PORT OF OAKLAND

OIA

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 3

SUBJECT: Ratification of Executive Director's Acceptance of Federal Aviation Administration (FAA) AIP-11 Grant Amendment No. 1

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Airport Improvement Program (AIP) was established by the Airport and Airway Improvement Act of 1982, and amended by the Airport and Airway Safety and Capacity Expansion Act of 1987. Under this program, which is administered by the Federal Aviation Administration (FAA), grants are made to public agencies and, in some cases, private owners or entities, for the planning and development of public-use airports. The FAA provides two funding sources to support the AIP: 1) entitlement funds; and, 2) discretionary funds. Entitlement funds are allocated annually based on the number of enplaning passengers and air cargo traffic units per airport; discretionary funds are made available above and beyond the entitlement funding levels for certain projects that the FAA regards as high priority in nature, principally involving improvements to airfield capacity and safety.

On September 4, 1990, the Board accepted an AIP Grant Offer (AIP-11) from the FAA in the amount of \$4,266,753 to fund the following projects:

1. Airport Computerized Access Control System;
2. Airport Terminal Earthquake Repairs;
3. Airport Baggage Claim Expansion;
4. Air Cargo Apron Expansion & Access Road - New Site;
5. Gate 26A Improvements; and
6. Reconstruction of Taxiway 1 (Section 1-1) and Taxiway 5.

ANALYSIS:

Due to budgetary reasons, it is necessary to fund the Gate 26A Improvements and the Reconstruction of Taxiways 1 and 5 projects under the Passenger Facility Charge Program. All other projects under the grant are complete; however, total eligible project costs exceeded the maximum grant amount by \$519,853.

Upon request, the FAA is allowed to reimburse up to 15% above the maximum grant amount if there are remaining eligible project costs and discretionary money is available to cover those costs. The Port applied for an additional \$519,853 on September 27, 1999 and is being offered that amount under AIP-11 Grant Amendment No. 1. The Grant Amendment also changes the scope of the work to delete the Gate 26A Improvements and the Reconstruction of Taxiways 1 and 5 projects. The FAA permits acceptance of the Grant Amendment only through September 30, 2000; therefore, the Executive Director executed the grant amendment prior to September 30, 2000.

OPTIONS:

The options are:

1. Accept the AIP-11 Grant Amendment No. 1 in amount of \$519,853; or
2. Not accept the Grant Amendment.

RECOMMENDATION:

It is recommended that the Board ratify the Executive Director's acceptance of the Federal Aviation Administration's AIP-11 Amendment No. 1 to the Grant Agreement.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20373

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

OCT 10 2000

DATE

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 22

SUBJECT: Adjustment to Compensation Provisions in the Assignment of Berths 55/56 to Hanjin Shipping

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle **RAB**

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

In October, 1999 the Board of Port Commissioners adopted Port Ordinance No. 3547 which approved assignment of the new marine cargo terminal at Berths 55/56 to Hanjin Shipping ("Hanjin") of Korea. The facility will comprise approximately 120 acres, two vessel berths and four super post-Panamax gantry cranes. Hanjin, DSR-Senator and Cho Yang Lines are collectively referred to as the United Alliance and will be the Primary Users of the new terminal. The present schedule anticipates the first phase of the terminal comprising approximately 88 acres will be available for occupancy in January, 2001.

Hanjin executed a letter of intent ("LOI") containing all of the negotiated compensation terms prior to the Board's action of October, 1999, and their negotiators reached agreement with the Port on the subsequent contract documents prepared for the Berth 55/56 Agreement. During their review of the Agreement documents, Hanjin's officials in Seoul expressed concerns as to whether they could meet their Minimum Annual Guarantee ("MAG") volume commitment under the Port's standard primary use definition which includes all of the present members in the United Alliance. Last month our maritime staff was alerted to the fact that Hanjin and its United Alliance partners were engaged in discussions that resulted in the elimination of one of their Oakland calls in their All Water East Coast Pendulum Service (AWE-PDM). This vessel deployment change was an economic business decision by the United Alliance to preserve the overall schedule of the service at other ports of call. Although Oakland will lose some of this cargo, we anticipate that a good portion of the volume will still be handled here, but on other shipping lines. Hanjin maintains their desire to operate at the new Berth 55/56 facility in anticipation of their future growth needs but the recent redeployment makes it even more difficult for them to initially meet their MAG levels at the new terminal.

ANALYSIS:

The Berth 55/56 MAGs/Breakpoints negotiated for each of the first three years escalate to reflect the additional acreage that will be added to the terminal during construction and amount to 703,400 loaded TEUs. In order to address Hanjin's concerns, the Port proposed several financial alternatives to help Hanjin with the timing of compensation related to the MAG. Late last month Hanjin executed revised contract documents which defer the negotiated MAG levels by establishing Special MAGs/Breakpoints during the first three contract years, as follows:

	<u>MAG/ Breakpoint Levels</u>	<u>Special MAG/ Breakpoint Levels</u>	<u>Loaded TEU Difference</u>
Contract Year 1	202,400 loaded TEUs	145,000 loaded TEUs	57,400
Contract Year 2	225,000 loaded TEUs	170,000 loaded TEUs	55,000
Contract Year 3	<u>276,000 loaded TEUs</u>	<u>212,550 loaded TEUs</u>	<u>63,450</u>
Total	703,400 loaded TEUs	527,550 loaded TEUs	175,850


Hanjin will make up the 175,850 loaded TEU difference by being allowed credits from any of Hanjin's secondary user activity; i.e., non-United Alliance activity on the facility during each of the first three contract years. Any shortfall from the Special MAG for the first two contract years shall be paid to the Port at the conclusion of each of the respective contract years at the then applicable Agreement rate to the originally negotiated Breakpoint level. At the end of the 3rd contract year the Port shall calculate the shortfall offset by overages against the original MAG levels for the first three contract years and report them to Hanjin. Interest will be assessed for the total calculated shortfall, but only during the fourth and fifth contract years, at an annual percentage rate of 6%, compounded monthly.

The above deferral of the MAG shortfall shall be made up by Hanjin commencing in the 6th year of the Agreement when the original loaded TEU MAG/Breakpoint levels will be adjusted from 276,000 to 288,000 loaded TEUs for both the sixth and seventh contract years, as may be required to recoup the shortfall and interest. If needed, the rate per loaded TEU shall also be automatically adjusted for contract years six through ten to reflect the remaining shortfall and interest owed the Port against the

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Approved by Resolution
No. 20381

BOARD ACTION TAKEN Assistant


SECRETARY OF THE BOARD

OCT 10 2000

DATE

original MAG levels due to shortages.

FINANCIAL IMPACT:

The proposed deferred revenue stream was carefully evaluated against the Port's target revenue and required debt service coverage levels. The financial analysis indicates there will be very minimal downward impact to the coverage levels for the three year deferral period. Commencing in 2006; i.e., the 6th contract year, the coverage levels are projected to increase due to the finance charges that will be collected from the interest assessment and the higher revenue that will be generated due to recouping of the deferred payments against the MAG.

ALTERNATIVES:

Although other maritime tenants would likely be interested in the new facility, this would require further negotiations which would delay revenue generation at the Berth 55/56 facility. Hanjin has repeatedly indicated their long-term desires for the new terminal will provide them the opportunity to grow in Oakland in concert with the projected long-range growth patterns anticipated in the trans-Pacific cargo market.

Environmental review for the proposed Berths 55/56 project was conducted in conformance with the California Environmental Quality Act (CEQA). The construction of the Berths 55/56 container yard was evaluated in the Berths 55-58 project Environmental Impact Report (EIR), which identified a number of significant environmental impacts associated with the Vision 2000 program. The plan selected in the Berths 55-58 EIR avoided certain potential impacts and provided mitigation measures to reduce potential project impacts to a level of being less than significant, except for the impacts associated with freeway traffic and air quality. Project modification to avoid potentially significant impacts are included in the project plans and specifications. The EIR did identify all feasible air quality mitigation measures and yet implementation of these measures does not reduce the impacts to less than significant. The EIR also documents why the Port cannot feasibly reduce the impacts to freeway traffic.

On April 20, 1999 the Board of Port Commissioners certified the Berths 55-58 Project EIR, approved the project and adopted the recommended mitigation measures together with all feasible air quality mitigation measures.

RECOMMENDATION:

It is recommended that the Board adopt a resolution which approves an Agreement with Hanjin, as approved in Port Ordinance No. 3547, with the compensation modifications to the Agreement as outlined above.

Agenda Sheet

DATE: October 10, 2000


ITEM NO: 23

SUBJECT:

APPROVAL TO HIRE THE CONSULTANT TEAM LED BY THE TIOGA GROUP TO CONDUCT A PORT SERVICES LOCATION STUDY

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: John Glover 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND

Prompted by market forces over a 60-year period and by local zoning codes that promoted industrial development near the harbor, local private companies that serve, support, and/or benefit from port activities (*collectively referred to as "Port Services"*) have migrated to West Oakland and East Oakland. Oakland's overall economic development strategy has historically recognized the value of these businesses, and calls for ways to maximize the employment and business benefits that accrue from port-related services.

The Port itself is well positioned to contribute to the prosperity of the City and region. We are handling more marine cargo than at any time in the Port's history, and future projections anticipate continued growth, calling for significant expansion of our marine terminals and supporting infrastructure. Looking beyond the Vision 2000 program, the closure of the Oakland Army Base creates opportunities for additional Port terminal expansion, as well as Port-related and non-Port-related development.

However, in addition to the opportunities it presents, the busy Port and associated services also create adverse impacts associated with high concentrations of heavy truck traffic that are characteristic of all ports. They include increased traffic congestion, air quality, safety, late-night noise and land use conflicts with neighboring businesses and residents. Civic and community leaders are concerned about increasing amounts of truck activity that is ancillary to Port operations. They worry that major increases in projected cargo volumes at the Port will exacerbate traffic levels, create development pressures and increase adverse impacts.

Although the Port does not directly engage in or otherwise control drayage services, there are expectations that the Port should do something to diminish the impacts of high levels of truck traffic on residential and business districts proximate to Port operations.

In the debate about the future of the Oakland Army Base, neighborhood and city leaders are reluctant to endorse the Port's expansion plans without a corresponding effort to mitigate the expected adverse impacts resulting from cargo handling at the Port. One question commonly asked is whether decentralizing some of the Port services that generate significant truck traffic could diminish the impacts of high concentrations of trucking activities. The purpose of the Port Services Location Study is to answer that question.

SCOPE OF WORK

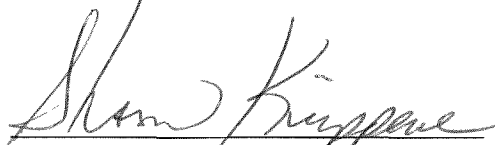
A basic premise of the study is that truck activity is a service. The amount of truck traffic, where trucks go, whether they operate after hours, etc. are directly determined by the success of industrial and commercial shippers that require drayage services to move their raw materials or products. Being highly mobile, trucks have an advantage of being able to 'follow' the industries that require truck services to *wherever* the industries want to be. Therefore, it is imperative that the study analyze the root cause of trucking activity by determining which Port-serving industries would be best served by being located in close proximity to Port facilities, and which can be accommodated elsewhere, where their traffic has less impacts.

At the same time, market forces are driving property values upward, to the point where existing service industries are beginning to struggle with affordability and profitability. Recent land transactions demonstrate a new trend toward 'industrial gentrification'. Port services are in fact moving out. However, it is unclear that all services need to be located in close proximity to Port facilities, or that those core services that do require proximity are the ones who can afford to stay.

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Approved by Resolution No. 20382

BOARD ACTION TAKEN



Assistant SECRETARY OF THE BOARD

OCT 10 2000

DATE

In theory, a remote site for Port operations, services or other 'spin-off' businesses, which is directly connected to the Port's marine terminal complex adjacent to West Oakland, can reduce traffic in West Oakland and free up sites needed for those that do need close proximity. The scope of work is intended to test the feasibility of that theory. Consultants were asked to identify opportunities and recommend feasible measures that allow necessary growth in services to take place while diminishing truck trips and mitigating adverse impacts associated with trucking operations. The study should provide analysis and recommendations that the Port and/or the City of Oakland can use to:

- Provide for viable sites for core services (ie. those which must be located in close proximity to the Port marine terminals);
- Provide for viable remote sites for activities which do not require close proximity to the Port;
- Reduce the number of Port-related trucks moving within the City;
- Limit ancillary or unnecessary drayage in West Oakland and East Oakland;
- Provide for viable sites for common use of services to the trucking community; and
- Avoid use of city streets for non-travel purposes.

Five study objectives were identified for the consultants. Consultants were asked to present specific tasks that they would perform to accomplish the Port's objectives for the study.

1. Identify and classify various elements and sub-elements of the port service industries as they currently operate in Oakland.
2. Identify trends affecting port service industries.
3. Based on trends, operational needs and economics, ascertain the relative importance of a location in close proximity to the port of Oakland's marine terminals for various elements of the port service industries.
4. Assess other measures to manage trucking impacts (in addition to relocation).
5. Recommend implementation mechanisms.

SELECTION PROCESS

A Request for Proposals (RFP) was drafted, based on the Scope of Work that staff had developed. The RFP was distributed to approximately 40 consulting firms with expertise in Port operations, Port Service industries practices, industrial logistics and economics, land economics, traffic analysis, trucking industry economics and practices, etc. These included all such firms located within the designated Local Impact Area. A pre-proposal conference was conducted, which attracted approximately 25 consultant firms. As this was clearly a multidisciplinary assignment, proposals were received from 5 teams, involving a total of 14 different firms.

A staff evaluation panel was convened to review all proposals and recommend a preferred team. The panel consisted of

- Planning Manager, Office of Strategic & Policy Planning, Port of Oakland;
- Senior Project Administrator, Maritime Division, Port of Oakland;
- Senior Transportation Planner; CEDA, City of Oakland;
- Senior Transportation Planner, Alameda County Congestion Management Agency; and
- Manager, Minority Business Outreach, Office of Equal Opportunity, Port of Oakland.

The evaluation panel analyzed the written proposals and interviewed all five teams. Based on a review of each team's proposal and interview, there was unanimous agreement among the evaluation panel to recommend to the Board that the team consisting of the **Tioga Group, TransSystems Corp., Hausrath Economics Group, and Dowling Associates** be hired.

The evaluation panel is confident that the Tioga team will provide the analysis required by the Port, and will do it in a professional, timely and efficient manner. The depth and breadth of the Tioga team particularly impressed the panel. The team's skills, experience in similar projects, knowledge of the local situation, and overall approach to the study is thorough and relevant. Of the 5 proposals, Tioga clearly presented the best combination of skills, talent, team chemistry, management and leadership, plus an understanding of the client's needs that will be necessary in a multi-disciplined analysis such as this.

Subject: PORT SERVICES LOCATION STUDY

Consultant Selection

Page 3 of

The Port's Office of Equal Opportunity was involved in all phases of the consultants' solicitation and evaluation. OEO has determined that the Tioga team is responsive to the Port's Non-Discrimination and Small/Local Business Utilization Policy.

BUDGET

The Tioga Group proposes to perform the work at a negotiated billing and wage rate for a total cost not to exceed **\$187,200**. In addition to the maximum contract amount, it is requested that the Executive Director be authorized to approve up to \$35,000 to cover unanticipated changes in the Scope of Work, bringing the budget for this effort to **\$222,200**. The work will be budgeted under CIP # M7.00901.01 (Preliminary Planning & Engineering; Oakland Army Base).

OPTIONS

- A. Pick another firm or team.** There were 4 other proposals submitted, and the Board could select a different consultant. Staff is satisfied that the objective evaluation panel reviewed all aspects of all the proposals (including technical acumen, OEO objectives, and cost considerations) and concurs with the panel conclusion that the Tioga team proposal is the best.
- B. Decline to undertake the study.** Given the broad community and municipal interest in this study, the request to the Port by City leaders to undertake it, and the stake the Port has in the information the study will provide relative to the army base issues and for long-term planning, staff believes it is in the best interest of the Port to proceed with the study. We have not identified an acceptable alternate means to obtain the information the study is expected to generate.

RECOMMENDATION

It is recommended that the Board:

Determine that the consultant services described are professional services; and

Authorize the Executive Director to prepare and execute an agreement with The Tioga Group to perform services proposed in its Proposal for Port Services Location Study, dated September 18, 2000

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS
Title Change

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert C. Martinez *RCM*

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster *CWF*

FACTUAL BACKGROUND:

I. TITLE CHANGE-Ordinance (2 Readings)

A) It is requested that the Board approve the title change for the following classification. This position was included in the FY 1999-2000 Staffing Plan under the current title of Contract Administrator Assistant. The new title is more appropriate for the duties and responsibilities that will be performed. This title change will not result in a change in salary.

CURRENT TITLE	NEW TITLE
Contract Administrator Assistant	Assistant Port Construction Administrator

CURRENT EMPLOYEE FTE COUNT

FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 8/31/99	AS OF 9/1/00	AS OF 9/29/00
Full-Time Employees	612.00	554.00	566.00	564.00
Part-Time Employees	2.13	2.40	2.40	2.40
Relief Telephone Operators		3.00	3.00	3.00
Relief Airport Custodians (P/T)	*11.00	8.00	8.00	8.00
Relief Airport Custodians (Intermittent, P/T)		0.00	0.00	0.00
TOTAL	625.13	567.40	579.40	577.40

* Statistical breakdown of various Reliefs was not available during this period.

- MOTION
- RESOLUTION
- ORDINANCE
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BOARD ACTION TAKEN

Assistant

Mark Kuyper

SECRETARY OF THE BOARD

OCT 10 2000

DATE

TEMPORARY AGENCY WORKER COUNT AS OF 9/28/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	18	10	0	7	0	0	35
*CIP	0	0	8	4	0	0	12
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	3	1	0	0	0	0	4
*SPECIAL PROJECT	4	2	0	5	1	0	12
WORKER'S COMP BACKFILL	0	2	0	0		0	2
TOTAL	25	15	8	16	1	0	65

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNT

CATEGORY	10/01/1997	06/23/2000	07/25/2000	08/24/2000	09/28/2000
BACKFILL	27	27	31	37	35
*CIP	18	15	13	13	12
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	0	2	2	0
MEDICAL BACKFILL	4	7	8	8	4
SPECIAL PROJECT	11	15	14	13	12
WORKER'S COMP BACKFILL	3	1	2	2	2
TOTAL	63	65	70	75	65

COUNT SUMMARY

CURRENT FTE COUNT	577.40
CURRENT TEMPORARY AGENCY BACKFILLS	35.00
VACANT POSITIONS	34.00
TOTAL	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding title change.

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 32

JHD
SUBJECT:

Approval to Negotiate and Execute Professional Services Agreement to Administer Project Labor Agreements

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Tay Yoshitani

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

On May 4, 1999, the Board authorized negotiation of a Project Labor Agreement (PLA) and retention of a Project Contractor and Legal Consultant to do the negotiating. A team of Davillier-Sloan, Inc. and Parsons Constructors, Inc. (DSI/PCI) was selected as Project Contractor, and Lee Halterman was selected as the Legal Consultant for this work. Davillier-Sloan was the prime and Parsons Constructors the subcontractor in the DSI/PCI relationship.

On August 6, 1999, DSI/PCI, on behalf of the Port, entered into an interim PLA, known as the Vision 2000 (1999 Facilities) Project Labor Agreement, with the Building and Construction Trades Council to cover the Vision 2000 projects authorized for bidding before December 31, 1999. The unions were anxious to have the Vision 2000 work covered by a PLA, but some important issues had not been resolved yet so it was agreed that an interim PLA was the only timely solution.

On September 20, 1999, the Board authorized an agreement with DSI/PCI to continue negotiations on the more comprehensive PLA and to administer both PLAs through the end of calendar year 2000.

On May 15, 2000, DSI/PCI, on behalf of the Port, entered into the comprehensive PLA, known as the Maritime And Aviation Project Labor Agreement (MAPLA). The MAPLA will not cover Commercial Real Estate projects, but it will cover most other Port projects authorized for bidding before December 31, 2004.

The MAPLA has three primary components:

- Administration of Labor Agreement issues
- Administration of Drug Program
- Administration of Social Justice Program

CURRENT SITUATION:

Now that the full scope of the PLAs and their significant components has been identified, it is clear that the scope of the original DSI/PCI agreement to administer the PLAs was not sufficient. Accordingly, it is proposed that that original agreement be replaced with a new agreement with Parsons Constructors, Inc.; Davillier-Sloan would be the subcontractor. Parsons Constructors, Inc., with its significantly greater experience in administering PLAs, would be responsible for the two larger components, the Labor Agreement and Drug Program components, and Davillier-Sloan, with its significant expertise in issues of importance to the local community, would be free to concentrate on and be responsible for the Social Justice Program. The term of the new agreement would extend to December 31, 2004.

Staff is exploring the viability of including in the agreement either an annual 10% retention of amounts owed, with payment of the retention dependent upon attainment of agreed-to goals or a bonus/penalty program, again based upon attainment of agreed-to goals

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Approved by Resolution No. 20386

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

OCT 10 2000

DATE

It is important to note that all projects covered by either PLA will continue to be covered until construction has been completed even though that will extend well beyond the December 31, 2004, termination date of the proposed administration agreement. Thus, it will be necessary to make arrangements at that time to continue administration of the PLAs in some manner. Staff will review the then current circumstances and make a recommendation to the Board at the appropriate time.

The work will be performed at agreed-to labor rates for a not-to-exceed amount of \$3,371,200 plus \$87,100 for the initial setup of the drug program. The Port will also be responsible for supplying local office space and office equipment, or reimbursing Parsons for same.

BUDGET:

The work is budgeted as a separate line item in the Capital Budget from which allocations will be made to individual projects as appropriate. The funding sources will be as appropriate to the individual projects.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the administrative services as described above are professional services; and
2. Authorize negotiations and the preparation and execution of an agreement with Parsons Constructors, Inc. in accordance with the above provisions.

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 99187

AUTHORIZATION TO NEGOTIATE PROJECT LABOR AGREEMENTS; TO NEGOTIATE THE RETENTION OF A PROJECT CONTRACTOR, AND TO RETAIN THE SERVICES OF A LEGAL CONSULTANT TO NEGOTIATE THE TERMS OF A PROJECT LABOR AGREEMENT.

WHEREAS the Port of Oakland has vitally important modernization projects scheduled for both its aviation and maritime operations; and

FOR INFORMATION ONLY
WHEREAS the timely and economical execution of those projects is essential to the economic development of the Port of Oakland and its future operations; and

WHEREAS the Port of Oakland has attempted to implement a program to ensure that local and disadvantaged businesses enjoy opportunities to secure work out of the contracting opportunities developed by the Port; and

WHEREAS the Port of Oakland has attempted to implement a program to ensure that residents of Port impacted communities have access to employment opportunities at the Port and with its tenants and contractors; and

FOR INFORMATION ONLY
WHEREAS the staff and Commission of the Port of Oakland have undertaken a lengthy and exhaustive assessment of whether the execution of Project Labor Agreements on Port capital construction projects can benefit the Port in the achievement of these goals; now, therefore, be it

RESOLVED that it is in the best interest of the Port, in its efforts to meet its goals, to execute Project Labor Agreements on the Vision 2000 maritime improvements (as defined by the Executive Director) and the airport terminal expansion projects;

FURTHER RESOLVED that the staff of the Port is authorized to establish a process for the negotiation of a Project Labor Agreement or Agreements, on each of these projects; and to negotiate the retention of a project contractor or contractors to administer the Project Labor Agreement or

Agreements as subsequently approved by the Board of Port Commissioners; and

FURTHER RESOLVED that such negotiations shall be guided by the set of PRINCIPLES GOVERNING PROJECT LABOR AGREEMENTS adopted by this Commission.

FOR INFORMATION ONLY

FOR INFORMATION ONLY

At a regular meeting held May 4, 1999

Passed by the following vote:

Ayes: Commissioners Harris, Kiang, Kramer, Neal, Taylor, Uribe
and President Loh - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 99405

BR

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH DAVILLIER-SLOAN, 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 DAVILLIER-SLOAN, INC., for administration of a Project Labor Agreement 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 DAVILLIER-SLOAN, INC. without competitive bidding; and be it

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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 DAVILLIER-SLOAN, INC., shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at a maximum compensation that shall not exceed \$450,000 for calendar years 1999 and 2000, and provided further that the Executive Director is authorized to extend said Agreement up to two (2) years in one-year increments at \$300,000 per year, unless additional work up to an additional amount of \$100,000 per year 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.

FOR INFORMATION ONLY

At an adjourned regular meeting held September 20, 1999

Passed by the following vote:

- Ayes: Commissioners Harris, Kiang, Neal and President Loh -4
- Noes: None
- Absent: Commissioners Kramer, Taylor and Uribe -3

Agenda Sheet


DATE: 10/10/00

ITEM NO: 33

SUBJECT: Approval to enter into consultant contract
With Naughton Sheehan and Monfredini
for Executive Recruitment Services

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Robert Martinez 

EXECUTIVE OFFICE RECOMMENDATION: 

Board approval is being requested to enter into a consultant agreement with Naughton Sheehan and Monfredini, an executive search firm to recruit for the Internal Audit Manager position for a total of \$26,400.

Background

Naughton Sheehan and Monfredini is a 75% woman owned firm located in the Bay Area. Naughton Sheehan and Monfredini specialize in Bay Area placements of financial and audit personnel. Their clients include many of the Bay Area's leading business and financial institutions. Mr. Sheehan has 18 years of experience recruiting in the finance area. He is a CPA, has personal experience as an Audit Manger in a public accounting agency and has worked as Director of Internal Audit for Fortune 500 multinational companies. Mr. Sheehan keeps abreast of technical developments through his active participation as an officer of the local chapter of the Institute of Internal Auditors and has recruited for Accounting Managers for the Port in the past.

Naughton Sheehan and Monfredini is being recommended after staff reviewed search firms with the following background: experience in the placement and recruitment of finance and audit personnel; knowledge of the industry's skilled and qualified audit managers and personnel; local impact area availability, previous work experience with the Port and experience in responding to public sector concerns in a highly diverse community such as Oakland. Naughton Sheehan and Monfredini was selected as the most suitable because of their ability to meet the recruiting and placement needs for the position, their specialized executive search experience with audit and financial positions; their extensive database of Bay Area professionals which is inclusive of the many diverse segments of the local community; and, their awareness of diversity concerns of the local community.

Fee Schedule

The fee structure for this search assignment is 30% of the first year's compensation or \$26,400. The fee is only payable upon the successful completion of the aforementioned position being filled by someone referred to the Port by Naughton Sheehan and Monfredini.

Recommendation

It is recommended that the Board authorize the Executive Director to enter into a contract with Naughton Sheehan and Monfredini for a total compensation of \$26,400 to provide executive recruitment services for the Internal Audit Manager.

- MOTION
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Approved by Resolution
No. 20387

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

OCT 10 2000

DATE

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 40

SUBJECT: CLOSED SESSION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Christopher C. Marshall

CCM

EXECUTIVE OFFICE RECOMMENDATION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Pursuant to subdivision (a) of Section 54956.9.

Name of Case:

Port of Oakland v. Pacific Gas & Electric Company, et al.,
U.S. District Court, Northern District (Oakland Division)
Case No. C97-00894 SBA

Allen C. Wheeler v. Port of Oakland, Workers' Compensation Appeals Board Case No.
OAK 0255409

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to subdivision (b) of Section
54956.9: 4 matters

**3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section
54956.8, under negotiations:**

Property: Selection Locations
Jack London Square
Oakland, CA 94606

Negotiating Parties: Port of Oakland and Portside Associates

Under Negotiation: Terms of Agreement

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BOARD ACTION TAKEN

SECRETARY OF THE BOARD

DATE

**SUMMARY AGENDA OF BOARD CALENDAR
October 10, 2000**

AIRPORT

4S Approval of Mitigated Negative Declaration and Building Permit Application for Rolls Royce, Inc., 7200 Earhart Road. (Resolution)

Recommends approval for the construction of an addition to their building plus improvements to the existing building and increased parking for the site. Included in the recommendation is approval of the related mitigated negative declaration.

5S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Bayair, Inc., Sierra Academy of Aeronautics, Inc. and John Roth (7843 Earhart Road, North Airport). (Resolution)

Recommends approval to extend the ROE for space at Hangar 8. Notes that a long term agreement is being negotiated.

6S Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Electronic Technologies Corporation (8135 Earhart Road, North Airport). (Resolution)

Recommends approval to extend the ROE for space on the North Airport. Notes that the firm is installing the Airport's new access control system.

7S Purchase of ASCOM Parking Revenue Control System Upgrade. (Resolution)

Recommends approval to purchase from the existing supplier certain upgrades to the system to increase capacity.

8S First Reading of Amendment to Port Ordinance No. 3542 Providing Rules and Regulations on Taxicabs at Oakland International Airport. (Resolution)

Recommends the amendment which would provide for Taxicab operators to provide either proof of ownership by January 1, 2001 or proof of order by November 6, 2000, for all required alternative fuel taxicabs.

9S Approval of Change Order for Widening of 98th Avenue West of I-880, Airport Roadway Project (Contract C), OIA. (Resolution)

Recommends approval of the change order which provides for certain improvements to the San Leandro Creek bridge. Notes that the City has requested the changes and will pay for the work. Notes that the changes match the Airport Gateway Guidelines.

10S Approval of Plans and Specifications for Construction of Remain Overnight (RON) Aircraft Parking Apron and AC Overlay of Taxiway T, South Airport, OIA. (Resolution)

Recommends their approval and authority to advertise for bids for the improvements.

11S Approval of Specifications for Furnishing Maintenance and On-Call Service for Parking Lot Revenue Control Systems for the Period Commencing January 1, 2001 and Ending December 31, 2001, 2002 or 2003, South Airport, OIA. (Resolution)

Recommends their approval and authority to advertise for bids for the annual contract for maintenance and on-call service for the Parking Lot Revenue Control Systems at the Airport.

MARITIME

25S Recommendation to Adopt an Ordinance Amending Item 02210 of Port Oakland Tariff 2-A on Handling, Storage and Use of Toxic Materials. (Ordinance)

Recommends approval for the modifications to be made on the Tariff 2-A, which would provide for the tenant to be more responsible for the compliance of the regulations.

26S Approval of Building Permit Application for Installation of a Traffic and Operations Control System at Ben E. Nutter Terminal (Berths 35, 37 & 38). (Resolution)

Recommends approval for the construction of operational improvements at the Ben E. Nutter Terminal.

27S Ratification of Addenda and Award of Contract for Construction of Product Recovery and Groundwater Treatment System at Union Pacific Trailer-on-Flatcar (UPTOFC) Site. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

28S Authorization to Execute an Agreement with Pacific Bell for Relocation of Facilities in Middle Harbor Road. (Resolution)

Recommends approval of the agreement for Pacific Bell to relocate their facilities.

OPERATIONS

35S Approval of 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, 2001 and Ending December 31, 2001, 2002 or 2003. (Resolution)

Recommends their approval and authority to advertise for bids for the annual contract for maintenance and on-call service for the various elevators, escalators and moving walkways at the Port of Oakland facilities.

36S Travel Authorization. (Resolution)

Recommends the travel of two Commissioners, two City Councilmembers, the Deputy Executive Director, Director of Maritime and Director of Engineering to Vera Cruz, Mexico for an AAPA annual conference.

37S Amendment of the Discrimination Complaint Policy and Procedure and the Unlawful Harassment Complaint Policy and Procedure. (Resolution)

Recommends approval to amend the policy by incorporating the new State and Federal regulations which have been issued.

38S Approval of FY 2000-01 Open Account Agreements and Materials Testing Agreements, and Sale of Surplus Generators. (Resolution)

Recommends approval of the annual open account purchases, material testing services and additionally recommends approval to sell certain surplus equipment.

ORDINANCES: ("S")

Port Ordinance No. 3606 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3044, FIXING CERTAIN REVISED PARKING RATES AT THE PARKING FACILITIES IN JACK LONDON SQUARE."

Provides for fixing certain revised parking rates at the parking facilities in Jack London Square.

Port Ordinance No. 3607 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENT WITH ALAMEDA GATEWAY, LTD. (AND RELATED PARTIES) REGARDING THE OAKLAND HARBOR NAVIGATION IMPROVEMENT (-50 FOOT) PROJECT."

Provides for an agreement with Alameda Gateway, Ltd. regarding the Oakland Harbor Navigation Improvement (-50 Foot) Project.

Agenda Sheet

DATE: September 19, 2000

SUBJECT: Amendment to Ordinance to Establish Parking Rates in Jack London Square

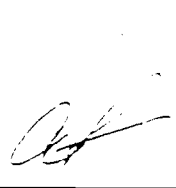
ITEM NO: 13

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate C. I.
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:



**DUPLICATE
OF PRIOR**

CALENDAR MEMO

FACTUAL BACKGROUND:

On June 20, 2000 the Board of Port Commissioners passed a Resolution approving an increase in transient and monthly parking rates charged in Jack London Square (copy attached). The transient rates include validated and unvalidated rates charged to visitors and customers of the Square. The purpose of the commencement of a validation program was to offer an advantage to Port tenants to pass on to their customers. The original validation program consisted of two validation systems available to Jack London Square merchants: 1) Validation Stamps – used by merchants with a low volume of business who were able to purchase a book of 100 validation stamps at the cost of \$10.00 per book (\$.10 per stamp), and 2) Valometers – used by high volume business merchants at the flat rate of \$20.00 per month, which provided unlimited validations each month.

The economics and the integrity of the Valometer system have been to the Port's disadvantage as a result of the frequent repair and replacement of the Valometer machines and the limited income received (flat rate of \$20 per month). Because the cost of the Valometer has been nominal to the merchants, there has been little control or discretion used in the issuance of validations and potential parking revenues were lost. The new parking rates approved by the Board in June addressed the economic and operational issues by providing for a \$.25 per validation cost to the merchants.

Port staff and JLS merchants had subsequent discussions seeking an alternative to the \$.25 per validation. On August 18th Port staff presented an option to the merchants who addressed their concerns while enhancing the economics and integrity of the Valometer system to the Port. The option is as follows:

Transient Rates	Previous Rates	Board Approved Rates as of June 20, 2000	Option Presented to Merchants
Validation Charged to Merchants	\$20.00/mo. Unlimited validations to merchant	\$0.25 per validation to merchant	\$0.10 per validation to merchant plus \$0.50 to visitor for the first hour
Unvalidated Rate for 1 st hour	\$1.00 per 1 st hour	\$1.25 per 1 st hour	\$1.00 per ½ hour

Options:

- 1 Do not amend the Ordinance as described above. According to the tenants this will create financial hardship as, in some instances, parking costs will increase from \$20.00 or \$40.00 per month to \$1,025.00 per month.

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BOARD ACTION TAKEN



SECRETARY OF THE BOARD

SEP 19 2000

DATE

financial hardship as, in some instances, parking costs will increase from \$20.00 or \$40.00 per month to \$1,025.00 per month.

2. Amending the Ordinance as described above is a compromise, which Port staff and JLS merchants feel is financially feasible to both.

We have also been working with Amtrak to develop a program that includes patron validation that will be monitored by Amtrak personnel. Patrons will be charged \$3.00 for 24-hour parking. In addition, rates for short-term public parking will be revised to \$.75 per half-hour, with a \$6.00 maximum for four hours.

Fiscal Impact:

Amending the Ordinance as described above would not have a negative impact on our parking revenues.

Recommendation:

It is recommended that the Board authorize the amendment of the parking rates approved on June 20, 2000 as indicated above.

Agenda Sheet

DATE: June 20, 2000

SUBJECT: First Reading of an Ordinance to Establish Parking Rates in Jack London Square

ITEM NO: _____

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Port of Oakland currently has 2,600 parking stalls in the Jack London Square portfolio. On an annual basis, a comparison analysis of parking rates in Jack London Square and downtown Oakland is performed. As a result of the analysis, it is now proposed to adjust the rates as follows (a site map is attached for reference):

<i>Location</i>	<i>Program</i>	<i>Proposed Rates</i>
Washington St. Garage	5 th - 7 th Level Monthly Parking	\$80.00
	1 st - 7 th Level Monthly Parking	\$133.00
*Half-Moon Lot (Oak Street)	Discounted Monthly Parking For Port Employees	\$20.00
Washington Street Garage	Unvalidated Rates	\$1.25 - 1 st hr. \$1.25 each add'l ½ hr \$13.00 (12 - hr Max)
Washington Street Garage	Validated Rates	Free - 1 st hr. \$1.00 each add'l ½ hr \$11.00 (12 - hr Max)
Underground Garage	Unvalidated Rates	\$1.50 - 1 st hr. \$1.50 each add'l ½ hr \$15.00 (12 - hr Max)
Underground Garage	Validated Rates	Free - 1 st hr. \$1.50 each add'l ½ hr \$13.00 (12 - hr Max)
Lots 5, 7 and 9	Monthly Parking Tenants and their employees and berthers	\$74.00
Lots 5, 7 and 9	Unvalidated Rates	\$1.25 - 1 st hr. \$1.25 each add'l ½ hr \$13.00 (12 - hr Max)

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- ORDINANCE
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DATE

Lots 5, 7 and 9	<i>Validated Rates</i>	Free -1 st hr. \$1.00 each add'l ½ hr \$11.00 (12 - hr Max)
Lot 11	<i>Monthly Parking</i>	\$74.00
Potomac Yard	<i>Monthly Parking</i>	\$74.00
Amtrak Lot	<i>Monthly Parking</i>	\$74.00
Amtrak Lot	<i>Short-term Public</i>	\$0.75 per hour; \$3.00 for up to 4 hours max
Amtrak Lot	<i>Long-term Amtrak riders</i>	\$3.50 per 24 hours
<i>Validation Programs</i>		
	<i>Merchant Validations (1 hour free)</i>	\$25.00 per book (100 stamps, \$.25 each)
	<i>Valometer for high volume merchants (1 hour free)</i>	\$0.25 per validation Collect up front from merchants on set number of validation on descending meter
	<i>Office Tenants (1 hour free)</i>	\$125.00 per book (100 stamps, \$1.25 each)
	<i>12-hour validation</i>	\$75.00 per sheet (10 stamps, \$7.50 each)
	<i>Port of Oakland visitors and clients (4 hour free)</i>	\$300 per book (100 stamps, \$3.00 each)
	<i>Port Valometers (1 hour free)</i>	Free
	<i>On line validations (excluding cinema, as per lease)</i>	\$.25 per validation
Current Valet Program Lot #2 - Broadway Underground Garage	<i>Operated by Licensee Collected on a per car basis from Licensee and paid to the Port</i>	\$3.00 per car up to 4 hrs \$6.00 per car beyond 4 hrs up to 12 hrs
Port operated Valet program		\$10.00 with validation \$15.00 w/o validation

As part of the proposed parking rate adjustments, we have developed an alternative proposal for the Port Oakland employees. The parking lot on Oak and Embarcadero Streets is the proposed location for employee parking, at a discounted rate of \$20.00 per month. Pansini Oakland Associates, the parking management company for Jack London Square, would coordinate a shuttle service to the lot as well as the 12th Street Bart Station, in 12-minute intervals, from 6:30 am –10:30 am and 3:00 PM – 7:00 PM. Depending on the utilization of the Oak Street lot, this program may be extended to the employees of Jack London Square tenants. It is also proposed to use this shuttle service as a parking mitigation factor for future development in Jack London Square. This proposal is a more efficient use of a now under-utilized parking resource.

The above outlined parking program was discussed and recommended for full Board consideration at the June 7, 2000 Commercial Real Estate Committee.

RECOMMENDATION:

It is recommended that a first reading of an ordinance establishing new parking rates and revisions to the existing program in Jack London Square, as outlined above, be authorized.

Agenda Sheet

DATE: September 19, 2000

ITEM NO: 25

SUBJECT: Recommendation to Adopt an Ordinance Authorizing Execution of Agreement With Alameda Gateway, Ltd. (and Related Parties) Regarding the Oakland Harbor Navigation Improvement (50-Foot) Project, and to Adopt Resolutions Authorizing Execution of Settlement Agreement With Alameda Gateway, Ltd. and United States, Execution of Amendments to Existing Agreements Between the Port and Bay Ship & Yacht Co. and Between the Port and the City of Alameda Regarding the Oakland Harbor Navigation Improvement (50-Foot) Project, and Other Related Actions.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Oakland Harbor Navigation Improvement (50-Foot) Project ("50-Foot Dredging Project") is a Federal Project. If funded by Congress, the 50-Foot Dredging Project will be designed and constructed by the Army Corps of Engineers ("Corps"). If Congress does not approve appropriations, the Port of Oakland ("Port") as designated Non-Federal Sponsor may elect to carry out all or portions of the 50-Foot Dredging Project directly through the Port's own construction contracts. The Port is undertaking this effort in order to maintain its economic competitiveness with other West Coast ports as proposed in the EIS/EIR, to reduce tidal-caused delays associated with container ship passages, to increase the economies of scale of waterborne commerce, and for navigation safety.

As part of the 50-Foot Dredging Project, the Port proposes the deepening and widening of the existing turning basin in the Inner Harbor (the "Turning Basin"), which is located partly in the City of Oakland and partly in the City of Alameda. (See attached map.) Construction and operation of the Turning Basin will impact existing activities and businesses on the Alameda side of the Inner Harbor, will require demolition of certain improvements on the Alameda side and will require the Port to acquire real estate interests located in the City of Alameda.

Early this year the Board approved agreements between the City of Alameda and the Port (the "Alameda-Port Agreement"), and between Bay Ship & Yacht Co. ("BSY") and the Port (the "BSY-Port Agreement"), which have been signed and have resolved all 50-Foot Dredging Project issues with those two parties. The expanded Turning Basin will have impacts on three main areas in Alameda: (1) Some of the land and improvements within the Navy's former FISC Annex, on the southeast side of the Turning Basin, which the Navy has transferred to Alameda, need to be removed and a bulkhead ("FISC Annex Bulkhead") or sloped rockfill needs to be constructed, to accommodate the Turning Basin; (2) The remainder of Piers 2 and 4, and certain other land and improvements, on Alameda Gateway, Ltd.'s ("Gateway") land adjacent to and west of FISC Annex, need to be removed, and a bulkhead ("Inner Bulkhead"), and either a new wharf for BSY's use or an additional bulkhead needs to be constructed on Gateway's land, to accommodate the Turning Basin. BSY is Gateway's tenant of Pier 2 and other portions of Gateway's property; and (3) Some of the lands and improvements within Alameda's property adjacent to and west of Gateway's property, which are master leased to Gateway and, in part, subleased by Gateway to BSY, need to be removed, and a bulkhead (either combined with new wharves for BSY's use, or a stand-alone bulkhead) needs to be constructed on Alameda's land, to accommodate the Turning Basin.

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Approved by Resolution

No. 20362 + 20363 *[Signature]*
BOARD ACTION TAKEN Assistant SECRETARY OF THE BOARD

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DATE

Under the Alameda-Port Agreement, the Port agrees to acquire and Alameda agrees to convey, based upon a price established pursuant to an agreed-upon appraisal process, the real estate interests for the 50-Foot Dredging Project required in the former FISC Annex property. Under the BSY-Port Agreement, to which Alameda also became a party under a Limited Party Agreement, the Port and BSY reached agreement on Turning Basin construction phasing to avoid adverse impacts on BSY's business, and on two main alternatives to accommodate BSY upon full construction of the Turning Basin, i.e., the Port would either (1) construct new "Repair Facilities" on Gateway's and Alameda's property to replace the existing facilities presently used by BSY which are to be removed for the Turning Basin or (2) in the event of Repair Facilities "Project Infeasibility", pay BSY's relocation costs to establish its business at a new location. The budget for the latter two options (construction of new Repair Facilities, or payment of BSY's relocation expenses) was set at a maximum of \$10 million (subject to certain Construction Cost Index increases). Based on these Agreements, Alameda and BSY have withdrawn all objection and opposition to the 50-Foot Dredging Project.

The Port was unable to reach an agreement with Gateway at the time the Port entered into the BSY-Port Agreement and the Alameda-Port Agreement, due in large part to pending litigation involving Gateway over the previous 42-Foot Dredging Project which required the removal of the northern ends of Piers 2 and 4 on Gateway's property (shown in white in the attached map). In late May, however, the Federal Ninth Circuit Court of Appeals upheld the Federal Government's \$1.7 million judgment against Gateway for the cost of removing the northern ends of Piers 2 and 4 for the 42-Foot Dredging Project. The Federal Government, Gateway and the Port have engaged in subsequent settlement negotiations and a litigation settlement is now proposed.

Meanwhile, BSY and Gateway have been unable to reach agreement on the terms of a revised sublease to cover the new Repair Facilities to be constructed for BSY on Gateway's fee-owned and on Alameda's master-leased property. That possibility and other difficulties in concluding acceptable arrangements regarding Gateway and Gateway's lender, were contemplated in the BSY-Port Agreement. Under the BSY-Port Agreement, if these matters were not resolved by the "Consistency Deadline" (except as the Port and BSY may otherwise agree, this is the date the Corps submits its second stage Consistency Determination on the 50-Foot Dredging Project to BCDC for approval, which is planned to occur this September), Project Infeasibility occurs. Pursuant to the BSY-Port Agreement, upon "Project Infeasibility", rather than constructing the proposed new Repair Facilities, the Port is to use the budget for payment of BSY's costs to relocate. The Port has proposed to BSY an extension of the Consistency Deadline date, but BSY has not agreed.

ANALYSIS:

Litigation Settlement Agreement

Under the proposed litigation settlement agreement among the United States, Gateway and the Port, Gateway would dismiss with prejudice two pending lawsuits it commenced and its appeal in the lawsuit by the United States against Gateway for removal of the ends of Pier 2 and Pier 4. The first two lawsuits involve, respectively, a Federal District Court lawsuit by Gateway challenging the Corps' denial of a permit application for a marina in the turning basin area, and a U.S. Court of Claims lawsuit by Gateway against the United States and the Port seeking compensation for an alleged taking of Gateway's property as a result of demolition of the northern ends of Piers 2 and 4 and dredging for the 42-Foot Dredging Project. Gateway's appeals involve the Federal District Court's ruling, recently affirmed by Federal Court of Appeals, issuing a \$1.7 million Judgment against Gateway for the cost of removal of the northern ends of Piers 2 and 4.

In exchange for Gateway's dismissals, the United States and the Port would agree not to execute on the \$1.7 million Judgment against Gateway. The \$1.7 million of costs would be shared by the United States and the Port, 75% United States (\$1,275,000) and 25% Port (\$425,000), the same as the other "general navigation feature" costs for the 42-Foot Dredging Project.

The litigation Settlement Agreement is conditioned upon Gateway and the Port reaching agreement on the 50-Foot Dredging Project.

Gateway-Port Agreement on 50-Foot Dredging Project

The main features of the proposed Gateway-Port Agreement are the following:

- (1) Gateway would not be required to pay any costs to remove the remainder of Piers 2 or 4, to demolish any other improvements, or to pay any cost to construct any -50 Foot Dredging Project facilities.
- (2) Gateway would convey to the Port, for no compensation, all interests required in Gateway's fee-owned or leased property for the -50 Foot Dredging Project. This property includes both water areas and upland areas. The Port would not be required to provide any relocation assistance or benefits to Gateway, or to compensate Gateway for any impacts resulting from relocation or interference with Gateway's tenants.
- (3) Gateway would agree not to interfere with use of the Turning Basin or Federal channel for navigation purposes.
- (4) Gateway would own, and be free to use, the new bulkheads built along the shoreline of its property as a part of the 50-Foot Dredging Project, but would also be responsible to repair and maintain them as necessary for safe navigation of the Federal Channel, including the Turning Basin.

Liens on Gateway's Property

The major existing lien on Gateway's property, arising from a first deed of trust securing a loan of approximately \$1.7 million, has priority over the existing Gateway-BSY lease and would have priority over the Port's rights under the BSY-Port Agreement and the Gateway-Port Agreement. The lender (Bar-K, Inc.) was unwilling to enter into a nondisturbance agreement with BSY acceptable to BSY. The Port is seeking to reach a subordination agreement with the lender, or some other agreement with the lender, and with parties related to Gateway who are proposing to acquire the loan, to protect the Port's interests. These agreements would need to be in place before the Litigation Settlement Agreement and Gateway-Port Agreement are effective.

BSY-Port Agreement and Alameda-Port Agreement

If the parties are able to reach agreement to extend the Consistency Deadline, and to continue with the proposed construction of the Repair Facilities, certain amendments to the BSY-Port Agreement and the Alameda-Port Agreement may be required. None of these amendments are expected to have significant financial or operational impacts on the Port, and most of the amendments discussed (which relate to the BSY-Port Agreement and have been requested by Gateway) relate mainly to the relationships of the other three parties.

Environmental documentation of the Dredge Project is contained in the EIR/EIS for the Oakland Harbor Navigation Improvement (50-Foot) Project dated February 1999 and certified by the Board on February 1, 2000, and in the Addendum certified by the Board on July 18, 2000.

OPTIONS:

The major option is not to settle the Gateway litigation or enter into the 50-Foot Dredging Project Agreement with Gateway. Under this option, the pending litigation would continue, and the same general issues would potentially be litigated again for the 50-Foot Dredging Project. The Port would be required to appraise Gateway's upland property, make an offer, and potentially commence an eminent domain lawsuit against Gateway. These actions may potentially delay the 50-Foot Dredging Project. This option exposes the Port to the costs and risks of continued litigation on the 42-Foot Dredging Project and future litigation on the 50-Foot Dredging Project. The Port Attorney has separately communicated confidentially with the Board on these costs and risks. In addition, Port staff and the Port Attorney are prepared to discuss these matters further with the Board in closed session before the Board takes action on the recommendations made below.

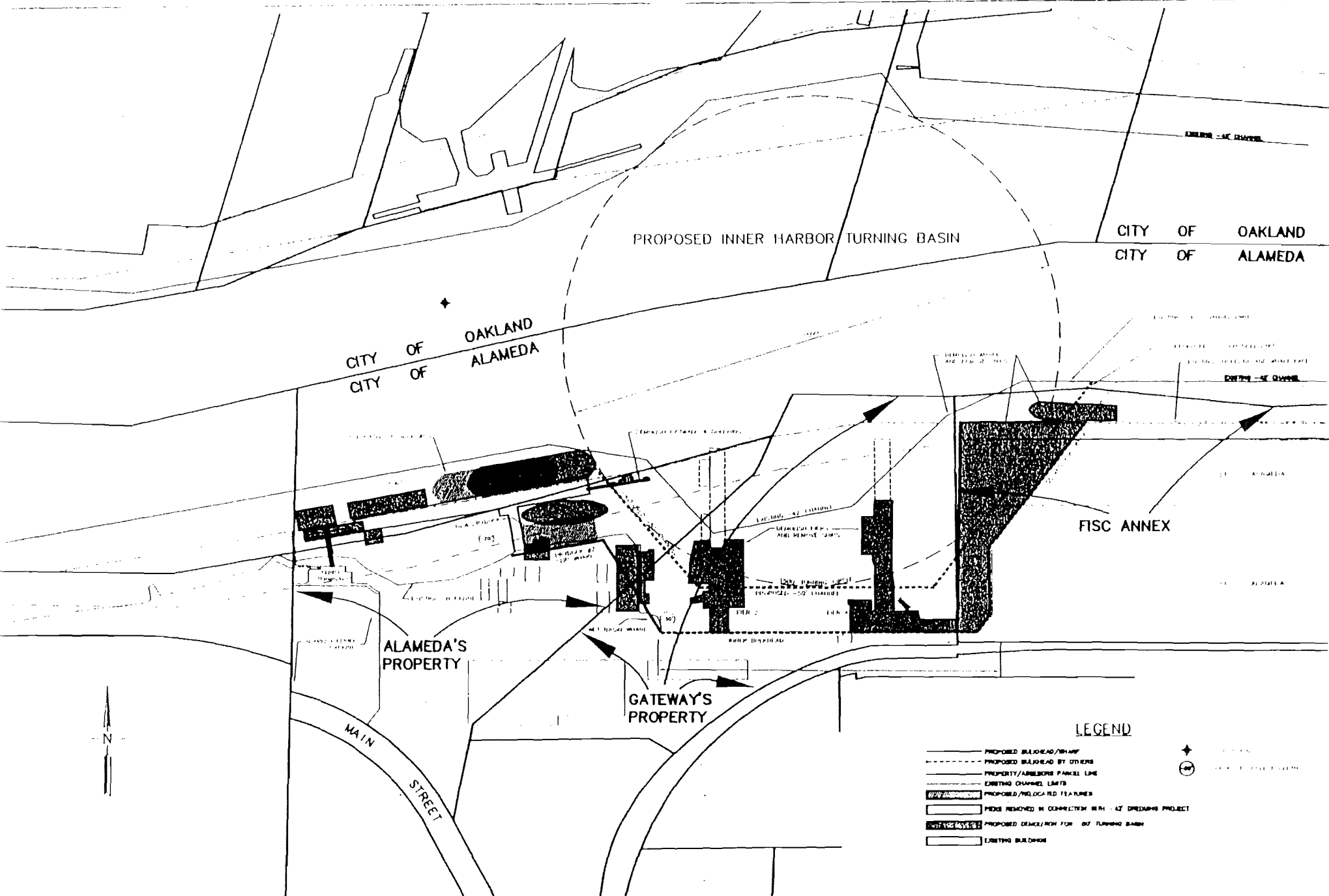
FINANCIAL IMPACT:

The 50-Foot Dredging Project is covered under CIP element MA 02871. The recommended actions would allow the project to proceed within the current estimate and would not increase it.

RECOMMENDATION:

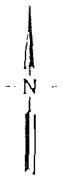
It is recommended that the Board take the following actions:

- (1) Give first reading of an ordinance approving and authorizing execution of an agreement between Gateway (and related parties) and the Port regarding the 50 Foot Dredging Project, as described above, and containing such other related and reasonable provisions as the Executive Director and the Port Attorney determine are necessary or appropriate for implementation of the 50-Foot Dredging Project;
- (2) Pass a resolution approving and authorizing execution of a settlement agreement among the United States, Gateway and the Port, as described above, and containing such other related and reasonable provisions as the Port Attorney determines are necessary or appropriate;
- (3) Pass a resolution approving and authorizing execution of agreements for protecting the Port's interests against prior liens on Gateway's property, provided that additional Board authority will be required before any Port funds are expended to pay any amount secured by such liens or to redeem the property from the prior liens; and
- (4) Pass a resolution approving and authorizing execution of amendments to the BSY-Port Agreement, and/or the Alameda-Port Agreement, in order to provide for construction of the Repair Facilities as described above, and containing such other related and reasonable provisions as the Executive Director and the Port Attorney determine are necessary or appropriate.



LEGEND

- PROPOSED BULKHEAD/WHARF
- PROPOSED BULKHEAD BY OTHERS
- PROPERTY/AMBASSOR PARCEL LINE
- EXISTING CHANNEL LIMITS
- PROPOSED/MISLOCATED FEATURES
- PIECE REMOVED IN CONNECTION WITH - 42' DEEPENING PROJECT
- PROPOSED DEMOLITION FOR 80' TURNING BASIN
- EXISTING BUILDINGS



-50 FOOT DEEPENING PROJECT
TURNING BASIN
EXISTING CONDITIONS/PROPOSED IMPROVEMENTS

WORK # L 21
DRAWN BY: [unclear]
SCALE: 1" = 100'
DATE: 1/24/94
SHEET: 3
TOTAL SHEETS: 4

DATE: [unclear]
BY: [unclear]
CHECKED BY: [unclear]

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 4S

SUBJECT: Approval of a Mitigated Negative Declaration and Building Permit Application for Rolls Royce Inc., 7200 Earhart Road.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *S*

FACTUAL BACKGROUND:

Rolls Royce Inc. leases from the Port of Oakland a manufacturing building at 7200 Earhart Road (Building L-815) for the repair and overhaul of aircraft engines. They are proposing to build a 72,000 square-foot building expansion next to their existing building on property which will be added to their lease premises.

This proposed work will include:

- Construction of a pre-engineered metal building with windows, overhead doors and exit doors with a 54,000 square-foot building footprint and 18,000 square-foot second floor.
- Installation of toilet facilities, locker rooms, office and shop areas, all to be ADA accessible.
- Landscaping for the new building along Earhart Road and Doolittle Drive in a manner acceptable to the Port's Design Review Committee.
- Remodeling of existing Building L-815 based upon operations moved to the new building.
- Provision for 418 total parking spaces, including 277 existing spaces across Earhart Road, 100 new spaces on the expanded site, and 41 to be identified and provided no later than nine months after receipt of written notice from the Port of Oakland that additional parking is required.
- Parking striping and traffic markings for the parking lot.
- Connection to the Port's electrical, water, sanitary and storm drain systems to be paid by Rolls Royce.

Budget:

The estimated value of the work is \$3,750,000. All costs are the responsibility of Rolls Royce.

Environmental:

The project was subject to an Initial Study under the California Environmental Quality Act (CEQA) and the Port's CEQA Guidelines. The Port's Environmental Planning Department recommends approval of a Mitigated Negative Declaration. The document has been circulated. A copy is provided under separate cover. Construction mitigation measures include the following: plans for potential hazardous materials such as health and safety, control and remediation, handling, recycling, hauling and disposal of those materials; traffic control and construction information to tenants; a storm water pollution and prevention plan for sites smaller than 5 acres; compliance with best management practices to reduce air and water quality impacts; and, conformance with local, state and federal laws and regulations for construction. Additional parking spaces are also required as mitigation.

Three comment letters were received. The comment letters and the Port's responses to the agencies are provided to the Board under separate cover. The Regional Water Quality Control Board requested that the project include a storm water pollution prevention plan, an erosion control plan, and reduction of potential environmental impacts. The Port sent a letter responding to the agency. The Port's letter described the mitigation measures in the Initial Study to reduce potential environmental impacts, such as a storm water

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BOARD ACTION TAKEN

Assistant

Sharon Kussner
SECRETARY OF THE BOARD

OCT 10 2000

DATE

pollution and prevention plan (for sites smaller than 5 acres), the erosion control plan, and the best management practices to be implemented during construction.

The California Department of Conservation, Division of Mines and Geology, commented that the initial study should address the seismic hazard zone that applies to the site; impacts of potential seismic events; and, proposed mitigation measures and alternatives for seismic hazards. The Port's response letter to the agency covers several points. a) The initial study has a mitigation measure that requires conformance with local, state and federal laws and regulations for construction. b) The Port's building permit requires that Rolls Royce obtain necessary development permits from the City of Oakland. c) The City of Oakland building code complies with the California State Building Code. Both codes comply with the earthquake seismic hazard zone maps for building requirements.

The California Department of Toxic Substances Control submitted the following recommendations if tests on soils remaining at the site indicate hazardous substances above residential levels: a) Impacts to groundwater should be considered; and, b) A land use covenant should be placed on the parcel identifying the impacted area(s) and chemicals involved. The Port's response letter to the agency covers several points. a) The initial study references a report analyzing the results of a Phase II Assessment conducted at the site. b) The Port will confer with the agency concerning various options to address the hazardous substances identified in that report. The options may include deed restrictions, remediation of soils or a risk management plan. c) The initial study includes comparable mitigation measures for contaminated soils as well as a storm water pollution and prevention plan. Those mitigations are described previously in this Board letter. d) The initial study describes two land use plans that restrict the site to industrial uses: the City of Oakland's Comprehensive

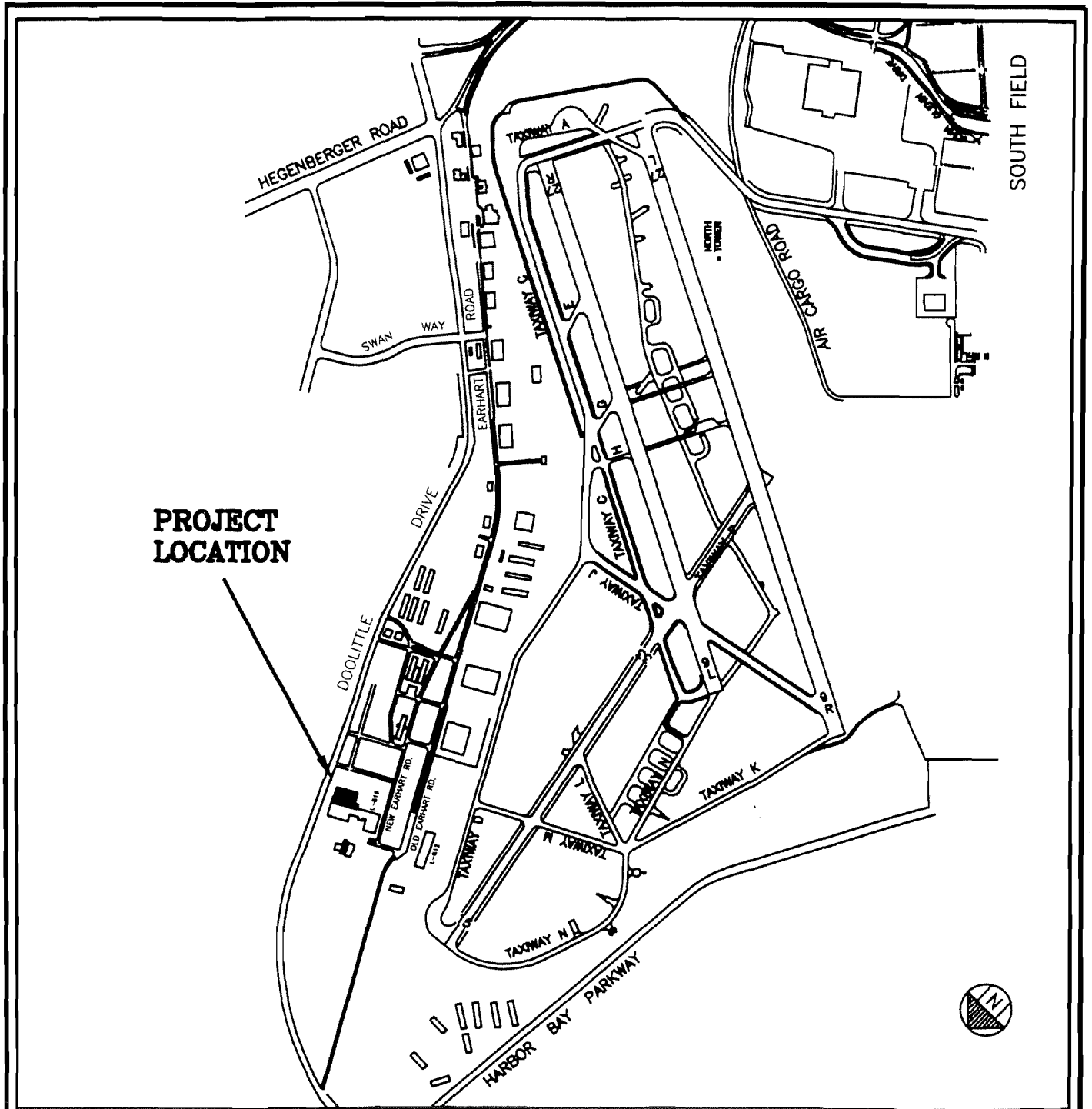
General Plan:

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

RECOMMENDATION:

- 1) It is recommended that a resolution be adopted that the Board:
 - A. Considered the Initial Study and Mitigated Negative Declaration and the comments received during the public review process;
 - B. Adopts the mitigation measures identified above, and further defined in the Initial Study, as conditions of project approval in order to avoid significant effects on the environment;
 - C. On the basis of the initial study, and the comments received and responses to the comments, considers that there is no substantial evidence that the project will have a significant effect on the environment;
 - D. Adopts and approves the Mitigated Negative Declaration; and,
 - E. Acknowledges that the Mitigated Negative Declaration reflects the independent judgment of the Board.

- 2) It is further recommended that the Board adopt a resolution approving the building permit application contingent upon the following conditions:
 - A. Rolls Royce and the Port execute an agreement for Rolls Royce's occupancy of the subject premises which shall address the respective liabilities of the Port and Rolls Royce for the cost of further potential investigation and potential remediation and disposal of hazardous substances;
 - B. Rolls Royce's agreement to pay all costs related to connecting and its fair share of the cost of upgrading utility services to the premises;
 - C. Rolls-Royce's agreement to prohibit any residential use of the premises; and,
 - D. Any further actions required to comply with applicable laws, regulations and governmental agency requirements.



PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Bayair, Inc., Sierra Academy of Aeronautics, Inc. and John Roth (7843 Earhart Road, North Airport)

DATE: October 10, 2000

ITEM NO: 5S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Bayair, Inc. (Bayair), Sierra Academy of Aeronautics, Inc. (Sierra) and John Roth (all tenants hereinafter referred to as BSR) are currently under a 45-day Right-of-Entry and Indemnity Agreement (ROE) which provides for occupancy of approximately 61,624sf of office, hangar [4,000sf exclusive to Sierra; 6,930sf exclusive to Bayair], shop/storage [240sf exclusive to Sierra], apron [100% (39,562sf) exclusive to Sierra] and paved parking in and adjacent to Building L-810 (Hangar 8/Bay "D") on the North Airport for the purpose of aircraft storage, maintenance and incidental uses. Self-fueling of tenant-owned or operated aircraft is permitted. The ROE is effective August 15, 2000; rent is \$21,412.00 per month.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend BSR's occupancy of the same premises (commencing September 29, 2000 and ending May 31, 2001) with a 30-day termination provision. Monthly rent would remain the same. This additional time is requested in order to allow Port staff adequate time in which to negotiate and prepare a multi-year agreement.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement To Extend Right-of-Entry and Indemnity Agreement with Bayair, Inc., Sierra Academy of Aeronautics, Inc. and John Roth.

- MOTION
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Approved by Resolution

No. 20375

BOARD ACTION TAKEN

Assistant

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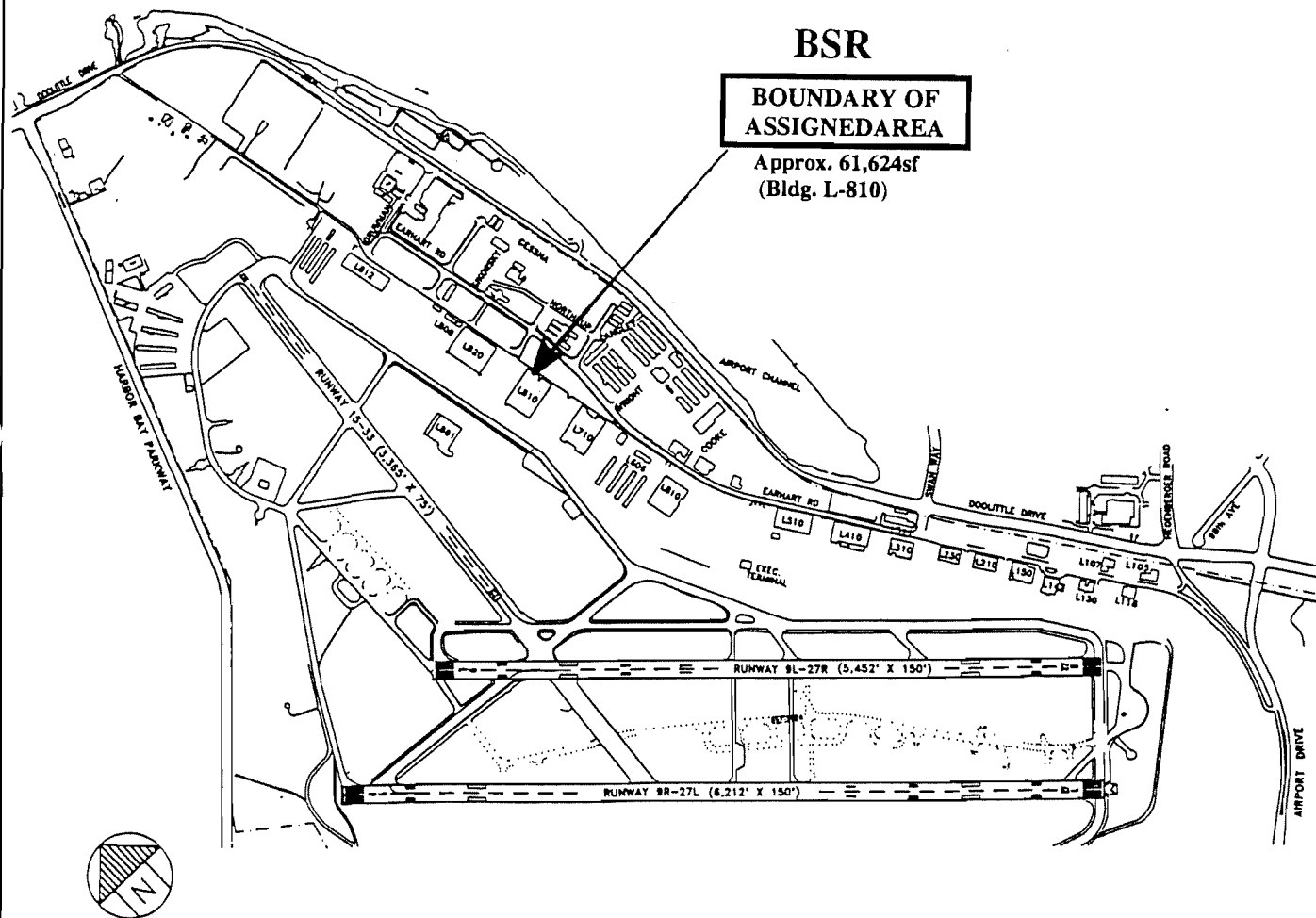
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Board of Port Commissioners

Calendar Item

Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Bayair, Inc., Sierra Academy of Aeronautics, Inc. and John Roth (BSR) (7843 Earhart Road, North Airport)

OAKLAND INTERNATIONAL AIRPORT NORTH AIRPORT



Airport Properties

Port of Oakland

**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: October 10, 2000

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Electronic Technologies Corporation (8135 Earhart Road, North Airport)

ITEM NO: 6S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

Electronic Technologies Corporation (ETC) is currently under a Right-of-Entry and Indemnity Agreement (ROE) which provides for occupancy of approximately 256sf of office and storage space in Building L-606 on the North Airport for office use and storage of parts/equipment for the installation and maintenance of the North and South Airports' new access control systems. The ROE is effective August 21, 2000; no rent is charged pursuant to ETC's contract with the Port.

ANALYSIS:

The proposed Agreement To Extend Right-of-Entry and Indemnity Agreement would extend ETC's occupancy of the same premises (commencing October 5, 2000 and ending December 31, 2000). There would continue to be no monthly rent. Staff requests this additional time to find a more practical location for ETC on the North Airport.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

nis project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:


It is recommended that the Board approve the above described Agreement To Extend Right-of-Entry and Indemnity Agreement with Electronic Technologies Corporation.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20376
BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

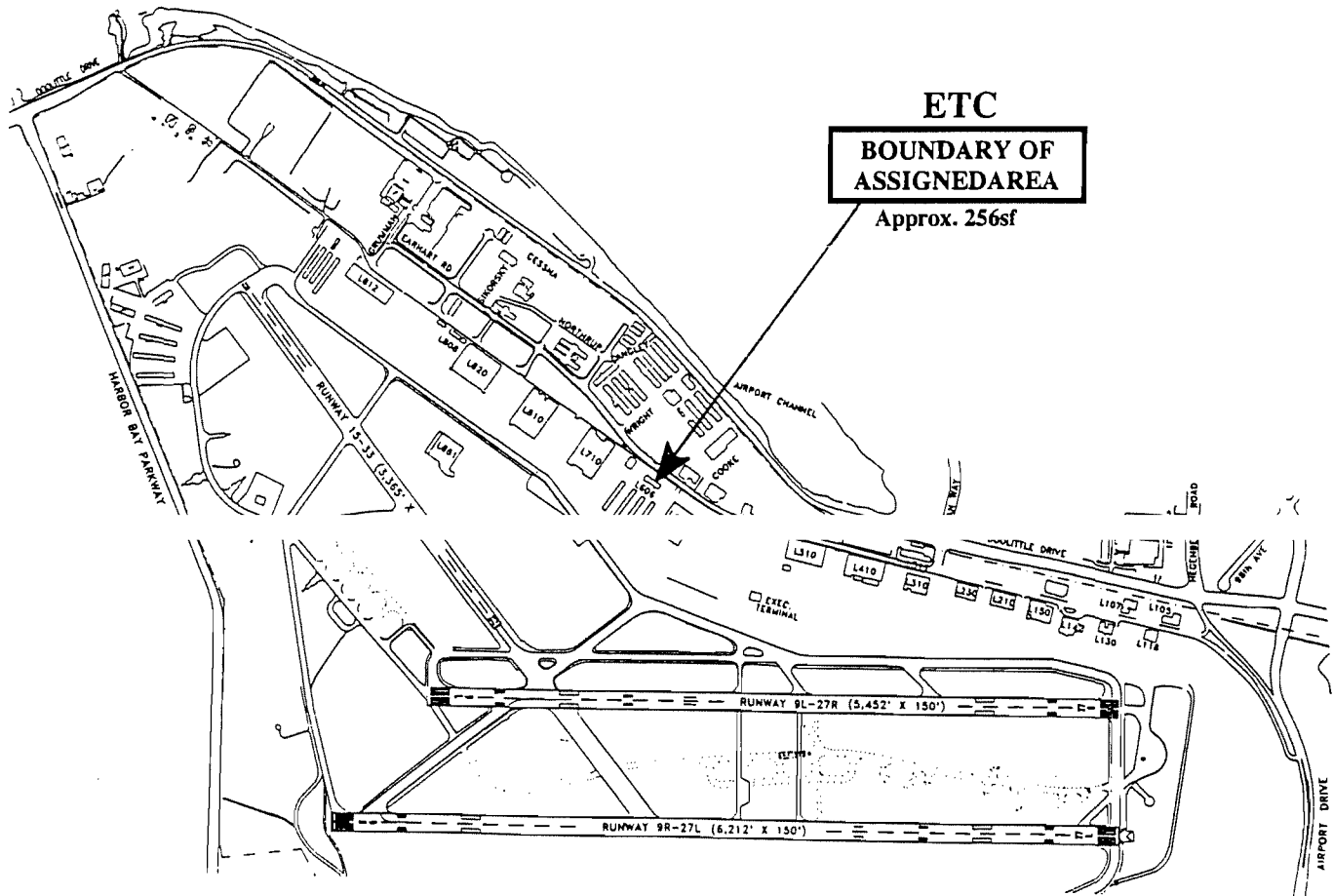
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Board of Port Commissioners

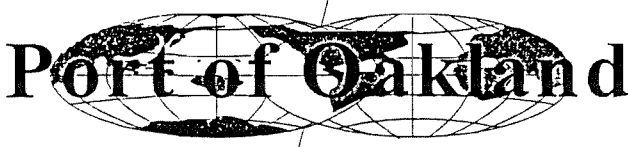
Calendar Item

Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with Electronic Technologies Corporation (ETC) (8135 Earhart Road, North Airport)

OAKLAND INTERNATIONAL AIRPORT NORTH AIRPORT



Airport Properties



Oakland International Airport North Airport

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Purchase of ASCOM Parking Revenue Control System Upgrade

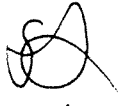
DATE: October 10, 2000

ITEM NO: 7S

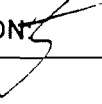
PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION



FACTUAL BACKGROUND:

The present ASCOM Parking Revenue Control System installed at Oakland International Airport is antiquated and is currently experiencing computer system failures due to its lack of capacity. With the phenomenal passenger growth occurring at Oakland Airport, the volume of vehicles parking in the Long Term, Hourly, and Economy Lots is overburdening our ASCOM Parking Revenue Control System. Besides the recorded date and time stamps on dispensed parking lot tickets, the Parking Revenue Control System tracks and records the number of vehicles entering and exiting the parking lots as a control to help manage revenue. The Parking Revenue Control System failures cause inaccurate vehicle inventories that may lead to revenue loss and the system generated reports may be inaccurate. Presently, when the system fails, ASCOM's maintenance personnel responds to restore the Parking Revenue Control System. This restoration process does not have the capability of retrieving the lost data.

GENERAL

Sole Source Justification: The ASCOM Parking Revenue Control System is proprietary and the proposed upgrade is the replacement of the antiquated Intel 320 system with ASCOM's Windows NT based central server that will accommodate Oakland's increased volume of parking vehicles.

The sum of charges required for purchasing and installing the Upgraded ASCOM Parking Revenue Control System is \$77,950.

OPTIONS:

The available options are:


Utilize the existing ASCOM Parking Revenue Control System without the ability to add the additional Parking Overflow lot onto the system. Keep the existing system without increasing the capacity to handle the present high volume demand of parking vehicles and continue to contact the ASCOM maintenance representative for restoration whenever the Parking Revenue Control System failure occurs. Approve the purchase of the Upgraded ASCOM Parking Revenue Control System to deal with the high volume demand of parking vehicles at Oakland International Airport. By not purchasing the ASCOM Parking Revenue Control System, the Port will be unable to add the additional Parking Overflow lot onto the current system due to the lack of capacity and the Port will be at risk for loss of revenue. Furthermore, the ASCOM Parking Revenue Control System will continue to fail because the current high volume demand of parking vehicles exceeds the capacity of the present system.

RECOMMENDATION:

It is recommended through a direct bid process of the proprietary ASCOM system that the Port purchase an Upgraded ASCOM Parking Revenue Control System in order to handle the increase volume of parking at the airport. In addition, it is requested that the Executive Director be authorized to approve up to \$11,695 (15%) for contingencies as necessary.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20377



BOARD ACTION TAKEN Assistant SECRETARY OF THE BOARD

OCT 10 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: First Reading of Amendment to Port Ordinance No. 3542 Providing Fees and Regulations on Taxicabs at Oakland International Airport

DATE: October 10, 2000

ITEM NO: 8S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND

The Port of Oakland's Airport Development Program (ADP) includes a program to reduce emissions of air pollutants from activities associated with Oakland International Airport. One element of this program is the Port's commitment to using alternative fuel vehicles and encouraging ground transportation providers serving Oakland International Airport to convert their fleets to alternative fuel vehicles, using either compressed natural gas (CNG) or electricity. Towards this goal, on October 5, 1999, the Board of Port Commissioner approved Port Ordinance 3542, Section 5.b. of which requires 50% of all taxicabs holding operating permits at the Airport be powered by alternative fuel by January 1, 2001.

Furthermore, on September 5, 2000, the Board of Port Commissioner approved the authorization to submit a grant application to the Bay Area Air Quality Management District for the District's "Vehicle Incentive Program" for an amount up to \$100,000 to offset incremental costs of alternative fuel taxicabs operating at Oakland International Airport.

Because alternative fuel vehicles are new to most taxicab operators, and because most taxicab operators will not be able to comply with Port Ordinance 3542, Section 5.b., Port staff recommends amending the ordinance to allow for taxicab operators to comply with the 50% alternative fuel vehicle requirement in one of two ways. They may either provide sufficient proof of legal title to all required Alternative Fuel Taxicabs on or before January 1, 2001, or provide sufficient proof on or before November 6, 2000, that all required Alternative Fuel Taxicabs have been ordered from a dealer or manufacturer.

OPTIONS

The options are:

1. Amend Port Ordinance No. 3542 as described above; or
2. Retain Port Ordinance No. 3542 with no amendment.

By not amending the Port Ordinance, it is likely that all taxicab companies failing to comply to the Alternative Fuel Vehicle requirement will result in the immediate revocation of their taxicab permits at the Airport. The Port may also lose some or all of the potential "Vehicle Incentive Program" funding from the Bay Area Air Quality Management District.

ENVIRONMENTAL

This project has been determined to be Categoricaly Exempt from CEQA and from the Port CEQA Guidelines pursuant to Section 15321, Class 21 (a) enforcement actions by regulatory agencies, and Section 15273 (a) rates, tolls, fares and charges by public agencies.

RECOMMENDATION

Amend Port Ordinance No. 3542 requiring Taxicab operators to provide either proof of ownership by January 1, 2001 or proof of order by November 6, 2000, for all required alternative fuel taxicabs.

- MOTION
- RESOLUTION
- ORDINANCE
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BOARD ACTION TAKEN

Assistant

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Board of Port Commissioners - PORT OF OAKLAND


Agenda Sheet

^{TD} SUBJECT: Approval of Change Order for Widening of 98th Avenue West of I-880, Airport Roadway Project (Contract C), OIA

DATE: October 10, 2000
ITEM NO: 9S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc., dba Gallagher & Burk, Inc., for the CONSTRUCTION OF WIDENING OF 98TH AVENUE WEST OF I-880, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. The Contract was awarded on June 29, 1999, for a total contract sum of \$3,444,053.50. The work consists of demolition of existing pavement, curbs, gutters, and sidewalks; clearing and grubbing; constructing new pavement, curbs, gutters, and sidewalks, fencing, and storm drain system; constructing bridge modifications; lighting; traffic signal system; and landscape planting and irrigation.

In 1998, the Board of Port Commissioners approved entering into an Airport Gateway Program agreement with the cities of Oakland and San Leandro to recognize the streets serving the Airport as an important gateway to the area, and to design and construct special improvements on those streets. The Airport Gateway Program is consistent with the Coliseum Area Redevelopment Plan. The Coliseum Area Redevelopment Plan was adopted by the City Council (Ordinance No. 11824 C.M.S.) and the Redevelopment Agency (Resolution No. 95-54 C.M.S.) on July 25, 1995, for the purpose of relieving blight influences in the Coliseum area.

The three streets included in the Airport Gateway Program are 98th Avenue, Hegenberger Road, and Doolittle Drive. A consultant was subsequently hired to design improvements for each of those streets.

The City of Oakland (City) has allocated funding for the Gateway Improvements under this Plan, and has requested the Port to design and construct the improvements subject to reimbursement by the City of Oakland.

The City has now asked that the newly-designed gateway improvements for 98th Avenue be incorporated into the work being done on 98th Avenue under Contract "C" of the Airport Roadway Project, a Measure B project being administered by the Port. However, construction of Contract "C" is now more than 70% complete and additional work will be required to incorporate those improvements.

ANALYSIS:

The City has requested that certain features on the already widened San Leandro Creek Bridge be redesigned and constructed to incorporate the Gateway Improvements. These improvements consist of constructing modified railings, including curved tubular steel features on top of the concrete railings, new street light poles and fixtures, and installation of irrigation lines and electrical conduits to the center lane of 98th Avenue to provide for future medians on 98th Avenue.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20378

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

OCT 10 2000

DATE

The original contract contains provisions to implement the Gateway Improvements along the sidewalk areas of 98th Avenue at the request of the City of Oakland. The City is reimbursing the Port for all costs above and beyond the standard features, such as trees light poles and light fixtures, which were originally contemplated in the Airport Roadway Project. The City's request that the San Leandro Creek Bridge be designed and constructed with the Gateway Improvements was received after this Project was awarded and construction was underway. This Change Order enhances the aesthetics of 98th Avenue in keeping with the Airport Gateway concept.

Another request for a change order will be forthcoming during November, 2000. The City only recently made the decision to construct the median in 98th Avenue; therefore, it was not originally designed as a part of the San Leandro Creek Bridge and roadway. Now that the City has made the decision, the Port is currently in the process of obtaining change order quotations for the median work.

OPTIONS:

One option is not to construct the improvements and leave the San Leandro Creek Bridge as designed in the original contract documents. The original design called for a standard Caltrans-type concrete barrier without any light poles or fixtures on the bridge.

However, since the improvements are consistent with the Airport Gateway concept, with the costs being reimbursed by the City of Oakland, it is recommended that the improvements be constructed without cost to the Port.

BUDGET ANALYSIS:

This Change Order pays for the construction of the San Leandro Creek Bridge improvements. The not-to-exceed cost is \$300,000. The source of the funds would come from the City of Oakland under a Memorandum of Understanding for reimbursement of the 98th Avenue Gateway Improvements.

RECOMMENDATION:

It is recommended that the Board ratify a change order for a not-to-exceed amount of \$300,000 to Gallagher & Burk, Inc., for the above-described work.

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 10S

^{TD}
SUBJECT: Approval of Plans and Specifications for Construction of
Remain Overnight (RON) Aircraft Parking Apron and AC
Overlay of Taxiway T, South Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Plans and Specifications have been prepared for **Construction of Remain Overnight (RON) Aircraft Parking Apron and AC Overlay of Taxiway T, South Field, Oakland International Airport, Oakland, California**, and are submitted for approval and authorization to advertise for bids.

For quite some time now, the Airport has experienced increasingly high passenger and air cargo aircraft traffic growth. The existing parking apron has an inadequate number of RON parking positions. This has resulted in utilizing tandem parking. Additionally, most aircraft are directed to return to their hangars for overnight stays. This project is a component of the Airport Development Program and referred to as Remain/Remote Overnight (RON). It is the intent of the program to meet current demand of air passengers and air cargo. It is also the intent to enhance ground safety, operational efficiencies, and Airport and airline economics as well as environmental conditions.

The scope of work consists of the following: 1) construction of asphalt concrete pavement sections and overlay Taxiway T; 2) construction of Portland cement concrete pavement sections; 3) installation of new lighting system for the apron and taxiway; 4) installation of electrical distribution system, storm drainage system, telephone and control system, water distribution system, sanitary sewer system, pavement markings and striping; and 5) construction of a Ground Run-up Enclosure/Wash facility.

The project also includes the installation of piping and equipment for the installation of hydrant fueling systems as additive bid alternatives. The decision on whether to build the fuel system piping (bid Alternative A) and hydrants (bid Alternative B) will be determined upon review of the bids received. The determination of how to rank the bids for award purposes will be announced immediately prior to the bid opening.

On September 5, 2000, as an initial phase of the project, the Board approved the authorization to dispense with competitive bidding procedures and to execute a change order for the Construction of Remain Overnight (RON) Interim Aircraft Parking Positions. A Notice of Determination was filed after the Board action. The interim RON will be built this fall for use during the holiday travel season. The construction of the permanent RON is expected to be completed in the summer of 2002.

The proposed contract would provide for the following special provisions: an extended period of up to 6 months after contract award before Notice to Proceed need be given, and, ability of the Port to terminate the contract for convenience. The provision to allow the Port to defer the Notice to Proceed is necessary to allow the Port sufficient time to receive the necessary approvals to use Passenger Facility Charges as the funding mechanism. Termination for convenience is required in the unlikely event that funding approval is not received within 6 months after award of this contract.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20379

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD

OCT 10 2000

DATE

ANALYSIS:

Environmental:

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is part of the project component E.1, Remote Aircraft Parking in the ADP. The EIR evaluates the impacts associated with the ADP and provides mitigation measures to be implemented. The Board of Port Commissioners certified the EIR on 6/29/99. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this project component of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred. The project area is identified for Remote Aircraft Parking on the Airport Layout Plan (ALP) dated September 1995. That ALP is approved by the Federal Aviation Administration (FAA) for the Airport.

General Plan:

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

Budget:

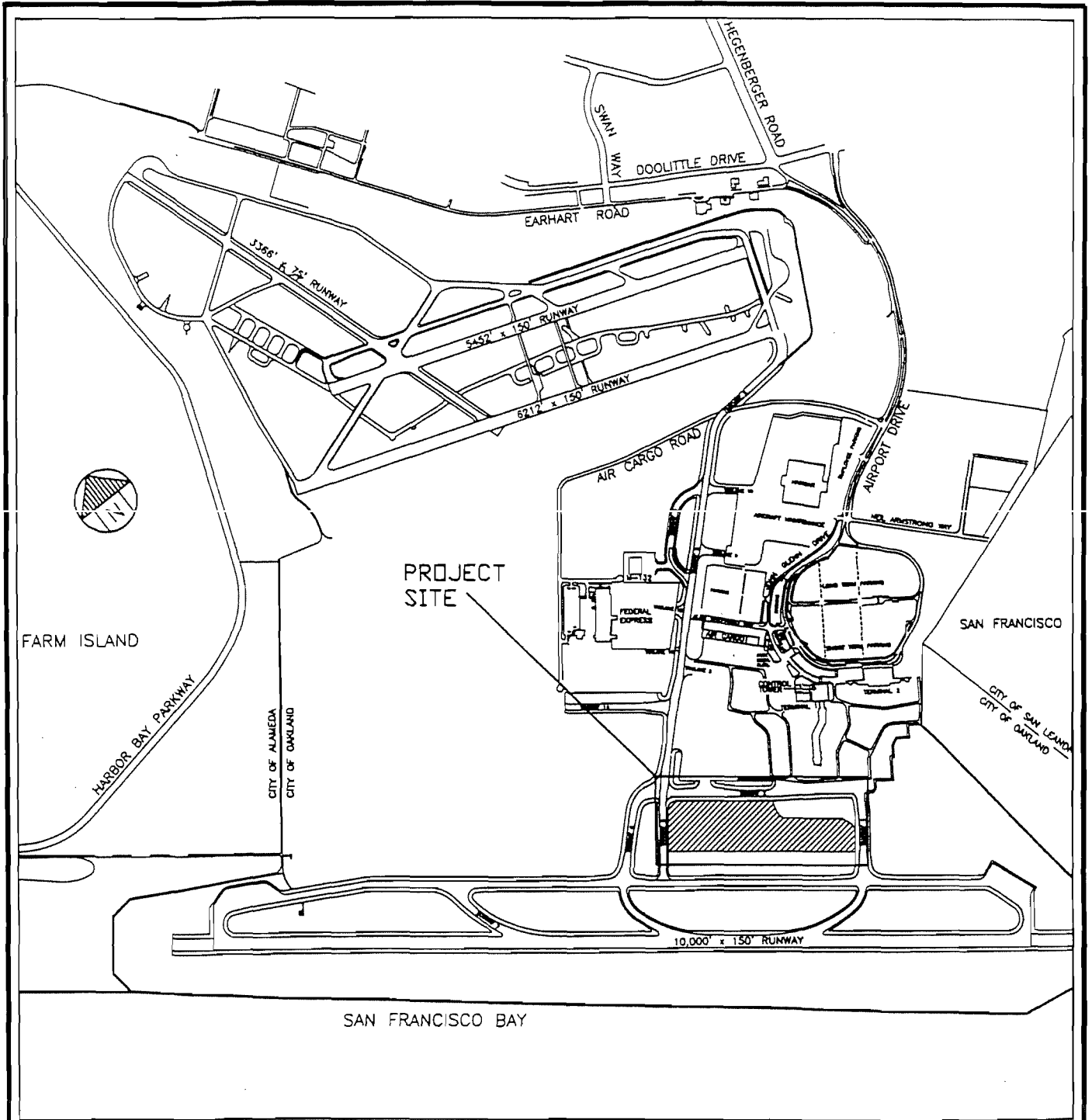
The Total Project Cost for the base bid is estimated to be \$22,800,000, and \$24,100,000 for the base bid plus additive alternate. The apron is budgeted under CIP A2.00682.01 and the funding source is PFC-7. The Taxiway T portion is budgeted under CIP A2.00641.03 and the funding source is PFC-9.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that the Board approve the plans and specifications and provides authorization to advertise for bids to be received on November 15, 2000.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 11S

T.D. SUBJECT: Approval of Specifications for Furnishing Maintenance and On-Call Service for Parking Lot Revenue Control Systems for the Period Commencing January 1, 2001 and Ending December 31, 2001, 2002 or 2003, South Field, OIA

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

Specifications have been prepared for Furnishing Maintenance and On-Call 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 are hereby submitted for approval and authorization to advertise for bids.

The work of this annual Contract consists, in general, of performing maintenance and on-call service work required to provide proper, safe, and reliable operation of the Parking Lot Revenue Control Systems at the Hourly Parking Lot, the Long-Term Parking Lot, and the Economy Parking Lot, including video equipment and computer hardware and software for the period indicated.

ANALYSIS:

The specifications for this contract include a provision allowing the Port to renew the Contract in one-year increments through December 31, 2003. Renewal of the Contract shall only occur if agreed to in writing by both the Executive Director of the Port and the Contractor.

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA guidelines pursuant to CEQA 15301, Class 1 (a,c,d and f) maintenance, involving no expansion of use beyond that previously existing.

General Plan:

Pursuant to Sec. 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

Budget:

The budget for the total work is estimated at \$120,000 per year.

The cost of such maintenance and service work for the parking lot revenue control systems at South Field, OIA is included in the Operating Budget for Fiscal Year 2001. The funding source is Port Cash.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this work.

RECOMMENDATION:

It is recommended that the specifications be approved and authorization be granted to advertise for bids to be received on November 15, 2000.

- MOTION
RESOLUTION
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Approved by Resolution

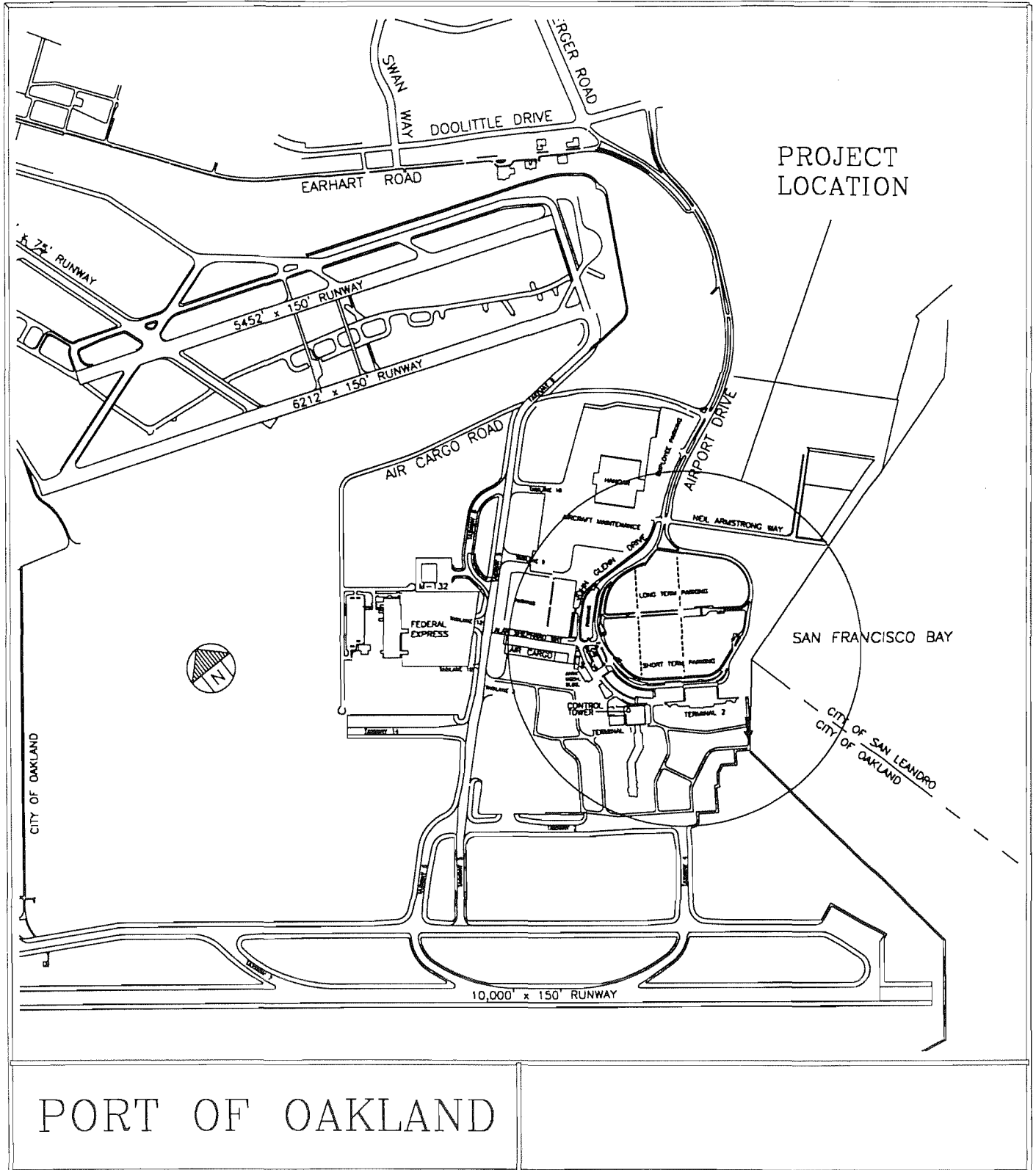
No. 20380

BOARD ACTION TAKEN Assistant

Secretary signature and title

OCT 10 2000

DATE



Agenda Sheet

DATE: October 10, 2000

ITEM NO: 25S

SUBJECT: Recommendation to Adopt an Ordinance Amending Item No. 02210 of Port of Oakland Tariff 2-A on Handling, Storage and Use of Toxic Materials

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Board on September 7, 1993, gave final approval to Port Ordinance No. 3169, adding Item No. 02210 to Port of Oakland Tariff No. 2-A, on handling, storage and use of toxic materials on Port maritime property. The primary purpose of Item No. 02210 is to regulate the use of toxic materials on Port maritime premises by Port tenants (assignees, lessees, etc.), as opposed to regulation of hazardous cargo which is governed primarily by the Federal Government.

Item No. 02210 regulates "Toxic Materials", defined broadly to include all hazardous substances and materials, including petroleum products. The Port's experience over the past seven years, with the provisions of Item No. 02210, and similar provisions in Port tenancy agreements, indicates the need for modifications.

ANALYSIS:

The proposed modifications to Item No. 02210 reflect a number of issues that have been raised in negotiating major terminal agreements and experience gained in Port staff's dealing with a variety of contamination issues. The modifications streamline and simplify Item No. 02210, and are expected to expedite agreement negotiation and bring the provisions more closely in line with actual Port practice. The proposed modifications strengthen obligations of Port tenants for cleanup of contamination they cause and to indemnify the Port for damages and losses resulting from the contamination as well as clarify the specific responsibilities of the tenants for compliance with various regulatory requirements relating to toxic materials contamination to land, air and water.

OPTIONS:

Not adopting the proposed modifications to Item 02210 will leave in place a dated regulation that experience has shown requires revision to better protect the Port and conform the Tariff to current best practice, and will require an agreement-by-agreement negotiated revision to the tariff provision to satisfy Port requirements and tenant requests. Adopting the proposed modifications will avoid the foregoing and improve the Port's regulation and achievement of the goals of regulatory compliance and protection of the Port's interest.

FINANCIAL IMPACT:

No financial impacts are expected except for the positive financial benefit expected to result from implementation of the proposed streamlined regulations.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance amending Item No. 02210 in Tariff No. 2-A, on handling, storage and use of toxic materials, as described above, to become effective November 1, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

OCT 10 2000

DATE

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 26S

^{TD}
SUBJECT: Approval of a Building Permit Application
for Installation of a Traffic and Operations Control System
at Ben E. Nutter Terminal (Berths 35, 37 & 38)

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Marine Terminals Corp. has submitted a permit application to construct improvements at the Ben E. Nutter Terminal. The proposed work includes installation of antennas, video cameras, data and electrical lines, and an exit control system

This proposed work will include:

- Mounting of 10 video cameras on existing light poles.
- Installing underground electrical and data cabling in existing spare conduits to support the cameras and antennas.
- Installing an exit control gate arm and one way tire spikes to prevent unauthorized exits

Budget:

The estimated value of the work is \$250,000. All costs are the sole responsibility of Marine Terminals Corp.

Environmental:

The project has been determined to be Categorically Exempt from CEQA under Section 15301(a), minor alterations of existing facilities.

General Plan:

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.


RECOMMENDATION:

It is recommended that the Board approve this building permit application.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

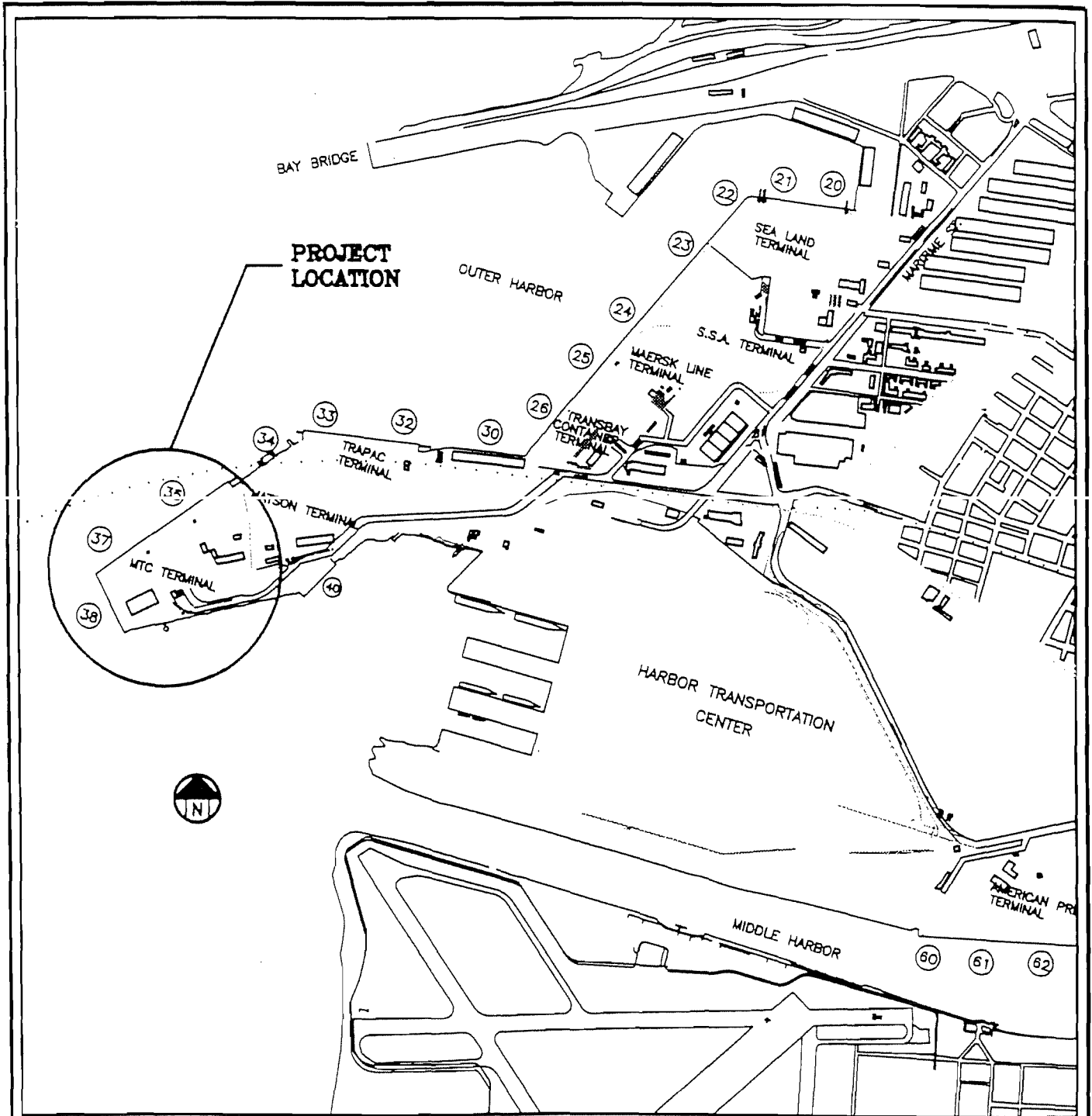
Approved by Resolution
No. 20383

BOARD ACTION TAKEN Assistant


SECRETARY OF THE BOARD

OCT 10 2000

DATE



PORT OF OAKLAND

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 27S

^{TD}
 SUBJECT: Ratification of Addenda and Award of Contract for Construction of Product Recovery and Groundwater Treatment System at Union Pacific Trailer-on-Flatcar (UPTOFC) Site

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Six bids were received and opened on September 6, 2000, for **Construction of Product Recovery and Groundwater Treatment System at Union Pacific Trailer-on-Flatcar (UPTOFC) Site, Oakland, California.**

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE (Items 1-7)
DNL Construction Company dba DNL Company, Inc.	Oakland, CA			X	X	**\$949,201.92 \$904,162.39
WRS Infrastructure & Environment, Inc.	Oakland, CA			X	X	**\$961,704.00 \$999,504.00
OGISO Environmental	Oakland, CA	X		X	X	\$1,137,734.60
Harding Lawson Associates, Inc.	Oakland, CA			X	X	**\$1,143,677.01 \$1,182,816.00
Ramcon Engineering & Environmental Contracting, Inc.	West Sacramento, CA					\$1,649,119.00
Pacific States Environmental Contractors, Inc.	Dublin, CA				X	**\$2,241,969.59 \$2,242,185.59

*MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE = Local Business Area Business Enterprise

** Bid corrected in accordance with Document 00200, Instructions to Bidders.

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

The Board of Port Commissioners, on August 1, 2000, approved the Plans and Specifications for this project to advertise for bids to be received on September 6, 2000. Addenda 1, 2 and 3 were issued by the Chief Engineer to issue minor changes to the project plans and project manuals. The changes to the physical work of the Contract were not substantial.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20384

BOARD ACTION TAKEN *Assistant*

[Signature]
 SECRETARY OF THE BOARD

OCT 10 2000
 DATE

ANALYSIS:

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, bids may be modified (lowered) depending on the business location of the bidders and their subcontractors, and the length of time at those locations, if the bids are within 10% or \$1,000,000 (one million dollars), whichever is less, of the apparent low bidder's Total Bid Price. The scores modified for local business credit did not affect the ranking of bidders. Accordingly, the Office of Equal Opportunity concurs with Engineering's recommendation that DNL Company be awarded the contract for Construction of Product Recovery and Groundwater Treatment System, UPTOFC Site for the corrected Bid Price of \$949,201.92.

Subcontractor Listing:

DNL Construction Company, Inc., listed the following subcontractors. The remainder of the work will be performed by DNL Construction Company.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	MBE*	WBE*	LIABE*	LBABE*	"\$" AND "% OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
A.C. Paving (Concrete Paving)	Oakland, CA	X		X	X	\$8,000.00 / 0.8 %
BECI Electric (Electrical)	Oakland, CA		X	X	X	\$323,000.00 / 34.0 %
Excavations Unlimited (Shoring)	Santa Cruz, CA					\$46,500.00 / 4.9 %

Budget:

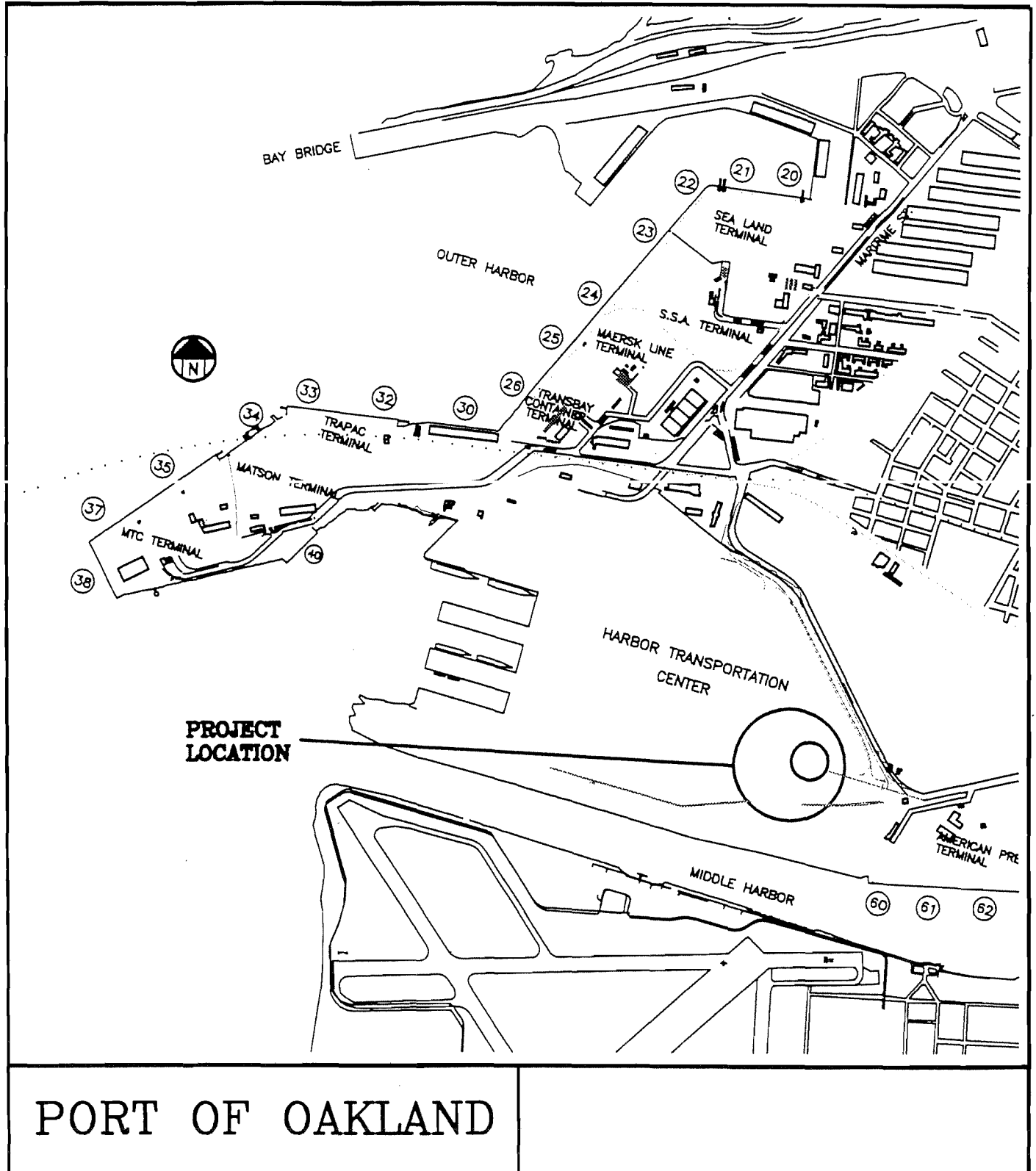
The capital budget for Fiscal Year 2001 provides for this work under the Union Pacific Environmental Liability Account. The funding source is Port cash. The low bid is within the project budget.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this Contract.

RECOMMENDATION:

It is recommended that DNL Construction Company, dba DNL Company, Inc., be found to be the lowest responsible bidder, that Addenda 1, 2, and 3 be ratified, that the contract for the above project be awarded to DNL Construction Company, dba DNL Company, Inc., for the amount of its bid, and that the other bids be rejected and the bid securities be returned to the other bidders.



Agenda Sheet

DATE: October 10, 2000

ITEM NO: 28S

^{T.D}
SUBJECT: Authorization to Execute an Agreement with Pacific Bell for
Relocation of Facilities in Middle Harbor Road

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

On May 25, 2000, the Board approved the **Demolition of Building E-240 at Middle Harbor Road** to make way for future development. The building contains a telephone terminal which provides telephone and data service to adjacent buildings occupied by Port tenants. The telephone service is to remain in operation for the adjacent buildings.

Pacific Bell proposes to remove its surface facilities (cable and terminal) and place new conduit, splice boxes, and cable below grade to clear the area. An agreement has been prepared by Pacific Bell to relocate its facilities.

ANALYSIS:

Environmental:

Relocation of this facility qualifies for a categorical exemption from CEQA pursuant to State CEQA Guidelines, Section 15302 (subsection C), which exempts replacement or reconstruction of existing utilities involving negligible or no expansion of capacity.

Budget:

The funding source is Port Cash. The Port will pay to Pacific Bell the sum of \$68,468.79 for the relocation work. The Capital Budget provides for this work under CIP No. M3.00410.10.

RECOMMENDATION:

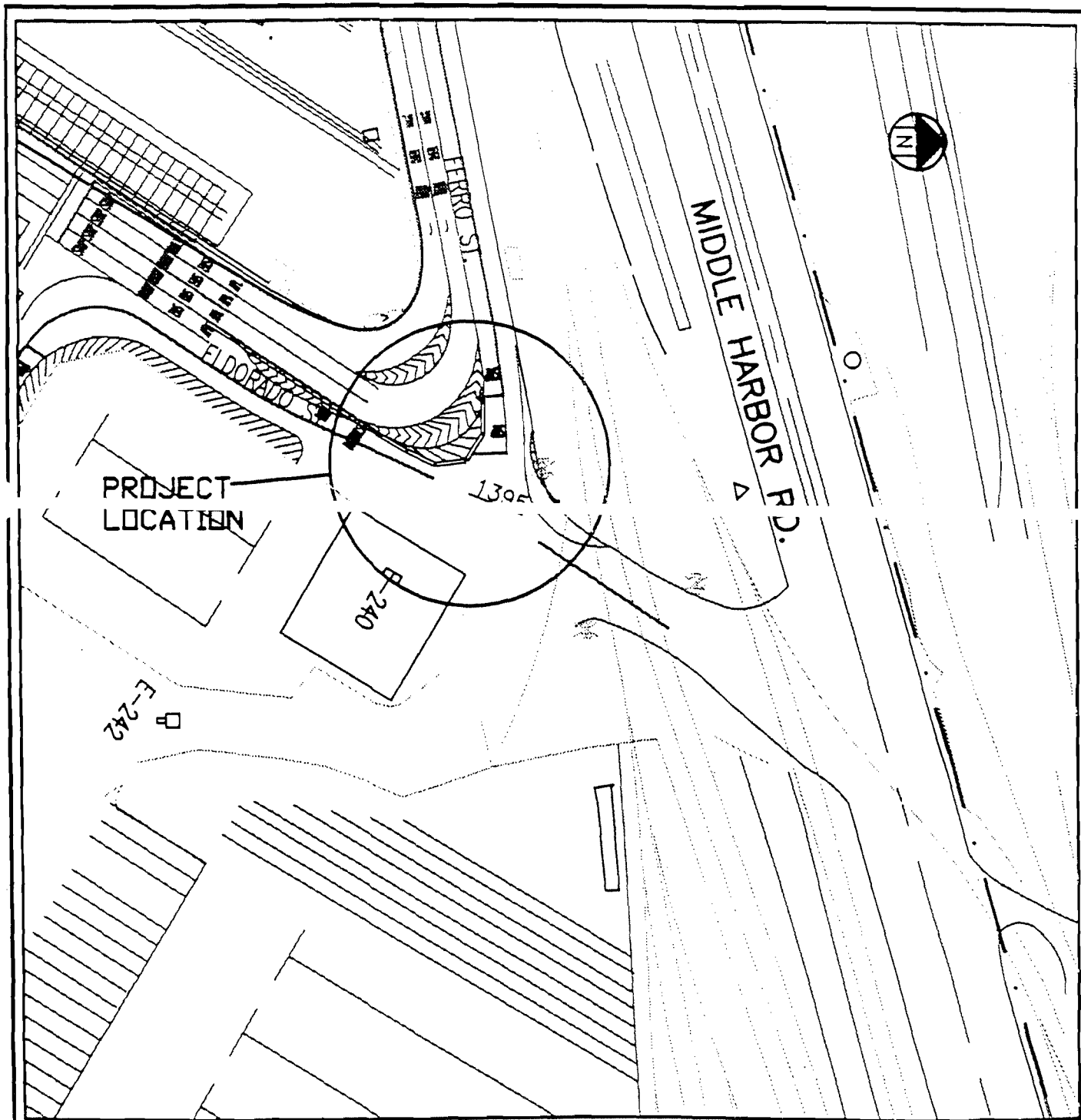
It is recommended that the Executive Director be authorized to execute an agreement with Pacific Bell as described above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20385
BOARD ACTION TAKEN *Assistant*

[Signature]
SECRETARY OF THE BOARD

OCT 10 2000
DATE



PORT OF OAKLAND

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 35S

SUBJECT: Approval of 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, 2001 and Ending December 31, 2001, 2002 or 2003

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*EXECUTIVE OFFICE RECOMMENDATION *JKW*

FACTUAL BACKGROUND:

Specifications have been prepared 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, 2001 and Ending December 31, 2001, 2002 or 2003, Oakland, California**, and are hereby submitted for approval and authorization to advertise for bids.

The work of this annual Contract consists, in general, of maintenance and on-call service of five elevators, two escalators and two moving walkways at the Oakland International Airport, nine elevators at or near Jack London Square, and one elevator and three wheelchair/platform lifts in the Harbor area.

Currently, the Port is under contract with an elevator maintenance Contractor on a three-year term contract. The Contractor has been notified that the contract will be terminated as of December 31, 2000 due to poor responsiveness by the Contractor. The current contract allowed the Port to unilaterally terminate the Contract at the end of each calendar year with 30 days notice without giving a reason.

ANALYSIS:

The specifications for this new contract include a provision allowing the Port to renew the contract in one-year increments through December 31, 2003. Renewal of a contract shall only occur if agreed to in writing by both the Executive Director of the Port and the Contractor. Should the Contract be renewed, all provisions of the Specifications shall apply and the unit prices shown on the Bid Sheet will be adjusted in proportion to the Construction Cost Index of the Engineering News Record (U.S. City Average). The specifications will also include provisions for liquidated damages if the contractor does not respond within a certain period of time and to stock certain parts for immediate availability. Liquidated damages was not provided for in the current contract.

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA guidelines pursuant to CEQA 15301, Class 1 (a,c,d and f) maintenance, involving no expansion of use beyond that previously existing.

General Plan:

Pursuant to Sec. 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

Budget:

The budget for the total work is estimated at \$100,000 per year.

The cost of such service and maintenance work for the specified elevators, escalators, and moving walkways is included in the Operating Budget for Fiscal Year 2000-01. The funding source is Port cash.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this work.

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Resolution
No. 20388

BOARD ACTION TAKEN

Assistant

Sharon K. King
SECRETARY OF THE BOARD

OCT 10 2000

DATE

RECOMMENDATION:

It is recommended that the specifications be approved and authorization be granted to advertise for bids to be received on November 15, 2000.

Agenda Sheet

SUBJECT: TRAVEL AUTHORIZATION

DATE: October 10, 2000

ITEM NO: 36S

SUBMITTED BY: Christopher C. Marshall *CCM*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

As provided for in the Port's Administrative Manual, it is recommended that the Board authorize the travel of Commissioners Darlene Ayers-Johnson and Patricia Scates; City Council Members Ignacio DeLaFuente and Larry Reid, Deputy Executive Director Tay Yoshitani, Director of Maritime Ray Boyle and Director of Engineering Joe Wong to attend the annual American Association of Port Authorities conference in Vera Cruz, Mexico on or about the period October 14 – 20, 2000.

RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20389

BOARD ACTION TAKEN *Assistant*

[Signature]

SECRETARY OF THE BOARD

OCT 10 2000

DATE

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 375

SUBJECT: Amendment of the Discrimination Complaint Policy and Procedure and the Unlawful Harassment Complaint Policy and Procedure

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Cheryl Perry League

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

Through the collaborative effort of the Office of Equal Opportunity ("OEO") and the Port Attorney's Office it was determined that the current Equal Opportunity Policy needs to be revised and updated in order to reflect changes in law and Port policy. Since the last amendment to this policy, Resolution 97985, approved on August 2, 1983, several new state and federal laws and regulations related to equal opportunity have been issued. Recommended policy revisions will unify and update all Port policies and practices concerning equal opportunity and discrimination complaints, inform and disseminate to all Port employees and management the new standard operating procedures for handling discrimination complaints, and assure the Port's compliance with all existing local, state, and federal equal opportunity laws and regulations.

There are no new additional costs resulting from these revisions to the Equal Opportunity Policy. The Office of Equal Opportunity will continue to implement and monitor discrimination complaints and other equal opportunity matters.

RECOMMENDATION:

Staff recommends that the first paragraph of Section II.A. of the Port of Oakland Equal Opportunity Policy, approved by the Board of Commissioners in the adoption of Resolution No.27985 on August 2, 1983, shall be amended to read as follows:

" It is the policy of the Port of Oakland to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, ancestry, age (over 40), physical or mental disability, cancer-related medical condition, a known genetic pre-disposition to a disease or disorder, veteran status, marital status, or sexual orientation actual or perceived, and to promote the full realization of equal opportunity for all its employees. Acts of general harassment, including sexual harassment, against any Port employee are strictly prohibited by this policy. This policy extends to all areas of employment and to all relations with employees including recruiting, selection, and placement, compensation, promotion and transfer, disciplinary measures, demotions, layoffs, and terminations, testing and training, daily working conditions, awards and benefits, and all other terms and conditions of employment."

Staff also recommends that Section II of the Port of Oakland Equal Opportunity Policy be amended by the Board of Port Commissioners by adding a new Subsection E. reading as follows:

Port of Oakland Discrimination Complaint Procedures

I. Purpose

The purpose of this procedure is to provide an effective and expedited system of resolving allegations of employment discrimination. It is not intended to and does not interfere with the rights of an aggrieved employee to file a grievance under the provisions of a collective bargaining agreement between the employee's bargaining unit and the Port, or to file a complaint with the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, or any other available source of redress.

II. Policy

A. It is the policy of the Port of Oakland to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, ancestry, age (over 40), physical or mental disability, cancer-related medical condition, a known genetic pre-disposition to a disease or disorder, veteran

- MOTION
- RESOLUTION
- ORDINANCE
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Approved by Resolution

No. 20390

BOARD ACTION TAKEN

Assistant

Alan Kuppner
SECRETARY OF THE BOARD

OCT 10 2000

DATE

status, marital status, or sexual orientation actual or perceived, and to promote the full realization of equal employment opportunity for all its employees.

B. No person shall be subject to retaliation for resisting or opposing discrimination or for participating in the process described under any section of these procedures. Complaints of retaliation shall be handled in accordance with the provisions of these procedures.

C. Nothing in this policy prevents an individual from filing a complaint with the Equal Employment Opportunity Commission or the Department of Fair Employment and Housing.

III. *Complaint Processing: Complaints of employment discrimination and/or retaliation filed by Port employees and applicants for employment with the Port shall be processed under the procedures described below.*

A. Informal Resolution Process

1. Persons who believe they have been discriminated against or retaliated against in violation of the policy stated above may contact the Office of Equal Opportunity (OEO) in order to attempt informal resolution of the matter. Office of Equal Opportunity may be reached as follows:

a. Visit the Office of Equal Opportunity;

b. Call the Office of Equal Opportunity at 510-627-1391;

c. E-mail the office at cperry@portoakland.com; or

d. Contact the Office of Equal Opportunity by regular mail at: Port of Oakland Office of Equal Opportunity, 530 Water Street, Oakland, CA 94607

2. Aggrieved persons are encouraged to contact the Office of Equal Opportunity as soon as possible after an incident occurs. At the time of the initial contact or within seven (7) work days thereafter, the Office of Equal Opportunity will contact the aggrieved to schedule an interview. During that interview, the aggrieved party shall provide a detailed oral or written account of the nature of the matter that gave rise to the alleged violation of this policy.

3. The Office of Equal Opportunity shall conduct a preliminary inquiry and make an attempt to resolve the matter in cooperation with the supervisor and/or department manager of the aggrieved party's work unit. The results of the informal resolution attempt shall be transmitted to the aggrieved party in writing within 90 calendar days.

B. Formal Complaints

1. If the aggrieved is not satisfied at the conclusion of the informal resolution process, he/she may submit in writing a formal complaint within 15 days following receipt of notification of the conclusion of the informal resolution attempt or within six (6) months of the event giving rise to the complaint. The complaint must specify the name, address and phone number of the aggrieved party, the disputed employment issue(s), the protected class of the aggrieved party, the action, event or Port policy, practice or procedure alleged to have negatively affected the aggrieved party, the names of witnesses and/or Port officials involved, and the relief desired. The complaint form must be signed by the aggrieved party and must identify the aggrieved party's union representative, if any.

2. The OEO shall provide for a prompt and thorough formal investigation that will develop a record upon which to make factual findings on the matters raised by the written complaint. The investigator will document the allegations of the complaint and compile a report based on interviews of relevant witnesses and the documents pertaining to the issues raised by the aggrieved party.

3. *All action by the OEO shall be completed within 90 days of the filing of the formal complaint of discrimination. Based on the information developed in the investigation, the OEO will review the report and make recommendations for corrective action, if necessary. If disciplinary action is or may be recommended, OEO will consult with Human Resources regarding the appropriate level of discipline.*

4. *The Director of Equal Opportunity shall transmit the investigative report and recommendations to the Executive Director for review and final decision. The Executive Director shall make a final decision within 30 days on the recommendations of the OEO. If the Executive Director's decision includes a recommendation of serious discipline against any employee, the Executive Director shall forward the recommendation for disciplinary action to the board of Port Commissioners for a final decision. The Executive Director shall promptly notify the aggrieved party in writing that the investigation has been completed and appropriate action taken or recommended.*

5. *The Port will dismiss a formal complaint or a portion of a complaint:*

a. *That fails to allege discrimination in violation of this policy;*

b. *That is based on discrimination or harassment that allegedly occurred outside of the jurisdiction of the Port;*

c. *That identifies issues that fall outside of the applicable time limits;*

d. *That is the same complaint as one pending or already decided by the Port;*

e. *That is the basis of a pending grievance under the MOU or EEOC or DFEH claim or a civil action in a state or federal court;*

f. *That is moot or is based on a preliminary or non-final employment action;*

g. *Where the aggrieved party unreasonably fails to respond to pursue the complaint or communicate with the Port about the complaint.*

h. *If any part of the complaint is dismissed, the aggrieved party will be notified in writing of the reasons for the dismissal.*

D. Alternative Dispute Resolution

1. *Mediation is a process in which a neutral person facilitates communication and negotiations between the disputants to assist them in reaching a mutually acceptable agreement, or, at least, a better understanding of each party's positions, interests, and motivations.*

2. *The Port of Oakland views mediation as a beneficial way to settle employee disputes quickly, efficiently, and privately. Mediation is voluntary and is not appropriate in every type of dispute.*

3. *When an employee files a discrimination or harassment complaint, the Office of Equal Opportunity will determine if mediation is appropriate given the parties and the factual circumstances of the case. If so, participation in a mediated resolution attempt will be recommended to both parties. Mediation will be available during the informal and the formal resolution attempt, as is optional.*

Port of Oakland Unlawful Harassment Complaint Policy and Procedures

I. Purpose:

Unlawful harassment reduces work productivity, destroys employee morale, and diminishes organizational efficiency. Harassment because of protected class status, that is, race, color, religion, sex, national origin, ancestry, age (over 40), physical or mental

Disability, cancer-related medical condition, a known genetic pre-disposition to a disease or disorder, veteran status, marital status or sexual orientation, is unlawful and is a violation of Port of Oakland policy. Courteous, non-coercive, mutually acceptable behavior does not generally fall within the coverage of this policy.

II. Policy

A. Port of Oakland employees are entitled to work in an environment that is free from unlawful sexual harassment and other forms of harassment based on their protected class status.

B. The Port of Oakland will not tolerate acts of harassment by Port employees against any person or persons in the work place.

C. The Port will endeavor to protect employees to the extent possible from harassing conduct by non-employees in the work place.

D. Port of Oakland employees who believe they have been harassed are encouraged to report such harassment to Port management or file a complaint with the Port's Office of Equal Opportunity.

E. Coercion, intimidation, retaliation, discrimination, and/or reprisal against persons who file complaints of harassment or who oppose unlawful harassment are prohibited.

F. Individuals found to have engaged in harassing conduct in violation of this policy, will be disciplined as appropriate, up to and including discharge.

I. Definitions

A. Harassment based on protected class status: Harassment is verbal, physical or visual conduct that denigrates or shows hostility toward an individual because of his/her protected class status that:

- 1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;*
- 2. Has the purpose or effect of unreasonably interfering with a person's work performance; or*
- 3. Otherwise adversely affects an individual's employment opportunities.*

B. Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature, and is prohibited by this policy when:

- 1. An individual is required to submit to such conduct as a condition of his or her employment;*
- 2. The employer bases an employment decision on whether an individual submitted to or rejected such conduct; or*
- 3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive working environment.*

C. Examples of Harassing Conduct: Potentially harassing behaviors include, but are not limited to:

- 1. Verbal Harassment: Racial or sexual epithets or slurs; negative stereotyping; threatening, intimidating or derogatory comments; off-color jokes or stories; sexual innuendoes; or spreading false, lewd or malicious rumors.*
- 2. Visual Harassment: Staring; making offensive hand or body gestures; displaying offensive written or graphic material on walls, bulletin boards, clothing, or elsewhere on Port premises. Circulating pictures, cartoons, magazines, drawings or symbols in the workplace that denigrate or show hostility toward an individual or group.*

3. *Physical Harassment: Offensive physical contact, touching, grabbing and other interference with movement or work; hazing; rubbing or bumping against a person's body.*

IV: Responsibilities

A. Employees: An individual who believes that he or she has been subjected to harassment should report the offensive conduct or activity to a supervisor or manager or file a complaint with the Office of Equal Opportunity. Employees who witness acts of harassment or discrimination against other employees or non-employees should report their observations to their supervisor, manager or to the Office of Equal Opportunity.

B. Supervisors and Managers: Supervisors and managers must take proactive steps to eliminate the conditions that allow harassing behavior to occur. Any supervisor, manager who receives an allegation of harassment or who otherwise becomes aware of harassing conduct or activity, shall report such allegation, within 24 hours, to the next level of management, to the appropriate department head, and to the Office of Equal Opportunity. When a supervisor or manager learns of an allegation of harassment, he or she shall immediately act to prevent any further potential harassment and shall cooperate with the Office of Equal Opportunity in its prompt and thorough inquiry.

C. Division Directors: Division Directors shall implement the Port of Oakland Unlawful Harassment Policy and Complaint Procedures, monitor compliance with its provisions, and monitor the progress of any harassment cases in their division. To the extent possible, confidentiality shall be maintained.

D. Director of Equal Opportunity: The Director of Equal Opportunity will receive allegations of harassment directly from employees, and will advise and assist supervisors and managers who receive allegations of harassment from employees or who otherwise become aware of harassment in the workplace. As appropriate, the Director of Equal Opportunity will conduct or commission a prompt and thorough investigation of the allegation received, report findings of fact and recommend appropriate corrective action(s), if any, to the Port's Executive Director. The Director of Equal Opportunity shall provide for ongoing training of current employees and orientation of new employees in their rights to be free of discrimination and harassment in the workplace and shall disseminate this policy to all employees. The Director shall protect, to the extent practicable, the confidentiality of all concerned parties.

E. Executive Director: When a complaint is filed, the Executive Director shall make the final decision on the recommendation(s) of the Director of Equal Opportunity and shall ensure that appropriate action is taken or recommended to the Board of Port Commissioners. The Executive Director shall ensure that to the extent possible, all aspects of the handling of harassment cases are confidential. The Executive Director shall promptly notify the complainant that the investigation has been completed and appropriate action taken or recommended.

V. How to File Complaints of Harassment: Employees may raise allegations of harassment with their immediate supervisor or their second level manager or other manager in their chain of command. Alternatively, an employee may raise issues of harassment with any Port manager or supervisor or may file a complaint harassment with the Office of Equal Opportunity. Employees who raise issues or file complaints of harassment shall be protected from coercion, intimidation, retaliation, discrimination, and reprisal. To file a complaint of harassment, employees, tenants, contractors, or vendors may:

A. Visit the Office of Equal Opportunity.

B. Call the Office of Equal Opportunity at 510-627-1391.

C. E-mail the office at cperry@portoakland.com; or

D. Contact the Office of Equal Opportunity by regular mail at Port of Oakland Office of Equal Opportunity, 530 Water Street, Oakland, CA 94607

Nothing in this policy precludes an individual from pursuing a complaint with the Equal Employment Opportunity Commission or the Department of Fair Employment Housing.

Agenda Sheet

DATE: October 3, 2000

SUBJECT: APPROVAL OF FY 2000-01 OPEN ACCOUNT AGREEMENTS AND MATERIALS TESTING AGREEMENTS, AND SALE OF SURPLUS GENERATORS

ITEM NO: 38S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Fred W. Rickert

EXECUTIVE OFFICE RECOMMENDATION: *[Handwritten mark]*

FACTUAL BACKGROUND:

Each year, the Purchasing Department develops a procurement plan to address the supply, equipment, and selected service requirements of Port of Oakland departments. It covers budgeted expenditures already approved by the Board. The objective is to ensure the timely procurement of Port required supplies, equipment, and services. The plan coincides with the requirement set forth in the Port's procurement manual to report annually to the Board.

The plan is a projection of procurement requirements based on historical buying patterns and input from user departments and the vendor community. For example, the Port continues to adapt standards for a variety of products, including computer and telecom equipment. Likewise, we are utilizing alternative ordering and payment methods to expedite vendor payment, in part based on feedback from the vendor community. The purpose is to guide vendor selection and evaluation; achieve discounts based on quantity and cooperative buying; simplify the procurement of routine supplies; and assess our outreach strategies for local, W/MBE, and small business participation.

The two major components of the procurement plan addressed by this Board letter are open account agreements the Port maintains with selected vendors and selected service agreements. The remaining two components consist of p-card or credit card transactions and all other procurements, which are covered by individual Board letters or informal quotations during the course of the fiscal year as follows:

<u>TRANSACTION TYPE</u>	<u>ESTIMATED DOLLARS</u>
Open Account Agreements	\$2.5 million
Materials Testing	\$.7 million

Open Account Agreements

Port of Oakland procurement policies and procedures provide that open account agreements should be used to address small order requirements by making it convenient for users to immediately acquire products and services of relatively small dollar value. Typically, the exact scope, nature, and timing of the Port's requirements for these products and services are not known in advance. This situation renders bidding ineffective. The open account agreements enable Port staff to meet the service requirements of tenants and clients. Users deal directly with the supplier, subject to the single transaction limits that are monitored by staff to ensure compliance.

A listing of proposed open account agreements specifying product/services, an estimate of aggregate expenditure, and the rationale for waiving competitive bidding is included as follows:

Approved by Resolution
 No. 20391, 20392, 20393
20394, 20395, 20396

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

20397
 BOARD ACTION TAKEN

[Signature]
 Assistant SECRETARY OF THE BOARD

OCT 10 2000
 DATE

<i>VENDOR NAME</i>	<i>PRODUCT/SERVICE</i>	<i>RATIONALE</i>	<i>§</i>
AM PM Service (LIA)	Crane repair (misc.)	(a)The Port's actual demand for this service cannot be accurately predicted in advance. Consequently Purchasing Department experience demonstrates that vendors include significant contingency amounts in their sealed bids to account for the uncertainty with the result that the Port pays a higher unit price than necessary. Purchasing the service at market rates as the need arise results in an annual savings to the Port. Under this circumstances it is in the Port's best interest to waive competitive bidding for this transaction, as it would be unavailing and impractical.	\$75,000
Crystal Data Systems (LIA-MBE)	Copier/lease	(b)The Port will select the same vendor as that identified by the public agency named below that recently conducted sealed sealed bidding in a manner that would satisfy the requirements of Port Ordinance. This common procurement practice avoids the need for the Port to replicate the bidding process for this service that are used by other public agencies, thus saving money and time. Under these circumstances it is in the Port's best interest to waive competitive bidding for this transaction, as it would be unavailing and impractical. Public agency: City of Oakland	125,000
East Bay Conservation Corps (LIA)	Maintenance services	This non-profit organization provides services at below market rates, advantageous to the Port's best interest	95,000
Elite Reprographics (LIA-WBE)	Copying	(a) see above explanation	100,000
Gallagher & Burk (LIA)	Asphalt/aggregate	(b) Public agency: City of Oakland	100,000
J. A. Jones (LIA)	Maintenance services	(a) see above explanation	100,000
Rigging International (LIA)	Crane repair (mechanical)	(a) see above explanation	75,000
VS Supply (LIA-MBE)	Janitorial	(a) see above explanation	150,000
United Rentals (LIA)	Equipment	(a) see above explanation	100,000
W. W. Grainger (LIA)	Maintenance	(b) Public agency: State of California	75,000
Waste Management (LIA)	Refuse collection	This company holds an exclusive franchise making bidding impracticable	450,000
Wesco/G & W (LIA)	Electrical	(a) see above explanation	350,000
Xerox (LIA)	Copier/lease	(b) Public Agency: City/County of L.A.	350,000

Purchasing has been working with the Port Attorney's Office to develop a contract form with specific terms and conditions applicable to open account agreements and we expect to implement the new form shortly.

As is customary, the following is a list of vendors where expenditures unexpectedly exceeded the bid limit during the preceding fiscal year:

<u>VENDOR NAME</u>	<u>PRODUCT/SERVICE</u>	<u>COMMENT</u>	<u>\$</u>
Compucom	Network licenses	MIS	\$65,000

Materials Testing and Related Services

Traditionally, the Port issues a Request for Proposals (RFPs) for materials testing and related services. This year, seven firms with offices and labs located in Oakland responded to the Port's solicitation. A selection committee comprised of staff from Engineering Construction and Crane sections, OEO, and Purchasing evaluated the proposals and conducted site visits to assess the firms' lab capabilities. The firms were judged on the basis of their ability to perform specific tests, as well as the scope of their testing capabilities. Port staff then conducted a cost analysis to establish an internal cost estimate for each type of test.

Due to the anticipated high demand for materials testing and the numerous categories of test, each firm that met the technical requirements was given an opportunity to negotiate price with the Port staff. All firms that agreed to offer their services at the lowest negotiated price have been recommended to contract with the Port for one or more testing service(s). This approach ensures that adequate testing services are available to meet the Port's extensive demand for timely testing at the lowest possible price. There is the further advantage of competition, based on service delivery by each firm, during the term of the contracts.

The recommendation is summarized below:

<u>FIRM</u>	<u>SERVICES</u>	<u>AMOUNT</u>
Consolidated Engineering	All test and inspections	\$225,000
Harza Engineers	Soils and concrete	\$100,000
Inspection Consultants	All test except some metals	\$200,000
Kleinfelder, Inc.	Soils	\$ 75,000
Testing Engrs.	Metals and concrete	\$100,000

One firm, ARA/Inspection Services, a joint venture, did not have a fully operational lab at the time of our site visit. We are recommending that the Board authorize the Executive Director to enter into contract with this firm, at such time as staff determines that the lab meets the Port's requirements. Staff is proposing a contract term of one (1) year with the option for two (2) annual renewals, as approved by the Executive Director. The Port Attorney's Office has worked with staff on developing the contract.

Sale of Surplus Generators

The Maritime Division has fourteen Taylor Power Systems single unit power packs that are no longer required for Port operations. It is, therefore, advantageous to the Port to declare the units as surplus and sell them. Staff has received several offers and would like to sell the units immediately. The estimated value of the units is \$280,000.

Summary

This Board letter covers the procurement of certain supplies and services and describes two procurement methodologies: open account agreements and materials testing services. The Board already has approved the FY00/01 Operating Budget that includes funds for the supplies and services discussed herein. The proposed procurement methodologies are in conformance with the Port's Procurement Manual. Likewise, the sale of the surplus generators conforms to Port policies and procedures and is recommended to proceed.

Options

The Board could defer approval of the procurement recommendations until after the fact rather than grant approval in advance, as is the recommendation. The Port could forego selling the surplus generators at this time.

RECOMMENDATION:

It is recommended that the Board approve waiving bidding, in accordance with Section 5(i) of Port Ordinance 1606, for the vendors named above in the specified dollar amounts that individually or in aggregate exceed the bid limit and that such transactions do not constitute bid splitting for designated procurements and ratify the expenditure with Compucom for network licenses. It is further recommended that the Board waive competitive bidding and approve contracting with Consolidated Engineering, Harza Engineers, Inspection Consultants, Kleinfelder Inc., and Testing Engineers for the provision of materials testing and related services for the dollar amounts and terms set forth above. It is further recommended that the Board authorize the Executive Director to contract with ARA/Inspection Services at such time as staff determines that their lab meets the Port's requirements. It is further recommended that the Board declare the fourteen Taylor Power Systems generators as surplus and authorize the Executive Director to sell the units.

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 Water Street
Oakland, California 94607
TELEPHONE: (510) 627-1100

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Executive Director

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JOHN PROTOPAPPAS
PATRICIA A. SCATES

C A L E N D A R

**Adjourned Regular Meeting of the Board of Port Commissioners
Tuesday, October 24, 2000 - 3:00 PM**

ROLL CALL:

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

READING OF THE MINUTES:

Regular meeting of July 18, 2000

Deferred - Regular meeting of August 1, 2000; regular
meeting of September 5, 2000; regular meeting of
September 19, 2000; and adjourned regular meeting of
October 10, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Administration

Audit, Budget & Finance

Commercial Real Estate

READING OF SUMMARY ITEMS: (Marked "S")

9 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1** Approval to Dispense with Competitive Bidding Procedures and to Purchase an Airport Rescue and Fire Fighting (ARFF) Vehicle from Oshkosh Truck Corporation. (Resolution)
- 2** Ratification of First Supplemental Agreement with Holmes and Narver for Engineering Design Services for Conversion of Taxiway "W" to a Temporary Runway, South Field, OIA. (Resolution)
- 3** Approval of Consultant Agreement with CCS Planning and Engineering Consultants for Engineering Services for Realignment of Langley Street and Widening of Doolittle Drive, North Field, OIA. (Resolution)
- 4S** Approval of License and Concession Agreement with Ewalied E. Nugud and Magdi M. Osman dba Transpacific Aviation Services (7683 Earhart Road, North Airport). (Resolution)
- 5S** First Reading of Ordinance Approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. (50 Neil Armstrong Way, South Airport). (Ordinance)

- 6S HELD OVER** First Reading of Ordinance Approving Lease with Western Aerospace Museum (8260 Boeing Street, North Airport). (Ordinance)

- 7S** First Reading of an Ordinance Granting Easement to Pacific Gas and Electric (PG&E) for Relocation of a Power Pole and Installation of New Stub Pole and Anchor Facilities for an Adjacent Power Pole along Doolittle Drive, OIA. (Ordinance)

ADJOURNED REGULAR MEETING

October 24, 2000

- 8S** Ratify Substitution of Surveying Subcontractor for Replacement of Runway 11-29 Lighting System, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 11** First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Warehouse Properties, Inc. for the Property located at Hegenberger Road and Pardee Drive. (Ordinance)
- 12S** Authorization to Include the Renovation of Elevator Towers at Amtrak Station, Jack London Square, in the Small Business Program. (Resolution)

MARITIME

- 21** Approval of Change Order to Construction of Berths 57/58 Container Wharf, Fill and Middle Harbor Shoreline Modifications, Vision 2000. (Resolution)
- 22S** Approval to Sell Port-Owned Container Cranes X423, X441 and X442 to Kam Harbor Works. (Resolution)

OPERATIONS

- 31** This item not used.
- 32** Approval to Negotiate and Execute Contracts with IDACORP Energy for Electricity Supply and Related Services; with PG&E for Electrical Interconnection and Wholesale Distribution Tariff Service at the Airport and for Electrical Interconnection at the Davis Substation; with OBRA and the City and county of San Francisco to Modify Existing Agreements Regarding Use of the Davis Substation; with the California Independent System Operator to become a Utility Distribution Company (UDC); with the Western Area Power Administration (WAPA) for Long Term, Low Cost Hydroelectric Power. (Resolution)
- 33S** Authorization to Dispose of Surplus Port Vehicles to the Oakland Zoo. (Resolution)
- 34S** Travel Authorization. (Resolution)

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

Vote on the following resolutions except Number 16.

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

Noes: None

Absent: None

Vote on Number 16:

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

Noes: Commissioner Tagami – 1

Absent: None

RESOLUTIONS:

20408 1 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR PURCHASE OF ONE 3000-GALLON AIRPORT RESCUE AND FIRE FIGHTING (ARFF) VEHICLE, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport – 1)

20409 2 FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH HOLMES AND NARVER FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport – 2)

20410 3 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CCS PLANNING AND ENGINEERING CONSULTANTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport – 3)

20411 4 APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH ELWALIED E. NUGUD AND MAGDI M. OSMAN DOING BUSINESS AS TRANSPACIFIC AVIATION SERVICES. (Airport – 4S)

ADJOURNED REGULAR MEETING
October 24, 2000

- 20412 5** APPROVING AND RATIFYING SUBSTITUTION OF SURVEYING SUBCONTRACTOR FOR REPLACEMENT OF RUNWAY 11-29 LIGHTING SYSTEM, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.
(Airport – 8S)
- 20413 6** GRANTING AUTHORIZATION TO INCLUDE RENOVATION OF ELEVATOR TOWERS AT AMTRAK STATION, JACK LONDON SQUARE, 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.
(Commercial Real Estate – 12S)
- 20414 7** FINDING AND DETERMINING THAT PACECO CONTAINER CRANES X423, X441 AND X442 OWNED BY THE PORT ARE NO LONGER REQUIRED FOR PORT USE AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SELL THE SURPLUS CRANES TO KAM HARBOR WORKS. (Maritime – 22S)
- 20415 8** APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH IDACORP ENERGY FOR ELECTRICITY SUPPLY AND RELATED SERVICES FOR THE AIRPORT AND FORMER FISCO FACILITY. (Operations – 32)
- 20416 9** APPROVING AND AUTHORIZING EXECUTION OF AN INTERCONNECTION AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY FOR ELECTRICAL INTERCONNECTION AT THE AIRPORT AND AT THE DAVIS SUBSTATION AND A WHOLESALE DISTRIBUTION TARIFF AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY FOR 12 KV SERVICE TO THE AIRPORT. (Operations – 32)
- 20417 10** APPROVING AND AUTHORIZING EXECUTION OF SUPPLEMENTAL AGREEMENTS WITH THE OAKLAND BASE REUSE AUTHORITY AND THE CITY AND COUNTY OF SAN FRANCISCO FOR INTERCONNECTION WITH DAVIS SUBSTATION. (Operations – 32)
- 20418 11** APPROVING AND AUTHORIZING EXECUTION OF AGREEMENTS WITH THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR RELATED TO THE PORT ACTING AS A UTILITY DISTRIBUTION COMPANY. (Operations – 32)

ADJOURNED REGULAR MEETING

October 24, 2000

- 20419 12** APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE WESTERN AREA POWER ADMINISTRATION FOR ELECTRIC SERVICE BASE RESOURCE FOR THE PERIOD 2005-2024. (Operations – 32)

- 20420 13** 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 THE SURPLUS VEHICLES TO THE EAST BAY ZOOLOGICAL SOCIETY, A NON-PROFIT ORGANIZATION. (Operations – 33S)

- 20421 14** CONCERNING CERTAIN TRAVEL. (Operations – 34S)

- 20422 15** RATIFYING AND APPROVING APPOINTMENT AND EMPLOYMENT OF SPECIAL COUNSEL BY PORT ATTORNEY (ELECTRICAL SUPPLY FOR AIRPORT AND FORMER FISCO FACILITY). (Closed Session – 40)

- 20423 16** APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH BERTHS 57/58 CONSTRUCTORS, A JOINT VENTURE, FOR CONSTRUCTION OF THE BERTHS 57/58 CONTAINER WHARF, FILL AND MIDDLE HARBOR SHORELINE MODIFICATIONS, OAKLAND, CALIFORNIA. (Martime – 21)

Vote on the following ordinances:

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

Noes: None

Absent: None

ORDINANCES: (“S” – Numbered)

- 1** Port Ordinance No. 3576 being, “AN ORDINANCE RESCINDING RESOLUTION NO. 20042 AND AMENDING PORT ORDINANCE NO. 3542 WITH RESPECT TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT TAXI PERMIT RENEWALS.”

Final.

ADJOURNED REGULAR MEETING
October 24, 2000

2 Port Ordinance No. 3608 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3542 WITH RESPECT TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT TAXICABS."

Final.

3 Port Ordinance No. 3609 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2833 PERTAINING TO HANDLING, STORAGE AND USE OF TOXIC MATERIALS."

Final.

4 Port Ordinance No. 3610 being, "AN ORDINANCE AMENDING SECTION 9.153 OF PORT ORDINANCE NO. 867."

Final.

5 Port Ordinance No. ____ being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A TENTH SUPPLEMENTAL AGREEMENT TO LEASE WITH SKY CHEFS, INC."

Airport – 5S to print.

6 Port Ordinance No. ____ being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC (PG&E) FOR RELOCATION OF POWER POLE AND INSTALLATION OF NEW STUB POLE AND ANCHOR FACILITIES FOR AN ADJACENT POWER POLE ALONG DOOLITTLE DRIVE, OAKLAND INTERNATIONAL AIRPORT."

Airport – 7S to print.

7 Port Ordinance No. ____ being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH WAREHOUSE PROPERTIES, INC., FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 14.43 ACRE PARCEL OF LAND LOCATED AT HEGENBERGER AND PARDEE ROADS."

Commercial Real Estate – 11 to print.

ADJOURNED REGULAR MEETING
October 24, 2000

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be a regular meeting held on Tuesday, November 7, 2000 at 3:00 PM.

Agenda Sheet

DATE: October 24, 2000

ITEM NO: 1

SUBJECT: Approval to Dispense with Competitive Bidding Procedures to Purchase an Airport Rescue and Fire Fighting (ARFF) Vehicle from Oshkosh Truck Corporation

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Specifications have been prepared for purchasing one 3000-gallon airport rescue and fire fighting (ARFF) vehicle. The existing ARFF fleet at the Airport consists of several relatively old vehicles which must be replaced, as well as two new, Oshkosh T-3000 (3000-gallon) ARFF vehicles delivered in FY 1997 and FY 2000.

An additional reliable vehicle will ensure the airport continues to meet FAA mandates for emergency response time limits and water flow capacities.

ANALYSIS:

Because costs for project engineering, maintenance and operational training can be reduced and the efficiency of maintenance and repair increased by utilizing similar ARFF vehicles, it is in the best interests of the Port to solicit a sole source proposal from Oshkosh Truck Corporation (Oshkosh), the contractor who furnished the T-3000 trucks. The benefits of purchasing the new trucks from Oshkosh include:

1. The engine and other systems for the Oshkosh T-3000 (with 3000-gallon water tanks) are identical to those on the existing fleet.
2. The training for maintenance and operation is the same.
3. The Port's in-house, on-going training for senior mechanics for maintenance of these vehicles will be lessened since the maintenance and repair procedures for the new and existing vehicles are identical.
4. The storage of repair and maintenance supplies does not have to be duplicated.

In order to purchase a truck from a sole source and obtain a fair price, it is requested that the Chief Engineer be authorized to solicit a proposal from Oshkosh and negotiate the price for various options based on the Port's specifications. The proposal will be evaluated and compared to the pricing of the T-3000's recently purchased by the Port and other airports.

An agreement incorporating the prices arrived at during the negotiations will be prepared and executed by the Executive Director.

General Plan:

It has been determined that this project conforms to the City of Oakland General Plan as a continuation of aviation-related use in the Oakland International Airport.

Environmental:

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 15301, Class 1, (f).

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20408

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

OCT 24 2000

DATE

Approval to Dispense with Competitive Bidding Procedures to Purchase an Airport Rescue and Fire Fighting (ARFF) Vehicle from Oshkosh Truck Corporation

Budget:

The project is budgeted under CIP No. A2.00375.04 and will be funded by Passenger Facility Charges. The total project cost is estimated to be \$600,000.

This project is not included in the 2000-2005 Capital Improvement Program presented to the Board of Port Commissioners Audit, Budget and Finance Committee on September 7, 2000. However, the purchase of a new ARFF vehicle has become necessary in order to meet operational needs of the Airport and the production scheduling of the manufacturer. Funding for this project is included in Passenger Facility Charge (PFC) Application No. 9. FAA approved the use of PFC No. 9 on March 17, 2000. The Board approved the collection and spending of PFC No. 9 on April 18, 2000.

RECOMMENDATION:

It is recommended that the Board find it to be in the best interests of the Port to dispense with competitive bidding procedures; the Chief Engineer be authorized to solicit a single proposal from Oshkosh Truck Corporation; and that an agreement be prepared with Oshkosh Truck Corporation to be executed by the Executive Director.

Agenda Sheet

DATE: October 24, 2000

ITEM NO: 2

TD
 SUBJECT: Ratification of First Supplemental Agreement with Holmes and Narver for Engineering Design Services for Conversion of Taxiway "W" to a Temporary Runway, South Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port has a current professional services agreement with Holmes and Narver to provide engineering services to prepare plans and specifications for **Construction of Remain Overnight (RON) Aircraft Parking Apron Southwest of Taxiway "T", South Field, OIA**. The Current agreement, dated June 3, 1999, was approved by the Board on January 5, 1999 (Resolution 99002).

An asphalt concrete overlay of Runway 11-29 is planned for the summer of 2001. As part of this overlay project, various scenarios have been studied to close the runway during the overlay project. These scenarios include the complete closure of the runway for the duration of the overlay, or 30 to 60-hour closures during consecutive weekends. During closure of the runway, all aircraft arrivals and departures would need to be diverted to the North Field. The communities around the airport have complained that the diversion of operations to the North Field will result in excessive noise and that the Port should investigate measures that would lessen this noise during the runway overlay project. The FAA has also expressed concerns about the congestion that would result from aircraft taxiing to and from the North Field. In order to relieve the aircraft noise and congestion resulting from the diversion of traffic to the North Field, it has been proposed that Taxiway "W" be used for aircraft departures as well as arrivals for air cargo aircraft during periods that Runway 11-29 is closed for the overlay. Both the surrounding communities and the FAA are in support of this proposal.

In order to complete the runway overlay work in the summer of 2001, the preparation of plans and specifications for the design of Taxiway "W's" conversion to a temporary runway had to start immediately. Holmes and Narver was requested to start the design work at the end of September, 2000.

The conversion of Taxiway "W" to a temporary runway requires the approval of the FAA. Holmes and Narver is also concurrently performing a study to determine the necessary modifications that would be acceptable to the FAA for this conversion. A meeting was held on October 10, 2000, with the FAA to discuss the feasibility of this project, and the FAA was in support of our efforts. Based on the final approval of the FAA, Holmes and Narver will complete the plans and specifications to meet the FAA's operating criteria.

ANALYSIS

In the interest of time, three consultants that have aviation expertise and have current contracts with the Port were considered, and two were interviewed. Holmes and Narver was selected based on their presentation at the interview, demonstration of their experience and knowledge in this very specialized area, and their readiness to serve.

Holmes and Narver's original engineering team remains the same and the participation of the subconsultants for this work has not changed significantly. The Port's Office of Equal Opportunity concurs with the recommendation to use Holmes and Narver for this additional scope of work.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20409

BOARD ACTION TAKEN *[Signature]* Assistant SECRETARY OF THE BOARD

OCT 24 2000

DATE

This project and the recommendation to enter into a First Supplemental Agreement with Holmes and Narver was approved at the September 25, 2000 Aviation Committee Meeting.

Budget:

This work is budgeted under CIP No. A2.00641.04. The funding source is Passenger Facility Charges (PFC's).

On January 5, 1999, the Board authorized \$2,000,000 for the original agreement with an additional \$400,000 available for Executive Director Approval. Holmes and Narver's fee for the additional scope for this First Supplemental Agreement is not known at this time because the FAA's criteria to convert Taxiway "W" to a temporary runway is not known at this time. It is anticipated that the FAA will finalize their criteria shortly. The consultants' fee is anticipated to range between \$150,000 to \$800,000, depending on the improvements necessary. It is proposed that the Board authorize up to \$800,000 for the necessary improvements and, additionally, authorize the Executive Director's approval of \$100,000 for potential future scope changes to the Taxiway "W" conversion project.

Board Authorized Maximum Compensation	1/5/99	\$2,400,000
Additional Amount Requested from the Board	Proposed	
1) Maximum Design Effort to convert Taxiway "W" to a Temporary Runway		\$800,000
2) Potential Future Scope Changes		\$100,000
Total Proposed Maximum Compensation Authorized	Proposed	\$3,300,000

RECOMMENDATION:

It is recommended that the Board approve the execution of the first supplemental agreement with Holmes and Narver for the additional engineering services as described above. It is further recommended that the Board authorize an additional \$100,000 for potential additional scope changes, subject to the Executive Director's approval.

10

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Consultant Agreement with Holmes & Narver for Engineering Design Services for Construction of Remain Overnight (RON) Aircraft Parking Apron Southwest of Taxiway T, South Field, MOIA

Date: January 5, 1999

Item No. 2

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

BACKGROUND:

Existing operations at the Airport require additional parking apron for passenger and cargo aircraft. Some operations require that these aircraft stay overnight. However, there are not enough gates or parking areas available to support this need. Current expansion plans to accommodate 13.8 MAP (million annual passengers) at the Airport will generate additional aircraft traffic that will increase the need for aircraft parking areas both during and after construction of the expansion projects. It is planned to satisfy this need by constructing Remain Overnight (RON) and cargo aircraft aprons.

FOR INFORMATION ONLY

The consultant is to provide engineering design services for the construction of RON and cargo aircraft parking apron southwest of Taxiway T. The work includes: construction of concrete aircraft parking apron southwest of Taxiway T; installation of hydrant fueling system, lighting, electrical distribution equipment, telephone and control systems, ground rods; replacement of an existing 12 inch waterline; installation of storm drainage system, signage, pavement markings and striping; and construction of a Ground Run-up Enclosure / Wash Facility.

The work is budgeted in CIP Elements No. A2.00802.01.

ANALYSIS:

Over 120 Requests for Proposal (RFP) were sent out on June 18, 1998. The RFPs were sent to civil engineering design firms with offices in the Local Business Area (Alameda and Contra Costa Counties) that have shown interest in doing related work for the Port. In addition, a notification letter was sent to fifty-nine (59) additional consultants specializing in support disciplines such as electrical, mechanical, hydrant fueling, and geotechnical for the proposed project. Of the requests sent out, seven (7) proposals were received.

FOR INFORMATION ONLY

The Port Review Panel reviewed the seven proposals and all seven of the consultant/teams were invited for interviews. They were: CH2MHill, Harding Lawson Associates, Holmes & Narver, ICF Kaiser Engineers, Inc. & F.E. Jordan Associates, Inc., PB Aviation, Inc., Rust Environment & Infrastructure Inc., and URS Greiner.

Holmes & Narver was recommended for selection to perform the required design services for this project. The selection of Holmes & Narver was based on their project team's oral presentation, qualifications and relevant experience of the firm and key project personnel, project team's technical ability, project management ability, and evidence of compliance with the Port of Oakland's Non-Discrimination and Small/Local Business Utilization Policy.

BOARD ACTION REQUIRED

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN DATE

SECRETARY OF THE BOARD

Approval of Consultant Agreement with
Holmes & Narver for Engineering Design
Services for Construction of Remain
Overnight (RON) Aircraft Parking Apron
Southwest of Taxiway T, South Field, MOIA

January 5, 1999

Page 2

The following table is the design team, target participation percentage and role.

Team Member	Location	Target %	EEO Status	Role
Holmes & Narver, Inc.	Oakland	54%	LIABE	Prime Consultant
Burnes & McDonnell, Inc.	San Francisco	16%		Hydrant Fueling
John T. Warren & Assoc., Inc.	Oakland	14%	MBE/LIABE	Grading and Drainage Utilities
AGS Consultants, Inc.	Oakland	5%	MBE/LIABE	Geotechnical/Pavement Design
Silverman & Light	Emeryville	3%	WBE/LIABE	Electrical
Chaney Walton & McCall	Oakland	1%	LIABE	Permitting & Environmental
Gateway Science & Engineering	Los Angeles	2%		CADD
Ralph Gin, P.E.	San Ramon	2%	LBABE	QA / QC
Albert Lin	San Leandro	3%	LIABE	QA / QC

FOR INFORMATION ONLY

- MBE = Minority Business Enterprise
- WBE = Woman Business Enterprise
- LIABE = Local Impact Area Business Enterprise
- LBABE = Local Business Area Business Enterprise

The Office of Equal Opportunity (OEO) participated in all phases of evaluating the consultants and their proposals. OEO has determined that the recommended team is responsive to the Port's Non-Discrimination and Local Business Policy. LIABE firms will perform 76% of the team's work. The prime is an LIABE firm. The total share of work for MBE, and WBE is 22%. The Office of Equal Opportunity concurs with the recommendation.

The EEO-1 Work Force Reports/Professional Services Questionnaires are on file for each firm on the team.

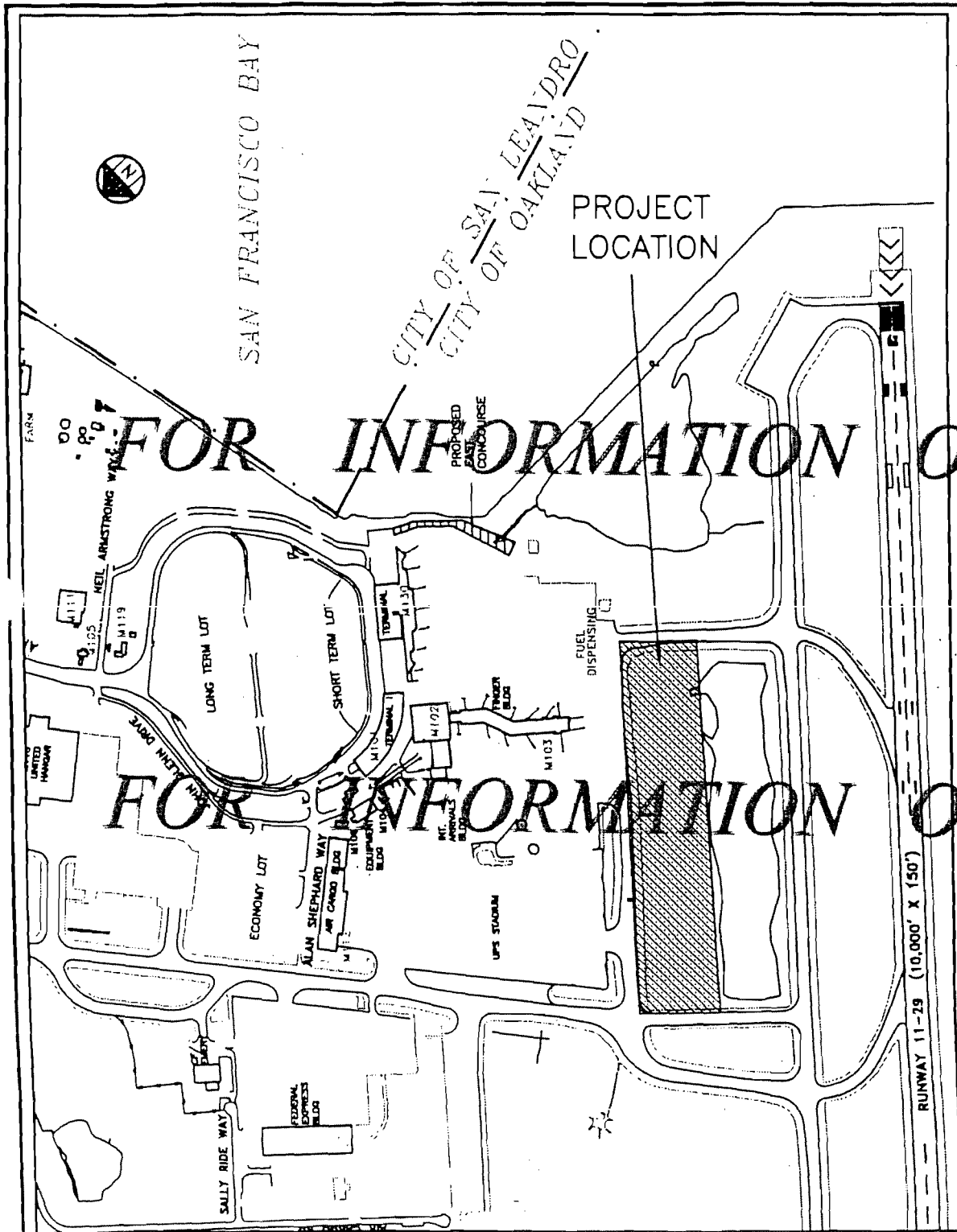
FOR INFORMATION ONLY

The amount of the agreement will not exceed \$2,000,000 based on the agreed upon scope of work and terms of the contract. In addition, it is requested that the Executive Director be authorized to approve up to an additional \$400,000 for potential changes in scope.

RECOMMENDATION:

It is recommended that the Board:

- 1) Determine that the engineering services as described above are professional services; and
- 2) Authorize the preparation and execution of an agreement with Homes & Narver, Inc. in accordance with the provisions above.



PORT OF OAKLAND

SOUTH FIELD, MOIA

Agenda Sheet


DATE: October 24, 2000

ITEM NO: 3

^{TD}
SUBJECT: Approval of Consultant Agreement with CCS Planning and Engineering Consultants for Engineering Services for Realignment of Langley Street and Widening of Doolittle Drive, North Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

At the beginning of this year, CCS Planning and Engineering Consultants (CCS) was hired to provide traffic planning and pre-engineering services for the roadways at the North Field. One of the recommendations resulting from this study is to realign Langley Street from New Earhart Road to Doolittle Drive, to create a signalized intersection at Langley Street and Doolittle Drive, and to widen Doolittle Drive to accommodate the new intersection. New rental car facilities will be constructed on both sides of Langley Street, and it will be their primary means of ingress and egress from their new facilities to the South Airport.

The intent was to use Port staff for the preparation of construction documents for the realignment of Langley Street; however, as a result of the Traffic Study, it was determined that significant improvements were also required on Doolittle Drive, which is a State Highway. Port staff can prepare the construction documents for both Langley Street and Doolittle Drive; however, staff will need the services of a consultant with the experience and expertise to help with the coordination of the Doolittle Drive improvements with CalTrans; design of the traffic signal system at the intersection of Langley Street and Doolittle Drive; and new alignment and lane configuration for both Langley Street and Doolittle Drive.

ANALYSIS:

CCS is recommended to assist staff for this project for the following reasons:

1. CCS has already studied and prepared the preliminary layout for the realignment of Langley Street and the new lane configuration on Doolittle Drive as part of the original agreement. They are very familiar with the details of this project.
2. CCS is in the process of completing the over-all North Field Traffic Study and, therefore, is very familiar with the details of how this project is inter-dependent with the other projects in this study.
3. CCS has excellent experience and expertise in traffic planning and engineering as well as the CalTrans approval process.
4. CCS is a Local Women, Minority and Disadvantaged Business Enterprise.
5. Hiring another consulting firm would not be time or cost effective. The schedule calls for the construction documents to be completed in approximately six months and would not allow sufficient time to go through the Request for Proposal process.

CCS will perform all tasks without subconsultants. The Port's Office of Equal Opportunity concurs with staff's recommendation to use CCS for this work.

The EEO-1 Work Force Reports/Professional and Community Participation Questionnaires are on file in the Office of Equal Opportunity.


This project and the recommendation to enter into an agreement with CCS Planning and Engineering Consultants was a summary item at the September 25, 2000, Aviation Committee Meeting.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20410

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

OCT 24 2000

DATE

It is anticipated that the amount of the agreement will not exceed \$100,000, and it is requested that the Executive Director be authorized to approve up to an additional \$15,000 for potential changes in scope. It is necessary to begin work immediately after the final scope and terms are agreed upon in order to meet the project schedule. Therefore, it is proposed that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations.

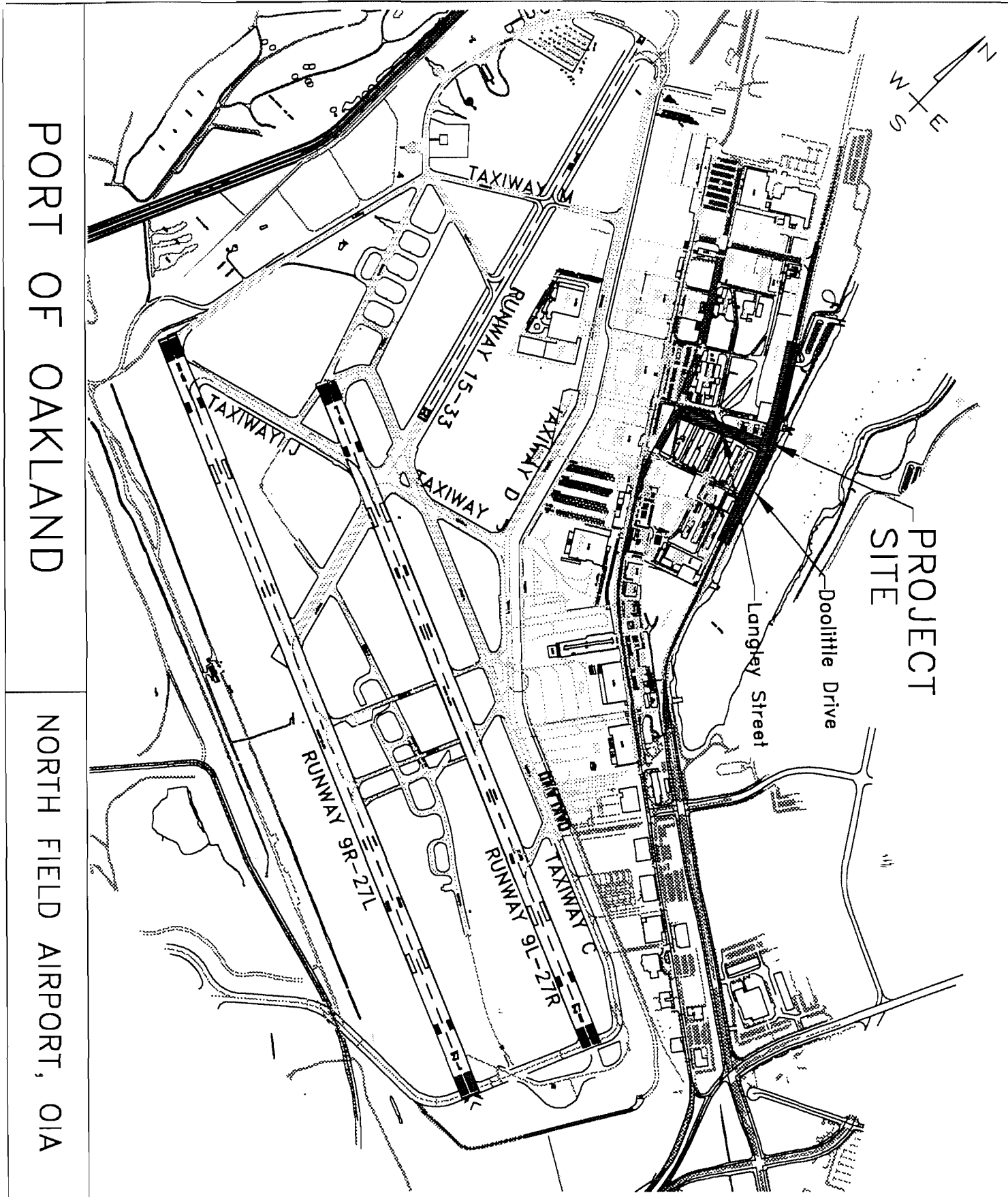
Budget:

This work is budgeted under CIP No. A1.00816.05 and the funding source is Port cash. The Total Project cost is estimated to be \$2,500,000.

RECOMMENDATION:

It is recommended that the Board:

- 1) Determine that the engineering services as described above are professional services; and
- 2) Authorize negotiations and the preparation and execution of an agreement with CCS Planning and Engineering in accordance with the above provisions.



PORT OF OAKLAND

NORTH FIELD AIRPORT, OIA

PROJECT
SITE

Doolittle Drive
Langley Street

Agenda Sheet

DATE: October 24, 2000

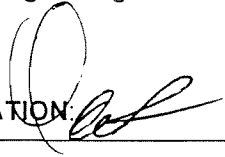
SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Warehouse Properties, Inc. for the Property located at Hegenberger Road and Pardee Drive

ITEM NO: 11

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY:  Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has negotiated the terms of a Purchase and Sale Agreement with WP Investments, Inc. covering the purchase of an approximately 14.43 acre irregularly-shaped site with frontage on Hegenberger Road located adjacent to Francesco's Restaurant. The Port had initially entered into agreements with two buyers for two separate parcels comprised of 4 acres and 10.45 acres. However, when both transactions were unable to be completed, the Port was approached by WP with a proposal to develop the entire site.

WP Investments, which specializes in developing industrial and office properties throughout the San Francisco Bay Area, is proposing the development of seven buildings with a total size of approximately 240,000 square feet in a business park setting. The estimated cost of the improvements is \$24,000,000. They are targeting the project as a technology park, with a service component on the Hegenberger frontage. The quality of the building will be comparable to the Yosemite Business Park, a Silicon Valley project designed to attract tenants in a highly competitive market.

ANALYSIS:

- Price: \$9.00 per square foot
\$5,657,137
- Deposit: \$50,000 at execution of Purchase and Sale Agreement
\$50,000 at expiration of due diligence period
Both deposits shall be credited against the purchase price
- Due Diligence: 60 days
- Buyer's Obligations Evidence of financial capability
Design development plans
- Closing Date: 90 days after the 60-day due diligence period
- Extension: One 30-day extension at a cost of \$50,000
- Commission: A commission of 4% payable to BT Commercial

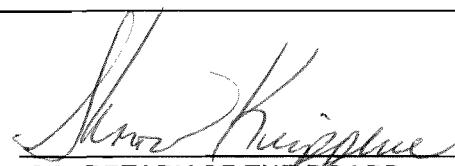
The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

OCT 24 2000

DATE

construction and/or operation of the project. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

This matter has been discussed at a number of Commercial Real Estate Committee meetings, including the October 11, 2000 meeting.

OPTIONS:

1. Continue to land bank the parcel.
2. Develop an RFP process for selling the parcel.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Warehouse Properties, Inc. for the purchase of the Hegenberger Road parcel at a price of \$9.00 per square foot.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: October 24, 2000

^{TD}
SUBJECT: Approval of Change Order to Construction of Berths 57/58
Container Wharf, Fill and Middle Harbor Shoreline Modifications,
Vision 2000

ITEM NO: 21

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port has a contract with Berth 57/58 Constructors, a Joint Venture, for the **CONSTRUCTION OF BERTHS 57/58 CONTAINER WHARF, FILL AND MIDDLE HARBOR SHORELINE MODIFICATIONS, VISION 2000** which became effective on June 20, 2000, at lump sum and unit prices totaling \$61,701,177. The project consists of site demolitions, mass excavation and dredging, placement of fill on land and in the water, shoreline stabilization, construction of a concrete pile supported wharf, grading areas for the Middle Harbor Shoreline Park and construction of a portion of the Berths 57/58 container yard.

ANALYSIS:

As part of the work for Berths 57/58, the Contractor is required to excavate and dredge areas to widen and deepen the channel for Berths 57, 58 and 59. Prior to the contract being awarded, the Port identified several areas of potential soil contamination. One area identified was the old Union Pacific fueling depot, where the soils and perched water (trapped above a clay layer) were contaminated with diesel fuel and motor oil. After the Contract was awarded, the Port found, through continuing field investigation, that the area contaminated by the fueling depot was much larger than originally assumed. The diesel and motor oil plume extends into the area to be excavated and dredged, and the Regional Water Quality Control Board (RWQCB) has determined that the level of diesel and motor oil dissolved in the ground water is high enough to pose a threat to water quality in the channel in the area of Berth 59.

To remedy the problem, the Port will construct an 800 to 1,400-foot long impervious underground barrier wall to prevent seepage of polluted water into the excavation pits, and will pump and treat ground water from the pits. The system will be installed only to treat the contaminated water within the pits, and not for remediation of the entire plume. The estimate for the barrier wall is approximately \$200,000 to \$350,000, depending on the length and depth of the wall required by the RWQCB. The estimate for material, equipment, and operation of the pump and treat system is approximately \$120,000. The Contractor may incur an impact to the schedule and delays because of the permitting process, the barrier wall construction, and altering the work sequence. The impact of any delay is estimated at a maximum of \$26,000 per day for ten days, for a total of \$260,000. The total estimate is approximately \$730,000. If approvals are received from RWQCB prior to October 24, 2000, the Chief Engineer will need to direct the work to commence in order to minimize delay costs. The Board will then be requested to ratify the change order.

BUDGET ANALYSIS:

The project is funded under CIP Item No. M6.00599.01. The funding source is Port bonds.

This work is covered by the terms of the Maritime and Aviation Project Labor Agreement (MAPLA).

OPTIONS:

The following are other options the Port of Oakland could choose in response to the contamination plume:

1. Put out the work described in the analysis to competitive bid. Staff does not recommend this action because delay, demobilization and remobilization costs for the current contract and the new one would be excessive.
2. Negotiate with the RWQCB to possibly lessen the abatement requirements. Staff believes it has reached the limit, and does not recommend further action, again, because delay, demobilization and remobilization costs for the current contract would be excessive.
3. Take no actions and reduce the scale of the project to construct only Berth 57 and three fourths of Berth 58 at this time. This does not meet the business goals of the Port and the situation is not solved.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20423

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

Tegami - NO
OCT 24 2000

DATE

RECOMMENDATION:

It is recommended that the Board approve the negotiation and execution of a Change Order to the Construction of Berths 57/58 Container Wharf, Fill and Middle Harbor Shoreline Modifications for an approximate amount of \$730,000 to have Berth 57/58 Constructors construct the plume barrier wall and construct and operate the water treatment systems so that the Port can timely complete excavation and dredging at the site.

Agenda Sheet

DATE: October 24, 2000

ITEM NO: 32

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

^{TD}
 SUBJECT: Approval to Negotiate and Execute Contracts with IDACORP Energy for Electricity Supply and Related Services; with PG&E for Electrical Interconnection and Wholesale Distribution Tariff Service at the Airport and for Electrical Interconnection at the Davis Substation; with OBRA and the City and county of San Francisco to Modify Existing Agreements Regarding Use of the Davis Substation; with the California Independent System Operator to become a Utility Distribution Company (UDC); and with the Western Area Power Administration (WAPA) for Long Term, Low Cost Hydroelectric Power

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

SUMMARY:

The Port's Utilities Administration staff has completed the first phase of its program to develop new electricity supply arrangements for the Airport and for the former Fleet Industrial Supply Center – Oakland (FISCO). Suppliers and contractual arrangements to implement this program have been identified and staff seeks Board of Port Commissioners approval to negotiate and execute these contracts.

BACKGROUND:

On January 1, 2001 both the existing five-year electricity supply contract with Dynegy and the five-year interconnection agreement with PG&E at the Airport expire. In 2001 loads at the former FISCO facilities will begin to increase as the redevelopment of this property is completed and as container-shipping tenants begin using the new facilities. The amount of low cost power from the US Department of Energy's Western Area Power Administration (WAPA), which is currently the source of supply for the former FISCO facilities, is not expected to be adequate to meet all the new load requirements during 2001. Accordingly, the Utilities Administration staff recently issued an RFP, received and evaluated proposals for new electricity supplies and related services for both the Airport and former FISCO facilities for delivery beginning in 2001. Concurrently, discussions were also undertaken with PG&E on delivery and interconnection agreements to replace the expiring agreements.

Since the Dynegy and PG&E interconnection contracts were executed in 1995 many changes have occurred in the California electric market. One key change is that the utilities own, but no longer control, the transmission system. That task is now the responsibility of the California Independent System Operator (ISO). Staff has begun discussions to enter into Utility Distribution Company (UDC) contract arrangements with the ISO for the purpose of dealing directly with that entity on transmission and related matters. In becoming a UDC, the Port will become responsible for performing additional functions, specifically those involving the forecasting of power loads and the scheduling of power deliveries (schedule coordination). Staff intends to subcontract these functions and responsibilities to our new wholesale electricity supplier and address the issues they raise through contract provisions.

Since the restructured California electric market began operation in April of 1998, wholesale power prices have risen gradually and then earlier this year began to increase very dramatically. In 1998 the average California Power Exchange (PX) price was in the range of \$28/MWh. So far this year prices have averaged \$65/MWh and forecasts for 2001 are in the range of \$80/MWh. A program to manage this price risk is being developed by the Utilities Administration. Part of this program will involve locking in fixed prices when market conditions warrant.

Approved by Resolution

No. 20415, 20416, 20417,
20418 + 20419

OCT 24 2000

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

BOARD ACTION TAKEN

[Signature]
 ASSISTANT SECRETARY OF THE BOARD

DATE

Approval to Negotiate and Execute Contracts with IDACORP Energy for Electricity Supply and Related Services; with PG&E for Electrical Interconnection and Wholesale Distribution Tariff Service at the Airport and for Electrical Interconnection at the Davis Substation; with OBRA and the City and County of San Francisco to Modify Existing Agreements Regarding Use of the Davis Substation; with the California Independent System Operator to become a Utility Distribution Company (UDC); and with the Western Area Power Administration (WAPA) for Long Term, Low Cost Hydroelectric Power

October 24, 2000
Page 2 of 4

Approval for this activity will be sought from the Board at a later date. Another key component controlling price risk (for which approval is now being sought) is to maximize the Port's access to low cost hydroelectric power by entering into a new long-term contract with WAPA for energy deliveries beginning in 2005.

Because of its low cost (current WAPA prices are in the range of \$20/MWh), access to WAPA power is restricted and provided on an allocated basis. Accordingly, to benefit from this supply in the future, the Port needs to execute the new WAPA Agreement by December of this year even though power deliveries won't start until 2005.

IDACORP Energy – Contract for Electricity Supply and Related Services:

Staff solicited proposals in July and August for power supplies and scheduling coordination services for the Airport and the former FISCO facilities from a wide variety of wholesale suppliers, generation companies and municipal entities serving Northern California. Proposals were sought for renewable as well as conventional energy supplies. Seven proposals were received through the solicitation process. Of those seven, four were responsive to the RFP and were evaluated.

Staff recommends that negotiations be conducted with IDACORP Energy for a two-year contract to supply 50% renewable electric energy at index (market) prices and to provide schedule coordination services. IDACORP Energy is a division of Idaho Power Corporation, an electric utility with distribution systems in southern Idaho, eastern Oregon and northern Nevada. Staff believes that the IDACORP Energy proposal provides the best combination of price and risk mitigation to the Port as well as a very attractive price for 50% renewable energy. IDACORP Energy, and not the Port, would be responsible for scheduling risk and imbalance energy charges at both the Airport and former FISCO facilities. Another bidder, the current supplier Dynegy also offered to assume this responsibility, but at a significantly higher cost. The two other responsive bidders, Turlock Irrigation District and Automated Power Exchange did not offer to assume this responsibility.

As requested in the Port's RFP, electric energy under the IDACORP Energy proposal would be priced at a market index rate equal to the California Power Exchange PX-NP15 hourly constrained market price plus a \$1.25/MWh surcharge (\$1.50/MWh surcharge for a 50% renewable energy mix). The \$0.25/MWh adder for the 50% renewable energy mix is an attractive premium which would cost the Port in the range of \$15,000/year to support renewable energy use. IDACORP would charge \$300/month to schedule the WAPA supplies and a premium of \$1.50/MWh to schedule excess supplies to the former FISCO facilities (i.e. supplies above the WAPA amounts). As requested in the RFP, ancillary services and line losses would be passed through at cost. IDACORP Energy also provided an option to the Port to fix the price for ancillary services. Under their pricing, the total cost of IDACORP Energy's services is projected to be in the range of \$130,000/year or \$145,000/year if, as recommended, the Port selects the 50% renewable energy option. The Port's total cost of power purchased from IDACORP Energy for 2001 is estimated to be in the \$5 - \$7 million range based on recent futures market prices for power in Northern California.

PG&E -- Interconnection Agreement and Wholesale Distribution Tariff:

In 1995 the Port and PG&E executed an Interconnection Agreement defining the rights and obligations of each party for day-to-day operations and system expansion. Through Dynegy's Control Area and Transmission Services Agreement (CATSA), Dynegy's (and hence the Port's) rights and obligations were defined for using PG&E's distribution system to deliver power to the Airport. As of January 1, 2001 those agreements effectively expire.

Approval to Negotiate and Execute Contracts with IDACORP Energy for Electricity Supply and Related Services; with PG&E for Electrical Interconnection and Wholesale Distribution Tariff Service at the Airport and for Electrical Interconnection at the Davis Substation; with OBRA and the City and County of San Francisco to Modify Existing Agreements Regarding Use of the Davis Substation; with the California Independent System Operator to become a Utility Distribution Company (UDC); and with the Western Area Power Administration (WAPA) for Long Term, Low Cost Hydroelectric Power

October 24, 2000
Page 3 of 4

Staff is in discussions with PG&E to develop a new Interconnection Agreement to replace the current one for the Airport. This agreement would also cover Interconnection at the Davis Substation. At present, interconnection there is governed under agreements between PG&E and WAPA. However, when the Port's electric demand at the Davis Substation begins to exceed its WAPA allocation (which is projected to occur in 2001 to meet increased demand at the former FISCO facilities), the Port will be required to have its own Interconnection Agreement with PG&E to cover the delivery of power beyond that supplied by WAPA. (This is also true of the other users of Davis Substation capacity, OBRA and the City and County of San Francisco. The Port and PG&E agree that each of these parties will need their own interconnection agreements with PG&E when their respective loads exceed their WAPA allocations. Accordingly, the existing Agreements between the Port and each of these two entities regarding the use of Davis substation will need to be revised to acknowledge this fact and to conform with other elements of the Interconnection Agreement that the Port negotiates with PG&E).

In the restructured electric environment in California, the delivery of wholesale power at 12kV (the Airport voltage level) over PG&E's distribution system is now governed by a FERC approved Wholesale Distribution Tariff (WDT) rather than by provisions such as those found for such service in the CATSA. Staff is working with PG&E to develop a rate for the use of PG&E's distribution lines which is fair and comparable to the CATSA rate.

Staff requests approval to complete negotiations with PG&E on the Interconnection Agreement and on a service rate under the WDT and to sign both the Interconnection Agreement and the tariff. Staff also requests approval to work with OBRA and the city and County of San Francisco to modify the Port's existing agreements with those entities to conform with the Port's Interconnection Agreement with PG&E (at the Davis substation).

The California Independent System Operator (ISO) -- Utility Distribution Company Agreement:

In the restructured California electric industry, the ISO has taken over a number of functions that previously were the responsibility of the Investor Owned Utilities including PG&E. As operator of the transmission system, the ISO is responsible for balancing the State's electric power loads with generation resources and ensuring that adequate transmission capacity is available for loads to be supplied by those generation resources. Previously the utilities had that responsibility.

A significant part of the ISO's responsibility is to accept daily and hourly schedules from loads and generation sources and work with both to adjust those schedules around transmission system constraints to achieve supply/demand balance in the State's electrical network within accepted risk parameters. The ISO also has responsibility for other functions such as emergency load shedding and voltage support.

Whereas the Port (and Dynegy) now deal with PG&E on such matters as scheduling loads and matching resources and shedding load in an emergency, the responsibility for such matters no longer rests with PG&E. In the future, PG&E will not enter into new agreements in which it assumes a scheduling, load shedding and voltage support role for entities such as the Port. Accordingly, staff requests the approval of the Board to negotiate and execute a Utility Distribution Agreement with the ISO so that it can interact directly with the party responsible for these functions. Such approval should also cover any secondary agreements that may be necessary, such as a Metering Agreement.

Approval to Negotiate and Execute Contracts with IDACORP Energy for Electricity Supply and Related Services; with PG&E for Electrical Interconnection and Wholesale Distribution Tariff Service at the Airport and for Electrical Interconnection at the Davis Substation; with OBRA and the City and County of San Francisco to Modify Existing Agreements Regarding Use of the Davis Substation; with the California Independent System Operator to become a Utility Distribution Company (UDC); and with the Western Area Power Administration (WAPA) for Long Term, Low Cost Hydroelectric Power

The Western Area Power Administration (WAPA) – Contract for Electric Service, Base Resource:

The Western Area Power Administration is responsible for marketing the electrical energy produced from California's Central Valley Project (CVP), which includes the output of generation facilities such as those that exist at Shasta Dam. Most CVP projects were built decades ago and their capital costs have been mostly or completely paid off. Because the capital cost of hydroelectric projects is the largest component of power cost from such projects, power from the CVP project has a low cost of production (consisting mostly of operation and maintenance costs and some capital replacement reserve costs).

WAPA must allocate the power from the CVP project (at cost plus WAPA administrative fees) to public agencies based on criteria that have been developed over the years through legislative and administrative actions. Because of its low cost, WAPA allocations are highly sought after by public entities. The Port received an allocation of CVP power at the former FISCO facilities based on its uses under the National Defense Authorization Act (NDA). The Port now has the opportunity to contract long term for a share of WAPA CVP output beginning in January 2005 and ending on December 31, 2024. The Port's final allocation will be determined in December 2003, based on the then current usage at the former FISCO facilities.

While the new WAPA contract is a binding commitment, there is little risk to signing up for an allocation of this resource that is supported by the actual FISCO loads. Staff requests authorization to negotiate and execute the WAPA Electric Service Base Resource Agreement for the period 2005-2024.

ANALYSIS:

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(b) which exempts the use of existing utilities to provide electrical power.

RECOMMENDATION:

It is recommended that the Board:

- 1) Authorize staff to negotiate and execute a contract with IDACORP Energy for Electricity Supply and Related Services and a 50% renewable electric energy supply;
- 2) Authorize staff to negotiate and execute a contract with PG&E for Electrical Interconnection at the Airport and at Davis Substation;
- 3) Authorize staff to negotiate a service rate for and sign PG&E's Wholesale Distribution Tariff for 12kV service to the Airport;
- 4) Authorize staff to negotiate and execute agreements with OBRA and the City and County of San Francisco to modify the Port's existing agreements with those entities to conform with the Port's Interconnection Agreement with PG&E (at the Davis substation);
- 5) Authorize staff to negotiate and execute agreements as required with the California Independent System Operator to become and operate as a Utility Distribution Company (UDC);
- 6) Authorize staff to execute a Contract for Electric Service Base Resource with the Western Area Power Administration (WAPA) for the term 2005-2024.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

Date: October 24, 2000

SUBJECT: CLOSED SESSION

Item No. 40

SUBMITTED BY: Christopher C. Marshall *CCM*

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Sections 54956.9: 2 matters.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

Property: Selection Locations
Jack London Square
Oakland, CA 94606

Negotiating Parties: Port of Oakland and Oakland Portside Associates

Under Negotiation: Price and Terms of Agreement

SUPPLEMENTAL

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Pursuant to subdivision (a) of Section 54956.9.

City of San Leandro v. Port of Oakland, et al.
Alameda County Superior Court Case Nos. 793033-9 and 815053-8

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20422

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

OCT 24 2000

DATE

SUMMARY AGENDA OF BOARD CALENDAR
October 24, 2000

AIRPORT

- 4S** Approval of License and Concession Agreement with Ewalied E. Nugud and Magdi M. Osman dba Transpacific Aviation Services (7683 Earhart Road, North Airport). (Resolution)

Recommends approval of the agreement which covers their occupancy of approximately 600 s.f. of office space in Hangar 9. The company performs aircraft maintenance.

- 5S** First Reading of Ordinance Approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. (50 Neil Armstrong Way, South Airport). (Ordinance)

Recommends approval to extend the lease for two years. Notes that the catering facility will be relocated in the future.

- 6S** First Reading of Ordinance Approving Lease with Western Aerospace Museum (8260 Boeing Street, North Airport). (Ordinance)

Recommends approval of a new 5-year lease for the facility. Notes the terms and condition of approval.

- 7S** First Reading of an Ordinance Granting Easement to Pacific Gas and Electric (PG&E) for Relocation of a Power Pole and Installation of New Stub Pole and Anchor Facilities for an Adjacent Power Pole along Doolittle Drive, OIA. (Ordinance)

Recommends approval of an easement to PG&E for the relocation of a power pole at the site of the new Aviation Maintenance Facilities Complex.

- 8S** Ratify Substitution of Surveying Subcontractor for Replacement of Runway 11-29 Lighting System, OIA. (Resolution)

Recommends approval for the substitution of the survey subcontractor. Notes the reasons for the determination.

COMMERCIAL REAL ESTATE

- 12S** Authorization to Include the Renovation of Elevator Towers at Amtrak Station, Jack London Square, in the Small Business Program. (Resolution)

Recommends approval to include the renovation of the elevator towers in the Port's Small Business Program.

SUMMARY AGENDA
October 24, 2000

MARITIME

22S Approval to Sell Port-Owned Container Cranes X423, X441 and X442 to Kam Harbor Works. (Resolution)

Recommends approval to sell the surplus cranes.

OPERATIONS

33S Authorization to Dispose of Surplus Port Vehicles to the Oakland Zoo. (Resolution)

Recommends approval to dispose of certain surplus Port vehicles to the Oakland Zoo.

34S Travel Authorization. (Resolution)

Recommends approval for the travel of the Port's delegation to the Pan Pacific Conference in Melbourne, Australia; and the Port's delegation to the ACI World Conference in Santiago, Chile.

ORDINANCES: ("S")

Port Ordinance No. 3676 being, "AN ORDINANCE RESCINDING RESOLUTION NO. 20042 AND AMENDING PORT ORDINANCE NO. 3542 WITH RESPECT TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT TAXI PERMIT RENEWALS."

Provides for certain changes to the ordinance on taxi permit renewals.

Port Ordinance No. 3608 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 3542 WITH RESPECT TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT TAXICABS."

Provides for amending ordinance on taxicabs concerning proof of progress for alternative fuel vehicles.

Port Ordinance No. 3609 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 2833 PERTAINING TO HANDLING, STORAGE AND USE OF TOXIC MATERIALS."

Provides for amending ordinance on handling storage, and use of toxic materials.

Port Ordinance No. 3610 being, "AN ORDINANCE AMENDING SECTION 9.153 OF PORT ORDINANCE NO. 867."

Provides for retitling of position.

Agenda Sheet


SUBJECT: First Reading of Amendment to Port Ordinance No. 3542 Providing Rules and Regulations on Taxicabs at Oakland International Airport

DATE: October 10, 2000

ITEM NO: 8S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION

DUPLICATE OF PRIOR

CALENDAR MEMO

FACTUAL BACKGROUND

The Port of Oakland's Airport Development Program (ADP) includes a program to reduce emissions of air pollutants from activities associated with Oakland International Airport. One element of this program is the Port's commitment to using alternative fuel vehicles and encouraging ground transportation providers serving Oakland International Airport to convert their fleets to alternative fuel vehicles, using either compressed natural gas (CNG) or electricity. Towards this goal, on October 5, 1999, the Board of Port Commissioner approved Port Ordinance 3542, Section 5.b. of which requires 50% of all taxicabs holding operating permits at the Airport be powered by alternative fuel by January 1, 2001.

Furthermore, on September 5, 2000, the Board of Port Commissioner approved the authorization to submit a grant application to the Bay Area Air Quality Management District for the District's "Vehicle Incentive Program" for an amount up to \$100,000 to offset incremental costs of alternative fuel taxicabs operating at Oakland International Airport.

Because alternative fuel vehicles are new to most taxicab operators, and because most taxicab operators will not be able to comply with Port Ordinance 3542, Section 5.b., Port staff recommends amending the ordinance to allow for taxicab operators to comply with the 50% alternative fuel vehicle requirement in one of two ways. They may either provide sufficient proof of legal title to all required Alternative Fuel Taxicabs on or before January 1, 2001, or provide sufficient proof on or before November 6, 2000, that all required Alternative Fuel Taxicabs have been ordered from a dealer or manufacturer.

OPTIONS

The options are:

1. Amend Port Ordinance No. 3542 as described above; or
2. Retain Port Ordinance No. 3542 with no amendment.

By not amending the Port Ordinance, it is likely that all taxicab companies failing to comply to the Alternative Fuel Vehicle requirement will result in the immediate revocation of their taxicab permits at the Airport. The Port may also lose some or all of the potential "Vehicle Incentive Program" funding from the Bay Area Air Quality Management District.

ENVIRONMENTAL

This project has been determined to be Categorical Exempt from CEQA and from the Port CEQA Guidelines pursuant to Section 15321, Class 21 (a) enforcement actions by regulatory agencies, and Section 15273 (a) rates, tolls, fares and charges by public agencies.

RECOMMENDATION

Amend Port Ordinance No. 3542 requiring Taxicab operators to provide either proof of ownership by January 1, 2001 or proof of order by November 6, 2000, for all required alternative fuel taxicabs.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

**Approved by Ordinance
passed to print**

BOARD ACTION TAKEN

Assistant  SECRETARY OF THE BOARD

OCT 10 2000

DATE

Agenda Sheet

DATE: October 10, 2000

ITEM NO: 25S

SUBJECT: Recommendation to Adopt an Ordinance Amending Item No. 02210 of Port of Oakland Tariff 2-A on Handling, Storage and Use of Toxic Materials

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle *RAB*

DUPLICATE OF PRIOR

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

CALENDAR MEMO

FACTUAL BACKGROUND:

The Board on September 7, 1993, gave final approval to Port Ordinance No. 3169, adding Item No. 02210 to Port of Oakland Tariff No. 2-A, on handling, storage and use of toxic materials on Port maritime property. The primary purpose of Item No. 02210 is to regulate the use of toxic materials on Port maritime premises by Port tenants (assignees, lessees, etc.), as opposed to regulation of hazardous cargo which is governed primarily by the Federal Government.

Item No. 02210 regulates "Toxic Materials", defined broadly to include all hazardous substances and materials, including petroleum products. The Port's experience over the past seven years, with the provisions of Item No. 02210, and similar provisions in Port tenancy agreements, indicates the need for modifications.

ANALYSIS:

The proposed modifications to Item No. 02210 reflect a number of issues that have been raised in negotiating major terminal agreements and experience gained in Port staff's dealing with a variety of contamination issues. The modifications streamline and simplify Item No. 02210, and are expected to expedite agreement negotiation and bring the provisions more closely in line with actual Port practice. The proposed modifications strengthen obligations of Port tenants for cleanup of contamination they cause and to indemnify the Port for damages and losses resulting from the contamination as well as clarify the specific responsibilities of the tenants for compliance with various regulatory requirements relating to toxic materials contamination to land, air and water.

OPTIONS:

Not adopting the proposed modifications to Item 02210 will leave in place a dated regulation that experience has shown requires revision to better protect the Port and conform the Tariff to current best practice, and will require an agreement-by-agreement negotiated revision to the tariff provision to satisfy Port requirements and tenant requests. Adopting the proposed modifications will avoid the foregoing and improve the Port's regulation and achievement of the goals of regulatory compliance and protection of the Port's interest.

FINANCIAL IMPACT:

No financial impacts are expected except for the positive financial benefit expected to result from implementation of the proposed streamlined regulations.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance amending Item No. 02210 in Tariff No. 2-A, on handling, storage and use of toxic materials, as described above, to become effective November 1, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

OCT 10 2000



DATE

Agenda Sheet

SUBJECT: PERSONNEL ITEMS
Title Change

DATE: October 10, 2000

ITEM NO: 31

SUBMITTED BY: Robert C. Martinez 
EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster 

DUPLICATE OF PRIOR CALENDAR MEMO

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

I. TITLE CHANGE-Ordinance (2 Readings)

A) It is requested that the Board approve the title change for the following classification. This position was included in the FY 1999-2000 Staffing Plan under the current title of Contract Administrator Assistant. The new title is more appropriate for the duties and responsibilities that will be performed. This title change will not result in a change in salary.

CURRENT TITLE	NEW TITLE
Contract Administrator Assistant	Assistant Port Construction Administrator

CURRENT EMPLOYEE FTE COUNT

FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 8/31/99	AS OF 9/1/00	AS OF 9/29/00
Full-Time Employees	612.00	554.00	566.00	564.00
Part-Time Employees	2.13	2.40	2.40	2.40
Relief Telephone Operators		3.00	3.00	3.00
Relief Airport Custodians (P/T)	*11.00	8.00	8.00	8.00
Relief Airport Custodians (Intermittent, P/T)		0.00	0.00	0.00
TOTAL	625.13	567.40	579.40	577.40

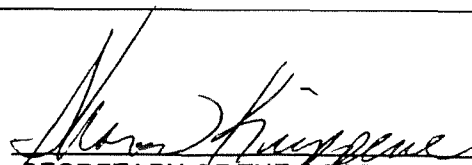
* Statistical breakdown of various Reliefs was not available during this period.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

OCT 10 2000
DATE

TEMPORARY AGENCY WORKER COUNT AS OF 9/28/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	18	10	0	7	0	0	35
*CIP	0	0	8	4	0	0	12
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	3	1	0	0	0	0	4
*SPECIAL PROJECT	4	2	0	5	1	0	12
WORKER'S COMP BACKFILL	0	2	0	0		0	2
TOTAL	25	15	8	16	1	0	65

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNT

CATEGORY	10/01/1997	06/23/2000	07/25/2000	08/24/2000	09/28/2000
BACKFILL	27	27	31	37	35
*CIP	18	15	13	13	12
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	0	2	2	0
MEDICAL BACKFILL	4	7	8	8	4
SPECIAL PROJECT	11	15	14	13	12
WORKER'S COMP BACKFILL	3	1	2	2	2
TOTAL	63	65	70	75	65

COUNT SUMMARY

CURRENT FTE COUNT	577.40
CURRENT TEMPORARY AGENCY BACKFILLS	35.00
VACANT POSITIONS	34.00
TOTAL	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding title change.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet



SUBJECT: Approval of License and Concession Agreement with Elwalied E. Nugud and Magdi M. Osman dba Transpacific Aviation Services (7683 Earhart Road, North Airport)

DATE: October 24, 2000

ITEM NO: 4S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Elwalied E. Nugud and Magdi M. Osman dba Transpacific Aviation Services (Transpacific) are currently under a 45-day Right-of-Entry and Indemnity Agreement (Right-of-Entry) covering occupancy of approximately 597sf of office space in Hangar 9, (Building L-820) on the North Airport. Transpacific will use the premises to support its aircraft maintenance operations on the North Airport. The Right-of-Entry commenced September 29, 2000; rent is \$675.02 per month plus 10% of gross revenues.

ANALYSIS:

The proposed License and Concession Agreement also commences on September 29, 2000 and would extend occupancy of the same premises through August 31, 2001. Monthly rent and use would remain the same.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described License and Concession Agreement with Elwalied E. Nugud and Magdi M. Osman dba Transpacific Aviation Services.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20411

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

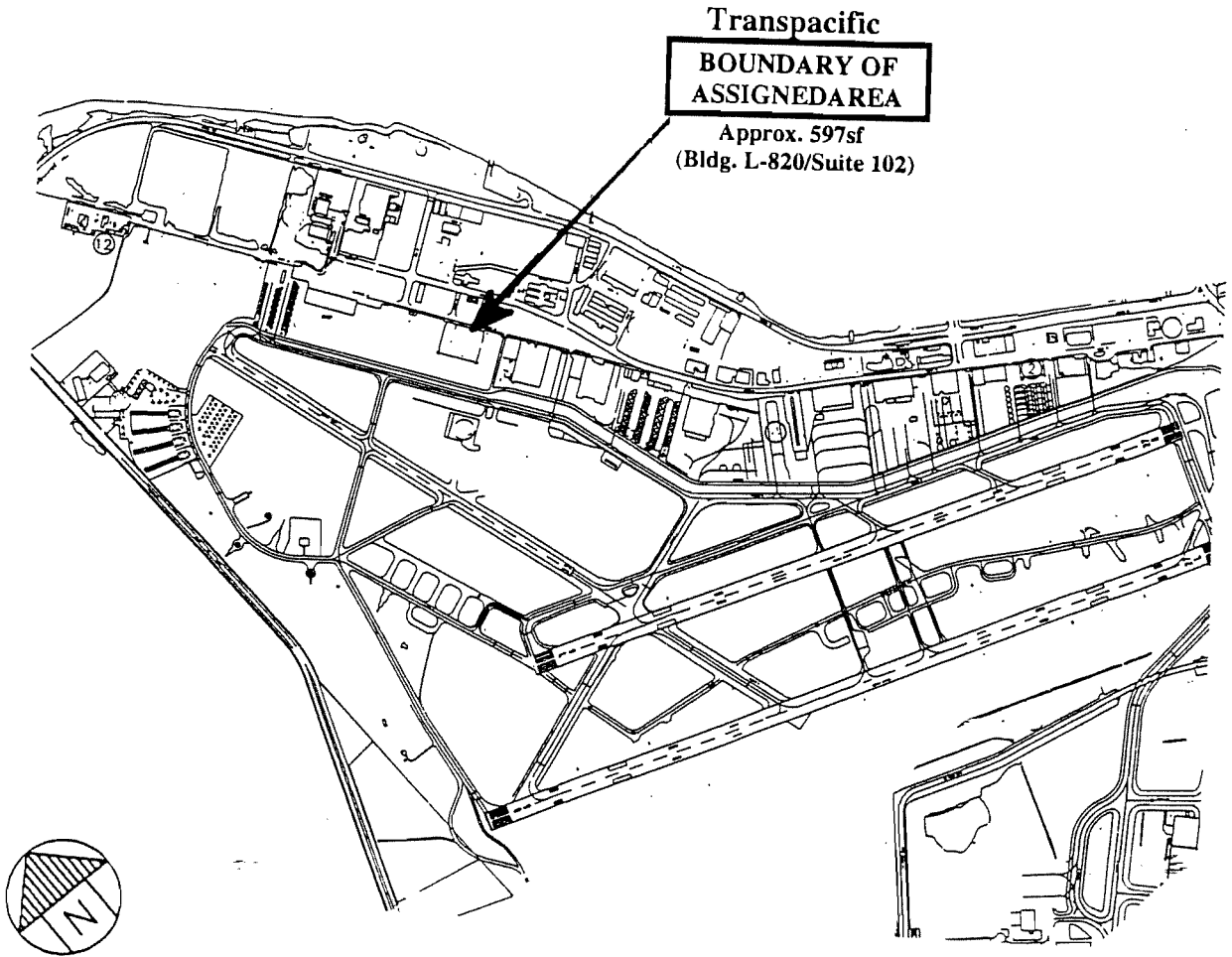
OCT 24 2000

DATE

**Board of Port Commissioners
Calendar Item**

Approval of License and Concession Agreement with
Elwalied E. Nugud & Magdi M. Osman dba Transpacific
Aviation Services (7683 Earhart Road, North Airport)

**OAKLAND INTERNATIONAL AIRPORT
NORTH AIRPORT**



Airport Properties



**Oakland
International Airport
North Airport**

Map Not to Scale

Agenda Sheet

SUBJECT: First Reading of Ordinance Approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. (50 Neil Armstrong Way, South Airport)

DATE: October 24, 2000

ITEM NO: 5S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

Sky Chefs, Inc. (Sky Chefs) operates an in-flight kitchen in Building M-111 and adjacent land at 50 Neil Armstrong Way under the Lease dated September 3, 1968. Sky Chefs pays the Port 7.5% of its gross revenue against \$17,944.19 minimum monthly guaranteed rent. In FY 99/00, Sky Chef generated \$6,890,000 in gross revenues and paid \$484,000 in percentage rent to the Port.

The Lease with Sky Chefs expires October 31, 2000. Sky Chef requests approval of a Tenth Supplemental Agreement which will modify its Lease. This modification will extend the term through December 31, 2002 and will increase the percentage of gross revenues paid to the Airport.

ANALYSIS:

The existing lease with Sky Chefs will expire October 31, 2000. In order to continue to provide in-flight catering services to the airlines that service Oakland International Airport, it is necessary to either extend the agreement with Sky Chefs, or to select an alternative provider. Because the existing building is situated in an area that will be impacted by the Airport roadway project, all of the development schemes currently under review contemplate that the flight kitchen will be relocated and the existing building will be demolished.

At the current time, there is a degree of uncertainty as to the location and requirements for a new in-flight kitchen. It is premature to solicit proposals since any in-flight kitchen operator will have difficulty negotiating terms for a long-term lease under these uncertain conditions.

Allowing Sky Chefs to continue to operate in the existing facility for a short period of time provides the Airport with the ability to make long-term plans for an in-flight kitchen in conjunction with the terminal expansion and airport roadway programs.

The proposed 10th Supplemental Agreement would extend the term until December 31, 2002, but would retain the Port's right to terminate on 30 days notice. The supplement also removes any obligation of the Port to pay relocation costs to Sky Chefs in the event it is necessary to vacate the building before the term expires.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.


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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

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BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

OCT 24 2000

DATE

OPTIONS:

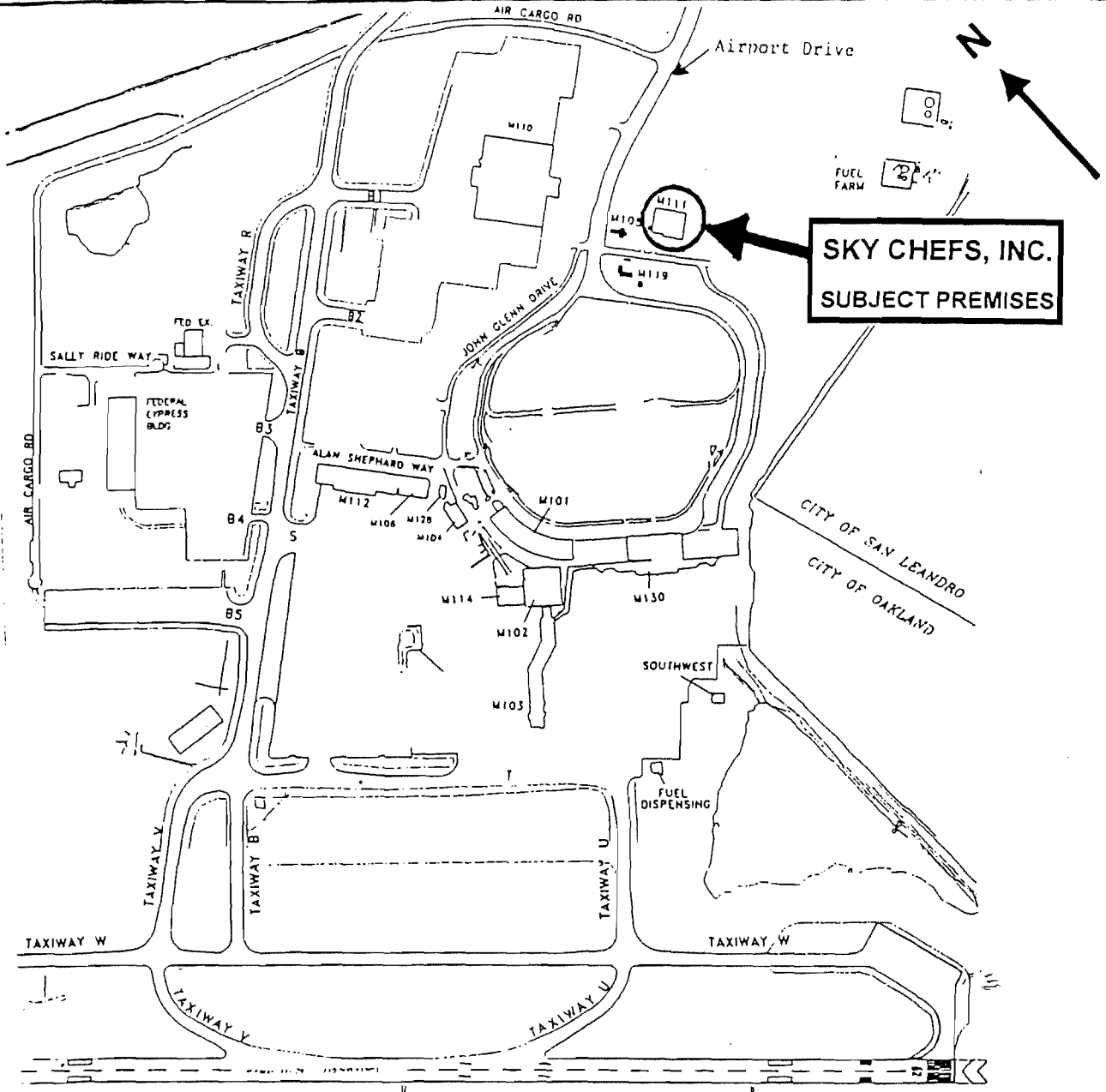
1. Issue a Request For Proposals for a long-term in-flight kitchen. Because of the uncertainty of the location, parcel size and the large investment required, is it is unlikely that any company could make a fair proposal at this time.
2. Continue the existing agreement on a month-to-month basis. With a month-to-month agreement, the tenant also has an ability to terminate the agreement on short notice. This could create difficulty for the airlines in the event Sky Chef chose to cancel before the Port was prepared to enter into a long-term agreement.
3. Extend the agreement with Sky Chefs for approximately two years to assure continuity of operations while maintaining flexibility with regard to future plans.

RECOMMENDATION:

It is recommended that the Board give first reading of an ordinance approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. as described above, subject to the Port Attorney's review and approval of the final document.

Board of Port Commissioners Calendar Item

First Reading of Ordinance Approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. (50 Neil Armstrong Way, South Airport)



Airport Properties

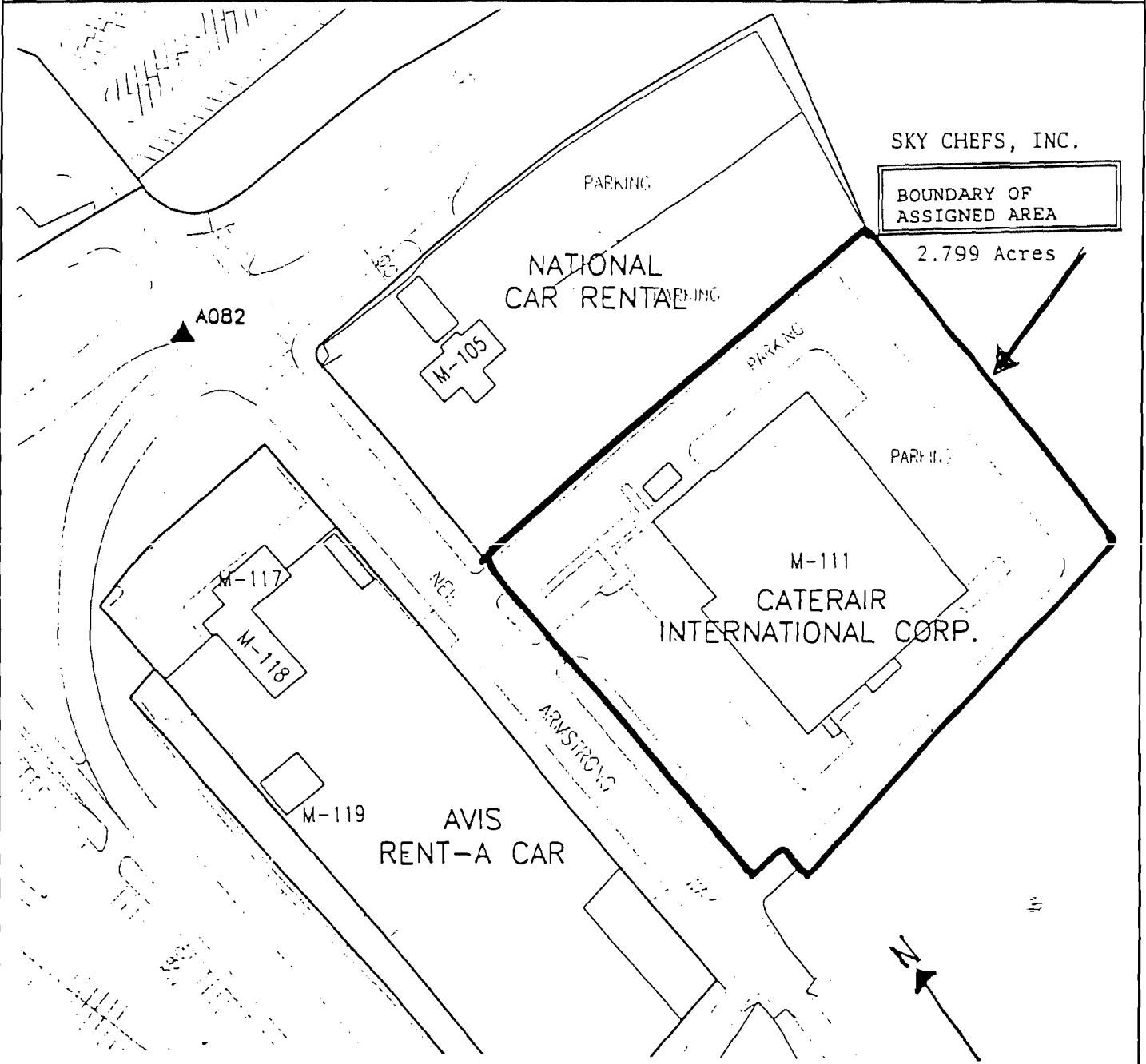
Port of Oakland

**Oakland
International Airport
South Airport**

Map Not to Scale

**Board of Port Commissioners
Calendar Item**

First Reading of Ordinance Approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. (50 Neil Armstrong Way, South Airport)



Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Agenda Sheet

DATE: October 24, 2000

ITEM NO: 7S

^{TD}
SUBJECT: First Reading of an Ordinance Granting Easement to Pacific Gas and Electric (PG&E) for Relocation of a Power Pole and Installation of New Stub Pole and Anchor Facilities for an Adjacent Power Pole along Doolittle Drive, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

On April 12, 1999, the Board authorized the execution of the agreement with Muller & Caulfield Architects to design the new Aviation Maintenance Facilities Complex at the North Field, OIA. During the design phase, it was determined that one of the power poles within the development site needed to be relocated in order to allow a path for vehicle traffic within the new complex.

PG&E determined that relocating the pole would increase the tensile force on an adjacent pole. Therefore, a new stub pole and anchor are needed on an adjacent pole in order to compensate for the increased tension. The total cost of the relocation and anchoring is \$9,196.39.

An easement is required to provide PG&E with the right to install and maintain their facilities. Part of the easement pertains to the relocated pole and its anchor that consists of an area 10 feet by 5 feet wide. The remaining portion of the easement pertains to the new stub pole and anchor facilities that consists of an area 60 feet by 5 feet wide.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance granting the aforementioned easement to PG&E for the relocation of the power pole and installation of a new stub pole and anchor facilities. It is further recommended that the Executive Director be authorized to execute the easement document on behalf of the Port.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Ordinance
passed to print

BOARD ACTION TAKEN

Assistant

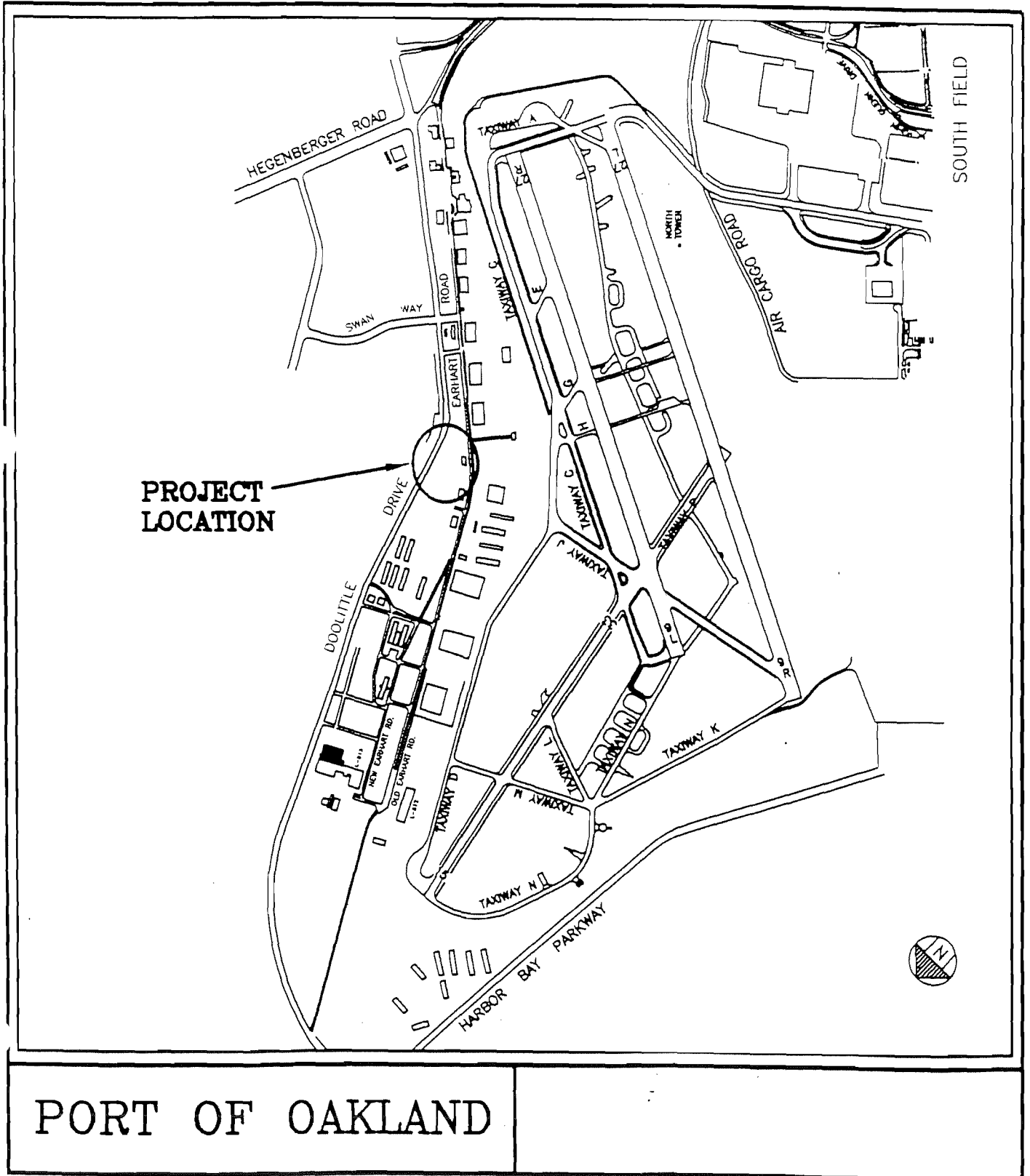
Sharon Krupp
SECRETARY OF THE BOARD

OCT 24 2000

DATE

First Reading of an Ordinance Granting
Assent to Pacific Gas and Electric (PG&E)
for Relocation of a Power Pole and Installation
of New Stub Pole and Anchor Facilities for an
Adjacent Power Pole along Doolittle Drive, OIA.

October 24, 2000
Page 2 of 2



PORT OF OAKLAND

Agenda Sheet

SUBJECT: Ratify Substitution of Surveying Subcontractor
for Replacement of Runway 11-29 Lighting System, OIA

DATE: October 24, 2000

ITEM NO: 8S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port presently has a contract with Rosendin Electric, Inc., for the **REPLACEMENT OF RUNWAY 11-29 LIGHTING SYSTEM, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.** Rosendin has requested Board approval to substitute its listed surveying subcontractor. By letter, dated October 5, 2000, the Contractor notified the Port that its listed subcontractor, PLS Surveys, Inc., is unwilling to execute its subcontract with them due to concerns about the impact of the PLA upon their ability to perform the work of the contract. A copy of PLS's letter to Rosendin is on file with the Port. Under Section 4107 of the California Public Contract Code, this is considered to be a valid basis for substitution of subcontractor.

The Port has contacted PLS to confirm that they have no objection to Rosendin's request to substitute their firm. The owner of PLS confirmed that they are unable to execute a contract with Rosendin and that they have no objection to the substitution.

Rosendin has requested that RBF Consultants, a Walnut Creek firm currently going through the process to be certified as an LBABE, be listed as the new surveying subcontractor. This company is signatory to the Operating Engineers; therefore, the PLA will be complied with. The Port's Office of Equal Opportunity was notified of the above substitution and they have indicated that they have no objection.

Due to the critical nature of this project, RBF Consultants must complete the construction layout and data collection for this project in order for Rosendin to complete the installation of 80 runway lights by November 13, 2000. It is imperative that the new subcontractor be allowed to begin work immediately, especially since they are only allowed to work on weekends because of heavy runway use on weekdays. Accordingly, the Chief Engineer directed that the requested substitution be implemented immediately.

RECOMMENDATION:

It is recommended that the Board ratify the action by the Chief Engineer to direct immediate action on the substitution of the listed subcontractor performing the survey work; that PLS Surveys, Inc., be deleted as the listed subcontractor to perform the survey work; and that RBF Consultants be added as the subcontractor to perform said work.

brdagndalSbRBF102400

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20412

BOARD ACTION TAKEN Assistant  SECRETARY OF THE BOARD

OCT 24 2000

DATE

Agenda Sheet

DATE: October 24, 2000

ITEM NO: 12S

^{TD}
SUBJECT: Authorization to Include the Renovation of Elevator
Towers at Amtrak Station, Jack London Square,
in the Small Business Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

For some time now, the open-air design of the Amtrak pedestrian towers has exposed the elevator roofs to water intrusion, where corrosion and electrical failures have become a common occurrence. This has caused significant down time and as a result has inconvenienced those who are unable to use the stairs. Numerous maintenance attempts to prevent this condition from occurring have been unsuccessful. The preferred solution is to protect the elevators from the elements using glazing in selected areas.

The scope of work consists of replacing portions of the existing wire mesh panels with glazing and installing louvers for natural ventilation. The new glazing will match existing.

ANALYSIS:

It is believed to be in the best interests of the Port to include this project in the Port's Small Business Program. This program allows small local contractors to attain experience in public sector work. To encourage small local contractor participation in this work, it is recommended that the Port dispense with competitive bidding procedures and engage in an outreach program by initially soliciting bids from only small local contractors certified by the Port's Office of Equal Opportunity.

To ensure that this work is completed in an expeditious fashion, the bid documents and advertisement will be modified to encourage all contractors to pick up the Plans and Project Manual. The contractors will be informed that the Port will initially only consider bids from small local contractors. If no responsive bids are received, all companies on record as having received the Plans and Project Manual will be invited to submit bids on a newly scheduled bid submission date.

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15301, Class maintenance, involving no expansion of use beyond that previously existing.

General Plan:

In accordance with City Council Resolution No. 74129 C.M.S. approving the General Plan Land Use and Transportation Element of the Oakland General Plan, the proposed project is not subject to the Guidelines and procedures for General Plan Conformity Determinations for Projects in the Port of Oakland Area as the proposed project does not entail the construction or addition of 20,000 square feet or more of additional floor area and does not involve construction of public improvements of \$250,000.00 or more.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20413

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

OCT 24 2000

DATE

**Authorization to Include the Renovation of Elevator
Towers at Amtrak Station, Jack London Square,
in the Small Business Program**

October 24, 2000

Page 2 of 3

Budget:

The Total Project Cost is estimated to be \$200,000.

The Capital Budget for Fiscal Year 2000-2001 provides for this work under CIP item No. P1.00636.01. The funding source is Port cash.

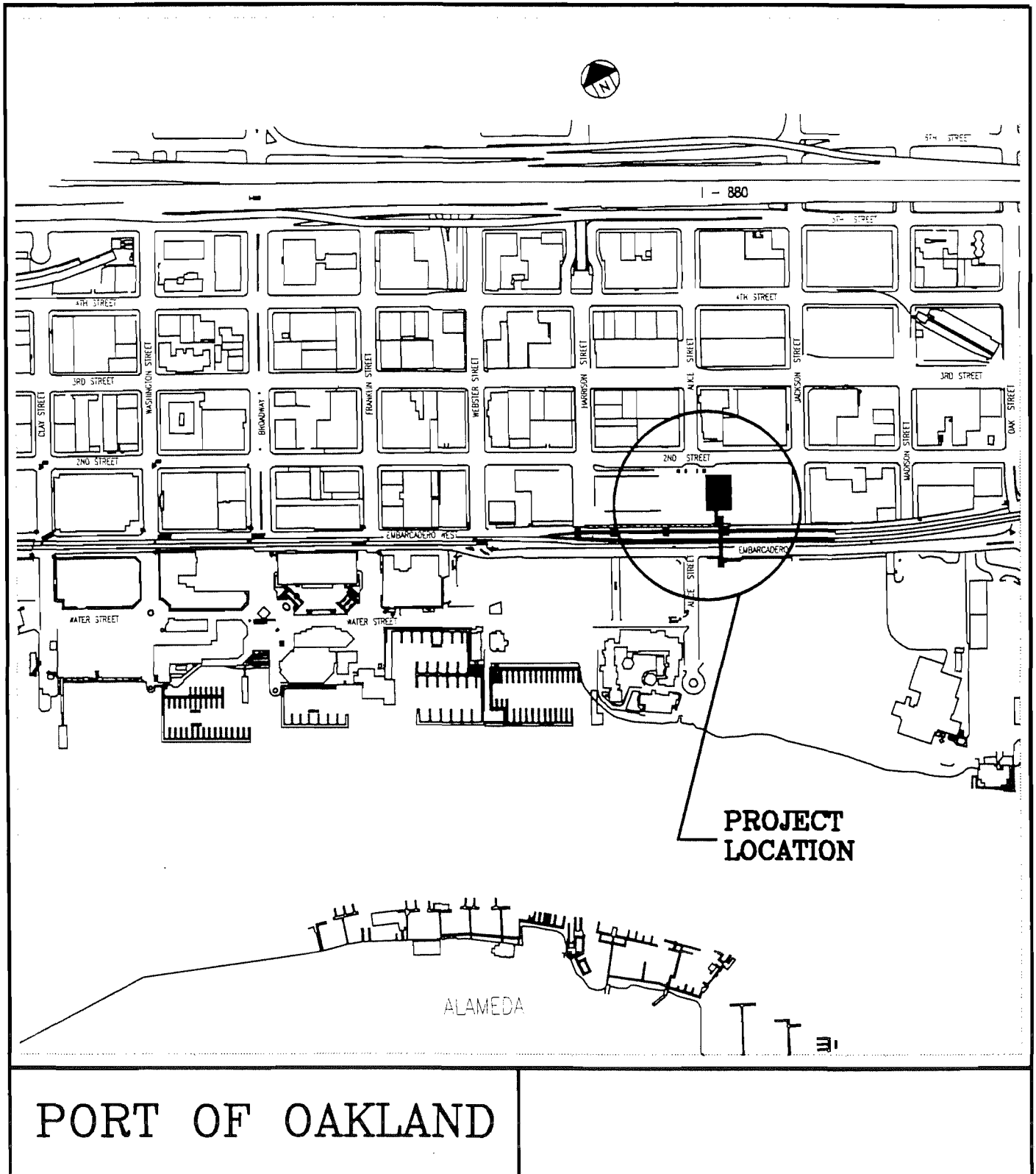
Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) do not apply for this work.

RECOMMENDATION:

It is recommended that the project **Renovation of Elevator Towers at Amtrak Station, Jack London Square**, be included in the Port's Small Business Program, and that it be found to be in the best interests of the Port to dispense with competitive bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor who submits an acceptable bid.

It is further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on informal bids, if the attempt to secure an acceptable bid from a small local contractor is not successful.



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: October 24, 2000

^{TD}
SUBJECT: Approval of Sell Surplus Port-Owned Container Cranes X423, X441 and X442 to Kam Harbor Works

ITEM NO: 22S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

On April 21, 1998, the Board declared surplus Paceco Container Crane X423 and authorized Port staff to solicit proposals for the purchase of the crane. On May 1, 1990, the Board declared surplus the Alliance Container Cranes X441 and X442. Since then, staff has:

- advertised the sale of the cranes in *World Cargo News*, a worldwide magazine of the cargo shipping industry;
- contacted, by phone, fax or email, potential buyers, including shipping lines and port authorities around the world, about the availability of the cranes;
- sent letters and flyers advertising the cranes;
- published information about the availability of the cranes on the Port's website;
- contacted surplus crane equipment agents with the crane information.

As a result of the above actions, approximately twenty parties expressed interest; to date, only one offer has been received. Kam Harbor Works, a crane maintenance and repair company from Israel, has offered the Port \$50,000 each for the three cranes.

An alternative course of action was to scrap the cranes. The cost estimate to scrap each crane is about \$250,000.

RECOMMENDATION:

It is recommended that the Port sell Paceco Crane X423 and Alliance Cranes X441 and X442 to Kam Harbor Works for \$50,000 each, and require Kam Harbor Works to remove the cranes from Port property as soon as transportation can be arranged.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20414

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

OCT 24 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to Dispose of Surplus Port Vehicles to the Oakland Zoo

DATE: October 24, 2000

ITEM NO: 335

SUBMITTED BY: Fred Rickert

EXECUTIVE OFFICE RECOMMENDATION

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

Staff is recommending disposal of a number of vehicles including a 1987 Ford Ranger pickup truck (vehicle # X-724) and a 1990 Dodge/Chrysler mini-van (vehicle # X-962) because they are no longer cost effective to maintain due to age and condition.

The East Bay Zoological Society, a non-profit organization (Tax ID - 94-1687847) serving the community in the greater Oakland area, has expressed an interest in the above vehicles and requested that they be transferred to their organization. The Oakland Zoo does not have a tax base or other sources of income, beyond ticket sales, donations, special fund raising activities and the like.

In light of the potential benefit to the community, it is appropriate to sell the vehicles to the Oakland Zoo for a nominal fee, given the age and limited resale value of the vehicles. The Oakland Zoo has agreed to certify that the vehicles will be used solely for non-profit purposes and will recognize the Port's support of the community by placing visible acknowledgement of Port support on the vehicles.

RECOMMENDATION:

It is recommended that the Board declare the subject Ford Ranger and Chrysler van as surplus equipment and authorize the Executive Director to sell the vehicles to The Oakland Zoo for the nominal fee of one dollar each, plus incidental costs such as transportation or fees, in any.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20420

BOARD ACTION TAKEN

Assistant

Sharon Kussner
SECRETARY OF THE BOARD

OCT 24 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

Date: October 24, 2000

SUBJECT: **Travel Authorization**

Item No. 34S

SUBMITTED BY: **Christopher C. Marshall**

PROGRAM AREA

EXECUTIVE OFFICE RECOMMENDATION:

ccm
[Signature]

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

As provided for in the Port's Administrative Manual, it is recommended that the Board authorize the travel of the Executive Director, Charles W. Foster; Port Attorney, David Alexander; and Assistant Port Attorney, Thomas Clark, to Melbourne, Australia on or about the period November 3 – 10, 2000, to attend and participate in the Pan Pacific 2000 Conference hosted by the Melbourne Port Corporation.

Also recommended is the travel of Commissioners Darlene Ayers-Johnson, Frank Kiang, and the Director of Aviation, Steve Grossman, to Santiago, Chile on or about the period November 1 – 10, 2000, to attend the 10th ACI World Conference.

RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20421

BOARD ACTION TAKEN

[Signature]

Assistant SECRETARY OF THE BOARD

OCT 24 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 Water Street
Oakland, California 94607

TELEPHONE: (510) 627-1100

COMMISSIONERS

DAVID KRAMER
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PETER URIBE
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FRANK KIANG
JOHN PROTOPAPPAS
PATRICIA A. SCATES

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

**Regular Meeting of the Board of Port Commissioners
Tuesday, November 7, 2000 - 3:00 PM**

ROLL CALL

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

READING OF THE MINUTES:

Regular meeting of August 1, 2000.

Deferred - Regular meeting of September 5, 2000; regular
meeting of September 19, 2000; adjourned regular meeting
of October 10, 2000; and adjourned regular meeting of
October 24, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Aviation

Maritime

READING OF SUMMARY ITEMS: (Marked "S")

12 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1** Recommendation to Adopt Resolution of Necessity (Ordinance) to Initiate Eminent Domain Proceedings by Port of Oakland; Property Owner/Lessor: Port of Oakland to Acquire Certain Property Interests of Lessee(s): KaiserAir/Earhart Associates; Alameda County Assessor Parcel No. 042-4404-005 for Port Use. (Ordinance)
- 2** Approval of Second Supplemental Agreement with Environmental Science Associates for Preparation of Environmental Documentation for the Airport Development Program. (Resolution)
- 3** Approval of Plans and Project Manual and Authorization to Negotiate and Enter into Contract with Control System Manufacturer for Improvement of Runway and Taxiway Lighting, Marking and Control Systems, OIA. (Resolution)
- 4** Ratify Increase in Change Order Amount to Remove Contaminated Soil on Contract for Construction of Doolittle Drive and Airport Drive Interchange, Airport Roadway Project (Contract B), OIA. (Resolution)
- 5** Approval of Change Order to Construct Gateway Medians on the Contract for Widening of 98th Avenue West of I-880, Airport Roadway Project (Contract C), OIA. (Resolution)
- 6** Ratify Change Order to Construct Bridge Approach Slabs on the Contract for Widening of 98th Avenue West of I-880, Airport Roadway Project (Contract C), OIA. (Resolution)

- 7** Ratify Change Order to Construct Sanitary Sewer at Holiday Inn Express on the Contract for Construction of Doolittle Drive and Airport Drive Interchange, Airport Roadway Project (Contact B), OIA. (Resolution)
- 8** Authorization to Dispense with Formal Bids for Award to McGann Associates Inc. for Installation and Maintenance of Air BART Ticket Vending Kiosks at Oakland International Airport. (Resolution)
- 9** Authorization to Provide Funds to the Metropolitan Transportation Commission to Continue to Conduct Regional Airport Planning Studies. (Resolution)
- 10S** Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with United States Postal Service (Adjacent to Building L-812, North Airport). (Resolution)
- 11S** Approval of License and Concession Agreement and Asbestos Remediation Rental Credit with Bank of America, Hangar 8, Bay A (7843 Earhart Road, North Airport). (Resolution)
- 12S** Substitution of Concrete Subcontractor for Construction of Doolittle Drive and Airport Drive Interchange. (Resolution)
- 13S** This number not used.
- 14S** Ratification of Addenda and Award of Contract for Overlay of Taxiway D (South of Taxiway M) and Taxiway J, North Airport, OIA. (Resolution)
- 15S** Ratification of Addendum and Award of Contract for Aircraft Sound Insulation Program, Phase 1, Bay Farm Island, Alameda. (Resolution)
- 16S** Approval of Plans and Project Manual for Recarpeting of Building M-130 (Terminal 2), South Airport, OIA. (Resolution)
- 17S** Approval of Building Permit Application for Sprint PCS to Install Cell Phone Equipment, Terminals 1 and 2, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 18S** Ratification of Addendum and Award of Contract for Demolition of Jack London Village, Buildings F-217 through F-226, Jack London Square. (Resolution)

MARITIME

- 21** Authorization to Negotiate and Execute an Agreement with Michael Willis and Associates to Provide Architectural Design Services for the Construction of Port Field Services Complex, Inner Harbor. (Resolution)
- 22** Authorization to Enter into a Contract for Preparation of Engineering Studies Evaluating the Feasibility of Reducing Emissions of Reactive Organic Gases (ROG) at Two Plants in West Oakland – Vision 2000 MMRP Mitigation Measures Nos. 113 and 114. (Resolution)
- 23S** Substitution of Metal Stud Framing and Drywall Subcontractor for Construction of Administration Building and Maintenance Repair Facility at Berths 55/56, Inner Harbor Channel. (Resolution)
- 24S** Award of Contact for Replacement of Fender Systems at Berths 35-37, Ben E. Nutter Terminal. (Resolution)
- 25S** Approval of Permit from the Bay Area Rapid Transit District (BARTD) for Installation of a 4-Inch Domestic Water Pipe Under the Port Project, "Construction of Joint Intermodal Terminal". (Resolution)
- 26** Non-Exclusive Preferential Assignment Agreement with Stevedoring Services of America Terminals, LLC for the New Terminal at Berths 57-59. (Information Only)

OPERATIONS

- 31** Personnel Item: Title Changes; Creation of Salary Schedule; Amendment of Salary Schedule Assignments; Creation of Additional Position; and Amendment of FY 2000-2001 Staffing Plan. (Ordinance)
- 32** This number not used.
- 33** This number not used.
- 34** Approval of As-Needed Environmental Compliance Consulting Services. (Resolution)

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

Vote on the following resolutions except number 27:

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

Noes: None

Absent: Commissioner Kiang – 1

Vote on number 27:

Ayes: Commissioners Ayers-Johnson, Protopappas, Scates,
Uribe and President Kramer – 5

Noes: None

Abstained: Commissioner Tagami – 1

Absent: Commissioner Kiang - 1

RESOLUTIONS:

- 20424 1 FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH ENVIRONMENTAL SCIENCE 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. (Airport – 2)
- 20425 2 APPROVING PLANS AND SPECIFICATIONS FOR IMPROVEMENT OF RUNWAY AND TAXIWAY LIGHTING, MARKING AND CONTROL SYSTEMS, OAKLAND INTERNATIONAL AIRPORT, OAKLAND CALIFORNIA, CALLING FOR BIDS THEREFOR; AND FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR DESIGN, PROGRAMMING AND MAINTENANCE OF COMPUTERIZED AIRFIELD LIGHTING CONTROL SYSTEM WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport – 3)
- 20426 3 APPROVING AND RATIFYING INCREASE TO CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC. – BROSAMER, A JOINT VENTURE, FOR CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Airport – 4)
- 20427 4 APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC., FOR CONSTRUCTION OF WIDENING OF 98TH AVENUE WEST OF I-880, AIRPORT ROADWAY PROJECT (CONTRACT C), OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Airport – 5)

REGULAR MEETING
November 7, 2000

- 20428 5 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC., FOR CONSTRUCTION OF WIDENING OF 98TH AVENUE WEST OF I-880, AIRPORT ROADWAY PROJECT (CONTRACT C), OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Airport - 6)
- 20429 6 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC. - BROSAMER, A JOINT VENTURE, FOR CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Airport - 7)
- 20430 7 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR PURCHASE, INSTALLATION AND MAINTENANCE OF AIR BART TICKET VENDING KIOSKS, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING AND AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT WITH MCGANN ASSOCIATES, INC. FOR SUCH WORK. (Airport - 8)
- 20431 8 APPROVING AND AUTHORIZING FUNDING FOR THE UPDATING OF THE REGIONAL AIRPORT SYSTEM PLAN. (Airport - 9)
- 20432 9 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN AGREEMENT TO EXTEND RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH UNITED STATES POSTAL SERVICE. (Airport - 10S)
- 20433 10 APPROVING AND AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENT WITH BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION. (Airport - 11S)
- 20434 11 APPROVING SUBSTITUTION OF CONCRETE SUBCONTRACTOR FOR CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Airport - 12S)
- 20435 12 RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS FOR OVERLAY OF TAXIWAY D (SOUTH OF TAXIWAY M) AND TAXIWAY J, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR; AND AWARDED CONTRACT TO MCGUIRE AND HESTER, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Airport - 14S)
- 20436 13 RATIFYING AND APPROVING ADDENDUM TO PLANS AND SPECIFICATIONS FOR AIRCRAFT SOUND INSULATION PROGRAM, PHASE 1, BAY FARM ISLAND, ALAMEDA, CALIFORNIA, AWARDED CONTRACT TO M. A. LINDQUIST CO., INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Airport - 15S)

REGULAR MEETING
November 7, 2000

- 20437 14 APPROVING PLANS AND SPECIFICATIONS FOR RECARPETING OF BUILDING M-130 (TERMINAL 2), SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport – 16S)
- 20438 15 GRANTING SPRINT PCS PERMISSION TO PERFORM CERTAIN WORK. (Airport – 17S)
- 20439 16 RATIFYING AND APPROVING ADDENDUM TO PLANS AND SPECIFICATIONS FOR DEMOLITION OF JACK LONDON VILLAGE, BUILDINGS F-217 THROUGH F-226, JACK LONDON SQUARE, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR; AND AWARDING CONTRACT TO THOMAS EYCHNER CO., INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Commercial Real Estate – 18S)
- 20440 17 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SCIENCE APPLICATIONS INTERNATIONAL CORPORATION (SAIC) FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING, COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime – 22)
- 20441 18 APPROVING SUBSTITUTION OF METAL STUD FRAMING AND DRYWALL SUBCONTRACTOR FOR CONSTRUCTION OF ADMINISTRATION BUILDING AND MAINTENANCE REPAIR FACILITY AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime – 23S)
- 20442 19 AWARDING CONTRACT TO SEAWORKS INCORPORATED, FOR REPLACEMENT OF FENDER SYSTEM AT BERTHS 35-37, BEN E. NUTTER TERMINAL, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Maritime – 24S)
- 20443 20 APPROVING AND AUTHORIZING EXECUTION OF A PERMIT FROM THE BAY AREA RAPID TRANSIT DISTRICT FOR INSTALLATION OF A 4-INCH DOMESTIC WATER PIPE UNDER THE PORT PROJECT “CONSTRUCTION OF JOINT INTERMODAL TERMINAL”. (Maritime – 25S)
- 20444 21 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH WEISS ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 34)
- 20445 22 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH URS CORPORATION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 34)

- 20446 23 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH INNOVATIVE TECHNICAL SOLUTIONS, INC. (ITSI) FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 34)
- 29447 24 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH IRIS/CAMBRIA ENVIRONMENTAL TECHNOLOGIES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 34)
- 20448 25 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GAIA CONSULTING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 34)
- 20449 26 COMPROMISING AND SETTLING CLAIMS AND AUTHORIZING EXECUTION OF STIPULATED SETTLEMENT. (Closed Session – 40)
- 20450 27 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MICHAEL WILLIS & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime – 21)

Vote on the following ordinances:

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

Noes: None

Absent: Commissioner Kiang - 1

ORDINANCES:

- 1 ("S")** Port Ordinance No. 3611 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A TENTH SUPPLEMENTAL AGREEMENT TO LEASE WITH SKY CHEFS, INC."

Final.

- 2 ("S")** Port Ordinance No. 3612 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC (PG&E) FOR RELOCATION OF POWER POLE AND INSTALLATION OF NEW STUB POLE AND ANCHOR FACILITIES FOR AN ADJACENT POWER POLE ALONG DOOLITTLE DRIVE, OAKLAND INTERNATIONAL AIRPORT."

Final.

- 3 ("S")** Port Ordinance No. 3613 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH WAREHOUSE PROPERTIES, INC., FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 14.43 ACRE PARCEL OF LAND LOCATED AT HEGENBERGER AND PARDEE ROADS."

Final.

- 4** Port Ordinance No. ____ being, "AN ORDINANCE FINDING AND DETERMINING THAT THE PUBLIC INTEREST OF KAISERAIR, INC. AND EARHART ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, FOR PUBLIC USE IN CONNECTION WITH PORT DEVELOPMENT PURPOSES, MAKING OTHER FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, AND AUTHORIZING THE FILING OF PROCEEDINGS IN CONDEMNATION FOR THE ACQUISITION THEREOF."

Airport – 1 to print.

- 5** Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTIONS 2.01, 10.019, 10.013, 8.147, 5.026 AND 6.012."

Operations – 31 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: **The next meeting will be a regular meeting held on Tuesday, November 21, 2000 at 3:00 PM.**

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 1

SUBJECT: Recommendation to Adopt Resolution of Necessity (Ordinance) to Initiate Eminent Domain Proceedings by Port of Oakland; Property Owner/lessor: Port of Oakland to Acquire Certain Property Interests of Lessee(s): KaiserAir/Earhart Associates; Alameda County Assessor Parcel No. 042-4404-005 for Port Use

- PROGRAM AREA:
[X] Airport Operations
[] Commercial Real Estate
[] Maritime Operations
[] Overall Operations

SUBMITTED BY: STEVEN GROSSMAN
EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND:

It is recommended that the City of Oakland, by and through its Board of Port Commissioners ("Board"), initiate eminent domain proceedings to acquire the leasehold interests of KaiserAir, Inc. and Earhart Associates in and to a portion of real property owned by the Port of Oakland and designated APN 042-4404-005, by adopting the attached Ordinance of Necessity. The portion of the real property is identified on the exhibits attached hereto as Exhibit A and to the Ordinance of Necessity. The Ordinance of Necessity requires a two-thirds vote of the Board for passage.

The entire parcel consists of approximately 35,999 square feet/0.827 acre from which approximately 11,855 square feet/0.272 acre is to be acquired for the project. The property is located within the Port Area on Earhart Road, Oakland International Airport, North Field Area, and the record owner is the Port of Oakland. The Port entered into an original lease of the real property with Western Automotive Facilities (dated June 9, 1981 and recorded August 6, 1981 as Document # 81-133256 of the official records of the County of Alameda; "Master Lease") and the current lessee of the Port by assignment is KaiserAir, Inc., a corporation (pursuant to the Eighth Supplemental Agreement dated January 1, 1996 and recorded June 6, 1996). The Master Lease has been subject to various subsequent assignments and/or conveyances of the leasehold interests in portions thereof to subtenants/lessees including the sub-leasehold interest of Earhart Associates, a California Limited Partnership, created by the Second Supplemental Agreement to the Master Lease (dated June 18, 1985 and recorded July 19, 1985 as Document # 85-14228 of the official records of the County of Alameda). In addition, KaiserAir and Earhart are also parties to another sublease agreement entitled Industrial Net Lease, Hangar 5, Oakland Airport, entered into on June 18, 1985. The remaining term of Master Lease is to July 31, 2011; the present use of the portion of the property required by the Port is an auto parking area in connection with KaiserAir operations.

It is necessary that the leasehold interests in and to the portion of the real property be acquired by the Port for the entrance roadway, parking and utility infrastructure for the Aviation Facilities Maintenance Project (the "Aviation Facilities Complex"). The Aviation Facilities Complex consists of reconstructing and consolidating existing structures for Airport Maintenance Facilities. The entire Airport Facilities Complex will occupy approximately 5.45 acres on the North Field of the Oakland Airport. Except for the approximately 11,855 square feet to be acquired from the KaiserAir leasehold, the Airport Facilities Complex will be on vacant, airport land located between Doolittle Drive and Earhart Road in the North Field portion of the Airport. The maintenance facilities directly support Airport activities for passengers, cargo, general aviation, parking and other ancillary activities that are necessary to the Airport operation. The purpose of the Aviation Facilities Complex project is to consolidate Airport maintenance facilities. The consolidation will intensify the use of existing Airport land. The newly constructed Aviation Facilities Complex will upgrade the structures and facilities that house Airport maintenance activities. The existing facility structures are located between Doolittle Drive and Earhart Road. The existing structures were built about 60 years ago and are outdated. The existing facilities include over 55,000 square feet of space located within several structures. Consolidated facilities will enable improved and efficient maintenance operations of this 24-hour Airport activity.

The proposed Aviation Facilities Complex includes the following: a warehouse, shop complex, office building, vehicle service building, fueling station, hazardous materials storage area, equipment storage, drive ways, parking for 60

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Approved by Ordinance passed to print

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Assistant

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SECRETARY OF THE BOARD

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existing employees, parking for service vehicles, vehicle wash rack, ancillary maintenance facilities, fencing and landscaping. The structures would be one or two stories in height. The Doolittle Drive right of way, California State Route 61, is adjacent to the easterly length of the site. The fence would include slats to visually buffer the industrial site activity from Doolittle Drive and the San Leandro Shoreline. Access to the site will be from Earhart Road and from Cooke Street. Utilities for the project will connect with existing services.

ENVIRONMENTAL REVIEW

Port of Oakland filed Notice of Exemption with Alameda County Recorder on 12/22/98. San Francisco Bay Conservation and Development Commission (BCDC) issued Permit M98-71 issued on 2/8/99 and Amendment One to Permit issued 2/25/00 to Port of Oakland for the Aviation Facilities Complex project. (Copies of the Environmental Reports are available for review at the office of the Secretary to the Board of Port Commissioners ("Board Secretary") and are incorporated into the administrative record herein.) Therefore, the Port has complied with the environmental review process under the California Environmental Quality Act ("CEQA"), found in Public Resources Code Sections 21000, et. seq. and the State CEQA Guidelines adopted by the Secretary of Resources.

The public use and necessity for the project has been established by a number of reports and studies and the use is an established public use under the law. (Copies of all reports and studies are available for review at the office of the Board Secretary and are incorporated into the administrative record herein.)

Airport Properties staff has attempted to reach an agreement with the leaseholders on the terms and conditions for voluntary purchase of the leasehold interests for \$37,000, which is the appraisal amount; however, a voluntary agreement between the parties has not been reached at this time.

It is now appropriate to institute eminent domain proceedings since the Port is at an impasse with the leaseholders. Under state law procedure, a hearing is held by the Board of Port Commissioners prior to initiating eminent domain proceedings. The hearing is for the limited purpose of whether to adopt the Resolution (Ordinance) of Necessity which entails a consideration of the following four items:

- a) Whether the public interest and necessity require this project;
- b) That the project is planned or located in a manner that will be most compatible with the most public good and least private injury;
- c) That this property sought to be acquired is necessary for this project; and
- d) Whether the offer to purchase the property required by Government Code Section 7267.2 has been given to the owner lessee of record.

State law makes clear that this hearing is not for the purpose of hearing testimony as to what the leasehold interest is worth, or whether the appraisal is valid, or whether the Port has made a fair offer to the leaseholders. As such, the amount of compensation to be paid for the acquisition of the interest is not a matter or issue being heard by the Board at this time. Adopting the Ordinance will not preclude the leaseholders from claiming greater compensation as determined by a court of law in accordance with the laws of the State of California. Nor will the adoption of the Ordinance foreclose further and/or future negotiations on the amount of compensation to be paid for the interest.

SUBJECT: Recommendation to Adopt Resolution of Necessity (Ordinance) to Initiate Eminent Domain Proceedings by Port of Oakland; Property Owner/lessor: Port of Oakland to Acquire Certain Property Interests of Lessee(s): KaiserAir/Earhart Associates; Alameda County Assessor Parcel No. 042-4404-005 for Port Use

NOTIFICATION:

The leaseholders KaiserAir and Earhart Associates have been given notice of this hearing by letter notice dated October 20,2000 from the office of Special Eminent Domain Counsel Gary R. Rinehart.

OPTIONS:

- 1) Adopt Resolution (Ordinance) of Necessity.
- 2) Do not adopt Ordinance of Necessity.
- 3) Request additional information.

RECOMMENDATION:

Adopt Resolution (Ordinance) of Necessity initiating eminent domain proceedings, establish the amount of probable compensation of \$37,000, and authorizing deposit in court or with the State Treasurer the amount of compensation established by the Board as the probable amount of compensation to be awarded in the eminent domain and to apply to the court for an order permitting the Port to take immediate possession and use of the interests in the property for the above described public uses and purposes.

EXHIBIT "B-1"

**KAISERAIR, INC.
TAKE AREA
LEGAL DESCRIPTION**

All that real property in the City of Oakland, County of Alameda, State of California, within the area of the Oakland International Airport, being more particularly described as follows:

Commencing at "EAR-KAIS EC", a standard Port of Oakland monument as shown on Record of Survey 1546, recorded November 2, 1998, Book 22, Pages 71-75, Alameda County Records; thence North 35°45'49" East 26.00 feet to the northeasterly street plan line of Earhart Road as shown on said Record of Survey 1546 (22M71); thence along said street plan line South 54°14'11" East 86.56 feet; thence leaving said street plan line North 35°51'35" East 6.00 feet to the Point of Beginning;

thence parallel with said street plan North 54°14'11" West 45.10 feet; thence North 35°45'49" East 141.88 feet; thence South 54°14'11" East 116.84'; thence South 35°45'49" West 76.00 feet; thence North 54°14'11" West 71.63 feet; thence South 35°51'35" West 65.88 feet to the Point of Beginning;

Containing 11,855 square feet 0.272 acres, more or less, measured at ground level.

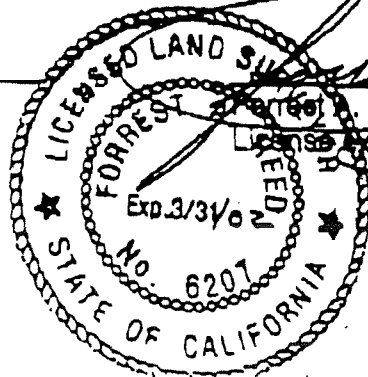
End of Description

Bearings and distances used in this description and its accompanying plat are based on the California Coordinate System, Zone III, North American Datum of 1983. All distances in this description are grid distances. To convert grid distances to ground distances multiply by 1.0000707.

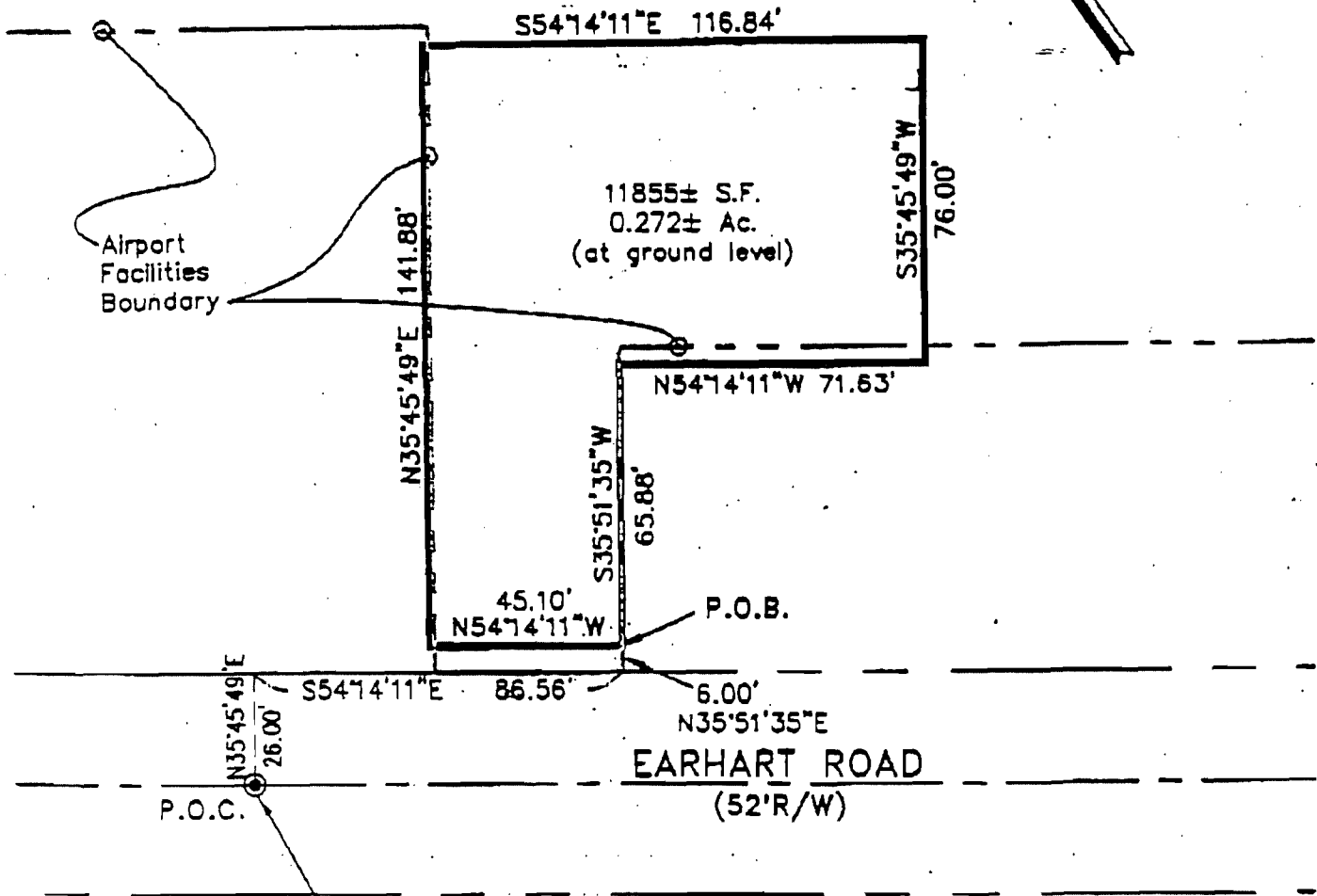
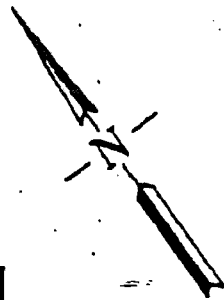
Surveyor's Statement

This description was prepared pursuant to section 8726 of the Business and Professions Code of the State of California by or under the supervision of:

Date: 04/05/02



Forrest Reed
Reed, L.S. 6207
License Expires 03/31/02



Airport
Facilities
Boundary

11855± S.F.
0.272± Ac.
(at ground level)

EARHART ROAD
(52'R/W)

"EAR-KAIS EC"
N 2093268.805
E 6066585.938

NOTE:

BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III.
ALL DISTANCES ARE GRID DISTANCES. MULTIPLY HEREON SHOWN DISTANCES BY 1.0000707 TO OBTAIN GROUND DISTANCES.

DRAWN BY: cm CHECKED BY: for ATTACHMENTS: facitope FILE LOC.: \\106201\ka_parkg

PORT OF OAKLAND
LAND SURVEYS AND MAPPING
530 Water Street
Oakland, California

EXHIBIT "B-1"
KAISERAIR PARKING - TAKE AREA
Plat to accompany Legal Description

SCALE: 1" = 40'
Wkt. Ord: 106201
Field Bk:
REV BY: cm
DATE: 3/16/99
SHEET 1 OF 1

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 2

SUBJECT : Approval of Second Supplemental Agreement with Environmental Science Associates for Preparation of Environmental Documentation for the Airport Development Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION: 

Background

In March 1988, the Board authorized an agreement with Environmental Science Associates (ESA) for the preparation of a joint federal Environmental Impact Statement (EIS) and State Environmental Impact Report (EIR) for the Oakland International Airport Master Plan Update. Since that time, the project has been changed to the Airport Development Program (ADP), revised to include the evaluation of the Airport Roadway Project, and rescoped a number of times to address regulatory and business issues.

The Port completed a CEQA Supplemental Environmental Impact Report in July 1999. The City of Alameda and the Citizens League for Airport Safety and Serenity (CLASS) appealed the Alameda County Superior Court ruling. The Port cross-appealed. The FAA released the NEPA Revised Draft Environmental Impact Statement to the public in September 2000. The FAA held a public hearing on October 26 and closed the public comment period on November 6.

Contracts

Over the previous eleven years, eight supplemental agreements, and a second contract with a supplement were executed. The contracts and supplements added to the scope of work and increased compensation to respond to various changes in information, changes to the project, and FAA changes in direction. Currently, the total maximum compensation is \$3.477 million.

Federal law requires that the FAA be the agency in charge of preparing the EIS. The sponsoring airport, in this case Oakland International, supplies the financial resources to hire the consultant. The FAA provides all direction to the consultant with the Port simply administering the consultant contract. This summer the FAA provided new direction on ESA's scope of work. In August, the FAA expanded ESA's tasks to include two additional documents: 1) an Administrative Draft of the Revised Draft EIS; and, 2) a Revised Draft EIS. In October the FAA directed ESA to prepare further studies on air cargo, traffic, noise and special status species. The two added documents and the studies are not part of the work scope for the current Contract No. 99074 (with a First Supplemental).

The Eighth Supplemental Agreement and the current Contract, authorized the Executive Director to release \$115,000 to compensate ESA for unforeseen changes in work scope. On October 12th the Executive Director authorized that amount for ESA's costs to prepare the studies described above. Approximately \$22,000 remains in the First Supplement to the Contract. Staff estimates an additional cost of \$400,000 to complete the documents that we anticipate will be required by the FAA. The additional work includes: 1) preparing a Final Environmental Assessment and Finding of No Significant Impact for the Airport Roadway Project, and, 2) a Final EIS for the entire ADP.

- MOTION
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- INFORMATION ONLY

Approved by Resolution No. 20424

BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

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In order to complete CEQA and NEPA documentation, staff recommends \$400,000 for a Second Supplemental Agreement to the Contract with ESA. The added amount would bring the maximum compensation to a total of \$3,877,000. In addition, staff propose that the Executive Director be authorized to approve up to \$50,000 of additional work for unforeseen changes in the work scope. The work is budgeted under CIP No. A2.00414.01. The funding source is Passenger Facility Charges (PFCs). The Owner Control Insurance Program (OCIP) began after the contract approval in July 1999. However, as a CIP project, this Second Supplemental requires conversion of the Contract to OCIP.

DESCRIPTION	DATE	AUTHORIZED	PROPOSED
1 Original Agreement	3/1/88	\$182,000	
2 First Supplemental	6/5/90	210,000	
3 Second Supplemental	5/19/92	263,000	
Executive Director Approved Work	10/29/92	80,000	
Executive Director Approved Work	1/25/94	120,000	
4 Third Supplemental	2/1/94	105,000	
Executive Director Approved Work	9/23/94	40,000	
5 Forth Supplemental	10/18/94	150,000	
Executive Director Approved Work	9/21/95	50,000	
6 Fifth Supplemental	2/1/96	320,000	
Executive Director Approved Work	June 1997	50,000	
7 Sixth Supplemental	July 1997	30,000	
8 Seventh Supplemental	8/5/97	950,000	
Executive Director Approved Work	9/30/98	100,000	
9 Eighth Supplemental Agreement	11/10/98	465,000	
Executive Director Approved Work		50,000	
10 Agreement 99074	3/2/99	77,000	
Executive Director Approved Work		20,000	
11 First Supplemental to 99074	7/20/99	220,000	
Executive Director Approved Work		45,000	
12 Proposed Second Supplemental Agreement to 99074			\$400,000
Proposed Executive Director Authorization for Additional Work			\$ 50,000
TOTAL		\$3,477,000	\$3,927,000

RECOMMENDATION:

- It is recommended that the Board authorize the following:
- 1) Execute a Second Supplemental Agreement to Contract No. 99074 with Environmental Science Associates, for providing professional services as described above for \$400,000;
 - 2) Authorize the Executive Director to approve up to \$50,000 of additional work outside the work scope; and,
 - 3) Convert Contract No. 99074 to OCIP.

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 3

^{TD}
SUBJECT: *J* Approval of Plans and Project Manual and Authorization to Negotiate and Enter into Contract with Control System Manufacturer for Improvement of Runway and Taxiway Lighting, Marking and Control Systems, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Plans and Project Manual have been prepared for **Improvement of Runway and Taxiway Lighting, Marking and Control Systems, OIA** and are hereby submitted for approval and authorization to advertise for bids.

The Federal Aviation Administration (FAA) requires airports to submit a plan for improvement of airfield lighting, marking and control systems to allow runway takeoff and landing operations when visibility conditions are below 1200 feet RVR (Runway Visual Range). Special features must be incorporated into the improvement plan, depending upon whether operations are planned for visibility conditions down to 600 feet RVR or 300 feet RVR. A "complete" Surface Movement Guidance and Control System (SMGCS), which includes ground radar, would permit operations down to 300 feet RVR.

In 1996, the Port of Oakland (Port) submitted a SMGCS plan to the FAA for the Oakland International Airport, South Field. The Port's plan, if approved, would allow operations down to 600 feet RVR since the Port does not have ground radar. On September 30, 1996, the Board accepted from the FAA a grant offer of \$2,455,880 as funding support to construct the Port's plan under AIP-19 entitlement funds for federal fiscal year 1996. The approved plan proposed the hiring of a consultant to assist the Port in the design of a reliable SMGCS at the airport. However, Engineering staff, with FAA's concurrence, deferred hiring an engineering consultant to design the system since the FAA did not finalize specifications for SMGCS control systems until December 1998. In May 1999, the Board approved hiring CH2MHill for engineering design services and preparation of construction documents.

The project involves installing a network of lighting paths in the centerlines of taxiways, and other lighting equipment, to guide aircraft and control access to the runway during low visibility conditions. The project also includes furnishing new regulators and a new computerized airfield lighting control system that will include control of the North Field airfield lighting. The new computerized airfield lighting control system has provisions for a SMGCS extension to the North Field and will have provisions for relocating it to the future electrical vault and also the future tower location.

CONTROL SYSTEM ANALYSIS:

The technology for monitoring and controlling individual lighting components is new to the U.S. Only 21 airports in the U.S. have attempted to install a "complete" SMGCS, and only nine of these airports received approval of their plan from the FAA. Nearly all of the airports with SMGCS have experienced problems of one sort or another. Some airports experienced problems trying to transmit the control signal on a wire medium that could not maintain the signal strength for long distances. Some systems had to be replaced immediately after installation to eliminate possible Y2K date issues. Air Traffic Control (ATC) and maintenance personnel complained about the difficulty of operating the system and making minor changes to the system software. All of these problems have occurred in systems of leading U.S. aviation lighting control companies. Some airports have

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No. 20425
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abandoned their systems; others have had to spend millions of dollars in troubleshooting, corrective design and reconstruction.

Since the control system, which is estimated to cost \$550,000 - \$650,000, is a critical element in the successful implementation of this project and since so many airports have had problems, staff initiated a research program. During the research phase, the project team developed a questionnaire to determine the status of SMGCS development for the manufacturers that had installed or were marketing prototype systems. Questionnaires were sent to five system manufacturers recommended to the project team by other airport engineering and facilities representatives and aviation consultants. FAA's District Office was consulted on the questionnaire process and supported the use of a questionnaire to determine the feasibility of an open market procurement process. The five control system manufacturers were required to respond to questions correlated to the criteria listed below. These criteria were established after several interviews with other airport representatives about their experiences with SMGCS systems installations. In addition, the Port's project team interviewed all five manufacturers. It was the intent of the project team to find more than one manufacturer so that an RFP could be solicited from all companies meeting the minimum criteria.

To avoid some of the problems mentioned above, the project team, including representatives from Engineering, Airport MIS, Airport Facilities, Airport Operations and the Port's Consultant, determined that the Port should only solicit proposals from suitably experienced SMGCS control system manufacturers, based on the following criteria:

- 1) Status and reliability of existing installations at other airports.
- 2) Ability of the proprietary system computer to communicate with non-proprietary field equipment.
- 3) Communication platform used by the system and ease of integration with non-proprietary electronic communication devices.
- 4) Speed of communication for control and feedback on system status.
- 5) User friendliness of the programming and SMGCS system software.
- 6) Manufacturer of airport lighting control system components.

After reviewing the questionnaire responses and interviewing each manufacturer's design team, Flight Light, Inc., a U.S company and the licensee of Alstom, Drive and Control, Ltd. of England, was ranked the number one company by the project team based on all of the established technical criteria. Honeywell/Hughey Phillips was ranked second since they utilize the same proven technology; however, they have less experience with commercial airport installations.

The FAA was also informed that only one company really satisfied all of the Oakland Airport's criteria; and only Flight Light, Inc., would be recommended by the project team for this work. FAA indicated their concurrence with staffs' analysis, and approved advertising for bids on June 27, 2000.

For designing, furnishing, programming and maintaining the control system, the Port's project team recommends the selection of Flight Light, Inc., who has been determined to have the most reliable technology based upon the above criteria. Furthermore, the project team has determined that it is in the Port's best interests to negotiate and enter into a separate contract with Flight Light, Inc., to perform this work. In the case of unsuccessful negotiations with Flight Light, the Port will negotiate with Honeywell/Hughey Phillips. Staff will inform the Board if negotiations are unsuccessful with either party. A contract between the control system supplier and the Port affords better control for interfacing with ATC personnel, Port maintenance and Airport Operations staff. This direct relationship is critical for expediting decisions on design options and the success of the project.

GENERAL ANALYSIS:

Plans and Project Manual have been prepared, covering all work for the airfield lighting construction contract.

Under the referenced Plans and Project Manual, an electrical contractor with a C-10 License and approval from the FAA will perform the airfield lighting construction work. Flight Light, Inc., will follow the contractor's work with the installation of the control system, including installation of conduit and fiber optic cable from the utility vault located in Building M-104, through the utility corridor in Building M-101, to the Building M-102 Control Tower.

Office of Equal Opportunity Analysis:

The Office of Equal Opportunity (OEO) has established a DBE goal of 15.7% for the airfield construction work. There are no DBE goals for furnishing the control system. OEO was advised of the selection process and concurs with the project team's recommendation on the selection of the control system manufacturer.

Environmental:

This project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15301.

General Plan:

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

Budget:

The work is budgeted under CIP Item No. A2.00525.01 and the funding source is AIP-19 Grant Funding and PFCs. The Total Project Cost is estimated to be \$6,395,000.

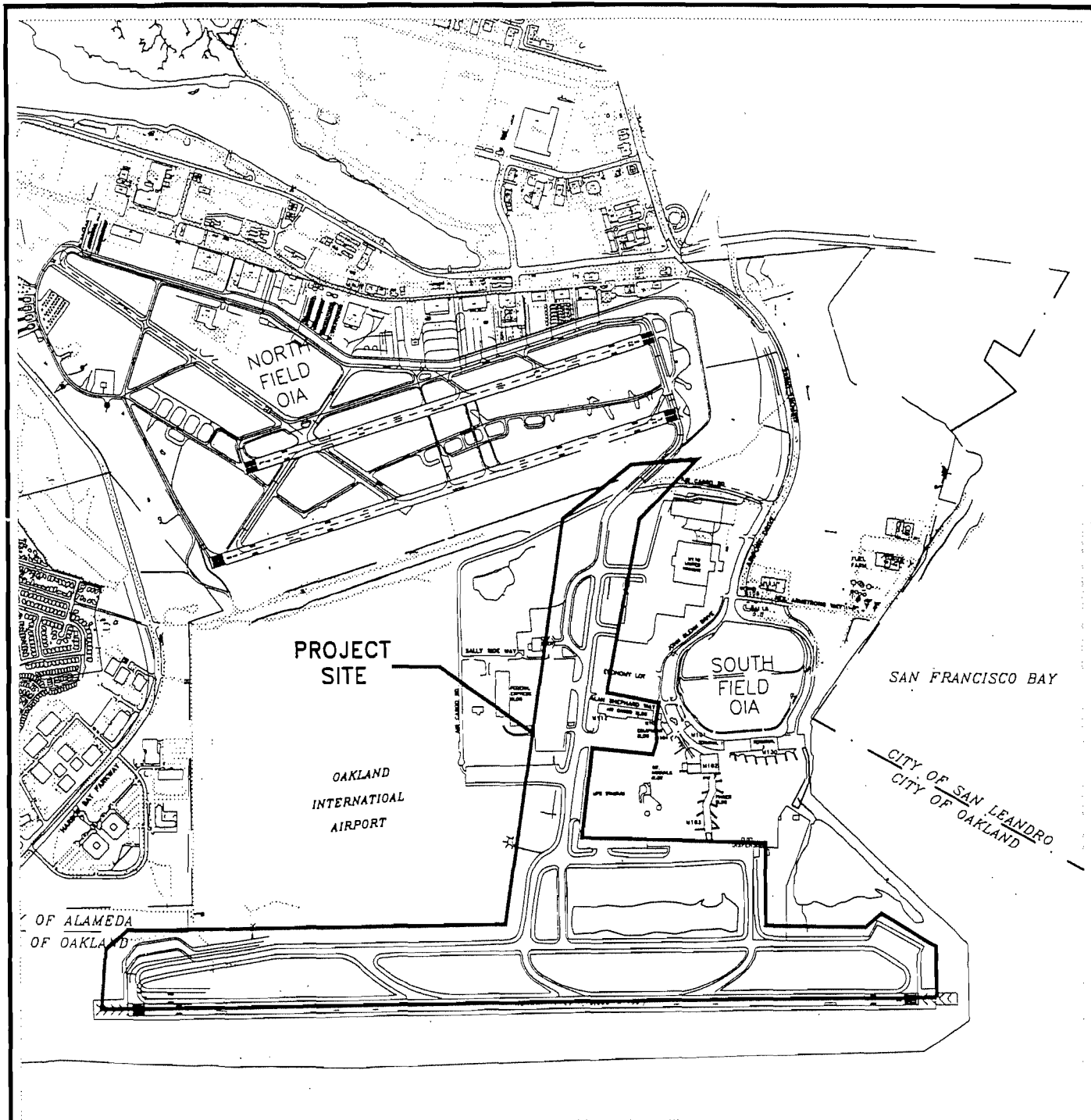
Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to the airfield lighting construction work as well as the conduit and fiber optic cable installation of the control system contract.

RECOMMENDATION:

It is recommended that the Board:

- 1) Approve Plans and Project Manual for the airfield lighting construction work and authorize advertising for bids to be received on December 20, 2000.
- 2) Authorize negotiations and the preparation and execution of an agreement with Flight Light Inc., the licensee of Alstom, Drive and Control, Ltd., U.S.A., for furnishing the control system for an estimated amount of \$600,000, and an additional amount of \$5 0,000 for approval by the Executive Director for any necessary changes in scope.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 4

SUBJECT: Ratify Increase in Change Order Amount to Remove Contaminated Soil on Contract for Construction of Doolittle Drive and Airport Drive Interchange, Airport Roadway Project (Contract B), OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc. (dba Gallagher & Burk, Inc.) and R & L Brosamer, Inc., doing business as Gallagher & Burk-Brosamer, a Joint Venture, for the **CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.** The Contract became effective on June 29, 1999, by Resolution No. 99265, for a contract sum of \$13,646,262.50. The work consists of roadway widening; constructing a new grade separation; pumping plant; cutoff walls; retaining walls; street light poles with foundations and lamps; sanitary sewer system; storm drain system; mechanical systems; electrical power systems, utility trenches; electric, telephone and water lines; traffic signal system; signage; pavement markings and striping; landscaping and irrigation. This is a Measure B project being administered by the Port.

ANALYSIS:

On September 5, 2000, the Board ratified a change order for a not-to-exceed amount of \$1,250,000 for removing approximately 10,000 tons of Class 1 hazardous soils at an estimated cost of \$657,000, and for treating the groundwater encountered during the excavation at an estimated cost of \$440,000. The cost for the groundwater treatment system is still within the estimated cost of \$440,000. However, the cost for removal of the hazardous soils has exceeded the estimated amount of \$657,000 by \$560,000.

The actual tonnage of Class 1 hazardous soils removed was 11,606 tons. In addition, 8,000 tons of the soils were classified as Class 2 contaminated material. The contract includes unit prices for removing these materials; however, a lower price was negotiated with the Contractor for the amount of material exceeding 200 tons. The unit price for Class 1 material was negotiated down from \$100 per ton to \$79.35. For Class 2 material, the unit price was negotiated from \$50 to \$36.45. The Port will also be entitled to a credit, yet to be negotiated, since excavation for clean soils was already in the original contract.

BUDGET ANALYSIS:

The funding for this Change Order will be covered by CIP Item No. AA.00268.01. The funding source is Measure B, administered by the Alameda County Transportation Authority, and also the City of Alameda, City of Oakland and Port cash. The Airport Roadway Project budget includes a \$2.5 million contingency for hazardous materials such as these. With this increase, approximately \$0.5 million in hazardous materials contingency is left for the project. Based on all available information at this time, staff believes that the remaining contingency amount of \$0.5 million is still adequate.

RECOMMENDATION:

It is recommended that the Board ratify an increase of \$560,000 in the authorized amount of the subject change order to Gallagher & Burk - Brosamer, a Joint Venture, as described above.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20426

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 5

^{TD}
SUBJECT: Approval of Change Order to Construct Gateway Medians
on the Contract for Widening of 98th Avenue West of I-880,
Airport Roadway Project (Contract C), OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc., dba Gallagher & Burk, Inc., for the **CONSTRUCTION OF WIDENING OF 98TH AVENUE WEST OF I-880, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.** The Contract was awarded on June 29, 1999, for a total contract sum of \$3,444,053.50. The work consists of demolition of existing pavement, curbs, gutters, and sidewalks; clearing and grubbing; constructing new pavement, curbs, gutters, and sidewalks, fencing, and storm drain system; constructing bridge modifications; lighting; traffic signal system; and landscape planting and irrigation. This is a Measure B project being administered by the Port.

In 1998, the Board of Port Commissioners (Board) approved entering into an Airport Gateway Program agreement with the cities of Oakland and San Leandro to recognize the streets serving the Airport as an important gateway to the area, and to design and construct special improvements on those streets. The Airport Gateway Program is consistent with the Coliseum Area Redevelopment Plan, which was adopted by the City Council and the Redevelopment Agency on July 25, 1995, for the purpose of relieving blight influences in the Coliseum area.

The three streets included in the Airport Gateway Program are 98th Avenue, Hegenberger Road, and Doolittle Drive. A consultant was subsequently hired to design improvements for each of those streets.

The City of Oakland (City) has allocated funding for the Gateway Improvements under this Plan, and has requested the Port to construct the improvements subject to reimbursement by the City.

On October 10, 2000, the Board approved a change order to this Contract to construct the Airport Gateway Improvements for the San Leandro Creek Bridge. The City has now asked that the newly-designed Gateway Improvements for a 98th Avenue median be incorporated into this Contract. The median is proposed to be located in the middle of 98th Avenue, between Bigge Street and Empire Road, and will contain landscaping and palm trees. With this change, 98th Avenue will still have three travel lanes in each direction, for a total of six lanes.

OPTIONS:

One option is not to construct the median and leave the center two-way turn lane (seventh lane) as designed in the original contract documents.

However, since the improvements enhance the aesthetics of 98th Avenue and are consistent with the Airport Gateway concept, and since the City is reimbursing the costs, it is recommended that the improvements be constructed.

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- MOTION
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Approved by Resolution

No. 20427

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

NOV - 7 2000

DATE

BUDGET ANALYSIS:

This Change Order pays for the construction of the median on 98th Avenue between Bigge Street and Empire Road. The not-to-exceed cost is \$200,000. The source of the funds would come from the City under a Memorandum of Understanding for reimbursement of the 98th Avenue Gateway Improvements.

RECOMMENDATION:

It is recommended that the Board approve a change order for a not-to-exceed amount of \$200,000 to Gallagher & Burk, Inc., for the above-described work.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 6

TD
BJEJECT: Ratify Change Order to Construct Bridge Approach Slabs on the Contract for Widening of 98th Avenue West of I-880, Airport Roadway Project (Contract C), OIA

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc., dba Gallagher & Burk, Inc., for the CONSTRUCTION OF WIDENING OF 98TH AVENUE WEST OF I-880, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. The Contract was awarded on June 29, 1999, for a contract sum of \$3,444,053.50. The work consists of demolition of existing pavement, curbs, gutters, and sidewalks; clearing and grubbing; constructing new pavement, curbs, gutters, and sidewalks; fencing, and storm drain system; constructing bridge modifications; lighting; traffic signal system; and landscape planting and irrigation. This is a Measure B project being administered by the Port.

The scope of work for this Change Order consists of replacement of the existing San Leandro Creek Bridge approach slab, widening of the new approach slabs, modification to the joint seals, and installation of raised curbs.

ANALYSIS:

The original design did not provide for the replacement of the existing approach slabs. However, during the construction phase, the City of Oakland requested that the approach slabs be replaced because of a slight difference in elevation between the existing approach slabs and the San Leandro Creek Bridge itself. After several meetings between the Port and the City, it was decided to replace the existing approach slabs. The replacement of the approach slabs will provide for a better transition of pavement grades from Empire Road to the bridge, resulting in a smoother ride.

This Change Order also includes the widening of the approach slab to accommodate the landscaped median, including the construction of raised medians as an integral part of the approach slab. The landscaped median is the subject of a separate change order and Board item on this agenda. This portion of the work will be billed to the City of Oakland as part of its Airport Gateway Improvements within the Coliseum Area Redevelopment Plan.

OPTIONS:

It was necessary to proceed with this work immediately after the Port and City staff agreed to the work in order to maintain the project schedule for phasing the reconstruction of the street. The cost of the work was negotiated at \$54,600.

BUDGET ANALYSIS:

The cost of this Change Order will be covered under CIP Item No. AA.00268.01. The funding source is Measure B, administered by the Alameda County Transportation Authority, and also the City of Alameda, City of Oakland and Port cash. The portion of the cost attributed to the City of Oakland's median improvements, estimated at \$15,000, will be billed to the City of Oakland under a Memorandum of Understanding for reimbursement of the 98th Avenue Gateway Improvements.

RECOMMENDATION:

It is recommended that the Board ratify a change order in the amount of \$54,600 to Gallagher & Burk, Inc., for the above-described work.

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- MOTION
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Approved by Resolution No. 20428

BOARD ACTION TAKEN

Assistant SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 7

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

TD
 SUBJECT: Ratify Change Order to Construct Sanitary Sewer
 at Holiday Inn Express on the Contract for Construction
 of Doolittle Drive and Airport Drive Interchange,
 Airport Roadway Project (Contract B), OIA

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc. (dba Gallagher & Burk, Inc.) and R & L Brosamer, Inc., doing business as Gallagher & Burk-Brosamer, a Joint Venture, for the **CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.** The Contract became effective on June 29, 1999, by Resolution No. 99265, for a contract sum of \$13,646,262.50. The work consists of constructing an underpass under Doolittle Drive, which constitutes a concrete bridge on Doolittle Drive, including all associated utility relocations and aesthetic treatments. This Measure B project is being administered by the Port.

ANALYSIS:

During the field installation of the storm drain line under Airport Access Road, between 98th Avenue and Doolittle Drive, it was discovered that the existing sanitary sewer line from the Holiday Inn Express would conflict with the storm drain line. In order to avoid the conflict, a new sanitary sewer line to serve the Holiday Inn Express was constructed and the existing line was abandoned. The work was performed on a time-and-materials basis for a total price of \$61,417.

OPTIONS:

The field changes and work had to be completed at the time of discovery due to work being done within the traveled way of Airport Access Road. Any postponement would have resulted in additional traffic delays.

BUDGET ANALYSIS:

The cost of this Change Order is covered under CIP Item No. AA.00268.01. The funding source is Measure B administered by the Alameda County Transportation Authority, and also the City of Alameda, City of Oakland and Port cash.

RECOMMENDATION:

It is recommended that the Board ratify a change order for \$61,417 to Gallagher & Burk-Brosamer, a Joint Venture, for the above-described work.

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Approved by Resolution

No. 20429

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 8

SUBJECT: Authorization to dispense with Formal Bids for Award to McGann Associates Inc for Installation and Maintenance of Air BART ticket vending kiosks at Oakland International Airport.

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman

[Signature]

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Travel on the Air BART transit system is a process that is solely funded and supported by the Port. The current BART system tickets and bus passes utilized by the Bay Area Metropolitan Transportation Commission (MTC) has no provision for the Air BART buses operated by the Airport. While there is an initiative under evaluation by BART and MTC for the inclusion of the Air BART connector service in to a consolidated fare representation solution, that solution is approximately 24 months to obtaining resolution and consequent deployment. This purchase of the new ticket vending machines is intended to ease the passenger travel experience to and from Oakland International. The current machines under use at the Airport frequently go out of service and complicate the purchase of a transit ticket as outlined herein.

ANALYSIS:

The cost for travel on the Air BART transit system is two dollars (\$2.00) for the trip in either direction to or from the Oakland Coliseum. The current methodology for passenger travel on the Air BART transit system is as follows: The customer has to have either the exact fare amount in either quarters or dollar bills. There is a bill changer located next to the ticket dispensing machines that accepts \$1 or \$5 bills. If a passenger is encountering these devices for the first time and does not happen to have the exact change or a \$5 bill handy, they are off in search of an ATM machine or other means to obtain the correct fare. The utilization of these current devices complicates this median avenue of passenger travel in and out of the Airport.

This program proposes approval of a contract for the purchase and installation of four (4) paper ticket-vending kiosks for customer transport on the Air BART bus system operated by the Airport. These kiosks will accept dollar bills, dollar coins and credit cards. By deploying a device that accepts credit cards (also debit cards that are underwritten by MasterCard or Visa) in addition to dollar bills and coins, the passenger utilizing the Air BART system is able to procure their transit tickets easily.

GENERAL

Sole Source Justification: McGann Associates are an LIA (San Leandro) and are the sole purveyors of the ticket dispensing kiosks selected by staff for their ease of use and availability. It is the intention of staff to procure and install the new units in time for the 2000 peak holiday travel season.

The sum of charges required for purchasing, installing and maintaining the Air BART ticket vending kiosks for the next 12 months is \$59,371.00. This project would be funded from Port General cash reserves.

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) which exempts interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances, and Section 15061 (b) (3) which renders projects not subject to review for exemption under CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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Approved by Resolution No.

20430

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

NOV - 7 2000

DATE

CONDITIONS:

The ticket vending options are:

1. Retrofit, if possible, the existing vending devices to become operationally more efficient and attempt to integrate a credit card processing device into the current electro-mechanical structure.
2. Employ personnel in manned booths to accept credit cards, make change and issue transit tickets.
3. Negotiate an agreement with McGann Associates Inc. for the procurement of the Air BART ticket vending devices.

RECOMMENDATION:

It is recommended that it be found in the best interest of the Port, for the enhanced capability to dispense Air BART transit tickets and the facilitation of Airport passenger ease of travel, that an agreement to purchase, install and maintain the AIR BART kiosks be executed with McGann Associates Inc. for a sum up to \$59,371.00 to be approved by the Executive Director. In addition, it is requested that the Executive Director be authorized to approve up to \$8,905.00 (15%) for contingencies as necessary.



Agenda Sheet

DATE: November 7, 2000

ITEM NO: 9

SUBJECT: Authorization to Provide funds to the Metropolitan Transportation Commission to continue to conduct Regional Airport Planning Studies

PROGRAM AREA:
 Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Steven J. Grossman 
EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Regional Airport System Plan. The Metropolitan Transportation Commission and the Association of Bay Area Governments periodically convene the Regional Airport Planning Committee (RAPC) to prepare a Regional Airport System Plan and to conduct other regional airport related business as appropriate. The last plan was completed in 1994 and included a new runway at Oakland International Airport and no new runways at San Francisco International Airport (SFO). SFO's decision to study potential new runways prompted MTC to reformulate RAPC in 1998 to study airfield capacity at a regional level and develop a new Regional Airport System Plan. In addition to MTC and ABAG, the Bay Conservation and Development Commission has increased their involvement with RAPC, having three seats on the Committee as well as providing staff support. This committee's work is important for the long-term future of Oakland International Airport.

The Port is currently conducting an airfield planning study that provides information regarding Oakland's need for additional airfield capacity. This information has been provided to the RAPC and incorporated into their work. In addition, the RAPC has conducted its own studies to provide a regional perspective. These studies include forecasts, alternative development and evaluation, and an airspace study. MTC funded the first phase of the study with \$100,000. The three Bay Area air carrier airports funded an additional \$250,000 (SFO 50% or \$125,000, San Jose International Airport 25% or \$62,500, and the Port 25% or \$62,500). MTC has requested that the three major Bay Area airports contribute additional funds for work required to complete the Update and for follow-on work requested by the airports. An additional \$60,000 would be committed by the Port. The airports would share the costs based upon the same formula (SFO 50%, SJC 25%, and OAK 25%). SFO and SJC have both agreed to the additional funding.

OPTIONS:

1. Do not provide the requested funds.
2. Contribute the requested funding to the regional studies.

ANALYSIS:

Not participating in these studies (Option 1) would hamper the Port of Oakland's role as a full partner and interested party in the regional airport planning process. This role is important for any future airfield development at Oakland. The RAPC process is important because it permits independent agencies and organizations to study the issues surrounding airport development and how to best utilize the Bay Area's aviation facilities.

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Approved by Resolution

No. 20431

BOARD ACTION TAKEN Assistant



SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Participating in these studies (Option 2) demonstrates our commitment and support of the regional process and allows the process to assist us in our long-term planning and development. The recently adopted Update to the Regional Airport System Plan is a useful document for the Port in analyzing projected aviation activity through 2020 and the various airports' capacities, expected delays and alternatives for reducing those delays. The follow-on work proposed would also be useful, as it will include more detailed work with various regional agencies such as the Bay Area Air Quality District in interpreting the data and planning for the future aviation needs of the Bay Area including those served by Oakland International Airport.

RECOMMENDATION:

Authorize the distribution of up to \$60,000 to MTC for conducting the Update of the Regional Airport System Plan. It is further recommended that the Executive Director be authorized to increase these distributions by up to \$10,000.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 21

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

JD
 SUBJECT: Authorization to Negotiate and Execute an Agreement with Michael Willis & Associates to Provide Architectural Design Services for the Construction of Port Field Support Services Complex, Inner Harbor

SUBMITTED BY: Joseph K. Wong *JKW*
 EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

In preparation for future expansion of Maritime activities by September 2002, the Port recently finalized an agreement with Stevedoring Services of America Terminals (SSAT), which will include the demolition of Building D-833 to make way for a new terminal entrance. The Port's Harbor Facilities and Construction Departments, including vehicle maintenance and administrative functions, are currently located in Building D-833. As a result, the Port needs to enter into a design agreement with an architect lead consultant team immediately to begin the design of replacement facilities in order to accommodate the schedule.

In general, the architectural and engineering design services to be provided will include planning and site layout alternatives; preparation of plans and specifications; design calculations; geotechnical investigations; conceptual studies; cost estimates; design and construction schedules; and other necessary tasks associated with the proposed development.

The complex will be designed to provide modern, safe and efficient workspaces which reflect the type of work currently encountered by the affected departments as well as what is anticipated in the future based on current growth projections. The project design will conform to the latest editions of applicable codes and regulations as well as incorporate the City of Oakland's "Sustainability Development" guidelines ("green" building practices). Presently, the Port is reviewing two potential site locations for the new complex (see attached map).

BASIS FOR SELECTION:

The Port has just completed the design for the Airport Maintenance Facilities Complex. In view of the time constraints and project similarities, staff considered the short list of candidates on the Airport Maintenance Facilities Complex's Request for Proposal. The top six ranked firms considered were: Charles F. Jennings, ICF Kaiser Engineers, Michael Willis & Associates, Muller & Caulfield Architects, Thruston Architectural Edge, and VZM/Ackland. All of the above consultants, except Michael Willis & Associates, have current consultant agreements with the Port.

In the final interview scoring, Michael Willis and Associates was ranked as a qualified candidate by the interview panel. Michael Willis and Associates is hereby recommended for this project.

The Office of Equal Opportunity (OEO) has determined that the recommended firm is responsive to the Port's non-Discrimination and Small/Local Business Utilization Policy. The EEO-1 Work Force Report/Professional Services Questionnaires are on file.

- MOTION
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- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20450

BOARD ACTION TAKEN

Assistant

Tajani Abstained

[Signature]
 SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Authorization to Negotiate and Execute an Agreement with Michael Willis & Associates to Provide Architectural Design Services for the Construction of Port Field Support Services Complex, Inner Harbor

November 7, 2000

Page 2 of 3

Below is a table reflecting the makeup of the team for the Airport Maintenance Facilities Complex project. It is anticipated that these percentages will remain similar for the Port Field Support Services Complex project.

Team	Location	% of Work*	OEO Status**	Classification
Michael Willis & Associates	Oakland, CA	27%	LIABE/MBE	Prime
KPA Consulting Engineers	Oakland, CA	19%	LIABE/MBE	Subconsultant
SJ Engineers	Oakland, CA	17%	LIABE/MBE	Subconsultant
AGS, Inc.	Oakland, CA	14%	LIABE/MBE	Subconsultant
F. W. Associates	Oakland, CA	12%	LIABE/MBE	Subconsultant
Adrienne Wong Associates	Oakland, CA	6%	LIABE/WBE/MBE	Subconsultant
Don Todd Associates, Inc.	Oakland, CA	5%	LIABE/MBE	Subconsultant

* The percentages are estimates only and may vary depending upon the final scope of work performed.

** MBE=Minority-owned Business Enterprise, WBE=Women-owned Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

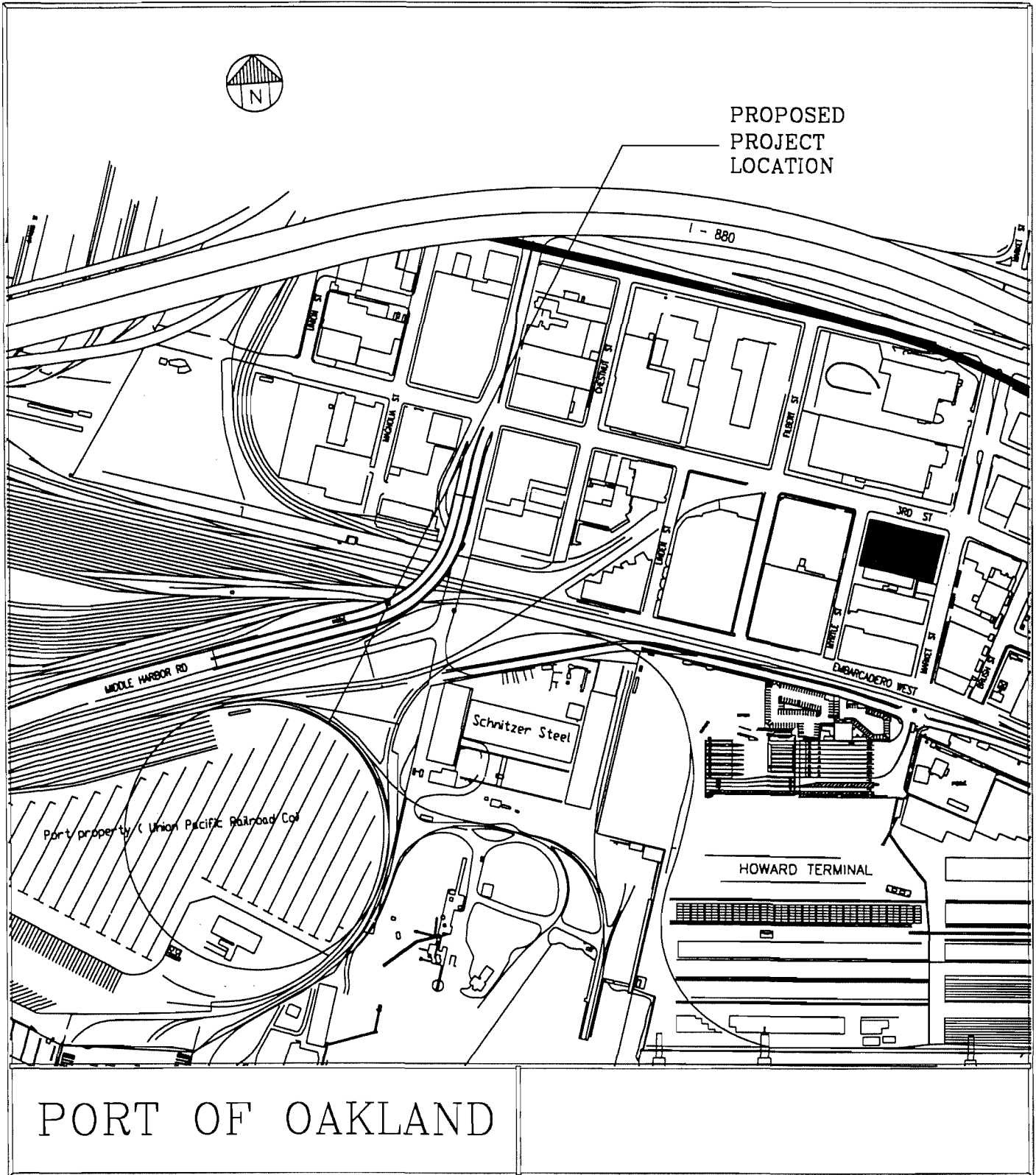
Staff is currently developing a scope of work and preparing to negotiate design fees with Michael Willis & Associates. It is anticipated that the maximum compensation for these services will not exceed \$1,000,000. It is recommended that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations. In addition, it is requested that the Executive Director be authorized to approve up to an additional \$150,000 for potential changes in scope.

The capital budget provides for this work under CIP Element No. SM.00667.01. The funding source for the work will be Port bonds.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the services described above are professional services; and
2. Authorize the preparation and execution of an agreement with Michael Willis & Associates in accordance with the above provisions.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 22

SUBJECT: Authorization to Enter into a Contract for Preparation of Engineering Studies Evaluating the Feasibility of Reducing Emissions of Reactive Organic Gases (ROG) at Two Plants in West Oakland - Vision 2000 MMRP Mitigation Measures Nos. 113 and 114

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong
EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND

The Port of Oakland's Vision 2000 Air Quality Mitigation Monitoring and Reporting Program (MMRP) includes the preparation of engineering studies to evaluate the potential to reduce emissions of Reactive Organic Gases (ROG) from two West Oakland facilities.

After the RFP was sent out, the Port was contacted by the manager of one of the plants, who indicated that the corporation that owns the plant at West Oakland, as well as two plants within the United States, could not authorize the proposed measure at the West Oakland plant at this time.

A partnership with the private sector is needed to implement these measures. At times, extenuating circumstances beyond the Port's control convince us that the most prudent course of action may be to defer the implementation of a mitigation measure.

SELECTION PROCESS:

To streamline the selection of a firm to conduct the ROG emission studies, Port staff conducted research to find qualified firms to receive the Request for Proposal. Staff defined the expertise needed for the studies: air quality, industrial/process engineering, and Local Business Area (LBA).

The Port's Office of Equal Opportunity (OEO) and Governmental Affairs staff were consulted to determine LBA firms with air quality and industrial / process engineering expertise. Also, staff requested queries of the consultant database from OEO and sent e-mails to Governmental Affairs requesting names of trade associations working in Oakland who could recommend firms with the required expertise.

- 1. URS Corporation
2. Science Applications International Corporation (SAIC)
3. CH2M Hill
4. ICF Kaiser
5. ACC Environmental Consultants.

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- MOTION
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Approved by Resolution No. 20440

BOARD ACTION TAKEN

Assistant

Signature of Secretary of the Board

SECRETARY OF THE BOARD

NOV - 7 2000

DATE

OEO reviewed the scoring of the proposals and calculated the final score based on the technical scores and the 15% OEO local score. The final score shows SAIC as the higher ranking consulting firm.

It is requested that the Board authorize entering into a contract with SAIC to conduct engineering studies for two plants in West Oakland. The contract would be implemented in two phases: Phase I would start immediately and would involve preparation of an engineering study for one of the plants to evaluate potential cost-effective measures to reduce ROG emissions; Phase II would involve preparing a study to evaluate the other plant at a later date, pending plant management agreement. It is estimated the cost for preparation of both studies will be \$50,000. If only one study is prepared, the cost will be reduced accordingly.

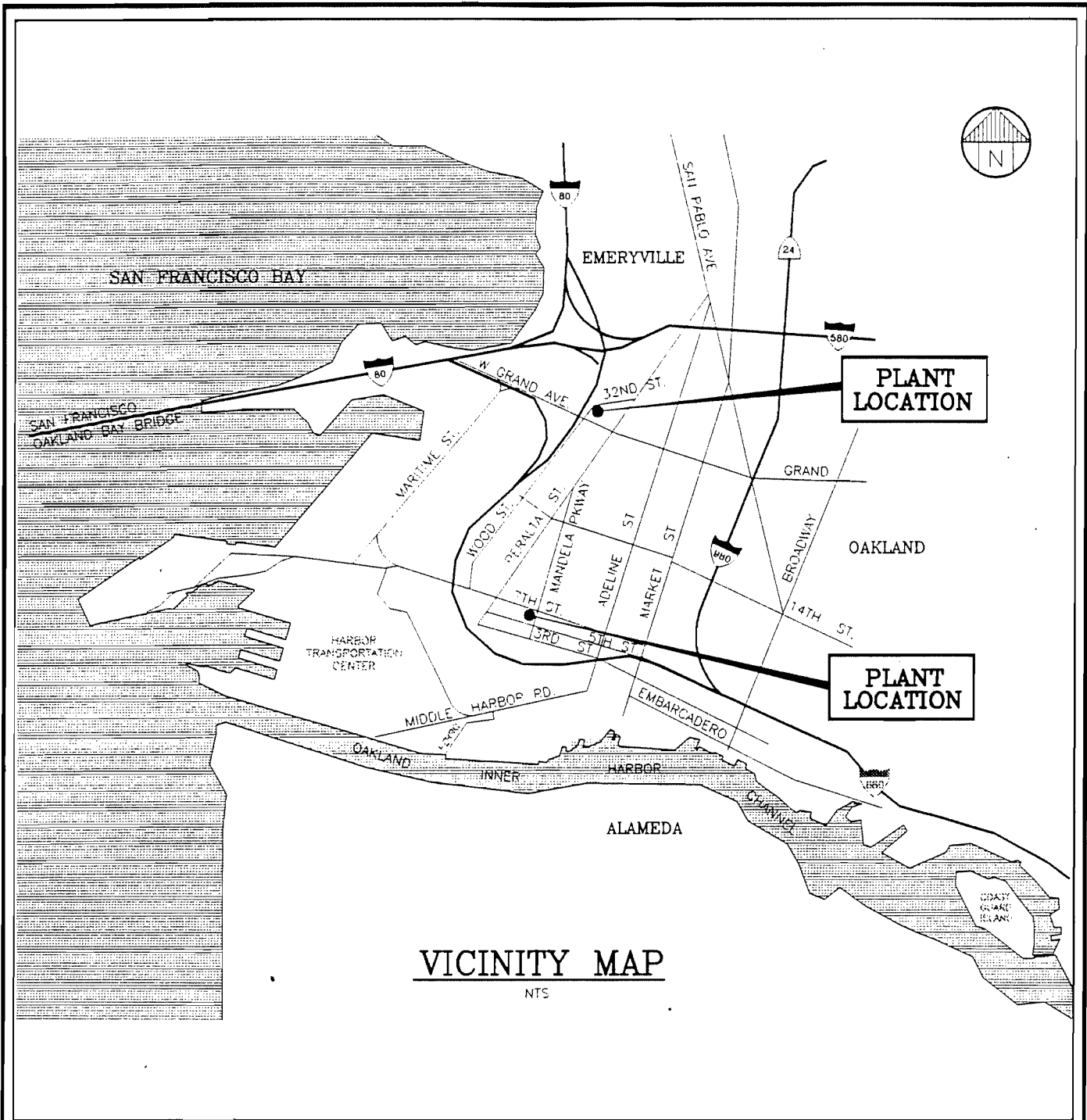
BUDGET:

The cost of these services is budgeted in the capital budget under CIP Element No. M6.00545.06, and the funding source will be Port bonds.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the services described above are professional services; and
2. Authorize the preparation and execution of an agreement with SAIC in accordance with the above provisions.



PORT OF OAKLAND

Location of Two Plants in West Oakland
Vision 2000 Air Quality Mitigation Measure

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 26

SUBJECT: Non-Exclusive Preferential Assignment Agreement with Stevedoring Services of America Terminals, LLC for the New Terminal at Berths 57-59

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Raymond A. Boyle

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

Since 1984, Stevedoring Services of America ("SSA") has provided terminal services and conducted operations at the Charles P. Howard Terminal under various Management Agreements. The current ten year Agreement will expire in 2007. Matson Navigation Company has operated Berths 32-34 through a Lease Agreement since 1968. The Matson Lease Agreement will expire in 2008.

SSA Terminals, LLC ("SSAT") is a marine terminal services company owned by SSA and Matson. This joint venture was established last year to provide container stevedoring, terminal and related services at their West Coast facilities. On July 5, 1999 the Oakland Board of Port Commissioners (the "Board") consented to the assignment of the SSA and Matson Agreements to SSAT.

Last January, maritime staff issued a Request for Proposal (RFP) to solicit a tenant for the new terminal under construction at Berths 57-59. Four written proposals were received. The Port subsequently selected SSAT as the successful candidate for the new terminal. SSAT was the only one that requested immediate use of all of the approximately 150 acres available. Their revenue proposal was the closest to the Port's goal of recovering the infrastructure costs associated with land acquisition, building demolition, work on utilities, road realignment and environmental mitigation. SSAT had also expressed a willingness to accept compensation levels which reflect current market conditions for a new terminal. The compensation levels agreed upon by SSAT are consistent with those negotiated with Hanjin Shipping for the adjacent Berth 55/56 facility and reflect the additional acreage and cranes for Berths 57-59. An additional incentive to the Port is the prospect of relocating Matson operations to the Berths 57-59 facility and upgrading that facility so that it can be backfilled with increased revenue that reflects current market value. The new SSAT Agreement sets a time limit of no more than three years after the new facility opens for Matson to relocate its operations.

In early June of this year the Port received SSAT's signed concurrence accepting the terms of our Letter of Intent. The Board adopted Port Ordinance No. 3590 on July 5, 2000 which authorized the execution of a non-exclusive preferential assignment agreement with SSAT for Berths 57-59.

CURRENT STATUS:

After the Board adopted Port Ordinance No. 3590, staff and SSAT worked their way through draft documents in order to ensure a comprehensible agreement. Several areas were clarified. One pertained to an acknowledgement that future amendments to the SSAT Agreement at Howard Terminal shall be in a mutually beneficial manner at the request of either party, depending on the future use and throughput of Howard Terminal. This provision is an understanding to agree and is not intended to legally bind either party. The Agreement for Berths 57-59 also provides SSAT with an assignment equally beneficial as that available to Hanjin Shipping at Berths 55-56. A similar provision is contained within the Hanjin Shipping Agreement at Berths 55-56. However, since the Hanjin Agreement was executed before completion of the SSAT Agreement, the equally beneficial protection only applies against future amendments that may occur in the Hanjin Agreement at Berth 55-56. Port approval shall be required to designate new shipping lines as primary users of the facility but only under certain conditions when SSAT's level of primary use significantly drops for extenuating circumstances and reasons well beyond its control.

We are pleased to report that seven days ago both the Port and SSAT signed the contract documents for assignment of the Berth 55-59 complex.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

DATE

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NOV - 7 2000

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

Title Changes

Creation of Salary Schedule

- Amendment of Salary Schedule Assignments
- Creation of Additional Position
- Amendment of FY2000 - 2001 Staffing Plan

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY:  Robert C. Martinez

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

FACTUAL BACKGROUND:

I. TITLE CHANGES-Ordinance (2 Readings)

A) It is requested that the Board approve the title change for the following classifications. These positions were included in the FY 2000-2001 Staffing Plan under the current titles as indicated below. The new titles are more appropriate for the duties and responsibilities that will be performed. The Airport Ground Transportation & Parking Operations Specialist I will not result in a change in salary. However, the Airport Noise Abatement/Environmental Affairs Supervisor will result in a change in salary and assignment to the appropriate salary schedule (See Item III below).

CURRENT TITLE	NEW TITLE
Airport Ground Transportation Aide	Airport Ground Transportation & Parking Operations Specialist I
Airport Noise Abatement/Environmental Affairs Officer	Airport Noise Abatement/Environmental Affairs Supervisor

II. CREATION OF SALARY SCHEDULE—Ordinance (2 Readings)

A) It is requested that the Board create the following salary schedule in Representation Unit A to implement its assignment to the classification of Permit Technician as requested in Item III of this Agenda.

NEW SALARY SCHEDULE #	STEP A	STEP B	STEP C	STEP D	STEP E
93.8	\$3,660	\$3,845	\$4,039	\$4,271	\$4,517

III. AMENDMENT OF SALARY SCHEDULE ASSIGNMENTS—Ordinance (2 Readings)


A) It is requested that the Board approve the amendment of the salary schedule assignment for the classification of **Permit Technician to Salary Schedule 93.8 (a--\$3,660; b--\$3,845; c--\$4,039; d--\$4,271; e--\$4,517)**. This amendment is necessary to correct the existing Salary Schedule 80.1 (a--\$3,659; b--\$3,844; c--\$4,038; d--\$4,517; e--\$0.00) in which the E Step was omitted.

- MOTION
- RESOLUTION
- ORDINANCE
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BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

NOV - 7 2000

DATE

- B) It is requested that the Board approve the amendment of the salary schedule assignment for the classification of **Airport Noise Abatement/Environmental Affairs Officer (title to be changed in I.A) above) to Salary Schedule 972.3 (a--\$6,230; b--\$6,540; c--\$6,867; d--\$7,280; e--\$7,717)**. This classification will replace the Airport Noise Abatement/Environmental Affairs Officer which is assigned to Salary Schedule 503.5 (a--\$5,188; b--\$5,448; c--\$5,720; d--\$6,063; e--\$6,427). This action is necessary due to the results of a classification and compensation study.

IV. CREATION OF ADDITIONAL POSITION—Ordinance (2 Readings)

- A) It is requested that the Board approve the creation of one additional position of **Executive Assistant** in the Aviation Division. This position while not a part of the FY 2000 – 2001 Staffing Plan, has been approved by the Executive Director to replace the Principal Clerk position vacated by the retirement of the incumbent and does not increase the FTE count.

V. AMENDMENT OF FY 2000-2001 STAFFING PLAN—Ordinance (2 Readings)

- A) It is requested that the Board approve the amendment of the FY 2000 – 2001 Staffing Plan to include an additional new position of **Deputy Port Attorney IV** in the Port Attorney's Office. This position will support the Port's Capital Improvement Projects for a period of time not to exceed seven years.

CURRENT EMPLOYEE FTE COUNT

FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 10/22/99	AS OF 9/29/00	AS OF 10/27/00
Full-Time Employees	612.00	560.00	564.00	565.00
Part-Time Employees	2.13	2.40	2.40	2.40
Relief Telephone Operators		3.00	3.00	3.00
Relief Airport Custodians (P/T)	*11.00	8.00	8.00	8.00
Relief Airport Custodians (Intermittent, P/T)		0.00	0.00	0.00
TOTAL	625.13	573.40	577.40	578.40

* Statistical breakdown of various Reliefs was not available during this period.

TEMPORARY AGENCY WORKER COUNT AS OF 10/25/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	21	16	0	7	0	0	44
*CIP	0	0	8	4	0	0	12
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	3	1	0	0	0	0	4
*SPECIAL PROJECT	4	3	0	5	1	0	13
WORKER'S COMP BACKFILL	0	2	0	0		0	2
TOTAL	28	22	8	16	1	0	75

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNT

CATEGORY	10/01/1997	07/25/2000	08/24/2000	09/28/2000	10/25/2000
BACKFILL	27	31	37	35	44
*CIP	18	13	13	12	12
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	2	2	0	0
MEDICAL BACKFILL	4	8	8	4	4
*SPECIAL PROJECT	11	14	13	12	13
WORKER'S COMP BACKFILL	3	2	2	2	2
TOTAL	63	70	75	65	75

COUNT SUMMARY

CURRENT FTE COUNT	578.40
CURRENT TEMPORARY AGENCY BACKFILLS	44.00
VACANT POSITIONS	24.00
TOTAL	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding title changes, creation of Salary Schedule, amendment of Salary Schedule Assignments, creation of additional position, and amendment of the FY 2000 – 2001 Staffing Plan.

340

Agenda Sheet

^{TD}
SUBJECT: Approval of As-Needed Environmental Compliance Consulting Services

DATE: November 7, 2000

ITEM NO: 34

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*
EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port of Oakland is subject to a wide range of environmental laws and regulations. These include underground storage tank issues; hazardous materials and waste control and disposal; and stormwater/wastewater control. In addition, as part of property development projects, the Port undertakes environmental investigations, hazardous material remediation, human health and ecological risk assessments, and other projects to control and lawfully address hazardous materials. Many of these projects are associated with active construction projects and must be addressed on very short notice. The Port's Environmental Health and Safety Compliance (EH&SC) Department often requires consultant services to perform or assist with these studies and activities. Historically, "as-needed" professional services contracts have been used to meet these varied and on-going needs.

Under the As-Needed Consulting Agreement, the Prime Consultant will enter into a professional services agreement with the Port to provide environmental consulting on a task -specific basis in the areas of:

- recommendations pertaining to compliance with local, state and federal hazardous materials regulations;
- air quality compliance issues;
- preliminary site assessments;
- facility and program compliance audits;
- site audits, including soil and groundwater sampling and evaluation of laboratory analytical results; (excluding laboratory services);
- aboveground and underground storage tank compliance activities, such as removal reports, monitoring, and spill plans;
- remedial investigations;
- remediation engineering;
- human health and ecological risk assessments;
- toxicology consulting;
- litigation support;
- community outreach program development for environmental issues; and
- other hazardous materials-related management services.

ANALYSIS:

On July 24, 2000, EH&SC sent out a Request for Proposals (RFP) to a list of 185 environmental consulting firms located in the Local Impact Area (LIA). The list was comprised of firms registered with the Port's Office of Equal Opportunity (OEO), firms registered with a professional trade organization for environmental consultants, EH&SC's own list, and firms listed in the Yellow Pages. The RFP required that the Prime Consultant be located within the LIA, as certified by OEO.

The Port received 20 proposals. EH&SC evaluated and scored the written proposals based on technical expertise and experience, cost, and the quality of presentation (maximum 50 points). OEO evaluated each firm's adherence to Port community outreach goals (maximum 15 points). Each firm could earn a maximum of 65 points in the proposal review portion of the selection process.

- MOTION
- RESOLUTION
- ORDINANCE
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Approved by Resolution
 No. 20444, 20445, 20446, 20447, 20448
 BOARD ACTION TAKEN

[Signature]
 ASSISTANT SECRETARY OF THE BOARD

NOV - 7 2000
 DATE

EH&SC invited the top 10 firms to participate in an oral interview by a panel drawn from Engineering and OEO Department staff. The panel evaluated each firm on their responses to 7 questions designed to demonstrate their expertise in the field of environmental assessment and compliance and their ability to work with the Port as a team. Firms could earn a maximum of 35 points in the interview portion of the selection process.

The points for all phases of the evaluation were totaled (100 possible points). Staff proposes entering into professional services contracts with the top 5 firms. Each of these five firms is capable of performing the scope of services required. The attached table lists each firm and their identified subconsultants.

OEO has a current Professional Services Questionnaire/EEO-1 Work Force Report on file for each of the recommended firms. Furthermore, OEO has determined that each firm is located in the LIA and is responsive to the Port's Non-Discrimination and Small Local Business Utilization Policy.

Staff recommends entering into professional services contracts with the following firms to provide as-needed environmental compliance consulting services:

GAIA Consulting
Innovative Technical Solutions (ITSI)
Iris/Cambria Environmental Technologies
URS Corporation
Weiss Associates

It is proposed to execute a professional services contract to compensate each firm at agreed billing rates on a time-and-materials basis for a total amount not to exceed \$850,000 for each contract. The \$850,000 aggregate is based on past experience with similar contracts and the expected needs of the Port's Capital Improvement Program. The budget is expected to be sufficient for a contract of between two and three years' duration. The contracts will be used only as required and will not be exceeded without future Board approval.

The cost of these services will be covered by the EH&SC Operating Budget for FY00-01, Environmental Liability Accounts established for such work, Port cash and, in some instances, by other responsible parties. Because much of the work under these contracts cannot be foreseen, it is not possible to present a detailed accounting of sources of payment.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the consulting services, as described, are professional services; and
2. Authorize the preparation and execution of separate consultant agreements with GAIA Consulting, Innovative Technical Solutions Inc. (ITSI), Iris/Cambria Environmental Technologies, URS Corporation, and Weiss Associates.

Recommended Consultant Teams

PRIMARY CONSULTANT	TEAM MEMBERS
GAIA Consulting	SOMA, CH2M HILL, H & H, ESG
Iris/Cambria Environmental Technology (2 Primes)	Public Affairs Management, Lipton Environmental Services, Far West Restoration Engineering, Ted Winfield & Associates
Innovative Technical Solutions, Inc. (ITSI)	Javaherian Consulting, RGA Environmental, Luster, Science Applications International
URS Corporation	Moore Lacofano Golstman, Mariscal & Associates, OGISO Environmental, HEW Drilling Co., Gregg Drilling & Testing
Weiss Associates	Entrix, Ward & Associates, The Zahn Group

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

Date: November 7, 2000

SUBJECT: CLOSED SESSION

Item No. 40

SUBMITTED BY: Christopher C. Marshall 

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.

Pursuant to subdivision (a) of Section 54956.9.

Name of Case:

Marlon Hardee v. Port of Oakland
Workers' Compensation Appeals Board
WCK 257478 (Claim No. 98-30007)

City of San Leandro v. Port of Oakland, et al.
Alameda County Superior Court Case Nos. 793033-9 and 815053-8

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant pursuant to subdivision (b) of Sections 54956.9: 2 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

Property: Selection Locations
Jack London Square
Oakland, CA 94606

Negotiating Parties: Port of Oakland and Oakland Portside Associates

Under Negotiation: Price and Terms of Agreement

- MOTION
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No. 20449

BOARD ACTION TAKEN


SECRETARY OF THE BOARD
Assistant

NOV - 7 2000

DATE

SUMMARY AGENDA OF BOARD CALENDAR
November 7, 2000

AIRPORT

- 10S** Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with United States Postal Service (Adjacent to Building L-812, North Airport). (Resolution)
- Recommends approval of the agreement to cover their occupancy of space on the North Airport.
- 11S** Approval of License and Concession Agreement and Asbestos Remediation Rental Credit with Bank of America, Hangar 8, Bay A (7843 Earhart Road, North Airport). (Resolution)
- Recommends approval of the agreement to cover their occupancy of space in Hangar 8. Notes the appropriate rental credit for asbestos removal work performed by the Bank.
- 12S** Substitution of Concrete Subcontractor for Construction of Doolittle Drive and Airport Drive Interchange. (Resolution)
- Recommends approval of the substitution. Notes that the original subcontractor is unable to perform the work.
- 13S** Substitution of Surveying Subcontractor for Construction of Dollar Rent-A-Car Utility Infrastructure, North Airport, OIA. (Resolution)
- Recommends approval of the substitution. Notes that the original subcontractor will not enter into a contract.
- 14S** Ratification of Addenda and Award of Contract for Overlay of Taxiway D (South of Taxiway M) and Taxiway J, North Airport, OIA. (Resolution)
- Notifies of the bids received and recommends award of the contract to the low bidder.
- 15S** Ratification of Addendum and Award of Contract for Aircraft Sound Insulation Program, Phase 1, Bay Farm Island, Alameda. (Resolution)
- Notifies of the bids received and recommends award of the contract to the low bidder.

SUMMARY AGENDA
October 24, 2000

16S Approval of Plans and Project Manual for Recarpeting of Building M-130 (Terminal 2), South Airport, OIA. (Resolution)

Recommends their approval and authority to advertise for bids for the new carpet in Terminal 2.

17S Approval of Building Permit Application for Sprint PCS to Install Cell Phone Equipment, Terminals 1 and 2, OIA. (Resolution)

Recommends approval of the construction of an equipment room and telecommunications facility at the terminal complex.

COMMERCIAL REAL ESTATE

18S Ratification of Addendum and Award of Contract for Demolition of Jack London Village, Buildings F-217 through F-226, Jack London Square. (Resolution)

Notifies of the bids received and recommends award of the contract to the second low bidder as the low bidder was disqualified due to the failure to meet non-discrimination requirements.

MARITIME

23S Substitution of Metal Stud Framing and Drywall Subcontractor for Construction of Administration Building and Maintenance Repair Facility at Berths 55/56, Inner Harbor Channel. (Resolution)

Recommends approval of the substitution as the original subcontractor is unable to perform the work.

24S Award of Contact for Replacement of Fender Systems at Berths 35-37, Ben E. Nutter Terminal. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

SUMMARY AGENDA
October 24, 2000

255

Approval of Permit from the Bay Area Rapid Transit District (BARTD) for Installation of a 4-Inch Domestic Water Pipe Under the Port Project, "Construction of Joint Intermodal Terminal". (Resolution)

Recommends approval to execute a permit from BARTD for the installation of a water line to serve the JIT.

PROPOSED RESOLUTIONS AND ORDINANCES SUBMITTED FOR NON-CALENDARED ITEMS:

Port Ordinance No. 3611 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A TENTH SUPPLEMENTAL AGREEMENT TO LEASE WITH SKY CHEFS, INC."

Provides approval to extend the lease for two years.

Port Ordinance No. 3612 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC (PG&E) FOR RELOCATION OF POWER POLE AND INSTALLATION OF NEW STUB POLE AND ANCHOR FACILITIES FOR AN ADJACENT POWER POLE ALONG DOOLITTLE DRIVE, OAKLAND INTERNATIONAL AIRPORT."

Provides for approval of an easement to PG&E for the relocation of a power pole at the site of the new Aviation Maintenance Facilities Complex.

Port Ordinance No. 3613 being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH WAREHOUSE PROPERTIES, INC., FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 14.43 ACRE PARCEL OF LAND LOCATED AT HEGENBERGER AND PARDEE ROADS."

Provides for authorizing execution of a purchase and sale agreement with Warehouse Properties, Inc. for the 14.43 acres of parcel located at Hegenberger and Pardee Roads.

Agenda Sheet

SUBJECT: First Reading of Ordinance Approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. (50 Neil Armstrong Way, South Airport)

DATE: October 24, 2000

ITEM NO: 5S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

**DUPLICATE
OF PRIOR**

EXECUTIVE OFFICE RECOMMENDATION 

CALENDAR MEMO

FACTUAL BACKGROUND:

Sky Chefs, Inc. (Sky Chefs) operates an in-flight kitchen in Building M-111 and adjacent land at 50 Neil Armstrong Way under the Lease dated September 3, 1968. Sky Chefs pays the Port 7.5% of its gross revenue against \$17,944.19 minimum monthly guaranteed rent. In FY 99/00, Sky Chef generated \$6,890,000 in gross revenues and paid \$484,000 in percentage rent to the Port.

The Lease with Sky Chefs expires October 31, 2000. Sky Chef requests approval of a Tenth Supplemental Agreement which will modify its Lease. This modification will extend the term through December 31, 2002 and will increase the percentage of gross revenues paid to the Airport.

ANALYSIS:

The existing lease with Sky Chefs will expire October 31, 2000. In order to continue to provide in-flight catering services to the airlines that service Oakland International Airport, it is necessary to either extend the agreement with Sky Chefs, or to select an alternative provider. Because the existing building is situated in an area that will be impacted by the Airport roadway project, all of the development schemes currently under review contemplate that the flight kitchen will be relocated and the existing building will be demolished.

At the current time, there is a degree of uncertainty as to the location and requirements for a new in-flight kitchen. It is premature to solicit proposals since any in-flight kitchen operator will have difficulty negotiating terms for a long-term lease under these uncertain conditions.

Allowing Sky Chefs to continue to operate in the existing facility for a short period of time provides the Airport with the ability to make long-term plans for an in-flight kitchen in conjunction with the terminal expansion and airport roadway programs.

The proposed 10th Supplemental Agreement would extend the term until December 31, 2002, but would retain the Port's right to terminate on 30 days notice. The supplement also removes any obligation of the Port to pay relocation costs to Sky Chefs in the event it is necessary to vacate the building before the term expires.

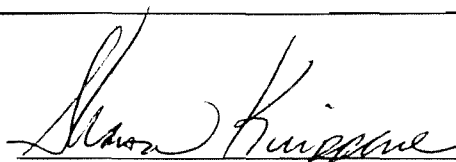
This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

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SECRETARY OF THE BOARD

OCT 24 2000

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OPTIONS:

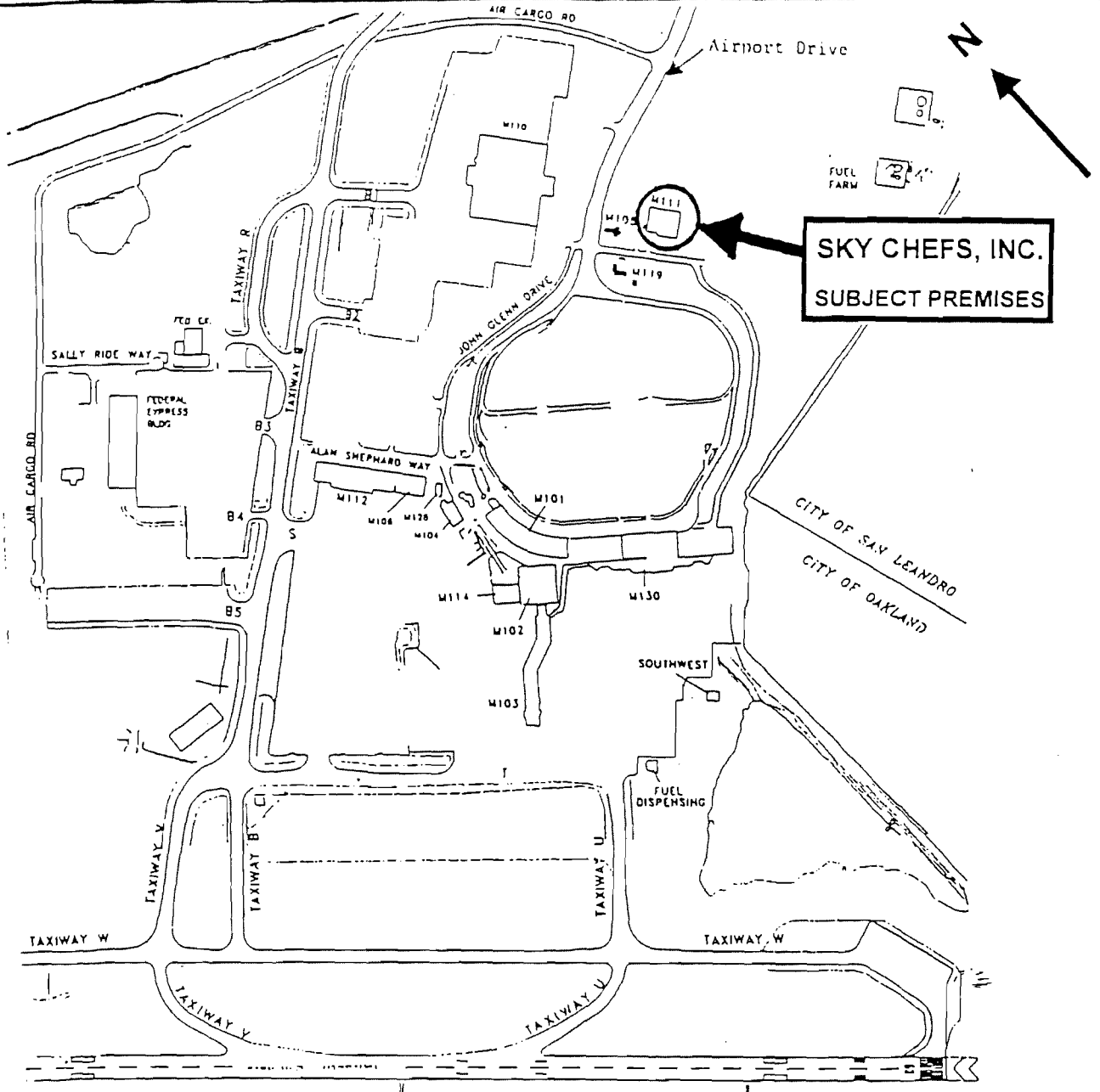
1. Issue a Request For Proposals for a long-term in-flight kitchen. Because of the uncertainty of the location, parcel size and the large investment required, it is unlikely that any company could make a fair proposal at this time.
2. Continue the existing agreement on a month-to-month basis. With a month-to-month agreement, the tenant also has an ability to terminate the agreement on short notice. This could create difficulty for the airlines in the event Sky Chef chose to cancel before the Port was prepared to enter into a long-term agreement.
3. Extend the agreement with Sky Chefs for approximately two years to assure continuity of operations while maintaining flexibility with regard to future plans.

RECOMMENDATION:

It is recommended that the Board give first reading of an ordinance approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. as described above, subject to the Port Attorney's review and approval of the final document.

Board of Port Commissioners Calendar Item

First Reading of Ordinance Approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. (50 Neil Armstrong Way, South Airport)



Airport Properties

Port of Oakland

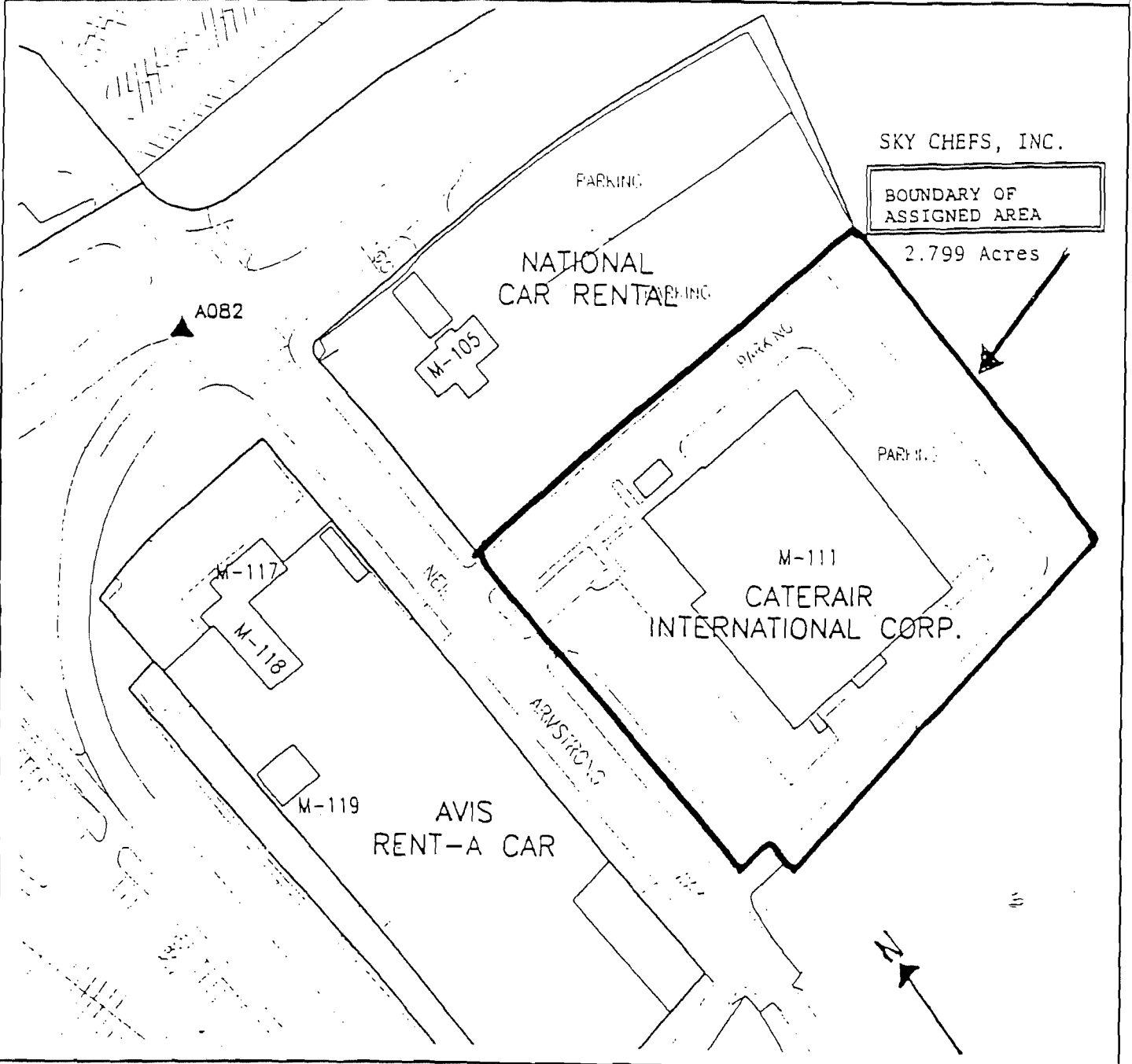
**Oakland
International Airport
South Airport**

Map Not to Scale

Board of Port Commissioners

Calendar Item

First Reading of Ordinance Approving the 10th Supplemental Agreement to the Lease with Sky Chefs Inc. (50 Neil Armstrong Way, South Airport)



Airport Properties



**Oakland
International Airport
South Airport**

Map Not to Scale

Agenda Sheet

DATE: October 24, 2000

ITEM NO: 7S

^{TD}
SUBJECT: First Reading of an Ordinance Granting Easement to Pacific Gas and Electric (PG&E) for Relocation of a Power Pole and Installation of New Stub Pole and Anchor Facilities for an Adjacent Power Pole along Doolittle Drive, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

FACTUAL BACKGROUND:

On April 12, 1999, the Board authorized the execution of the agreement with Muller & Caulfield Architects to design the new Aviation Maintenance Facilities Complex at the North Field, OIA. During the design phase, it was determined that one of the power poles within the development site needed to be relocated in order to allow a path for vehicle traffic within the new complex.

PG&E determined that relocating the pole would increase the tensile force on an adjacent pole. Therefore, a new stub pole and anchor are needed on an adjacent pole in order to compensate for the increased tension. The total cost of the relocation and anchoring is \$9,196.39.

An easement is required to provide PG&E with the right to install and maintain their facilities. Part of the easement pertains to the relocated pole and its anchor that consists of an area 10 feet by 5 feet wide. The remaining portion of the easement pertains to the new stub pole and anchor facilities that consists of an area 60 feet by 5 feet wide.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance granting the aforementioned easement to PG&E for the relocation of the power pole and installation of a new stub pole and anchor facilities. It is further recommended that the Executive Director be authorized to execute the easement document on behalf of the Port.

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BOARD ACTION TAKEN

Assistant

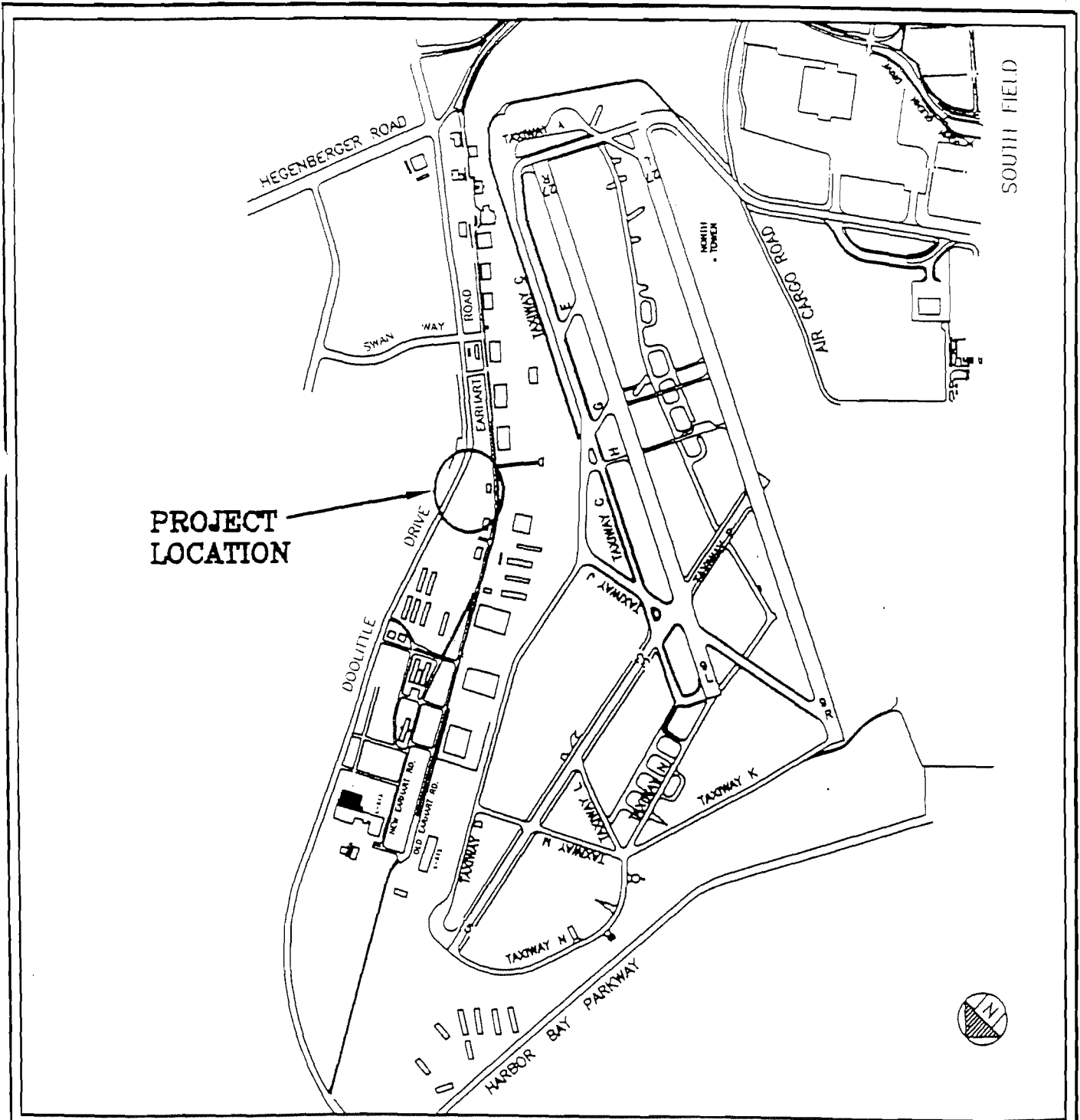
Sharon Krupp
SECRETARY OF THE BOARD

OCT 24 2000

DATE

First Reading of an Ordinance Granting
Assessment to Pacific Gas and Electric (PG&E)
for Relocation of a Power Pole and Installation
of New Stub Pole and Anchor Facilities for an
Adjacent Power Pole along Doolittle Drive, OIA.

October 24, 2000
Page 2 of 2



PORT OF OAKLAND

Agenda Sheet


DATE: October 24, 2000

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Warehouse Properties, Inc. for the Property located at Hegenberger Road and Pardee Drive

ITEM NO: 11

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY:  Omar R. Benjamin

DUPLICATE OF PRIOR

EXECUTIVE OFFICE RECOMMENDATION: 

CALENDAR MEMO

FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront. The Port has negotiated the terms of a Purchase and Sale Agreement with WP Investments, Inc. covering the purchase of an approximately 14.43 acre irregularly-shaped site with frontage on Hegenberger Road located adjacent to Francesco's Restaurant. The Port had initially entered into agreements with two buyers for two separate parcels comprised of 4 acres and 10.45 acres. However, when both transactions were unable to be completed, the Port was approached by WP with a proposal to develop the entire site.

WP Investments, which specializes in developing industrial and office properties throughout the San Francisco Bay Area, is proposing the development of seven buildings with a total size of approximately 240,000 square feet in a business park setting. The estimated cost of the improvements is \$24,000,000. They are targeting the project as a technology park, with a service component on the Hegenberger frontage. The quality of the building will be comparable to the Yosemite Business Park, a Silicon Valley project designed to attract tenants in a highly competitive market.

ANALYSIS:

- Price: \$9.00 per square foot
\$5,657,137
- Deposit: \$50,000 at execution of Purchase and Sale Agreement
\$50,000 at expiration of due diligence period
Both deposits shall be credited against the purchase price
- Due Diligence: 60 days
- Buyer's Obligations: Evidence of financial capability
Design development plans
- Closing Date: 90 days after the 60-day due diligence period
- Extension: One 30-day extension at a cost of \$50,000
- Commission: A commission of 4% payable to BT Commercial

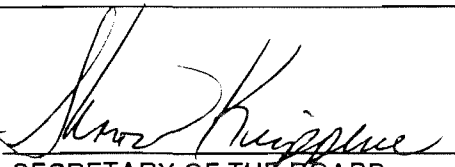
The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to

- MOTION
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Assistant


SECRETARY OF THE BOARD

OCT 24 2000

DATE

construction and/or operation of the project. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

This matter has been discussed at a number of Commercial Real Estate Committee meetings, including the October 11, 2000 meeting.

OPTIONS:

- 1. Continue to land bank the parcel.
- 2. Develop an RFP process for selling the parcel.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Warehouse Properties, Inc. for the purchase of the Hegenberger Road parcel at a price of \$9.00 per square foot.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement with United States Postal Service (Adjacent to Building L-812, North Airport)

DATE: November 7, 2000

ITEM NO: 10S

PROGRAM AREA: .

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman



EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The United States Postal Service (USPS) is currently occupying 9,423sf of partially paved land adjacent to its Air Mail Facility (AMF) premises in Port Building L-812 on the North Airport. Occupancy of these additional premises is granted under a 45-day Right-of-Entry and Indemnity Agreement (ROE). This additional land is used for mail igloo storage. The Agreement commenced September 17, 2000; rent is \$1,931.72 per month.

ANALYSIS:

The term of the proposed Agreement To Extend Right-of-Entry and Indemnity Agreement is November 1, 2000 through February 28, 2001. This extended term would provide USPS with adequate time in which to prepare an amendment to the existing AMF lease. Monthly rent and use would remain the same.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 I of Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

N/A

RECOMMENDATION:

It is recommended that the Board approve the above-described Agreement to Extend Right-of-Entry and Indemnity Agreement with the United States Postal Service.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No.

20432

BOARD ACTION TAKEN

Assistant



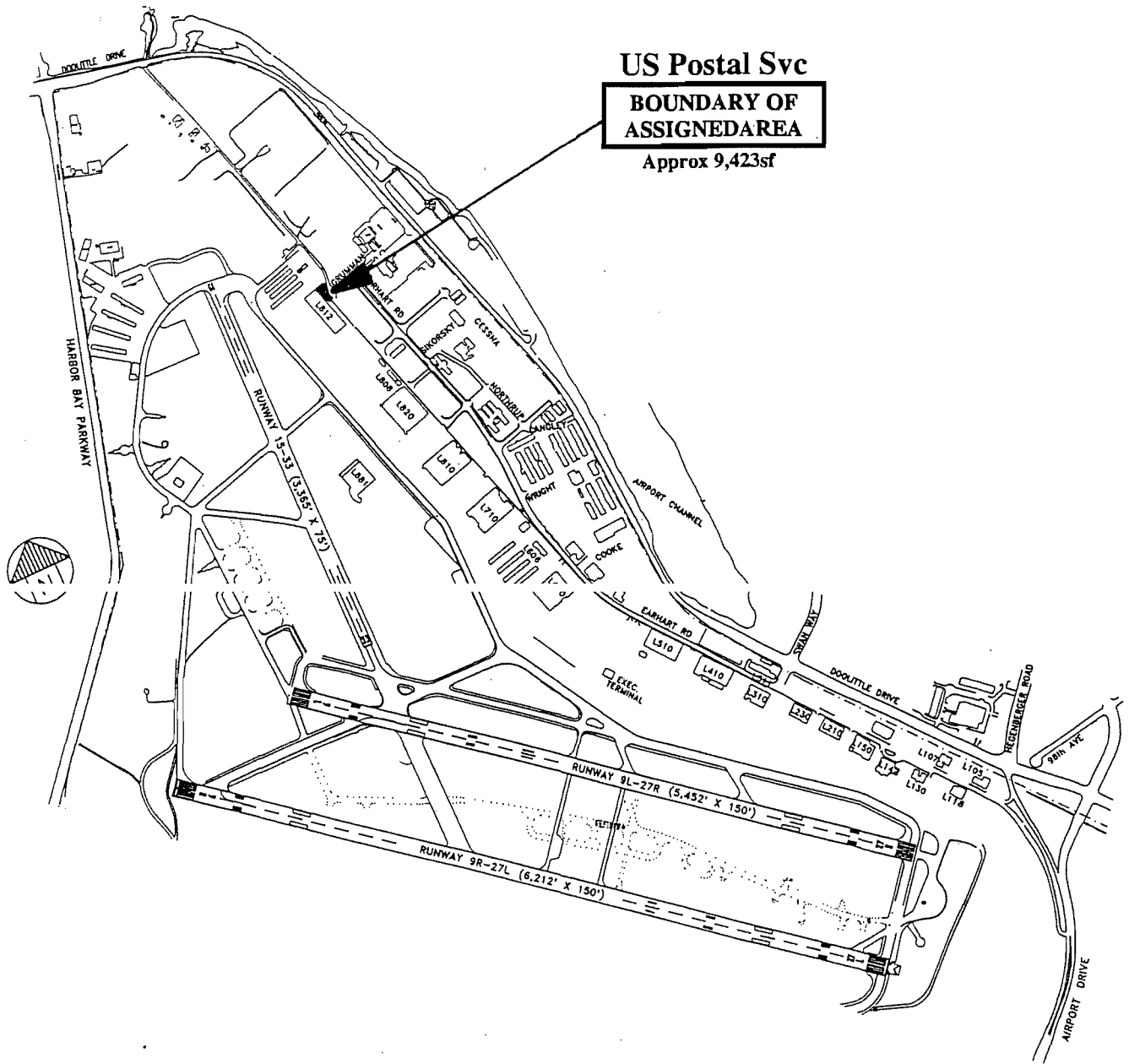
SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Board of Port Commissioners Calendar Item

Approval of Agreement To Extend Right-of-Entry and Indemnity Agreement
with United States Postal Service (Adjacent to Buildings L-812, North Airport)



US Postal Svc

**BOUNDARY OF
ASSIGNED AREA**

Approx 9,423sf

Airport Properties

Port of Oakland

**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

SUBJECT: Approval of License and Concession Agreement and Asbestos Remediation Rental Credit with Bank of America, Hangar 8, Bay A (7843 Earhart Road, North Airport)

ITEM NO: 11S

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

Bank of America National Association (B of A), a national banking association, has occupied North Airport hangar premises for its corporate aircraft fleet for over 15 years. On August 23, 1999, B of A changed its status from a sub-tenant of North Airport Fixed-Base Operator KaiserAir to a direct licensee of the Port. B of A occupies approximately 6,676 square feet of office space, 6,607 square feet of shop/storage space, 10,384 square feet of hangar floor space, 17,160 square feet of apron space and 9,875 square feet of paved parking space in and adjacent to Hangar 8, Bay A (Building L-810). B of A pays the Port a monthly rental of \$17,697 for the premises. Building L-810 is a wood-framed, corrugated metal-sided structure originally built in support of the war effort (World War II).

ANALYSIS:

In order to get its aircraft to fit in the hangar bay and to partially remedy the 56-year-old structure's functional obsolescence for modern corporate hangar purposes, B of A needed to remodel the space. To this end, B of A spent over \$250,000. Almost immediately, B of A's remodeling effort encountered pre-existing asbestos-containing materials (ACM) the remediation of which is the Port's legal responsibility.

So as not to unnecessarily delay its occupancy and the start date for paying rent to the Port, B of A offered to undertake the ACM remediation itself, subject to reimbursement from the Port. B of A chose an ACM remediation firm from among those who have successfully performed such work for the Port. Having verified B of A's full and complete payment for \$51,358 and acceptable performance of ACM remediation work, Port staff recommends that the Board approve and authorize the reimbursement in the form of a twelve successive monthly rental credits of \$4,279.83. The latter amount falls within Port rental credit guidelines that seek to limit such credits to no more than 25% of the monthly rent. The \$51,358 total rental credit amount approximates the \$50,230 rental credit amount for B of A that the Board approved as part of the FY 2000-2001 North Airport Revenue Budget.

Coincident with this action, B of A seeks to renew its occupancy for an additional year effective November 1, 2000. Monthly rent would remain the same at \$17,697.

This aviation project conforms to established aviation uses and has been determined to be consistent with the transportation designation of the City of Oakland Comprehensive Plan.

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 the Guidelines Section 15301(p) which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

OPTIONS:

Not applicable.

RECOMMENDATION:

It is recommended that the Board approve the above-described license and concession agreement and a rental credit for asbestos remediation with Bank of America.

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution No. 20433

BOARD ACTION TAKEN

Assistant

Signature of Secretary of the Board

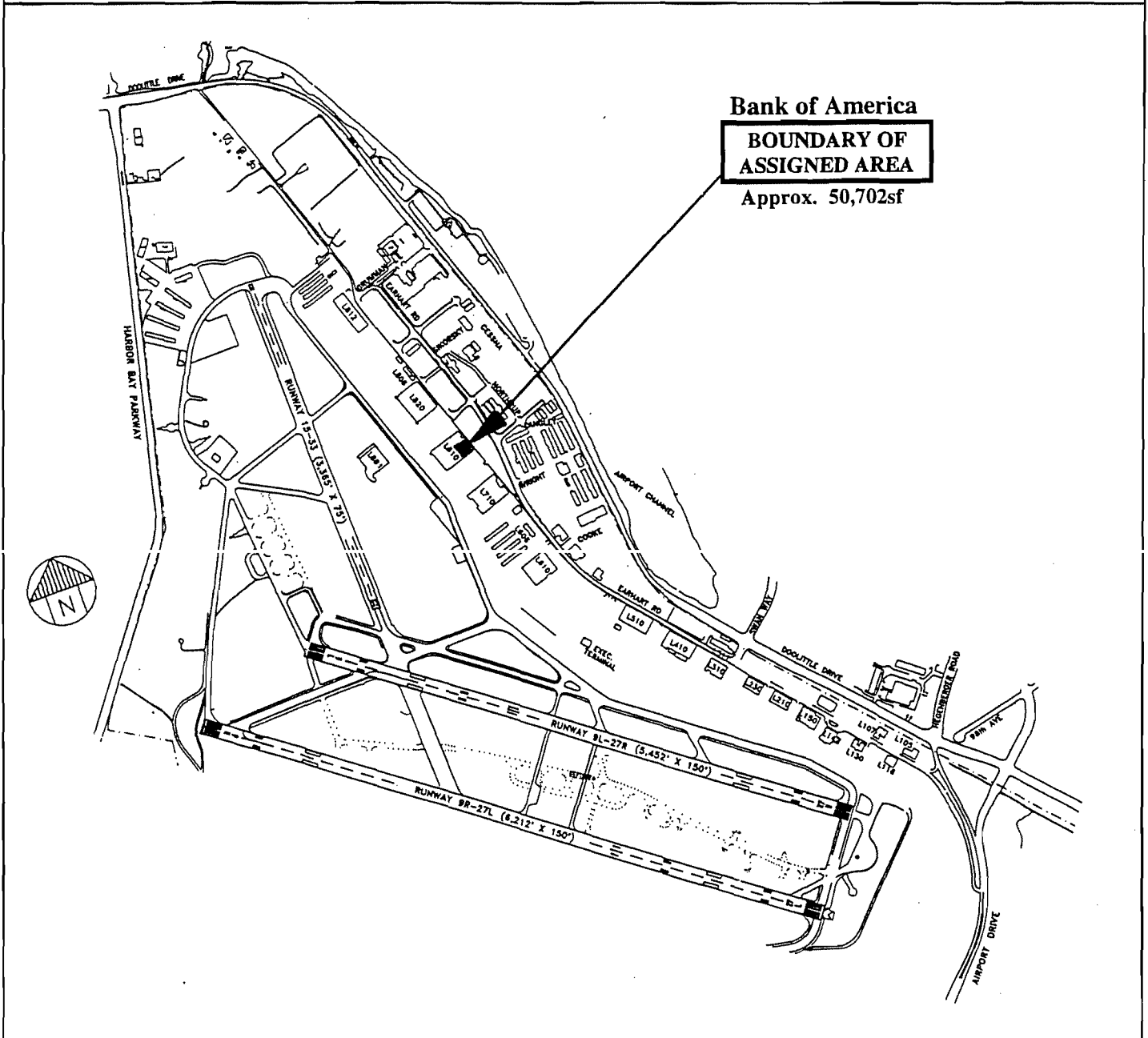
SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Board of Port Commissioners Calendar Item

Approval of License and Concession Agreement and Asbestos
Remediation Rental Credit with Bank of America, Hangar 8, Bay A
(7843 Earhart Road, North Airport)



Airport Properties

Port of Oakland

**Oakland
International Airport
North Airport**

Map Not to Scale

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: ⁷² Substitution of Concrete Subcontractor for Construction of Doolittle Drive and Airport Drive Interchange, OIA

DATE: November 7, 2000

ITEM NO: 125

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Gallagher & Burk-Brosamer, a Joint Venture, for the CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. Gallagher & Burk-Brosamer has requested Board approval to substitute its listed concrete subcontractor. By letter, the Contractor notified the Port that its listed subcontractor, Statewide Concrete Barriers, Inc., has refused to provide proof of Worker's Compensation Insurance and has failed to sign and return the subcontract agreement to perform said work. Gallagher & Burk-Brosamer has provided the Port with copies of numerous letters sent to Statewide requesting proof of insurance and execution of their contract. Under Section 4107 of the California Public Contract Code, this is considered to be a valid basis for substitution of subcontractor.

The Port has given written notice to Statewide Concrete Barriers, Inc., that Gallagher & Burk-Brosamer has requested the substitution of their firm. The statutory time within which the subcontractor may object has passed, and we have received no reply from Statewide.

Gallagher & Burk-Brosamer has made a good-faith effort to replace Statewide Concrete Barriers, Inc., with a similarly-classed company. Documentation of their good-faith effort is on file with the Port. Gallagher & Burk-Brosamer has requested that the following companies be listed as the new concrete subcontractors to perform said work:

1. Oakland Ready Mix Company, an Oakland-based firm (LIABE), for furnishing the concrete;
2. Landavazzo Brothers, Inc., a Hayward firm (LBABE), for the concrete pumping; and
3. CMT Construction for the concrete barriers.

The Port's Office of Equal Opportunity was notified of the above substitutions and they have indicated that they have no objection.

RECOMMENDATION:

It is recommended that Statewide Concrete Barriers, Inc., be deleted as the listed subcontractor to perform the concrete work, and that Oakland Ready Mix Company, Landavazzo Brothers, Inc., and CMT Construction be added as the new concrete subcontractors to perform said work.

c:\...ConstBLs\SubConcrete\10700

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20434

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

[Signature]

NOV - 7 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

^{TD}
SUBJECT: *A* Ratification of Addenda and Award of Contract for Overlay of Taxiway D (South of Taxiway M) and Taxiway J, North Field, OIA

DATE: November 7, 2000

ITEM NO: 14S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Five bids were received and opened on October 17, 2000, for **Overlay of Taxiway D (South of Taxiway M) and Taxiway J, North Field, Oakland International Airport, Oakland California**. The following bids were received:

BIDDERS	LOCATION	DBE*	TOTAL(Base Bid Plus Additive Alternate) BID PRICE
McGuire and Hester	Oakland, CA		\$4,463,223.00
Gallagher and Burk, Inc.	Oakland, CA		\$4,494,494.00
O.C. Jones and Sons, Inc.	Berkeley, CA		\$4,564,663.50
Top Grade Construction, Inc.	Livermore, CA		**\$4,876,752.00 -\$4,876,759.00
Harding Lawson Associates, Inc.	Oakland, CA		**\$5,605,857.94 -\$5,581,065.94

* DBE = Disadvantaged Business Enterprise

** Total corrected in accordance with Document 00200, Instructions to Bidders.

The Total Bid Prices listed above include an additive alternate to construct a component of the master drainage system for the North Airport located immediately adjacent to the Taxiway D portion of the asphalt overlay work. A copy of the bid canvass is on file. The location of the work is shown on the attached map.

The Board of Port Commissioners, on September 5, 2000, approved the plans and specifications for this project to advertise for bids to be received on October 11, 2000. Addenda 1, 2 and 3 were issued by the Chief Engineer for minor clarifications to the Disadvantaged Business Enterprise (DBE) goals, modifications to the Bid Form, and extension of the Bid due date to October 17, 2000. The changes to the physical work of the contract were not substantial.

ANALYSIS:

Disadvantaged Business Enterprise Program:

This project is partially funded by the Federal Aviation Administration (FAA) through the Department of Transportation (DOT), and must comply with DOT's DBE regulations (see 49 CFR, Code of Federal regulations, Part 26). McGuire and Hester has met the DBE subcontractor participation requirements. Accordingly, the Port's Office of Equal Opportunity concurs with staff's recommendation to award the contract

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20435

BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

NOV - 7 2000

DATE

to McGuire and Hester. The FAA has reviewed the bid canvass and the bid of McGuire and Hester, and has approved the Port staff's recommendation to award the Contract to McGuire and Hester.

Subcontractor Listing:

McGuire and Hester listed the following subcontractors. The remainder of the work will be performed by McGuire and Hester.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	DBE	"\$" AND "%" OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
<u>Spirit Road Oils</u> Paving	San Jose, CA	X	\$37,500.00/ 0.84%
<u>World Wide Surveys</u> Surveying	Concord, CA	X	\$30,300.00/ 0.68%
<u>RNW Concrete</u> Econocrete	So. San Francisco, CA	X	\$167,000.00/ 3.74%
<u>Striping Express</u> Striping	Oakland, CA		\$31,800.00/ 0.71%
<u>S & S Trucking</u> Trucking	San Francisco, CA	X	\$420,000.00/ 9.41%
<u>Bobby Mack Grinding</u> Grinding	Visalia, CA		\$80,000.00/1.79%
<u>Rosendin Electric</u> Electrical	San Jose, CA		\$424,000.00/ 9.50%
<u>Bay Line Construction</u> Saw Cutting	Oakland, CA	X	\$28,000.00/ 0.63%

Budget:

The capital budget for Fiscal Year 2001 provides for the taxiway improvement work under CIP Element No. A1.00626.03. The funding sources are AIP-22, AIP-23, AIP-24 (fiscal year 2000), and Passenger Facility Charges (PFCs). The additive alternate to construct the master drainage system was not initially funded since the need for the improved drainage system is not critical at this time, but will eventually be necessary as the development continues at the North Field.

The master drainage system work was originally included in the bidding documents as an additive alternate with the intent to award the work if bids for the system were deemed within an acceptable level. The bids for the entire work were extremely competitive, consequently, additional funding is available to fund the additive alternate work. Accordingly, the recommendation is to award both the base bid and additive alternate work components of the project.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

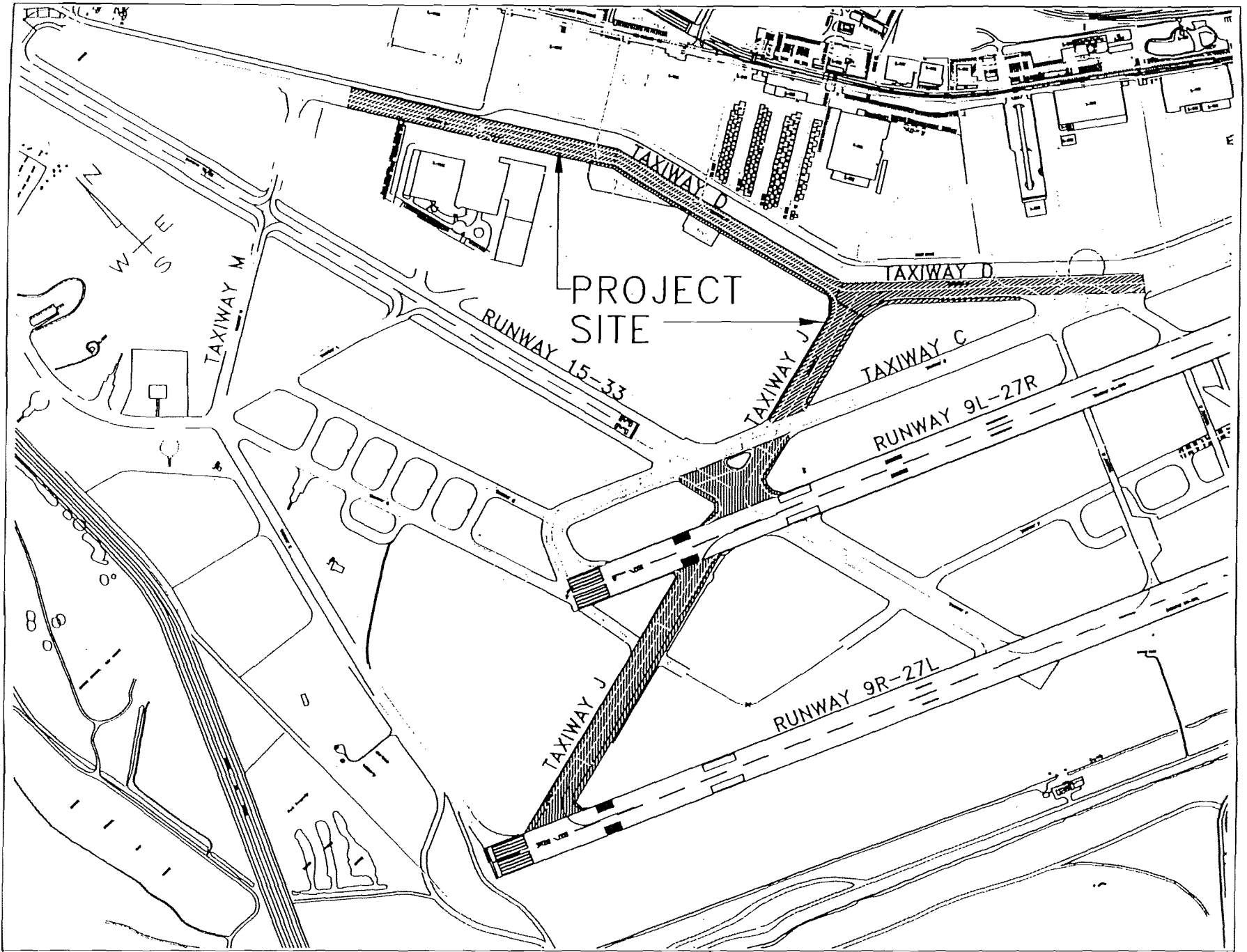
Bid Submittal Irregularity:

The bid of McGuire and Hester was initially submitted without the required Federal Certification/Disclosure Forms listed in Section 00862 of the Project Manual. According to McGuire and Hester, the forms were inadvertently omitted during the bid assembly. Port Ordinance No. 1606, Section 5(e) authorizes the board to waive any informalities or minor irregularities in the bids. A defect may be waived as minor if the defect did not affect the ultimate result of the competitive bid process, e.g. the variance would not affect the time, price or quality of the work. McGuire and Hester submitted the forms the next day. The omission of the forms from the bid did not confer any advantage on the low bidder with regard to the price, time or quality of the work.

The combined review of the Port's Legal Department and Engineering Division concluded that the timing of the federal form submittal did not affect the project price or FAA funding and, therefore, could be considered a minor irregularity as allowed in Port Ordinance 1606, Section 5(e). Finally, it should be noted that no other bidder submitted a bid protest within the time permitted by the bid documents.

RECOMMENDATION:

It is recommended that a) the Board find that the low bidder's initial omission of the federal certification/disclosure forms was a minor irregularity that may be waived pursuant to Section 5(e) of Port Ordinance 1606, and b) McGuire and Hester be found to be the lowest responsible bidder, that Addenda 1, 2 and 3 be ratified, that the contract for the above project be awarded to McGuire and Hester for the amount of its bid, that all other bidders have waived any right to protest by failing to submit a bid protest within the time permitted, and that all other bids be rejected and the bid securities be returned to the respective bidders.



PORT OF OAKLAND

NORTH FIELD AIRPORT, OIA

Agenda Sheet

SUBJECT: Ratification of Addendum and Award of Contract for Aircraft
Sound Insulation Program, Phase 1, Bay Farm Island, Alameda

DATE: November 7, 2000

ITEM NO: 155

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Two bids were received and opened on October 25, 2000, for **Aircraft Sound Insulation Program, Phase 1, Bay Farm Island, Alameda, California**. The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
M.A. Lindquist Co., Inc.	Oakland, CA			X	X	**\$2,082,918.00 \$2,090,449.00
Amana Engineering & Construction, Inc.	Berkeley, CA				***	**\$2,874.860.00 \$2,874,800.00

*MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE Local Business Area Business Enterprise

**Bid corrected in accordance with Document 00200, Instructions to Bidders

***Bidder not certified as an LBABE at time of bid.

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

The Board of Port Commissioners, on September 5, 2000, approved the plans and specifications for this project to advertise for bids to be received on October 25, 2000. Addendum 1 was issued by the Chief Engineer for minor changes to the maintenance bond, warranty periods and the Plans. The changes to the physical work of the contract were not substantial.

ANALYSIS:

Bidder Qualification:

The project specifications included qualification requirements of past performance on at least two aircraft sound insulation or similar projects in excess of \$1,000,000 each that involved fifty or more home owners. M.A. Lindquist Co., Inc. met the qualification requirements for the project.

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, if the bids are within 10% or \$1,000,000 (one million dollars), whichever is less, of the apparent low bidder's Total Bid Price, the bids may be modified (lowered) depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Since the bid of M.A. Lindquist Co., Inc. is more than 10% lower than the next closest bidder, this portion of the Policy does not apply. Therefore, M.A. Lindquist Co., Inc. remains the low bidder.

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Resolution

No. 20436

BOARD ACTION TAKEN

Assistant

[Signature]
 SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Accordingly, it is recommended that M. A. Lindquist Co., Inc. be considered to the lowest responsible bidder for the purpose of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with this recommendation. LIABE participation is 76%.

Subcontractor Listing:

M.A. Lindquist Co., Inc. listed the following subcontractors. The remainder of the work will be performed by M.A. Lindquist Co, Inc.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	MBE	WBE	LIABE	LBABE	“\$” AND “%” OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
<u>Cobe Architectural Glass & Aluminum Glass</u>	Oakland, CA			*		\$499,175.00/24.0%
<u>Monterey Mechanical HVAC</u>	San Leandro, CA			X	X	\$223,893.00/10.7%
<u>Bayview Environmental Service Hazmat Waste Disposal</u>	San Leandro, CA			X	X	\$20,000.00/1.0%

*Bidder not certified as an LIABE at time of bid.

Budget:

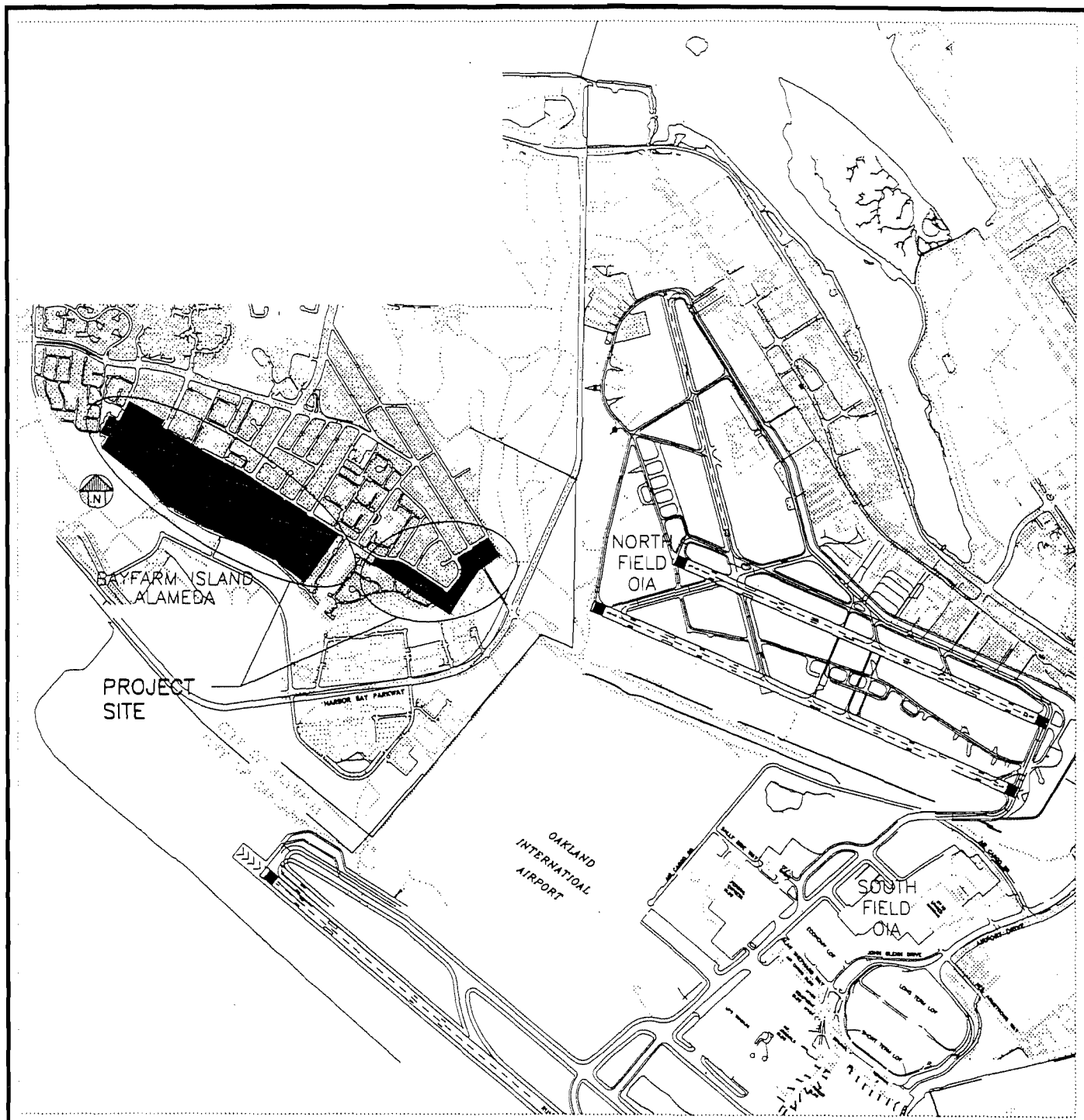
The capital budget for Fiscal Year 2001 provides for this work under CIP Item No AA.03291.02. The funding source is Passenger Facility Charges (PFCs). The low bid is within the project budget.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that M.A. Lindquist Co., Inc. be found to be the lowest responsible bidder, that Addendum 1 be ratified, that the contract for the above project be awarded to M.A. Lindquist Co., Inc. for the amount of its bid, and that other bids be rejected and the bid securities be returned to the other bidder.



PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 16S

^{TD}
SUBJECT: Approval of Plans and Project Manual for Recarpeting
of Building M-130 (Terminal 2), South Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Plans and Project Manual have been prepared for **Recarpeting of Building M-130 (Terminal 2), South Field, Oakland International Airport, Oakland, California**, and are hereby submitted for approval and authorization to advertise for bids.

The work consists of removal of existing carpeting throughout Building M-130 and replacement with new carpet tile. The existing carpet is noticeably worn and has outlived its useful life.

ANALYSIS:

Environmental:

This project has been determined to be exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class I of Guidelines Section 15301, which consist of repair, maintenance and minor alteration of existing structures, facilities and mechanical equipment, involving negligible or no expansion of use beyond that previously existing, including but not limited to: (a) interior or exterior alterations involving such things as interior partition, plumbing, and electrical conveyances; and (f) addition to safety or health protection devices.

General Plan:

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

Budget:

The project is budgeted under CIP Item No. A2.00356.19 and will be funded by Port cash. The Total Project Cost is estimated to be \$710,000.00.

This project is not included in the 2000-2005 Capital Improvement Program presented to the Board of Port Commissioners Audit, Budget and Finance Committee on September 7, 2000. However, as stated above, the existing carpet is noticeably worn, has outlived its useful life, and must be replaced.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) apply for this work.

RECOMMENDATION:

It is recommended that the Plans and Project Manual be approved and authorization be granted to advertise for bids to be received on December 20, 2000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20437

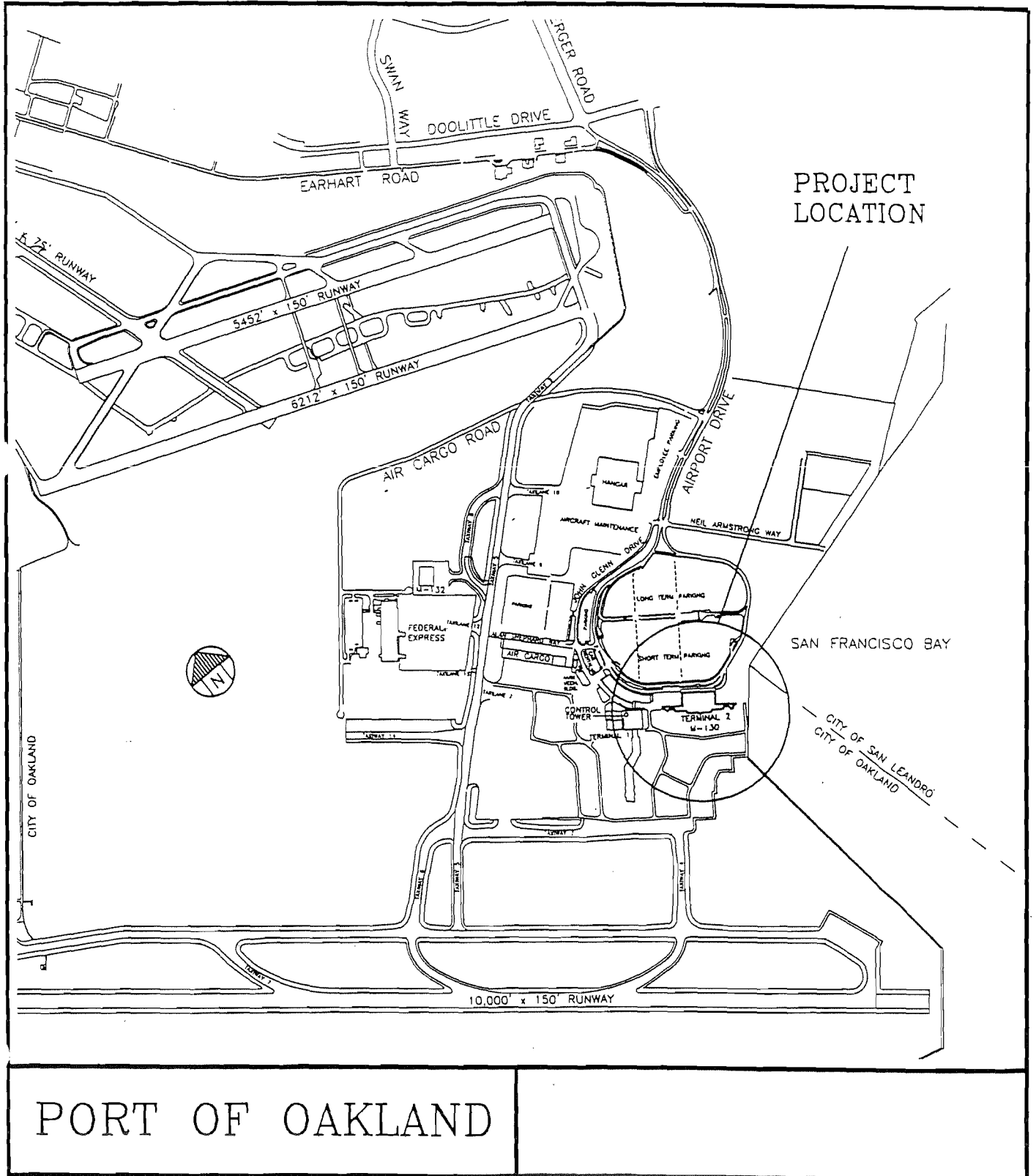
BOARD ACTION TAKEN

[Signature]
SECRETARY OF THE BOARD

Assistant

NOV - 7 2000

DATE



PROJECT
LOCATION

SAN FRANCISCO BAY

CITY OF SAN LEANDRO
CITY OF OAKLAND

PORT OF OAKLAND

Agenda Sheet


DATE: November 7, 2000

ITEM NO: 17S

SUBJECT: Approval of a Building Permit Application
for Sprint PCS to Install Cell Phone Equipment,
Terminals 1 and 2, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Sprint PCS has submitted a permit application to install telecommunications equipment to improve cell phone service within the Airport passenger terminals. The tenant will have an equipment room in the lower level of Terminal 1 that will collect signals from a number of antennas placed throughout the terminals and connected with fiber optic cable. Signals are then transmitted to off-site Sprint PCS facilities by radio frequency.

This proposed work will include:

- Construction of improvements to establish an equipment room in the lower level of M103.
- Installation of telecommunications equipment in various locations throughout Terminals 1 and 2.

Budget:

The estimated value of the work is \$225,000. All costs are the responsibility of Sprint PCS. Revenue to the Port will be established by the terms of the lease. Electricity use will be metered and paid for by the tenant in addition to the base rent.

Environmental:

This project has been determined to be exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class I of Guidelines Section 15301, which consists of repair, maintenance, and minor alteration of existing structures, facilities, and mechanical equipment, involving negligible or no expansion of use beyond that previously existing, including but not limited to: (a) interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances and (b) existing facilities of both investor and publicly owned facilities used to provide electric power or other public utility services.

General Plan:

Pursuant to section 727 of the City Charter, the project has been determined to conform to the transportation designation for the site in the Oakland General Plan.

RECOMMENDATION:

It is recommended that the Board approve this building permit application.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20438

BOARD ACTION TAKEN

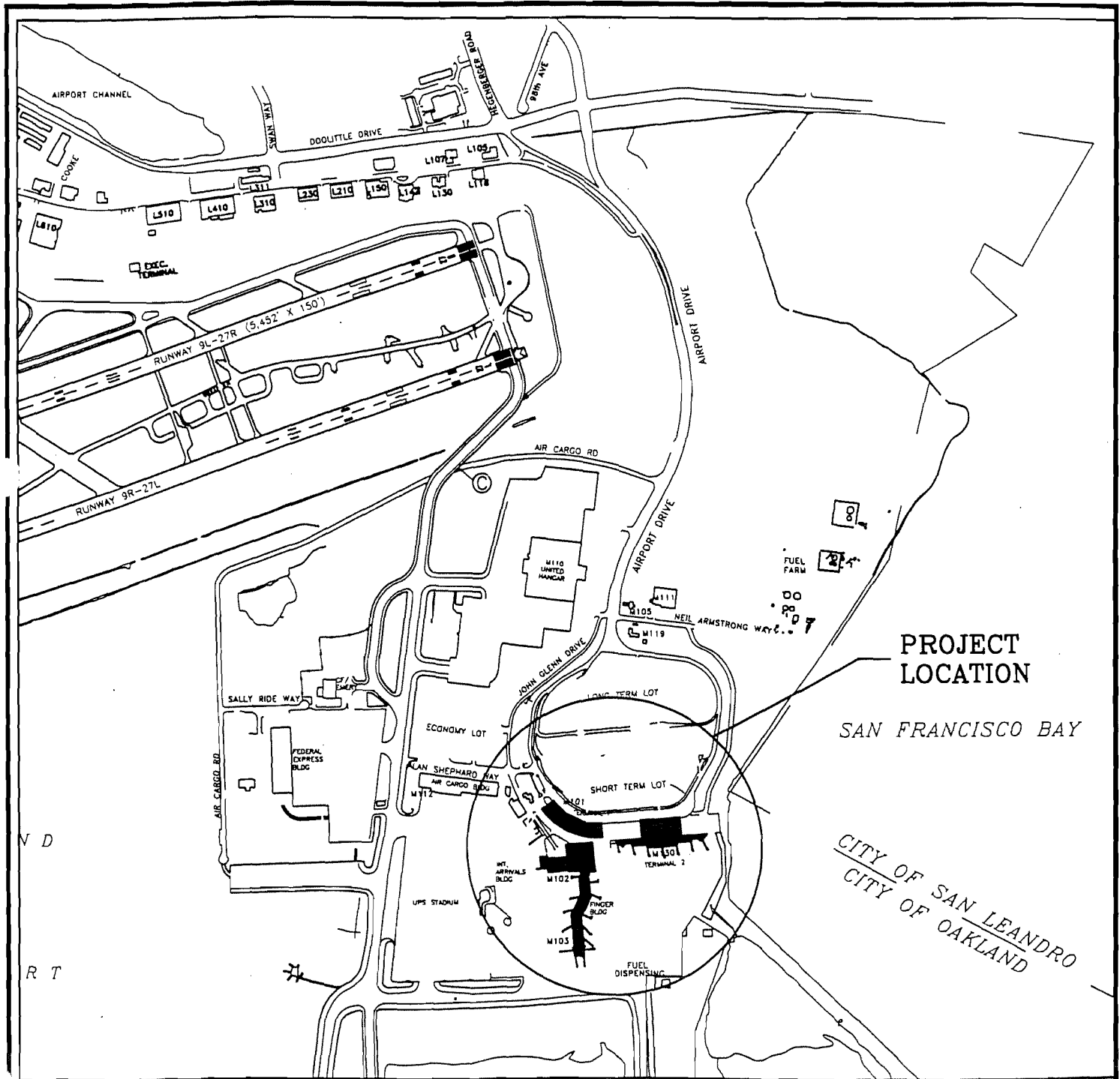


SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Assistant



PROJECT
LOCATION

SAN FRANCISCO BAY

CITY OF SAN LEANDRO
CITY OF OAKLAND

PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet


SUBJECT: Ratification of Addendum and Award of Contract for
 Demolition of Jack London Village Buildings F-217
 through F-226, Jack London Square

DATE: November 7, 2000

ITEM NO: 185

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION 

FACTUAL BACKGROUND:

Twelve bids were received and opened on September 13, 2000, for **Demolition of Jack London Village, Buildings F-217 through F-226, Jack London Square, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE (Items 1-7)
V.E.M. General Engineering, Inc.	Hayward, CA		X		X	\$390,000.00
Thomas Eychner Co., Inc.	Oakland, CA			X	X	\$456,820.00
Cleveland Wrecking Company	Oakland, CA			***		**\$477,100.00 \$481,020.00
Pacific States Environmental	Pleasanton, CA				X	\$532,985.22
Silverado Constructors	Point Richmond, CA					\$544,038.00
Ferma Corporation	Mountain View, CA					\$628,000.00
ICONCO	Oakland, CA			X	X	\$657,200.00
OGISO Environmental	Oakland, CA	X		X	X	\$721,613.40
Peak Engineering	Oakland, CA	X		X	X	\$805,550.00
Evans Brothers	Livermore, CA				X	\$926,775.00
Harding Lawson Associates	Oakland, CA			X	X	\$969,375.00
John Jenkins Construction	San Francisco, CA					**\$3,485,200.00 \$785,2000.00

*MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE = Local Business Area Business Enterprise

**Bid corrected in accordance with Document 00200, Instructions to Bidders.

***Bidder not certified as an LIABE/LBABE at time of bid.


A copy of the bid canvass is on file. The location of the work is shown on the attached map.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20439

BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

NOV - 7 2000

DATE

The Board of Port Commissioners, on August 1, 2000, approved the Plans and Specifications for this project to advertise for bids to be received on August 30, 2000. Addendum No. 1 was issued by the Chief Engineer to make changes to the project Plans and Project Manuals. The major change was to retain most of the trees inside the work area, which required changing the grading plan for the site. The Bid Date was extended to September 13, 2000. Other changes to the physical work of the Contract were not substantial.

ANALYSIS:

Non-Discrimination and Small/Local Business Utilization Policy:

The apparent low bidder, VEM General Engineering, Inc., was disqualified due to its failure to meet the non-discrimination requirements of the Port's Non-Discrimination and Small Business Utilization Policy for Public Works, which is included in the Project Manual. Accordingly, the Office of Equal Opportunity evaluated the bids of the second and third low bidders. Thomas D. Eychner Co., Inc., the second low bidder, has met the non-discrimination program requirements.

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, if the bids are within 10% or \$1,000,000 (one million dollars), whichever is less, of the apparent low bidder's Total Bid Price, bids may be modified (lowered) depending on the business location of the bidders and their subcontractors, and the lengths of time at those locations. Based on a comparison of the modified bid amounts, Thomas D. Eychner Co., Inc., remains the lowest responsible bidder.

Accordingly, it is recommended that Thomas D. Eychner Co., Inc., be considered to be the lowest responsible bidder for the purpose of this contract. The Port of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with the recommendation. LIABE participation is 82.32% and LBABE participation is 1.97%. The MBE participation is 4% of the total subcontractor dollar amount.

Subcontractor Listing:

Thomas D. Eychner Co., Inc., listed the following subcontractors. The remainder of the work will be performed by Thomas D. Eychner Co., Inc.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	MBE	WBE	LIABE	LBABE	"\$" AND "%" OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR
<u>McGuire & Hester</u> Grading	Oakland, CA			X	X	\$161,800.00 / 35.42%
<u>Ortiz Construction</u> Utility	Castro Valley, CA	X			X	\$9,000.00 / 1.97%
<u>Restec</u> Abatement	Hayward, CA				*	\$71,745.00 / 15.71%

*Bidder not certified as an LIABE/LBABE at time of bid.

Budget:

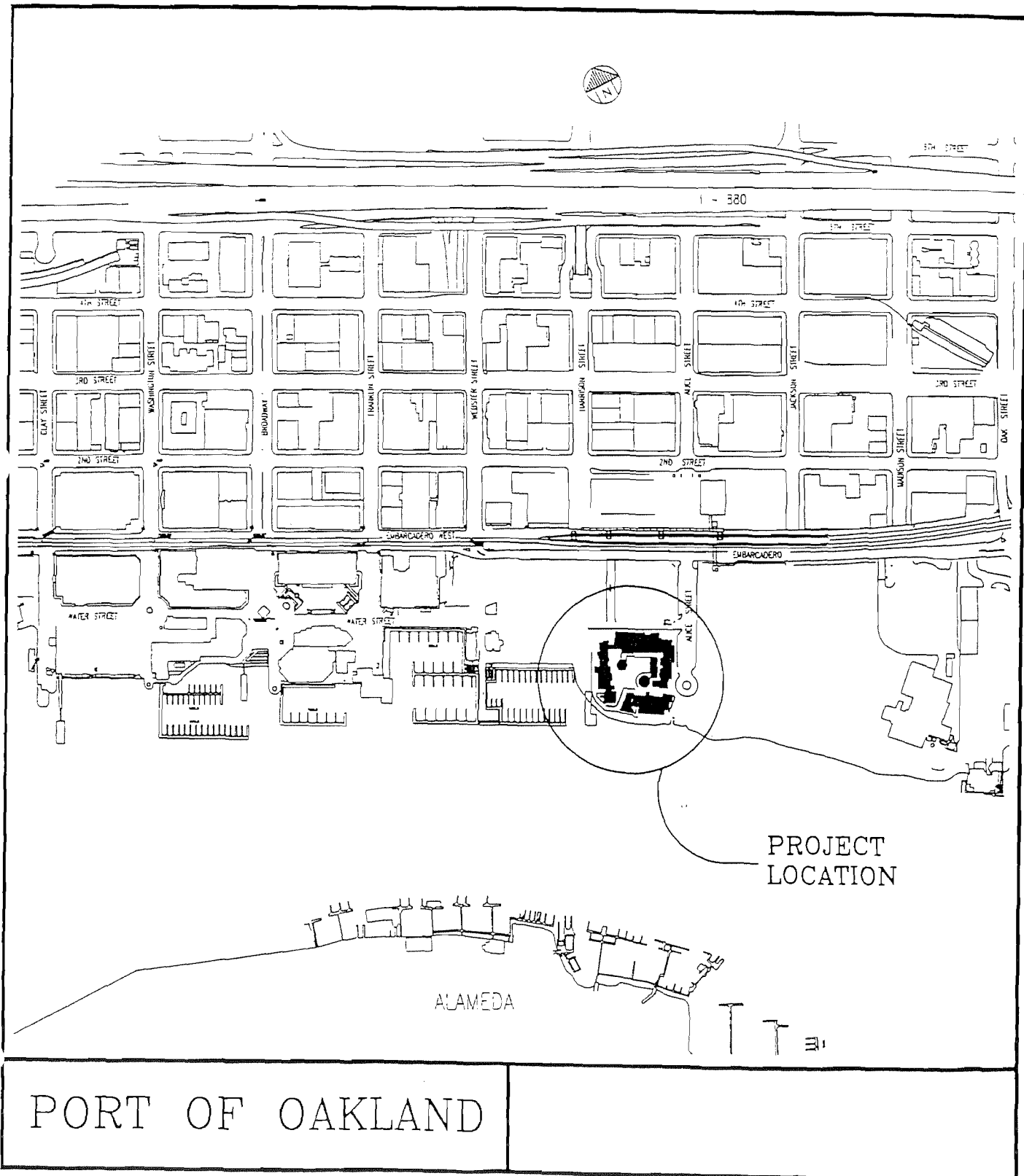
The capital budget for Fiscal Year 2001 provides for this work under CIP Item No. P1.00461.08. The funding source is Port cash. Approximately \$205,000 will be funded through the Oakland Village Corporation under the terms of the Lease Termination Agreement.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this Contract.

RECOMMENDATION:

It is recommended that Thomas D. Eychner Co. Inc., be found to be the lowest responsible bidder, that Addendum No. 1 be ratified, that the contract for the above project be awarded to Thomas D. Eychner Co., Inc., for the amount of its bid, and that the other bids be rejected and the bid securities be returned to the other bidders.



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

^{TD}
SUBJECT: Substitution of Metal Stud Framing and Drywall Subcontractor for Construction of Administration Building and Maintenance Repair Facility at Berths 55/56, Inner Harbor Channel

DATE: November 7, 2000

ITEM NO: 235

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with West Bay Builders, Inc., for the **CONSTRUCTION OF ADMINISTRATION BUILDING AND MAINTENANCE AND REPAIR FACILITY AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA.** West Bay has requested Board approval to substitute its listed metal stud framing and drywall subcontractor. By letter, dated October 11, 2000, the Contractor notified the Port that its listed subcontractor, Reyes Drywall, Inc., is unable to execute their subcontract with them due to their current workload and limited manpower. A copy of Reyes's letter to West Bay is on file with the Port. Under Section 4107 of the California Public Contract Code, this is considered to be a valid basis for substitution of subcontractor.

The Port has contacted Reyes Drywall, Inc., to confirm that they have no objection to West Bay's request to substitute their firm. The owner confirmed that they are unable to execute a Contract with West Bay and that they have no objection to the substitution.

West Bay has requested that H. L. Heggstad be listed as the new metal framing and drywall subcontractor. The Port's Office of Equal Opportunity was notified of the above substitution and they have indicated that they have no objection.

RECOMMENDATION:

It is recommended that Reyes Drywall, Inc., be deleted as the listed subcontractor to perform the metal stud framing and drywall work, and that H. L. Heggstad be added as the subcontractor to perform said work.

c:\...Brdagnda\ConstBLs\SubMetalStud110700

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20441

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Agenda Sheet

^{JD}
 SUBJECT: Award of Contract for Replacement of Fender System at Berths 35-37, Ben E. Nutter Terminal

DATE: November 7, 2000

ITEM NO: 24S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Five bids were received and opened on October 11, 2000, for **Replacement of Fender System at Berths 35-37, Ben E. Nutter Terminal, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
SeaWorks, Incorporated	Oakland, CA.			X		\$652,800.00
Valentine, Corporation	San Rafael, CA.					\$687,369.00
Vortex Diving, Inc.	Oakland, CA.			X		\$724,000.00
Power Engineering Contractors, Inc.	Alameda, CA.			X		\$881,666.00
Dutra Construction Co., Inc.	Alameda, CA.			X		\$993,999.00

* MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE Local Business Area Business Enterprise

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

ANALYSIS:

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, if the bids are within 10% or \$1,000,000 (one million dollars), whichever is less, of the apparent low bidder's Total Bid Price, the bids may be modified (lowered) depending on the business location of the bidders and their subcontractors, and the length of time at those locations. The modified bid amounts based on the local business credit did not affect the rankings of the bidders.

Accordingly, it is recommended that SeaWorks, Incorporated be considered to be the lowest responsible bidder for the purposes of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with the recommendation. LIABE participation is 100 % and the MBE participation is 6.1%.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20442

BOARD ACTION TAKEN Assistant

[Signature]
 SECRETARY OF THE BOARD

NOV - 7 2000

DATE

Subcontractor Listing:

SeaWorks, Incorporated listed the following subcontractor with their bid. The remainder of the work will be performed by SeaWorks, Incorporated.

SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)	LOCATION	MBE	WBE	LIABE	LBABE	“\$” AND “%” OF EACH SUBCONTRACTOR’S BID TO PRIME CONTRACTOR
Bay Line Construction Core Drilling		X		X		\$40,000.00 / 6.1%

Budget:

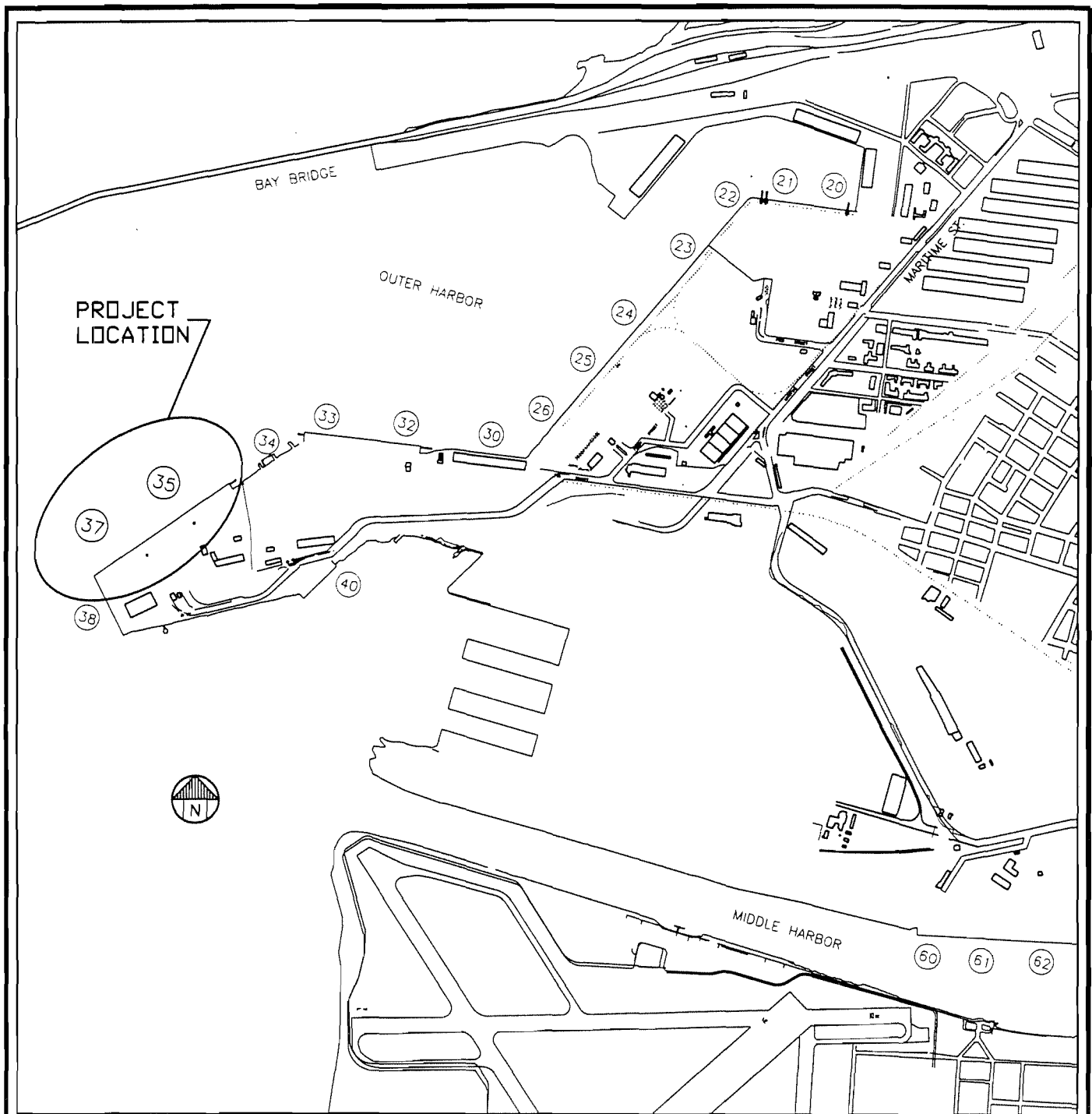
The capital budget for Fiscal Year 2001 provides for this work under CIP Item No M2.00617.04. The funding source is Port cash. SeaWorks, Incorporated’s bid is within the project budget.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that SeaWorks, Incorporated be found to be the lowest responsible bidder, that the contract for the above project be awarded to SeaWorks, Incorporated for the amount of its bid, and that the other bids be rejected and the bid securities returned to the respective bidders.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 25S

SUBJECT: Approval of Permit from the Bay Area Rapid Transit District (BARTD) for Installation of a 4-inch Domestic Water Pipe under the Port Project, "Construction of Joint Intermodal Terminal"

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port construction project, "Construction of Joint Intermodal Terminal, Middle Harbor, Oakland, California", includes installation of a 4-inch water pipe that will provide domestic water to buildings D-412, D-512, D-511, the JIT temporary gate office site, and other minor structures remaining in the northern portion of the former Fleet Industrial Supply Center, Oakland (FISCO). The pipe will be installed under the elevated BART trackway that parallels 7th Street. The construction and use of that water pipe requires a BART permit.

When completed, this water pipe will provide final separation of the existing fire protection and domestic water systems to the major structures that remain within the footprint of the former FISCO.

The BART permit has been prepared and will be processed at no cost to the Port. The permit has general conditions pertaining to construction, maintenance, and possible relocation of the water pipe. Relocation of the water pipe must be made on demand, at no cost to BART, should BART require relocation in the future. A copy of the permit and general conditions are on file.

VIRONMENTAL:

This work has been addressed under the Environmental Impact Report prepared for the Joint Intermodal Terminal.

RECOMMENDATION:

It is recommended that the Director of Engineering be authorized to execute this permit and to perform any actions required under the terms of the permit in the future.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20443

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

NOV - 7 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 Water Street
Oakland, California 94607

TELEPHONE: (510) 627-1100

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Port Attorney

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Secretary of the Board

C A L E N D A R

**Regular Meeting of the Board of Port Commissioners
Tuesday, November 21, 2000 - 3:00 PM**

ROLL CALL

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

READING OF THE MINUTES:

Regular meeting of September 5, 2000; regular meeting of
September 19, 2000; adjourned regular meeting of October
10, 2000; adjourned regular meeting of October 24, 2000;
and regular meeting of November 7, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Audit, Budget and Finance
Commercial Real Estate
Maritime

READING OF SUMMARY ITEMS: (Marked "S")

7 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1** Interim Contractual Agreement for Public Self-Park, AirBart & Parking Shuttle and Valet Parking Services. (Resolution)
- 2** Authorization to Dispense with Competitive Bidding Procedures for Procurement of Breakers for Construction of 12.4 kV Circuit Between SS-8 and SS-5A, OIA. (Resolution)
- 3** Approval of First Supplemental Agreement with ASC Construction Management for Engineering Services During Construction for the Airport Roadway Project, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 11** Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of the Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC Permit Requirements, for the Waterfront Plaza Hotel Expansion Project, Located at the Intersection of Washington and Water Streets. (Resolution & Ordinance)
- 12** Ratification of Addenda, Rejection of Bids, and Authorization to Negotiate a Contract for Construction of Berthing Facilities for Former U.S.S. Potomac and Lightship Relief, Jack London Square. (Resolution)
- 13** Proposed Terms and Conditions for Exclusive Negotiation Agreement with Ellis Partners for the Jack London Square Master Development. (Resolution)

14S Authorization to Include the Demolition of Building G-305 and Removal of Foundations of Buildings G-301, G-302 and G-303, Inner Harbor, in the Port's Small Business Program. (Resolution)

15S Recommend Approval of New License and Concession Agreement with Dockside Boat & Breakfast. (Resolution)

16S Recommends Approval of New License and Concession Agreement with Telemedia Communication Systems, Inc. (Resolution)

17S License and Concession Agreement, NCMA for the Temporary Operation of the Fuel Dock in Jack London Square. (Resolution)

(Request Finding and Determination that Need to Take Action Arose After Posting of Agenda)

18 Authorization to Purchase Property at 1899 Dennison Street. (Resolution and Ordinance Only)

MARITIME

21 Approval of Change Order to the Contract for Construction of Container Yard Phase 1B at Berths 55/56, Inner Harbor Channel, Oakland, California. (Resolution)

22 Authorization to Ratify and Negotiate Change Orders with Harding Lawson Associates for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)

23S Substitution of Painting Subcontractor for Construction of Berth 55/56 Trouble Kiosk, Inner Harbor Channel. (Resolution)

24S Substitution of Electrical Subcontractor for Construction of Berth 55/56 Trouble Kiosk, Inner Harbor Channel. (Resolution)

25S Substitution of Paving Subcontractor for Demolition of Building E-240 and Miscellaneous Structures, Middle Harbor. (Resolution)

OPERATIONS

31 This item not used.

32 Port Sustainability Policy. (Resolution)

BUILDING PERMIT APPLICATION ("S")

Fundis Company, installation of a portable office trailer that is 60 feet by 12 feet in size and relocation of the truck scales from the Harbor Transportation Center.

Fundis Company, installation of two portable office trailers.

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

Vote on the following resolutions:

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

Noes: None

Absent: None

RESOLUTIONS:

20451 1 APPROVING AND AUTHORIZING INTERIM AGREEMENTS FOR PUBLIC SELF-PARK, AIRBART AND PARKING SHUTTLE AND VALET PARKING SERVICES. (Airport – 1)

20452 2 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR PURCHASE OF BREAKERS FOR CONSTRUCTION OF 12.7 kV CIRCUIT BETWEEN SS-8 AND SS-5A, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA WITHOUT COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport – 2)

20453 3 FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH ASC CONSTRUCTION MANAGEMENT FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Airport – 3)

- 20454 4** CERTIFYING CONSIDERATION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE WATERFRONT PLAZA HOTEL EXPANSION PROJECT, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE MITIGATED NEGATIVE DECLARATION, THE MITIGATION MONITORING AND REPORTING PROGRAM AND AUTHORIZING IMPLEMENTATION OF REQUIRED BCDC PERMITS FOR THE WATERFRONT PLAZA HOTEL EXPANSION PROJECT. (Commercial Real Estate - 11)
- 20455 5** RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF BERTHING FACILITIES FOR FORMER U.S.S. POTOMAC AND LIGHTSHIP RELIEF, JACK LONDON SQUARE, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR, REJECTING ALL BIDS, DIRECTING RETURN OF BID BONDS TO BIDDERS; AND AUTHORIZING A CONTRACT IN THE OPEN MARKET WITHOUT COMPETITIVE BID. (Commercial Real Estate - 12)
- 20456 6** APPROVING AND AUTHORIZING EXECUTION OF EXCLUSIVE NEGOTIATING AGREEMENT WITH ELLIS PARTNERS FOR THE JACK LONDON SQUARE. (Commercial Real Estate - 13)
- 20457 7** GRANTING AUTHORIZATION TO INCLUDE DEMOLITION OF BUILDING G-305 AND REMOVAL OF FOUNDATIONS FOR BUILDINGS G-301, G-302 AND G-303, INNER 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Commercial Real Estate - 14S)
- 20458 8** APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH DOCKSIDE BOAT & BREAKFAST. (Commercial Real Estate - 15S)
- 20459 9** APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH TELEMEDIA COMMUNICATIONS SYSTEMS, INC. (Commercial Real Estate - 16S)

- 20460 10** APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH NORTHERN CALIFORNIA MARINA ASSOCIATION.
(Commercial Real Estate - 17S)
- 20461 11** FINDING AND DETERMINING THAT NEED TO TAKE ACTION AROSE AFTER POSTING OF AGENDA RELATING TO ACQUISITION OF LAND FOR UNION POINT PARK.
(Commercial Real Estate - 18)
- 20462 12** APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH O.C. JONES & SONS, INC., FOR CONSTRUCTION OF CONTAINER YARD PHASE 1B AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA.
(Maritime - 21)
- 20463 13** APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDERS FOR CONTRACT WITH HARDING LAWSON ASSOCIATES, FOR CLOSURE OF LANDFILL AT THE FORMER LEW F. GALBRAITH GOLF COURSE, OAKLAND, CALIFORNIA.
(Maritime - 22)
- 20464 14** APPROVING SUBSTITUTION OF PAINTING SUBCONTRACTOR FOR CONSTRUCTON OF BERTH 55/56 TROUBLE KIOSK, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA.
(Maritime - 23S)
- 20465 15** APPROVING SUBSTITUTION OF ELECTRICAL SUBCONTRACTOR FOR CONSTRUCTION OF BERTH 55/56 TROUBLE KIOSK, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime - 24S)
- 20466 16** APPROVING SUBSTITUTION OF PAVING SUBCONTRACTOR FOR DEMOLITION OF BULDING E-240 AND MISCELLANEOUS STRUCTURES, MIDDLE HARBOR, OAKLAND, CALIFORNIA.
(Maritime - 25S)
- 20467 17** IMPLEMENTING PORT SUSTAINABILITY POLICY.
(Operations - 32)
- 20468 18** GRANTING FUNDIS COMPANY PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20469 19** GRANTING FUNDIS COMPANY PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)

20470 20 APPROVING AND AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT WITH THE CITY OF SAN LEANDRO.

Vote on the following ordinances:

Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates, Tagami, Uribe and President Kramer – 7
Noes: None
Absent: None

ORDINANCES:

1 HELD OVER Port Ordinance No. 3614 being, "AN ORDINANCE FINDING AND DETERMINING THAT THE PUBLIC INTEREST OF KAISERAIR, INC. AND EARHART ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, FOR PUBLIC USE IN CONNECTION WITH PORT DEVELOPMENT PURPOSES, MAKING OTHER FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, AND AUTHORIZING THE FILING OF PROCEEDINGS IN CONDEMNATION FOR THE ACQUISITION THEREOF."

Final.

2 ("S") Port Ordinance No. 3615 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTIONS 2.01, 10.019, 10.013, 8.147, 5.026 AND 6.013."

Final.

3 Port Ordinance No. ____ being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A NINTH SUPPLEMENTAL AGREEMENT TO LEASE WITH THE BOATEL."

Commercial Real Estate – 11 to print.

4 Port Ordinance No. ____ being, "AN ORDINANCE AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH STEPHEN J. CROWLEY, D.B.A. STEAM VALVE FOR PURCHASE OF 1899 DENNISON STREET FOR UNION POINT PARK PURPOSES."

Commercial Real Estate – 18 to print.

REGULAR MEETING
November 21, 2000

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: **The next meeting will be a regular meeting held on Tuesday, December 5, 2000 at 3:00 PM**

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 1

SUBJECT: Interim Contractual Agreement
for Public Self-Park, AirBart & Parking
Shuttle and Valet Parking Services

PROGRAM AREA:

- Airport Operations C.I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Valet Parking Services' contractual agreement is due to expire on November 30, 2000. Valet Parking Services is not interested in continuing to provide management services on an interim month-to-month basis while the new RFP process is completed and awarded. Valet Parking Services current contractual agreement tasks them with the management of the public self-parking lots (hourly, long-term, economy and overflow lots), the AirBart / Parking shuttle bus service, and the valet parking operations. Valet Parking Services has been in service at Oakland Airport since 1996.

ANALYSIS:

The interim contractual agreement is expected to last approximately 6 to 9 months. The RFP's for the permanent contractual agreements to manage the Public self-park facilities, the AirBart / Parking shuttle bus contract, and the Valet parking operations will be available for distribution by no later than February 23, 2001. The proposals must be submitted back to Landside Operations by April 6, 2001. The selection of the firm(s) will occur by May 25, 2001.

In response to the Port's Request for an Interim Management Contract for the Airport Public Self-Parking, Valet Parking, AirBart and Parking Shuttle, three proposals were received.

The following are a list of the three firms:

- 1) AMPCO Svstem
- 2) Five Star Parking
- 3) Shuttle Port

The process used to select the interim operator(s) involved interviewing firms with a minimum of ten years experience in the particular industry whether it is parking lot operations or shuttle bus services and comparing their background and experience with their operations at other airports. The analysis involved looking at the firms' years of operation, size of the operation, location of the operation, experience dealing with union employees, and reputation of the company. The panel members that participated in the selection process included the Landside Operations Manager, Finance Manager, Landside Superintendent of Ground Transportation, Parking Operations Assistant and Ground Transportation Assistant.

Five Star Parking and ShuttlePort have been selected to manage the Port's interim contracts. Both have been in business for over 10 years, have large operations at airports, and have experience working with union employees. ShuttlePort was chosen for its extensive experience in managing shuttle bus operations and Five Star Parking was chosen for its extensive operations in managing parking operations at large airports.

The Comparative Analysis Chart below shows the determining factors used to select the companies. AMPCO and Five Star bid on managing the Public Self-parking lots (long term, hourly, economy, and overflow) and the Valet parking operations. AMPCO and ShuttlePort bid on managing the AirBart and Parking Shuttle bus operations.

AMPCO proposed a management fee of \$24,000 per month for the Public Self-parking lot and \$6,923 per month for the valet parking operations. AMPCO proposed a management fee of \$18,448 for the shuttle bus operation. Five Star Parking proposed a management fee of \$21,700 per month for the Public Self-parking lot and \$5,135 per month for the Valet parking. ShuttlePort proposed a management fee of \$19,000 for the shuttle bus operation.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20451

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD
DATE NOV 21 2000

The Port's staff proposed 1% of the Public Self-parking budgeted revenue for the fiscal year ending 2001 as the management fee for the parking operation which amounts to \$21,700 per month. The Port's staff proposed a flat \$5,000 per month as the management fee for the valet parking operation and proposed a flat \$15,000 per month as the management fee for the AirBart / Parking Shuttle operation.

PORT STAFF'S Proposed Mgmt. Fees	AMPCO Mgmt. Fees	FIVE STAR PARKING Mgmt. Fees	SHUTTLEPORT Mgmt. Fees
\$21,700 / Month	\$24,000 / Month	\$21,700 / Month	
Public Self-parking	Public Self-parking	Public Self-parking	
\$5,000 / Month	\$6,923 / Month	\$5,135 / Month	
Valet Parking	Valet Parking	Valet Parking	
\$15,000 / Month	\$18,448 / Month		\$15,000 / Month
AirBart/Parking Shuttle	AirBart/Parking Shuttle		AirBart/Parking Shuttle

Years Of Operation	Over 10 years	Over 10 years	Over 10 years
Local Office	Oakland	Oakland	San Jose
Location of Operation <i>The locations listed are non-exhaustive</i>	SFO Airport Denver Internat'l John Wayne Airport Honolulu Internat'l Salt Lake Internat'l Off-site at OAK Jack London Square	LAX Airport JFK Airport Ontario Internat'l – CA La Guardia Internat'l McCarran Internat'l City of San Jose Oakland Coliseum	SFO – Airport San Jose Internat'l San Diego Internat'l Phoenix Sky Harbor
Union Employees	Yes	Yes	Yes

Five Star Parking and ShuttlePort agreed to accept the Port's proposed management fees as listed in the above matrix.

Additional factors for choosing Five Star Parking over AMPCO are listed below:

1. AMPCO has been replaced by Five Star Parking at LAX, Ontario International – CA, Van Nuys Airport – CA, and in the City of San Jose.
2. AMPCO showed a reluctance to accept the Port's administrative fee structure for non-performance and included a projected penalty amount in their management fee.

AMPCO is operating an Off-Site Airport parking lot within 3 miles of Oakland Airport and is in direct competition with Oakland Airport's Public Self-parking lots.

OPTIONS:

The available options are:

1. Hire additional Port of Oakland personnel and attempt to manage the several contracts.
2. Approve the interim contractual agreement for Five Star Parking and ShuttlePort until the permanent RFP process is completed.

RECOMMENDATION:

It is recommended that the Board approve the interim contractual agreement for Five Star Parking and ShuttlePort until the permanent RFP process is completed and awarded in approximately 6 to 9 months.

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 2

^{TD}
SUBJECT: Authorization to Dispense with Competitive Bidding
Procedures for Procurement of Breakers for Construction
of 12.47 kV Circuit Between SS-8 and SS-5A, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *(Signature)*

EXECUTIVE OFFICE RECOMMENDATION *(Signature)*

FACTUAL BACKGROUND:

The existing in-field high voltage loop feeding Substation SS-5A is reaching the end of its service life. A new 12.47 kV circuit connecting substation SS-8 and substation SS-5A is required to provide a reliable redundant high voltage circuit to the South Airport. The new circuit will ultimately become the backup circuit to the new primary circuit to be installed under the Airport Roadway Project (ARP), Contract A. An alternate reliable in-field route for electrical service is required for a series of anticipated, scheduled electrical power shutdowns of the primary circuit. Deactivation of the circuit that will be installed under the ARP is required for construction of the terminal entry roadway, electrical equipment relocations and other projects associated with the Terminal Expansion Program. To ensure there is no power interruption to the South Field, this circuit needs to be in place prior to transferring the power to the new duct bank under the ARP. Design of the new circuit is being completed and staff will be seeking Board approval to advertise for bids in December.

According to the current schedule, Contract A of the ARP, the cross-airport roadway segment, will start construction in early 2001. Within nine months, the new utilities will need to be in place. The transfer of power is scheduled for September 2001. The new in-field high voltage loop should be completed no later than August 2001.

One circuit breaker for SS-8 and one circuit breaker for SS-5A are required to provide the redundant high voltage service connection between SS-8 and SS-5A. These breakers will be installed in the spare cubicles of the existing switchgear.

ANALYSIS:

Staff has determined that it is in the best interests of the Port to purchase breaker assemblies that match the existing breakers to facilitate system integration and maintenance. The manufacturer of the existing breakers for SS-8 is Toshiba International Corporation (Toshiba) of Houston, Texas, and the manufacturer of the existing breakers for SS-5A is General Electric (GE) of Concord, California.

Other manufacturers were contacted to determine their interest and capability in providing a proposal for supplying and installing the breakers. Four manufacturers' engineering representatives were invited to inspect the two substations to assess the feasibility for their company to propose on supplying breakers. They explained that they do not have standard products that match our switchgear mounting frames. The engineers determined that they would have to fabricate costly one-of-kind products to retrofit our substations. In addition to cost and time, each explained that there was an extensive amount of product development needed to modify their breaker design to adapt to their competitors buss frames. Such modifications may be sensitive to claims by two leading manufacturers in the industry of proprietary design infringement. The visiting engineers also contended that there is substantial risk for escalating costs and time delays that could result from the UL or equivalent laboratory testing and listing process. Seeking the required UL listing may require several design iterations and prototype testing before a final design could be implemented for our project.

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No. 20452

BOARD ACTION TAKEN Assistant

(Signature)
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Staff determined that the Port may be requested to sign a release to assume some of the liability for an infringement claim and also provide some assurance that the Port would fund the unknown development costs resulting from the UL listing process. Only the original manufacturers of the existing switchgear expressed interest in proposing on their switchgear they had installed at the Airport.

Toshiba and GE have indicated a lead time of eight months (two months design time plus six months manufacturing time) on the equipment due to heavy demand for products in the construction industry. In order to meet the original equipment manufacturers' production schedules, the circuit breakers need to be ordered by the end of the year.

Additionally, staff believes now is the most opportune time to purchase the customized circuit breakers for the following construction projects: Remain Overnight Aircraft Parking Facility (RON), New North Field Lighting Vault, New Air Traffic Control Tower, and a spare breaker for future development. Each breaker is budgeted under the project for which the new electrical service is required.

General Plan:

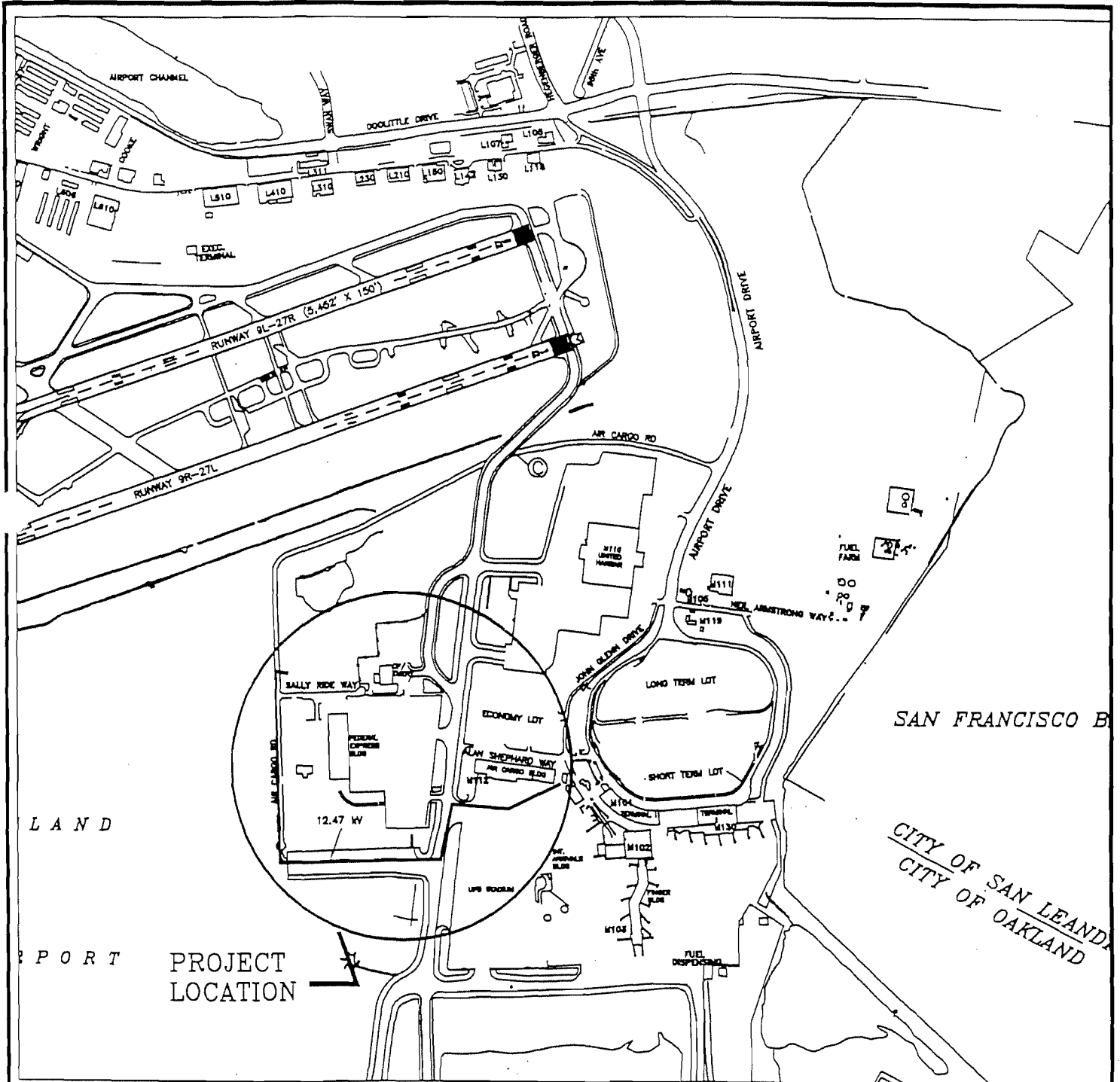
This project is consistent with the City of Oakland General Plan (Section 727 of the City Charter) and with the Airport Layout Plan (ALP) dated September 1995.

Budget:

The total budget for the purchase of the circuit breakers is \$465,000. Five of the breakers are budgeted under the airfield electrical improvement program, CIP No. A2.00644.02, which has a total project budget of \$6,316,000. One breaker is budgeted under the RON project CIP No. A2.00682.01, which has a total project budget of \$24,211,000. The funding source is future Passenger Facility Charges (PFCs).

RECOMMENDATION:

It is recommended that the Board find it to be in the best interests of the Port to dispense with competitive bidding procedures for the purchase of six breakers; and that the Executive Director be authorized to negotiate a procurement contract for the purchase of the equipment.



PORT OF OAKLAND

CIRCUIT BREAKERS FOR CONSTRUCTION OF 12.47kV CIRCUIT BETWEEN SS-5A AND SS-A

DESCRIPTION	UNIT	COST/UNIT	QUANTITY	REFERENCE	TOTAL	REMARK
12.47kV Infield Loop Project: Toshiba circuit breaker	EA.	105,000	1	Toshiba	105,000	E-9
G.E circuit breaker	EA.	50,000	1	G.E	50,000	E-9
New North Field Lighting Vault: Toshiba circuit breaker	EA.	105,000	1	Toshiba	105,000	E-12
New Control Tower: Toshiba circuit breaker	EA.	105,000	1	Toshiba	105,000	E-6
RON Facility : G.E circuit breaker	EA.	50,000	1	G.E	50,000	C-8A &C-8B
Spare : G.E circuit breaker	EA.	50,000	1	G.E	50,000	E-9
Total estimated bid					465,000	

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 3

^{TD}
SUBJECT: Approval of First Supplemental Agreement with ASC
Construction Management for Engineering Services
During Construction for the Airport Roadway Project, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

On May 7, 1996, the Port of Oakland entered into a contract with ICF Kaiser Engineers, Inc. ("Kaiser") for professional design services related to the Airport Roadway Project ("ARP"). In the original agreement, Kaiser agreed to provide comprehensive design services, including preliminary investigation, planning, development of plans and specifications, and Engineering Services During Construction ("ESDC"). The agreement was subsequently amended by Supplemental Agreement Nos. 1 and 2 (collectively "Contract"), for a current total design fee of \$7,887,500.

Kaiser filed for bankruptcy protection on or about June 9, 2000, and has since undergone a reorganization and sale to Tyco S.A.R.L. ("Tyco"). Section 11 of the Contract between the Port and Kaiser prohibits any assignment without prior written consent of the Port. Tyco assigned the Contract to Earth Tech (Infrastructure) Inc. ("ETII"). Tyco has since formally requested the Court to interpret their Order in an effort to clarify the responsibility for any pre-assignment defaults by Kaiser.

On September 8, 2000, the Legal Department ("Legal") sent a letter to ETII highlighting the Port's concerns regarding impacts of the assignment of the Contract. Specifically, without consenting to the assignment, the Port requested ETII's confirmation that it intended to deliver ESDC for the on-going ARP at the contractually required level with no change in contract price. Kaiser's negotiated fee for ESDC was originally \$462,000, however, based on various correspondence regarding the appropriate level of ESDC, the allocation of the total contract amount was raised an additional \$300,000 to \$762,000. The total contract amount, however, remained at \$7,887,500.

On October 4, 2000, staff met with representatives of ETII for a discussion regarding the status of the assignment and the cost for ESDC. In that meeting, ETII expressed their disagreement with the Port's interpretation of the amount due Kaiser for ESDC. ETII does not agree with the ceiling amount and believes that it should be higher. They claim that they originally disagreed with the negotiated \$462,000 for ESDC because of the complexity of the project and the potential for problems during construction should the Port execute construction contracts with uncooperative contractors. They said that Kaiser settled on the \$462,000 amount after receiving an agreement from the Port that Kaiser would receive strong support from the Port's field staff, including the assumption of some of the more routine ESDC related work. ETII claims that this did not occur, and instead, claims that Kaiser was required to perform *unanticipated coordination work between the contractor, the construction manager, and the Port.* Notwithstanding the differing views of the price and related work efforts, the Port and ETII agreed that ETII could present a proposal for completing performance of the Contract by providing all remaining ESDC.

On October 23, 2000, ETII submitted a proposal to provide ESDC, as described in the May 7, 1996, contract, for \$1,582,175. This sum was in addition to the approximately \$400,000 that the Port previously paid Kaiser for these same services and to the approximately \$75,000 worth of work estimated to have been performed while the assignment of the Contract has been under review. Staff found ETII's October 23 proposal unacceptable as it represented a very substantial increase over the current ceiling amount of \$762,000 for ESDC.

On October 25, 2000, ETII and Legal had a discussion, in which, ETII claimed that the terms of the May 7, 1996, agreement were moot because they planned to reject the Contract, rather than accept it with its limitations on further price increases. Anticipating this possible action as a result of the bankruptcy, staff had previously investigated alternative methods to provide ESDC without affecting the on-going progress of the ARP construction. In September,

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NOV 21 2000

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staff contacted ASC Construction Management ("ASC"), the firm presently performing the construction management services for the ARP, and requested them to submit a proposal to provide ESDC in accordance with the scope of services on which ETII's proposal was based, in the event that ETII rejected the Contract. ASC subsequently met with the current subconsultants on the Contract in an effort to provide a proposal that included a team that would provide as much continuity to the ARP as possible. ASC submitted a proposal to provide ESDC for \$1,211,715. Both ASC's and ETII's proposals assumed an effective start date of November 1, 2000. ASC's proposal may be modified accordingly, based on the actual start date of services.

ANALYSIS:

ETII is continuing to provide services as specified in the May 7, 1996, contract. It is unclear when ETII may cease performing these services given the current uncertainty regarding the assignment of the Contract, and the potential impact of the Bankruptcy Court's further interpretation of the Court's Order. On October 31, ETII indicated that they were prepared to provide services until such time as the amounts available under the Contract ceiling have been expended. To date, an estimated \$7,800,000 has been earned on the entire Contract, assuming the assignment of the Contract was proper. Included in this amount were additional design efforts associated with post-construction requirements from the RWQCB to capture stormwater runoff, the City of Oakland's 98th Avenue Gateway improvements, additional inspections of the cement deep soil mixed ("CDSM") wall, and other miscellaneous design items.

Based upon the current burn rate, it is expected that ETII will exhaust the remaining \$87,500 (\$7,887,500 - \$7,800,000) by the end of December 2000. It is proposed that once the funds of the Contract are exhausted, or when ETII ceases to perform the services of the May 7, 1996, agreement, whichever occurs first, a new agreement for ESDC with ASC would become immediately effective for a total fee of \$1,211,715, less an adjustment due to starting the work up to approximately two months later than anticipated.

Budget:

This work is budgeted under CIP No. AA.00268.01. The funding sources are Measure B funds administered by the Alameda County Transportation Authority (ACTA), the City of Alameda, the City of Oakland, and Port cash. The funding parties have been advised of the impacts

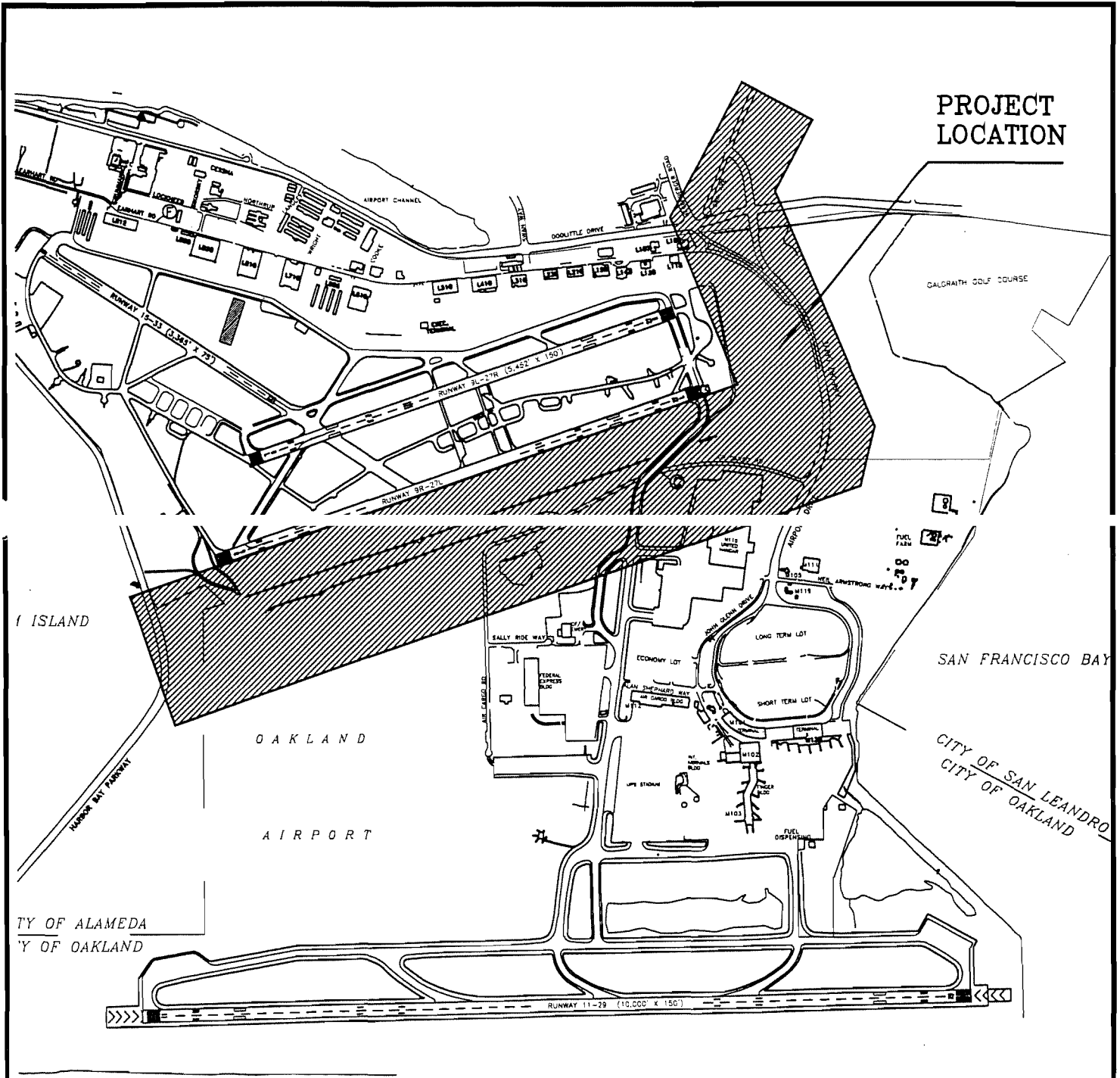
On June 1, 1999, the Board authorized \$5,000,000 for the original agreement with ASC to provide construction management services for Contracts A, B, & C of the ARP with an additional \$1,250,000 with the Executive Director's approval for potential changes in scope. ASC's fee for this First Supplemental Agreement to provide engineering services during construction is not to exceed \$1,211,715, which will increase the total Board authorized agreement amount to \$6,211,715. It is proposed that the Board authorize the Executive Director to approve an additional \$120,000 for future scope changes.

Item	DESCRIPTION	DATE	AUTHORIZED	PROPOSED
1	Original Agreement Maximum Additional Executive Director Approval Authority	06/01/99	\$5,000,000 \$1,250,000	
2	First Supplemental to the Agreement Additional Executive Director Approval Authority	11/21/00		\$1,211,715 \$ 120,000
3	Proposed Authorized Maximum and Executive Director Approval Authority (Items 1 + 2)	11/21/00		\$6,211,715 \$1,370,000

RECOMMENDATION:

It is recommended that the Board approve the execution of a first supplemental agreement with ASC Construction Management for engineering services during construction as described above, contingent upon any of the following events regarding the original Contract with Kaiser: a) the funds authorized under the Contract are exhausted, b) ETII rejects the Contract, or c) ETII ceases to perform the services of the May 7, 1996, agreement, whichever occurs first. Upon the occurrence of any one of these events, a new agreement for ESDC with ASC would become immediately effective for a total fee of \$1,211,715, less an adjustment due to starting the work up to approximately two months later than anticipated.

It is further recommended that the Board authorize an additional \$120,000 with the Executive Director's approval for potential additional scope changes.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: Approval of Consultant Agreement for
Construction Management Services for the
Construction of Airport Roadway Project,
MOIA

Date: June 1, 1999
Item No. 2

PROGRAM AREA

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Airport Roadway Project (Project) is one of the capital improvement projects approved by Alameda County voters with the passage of Measure B in 1986. The Project will build an arterial roadway from the I-880/98th Avenue interchange in the City of Oakland to the Oakland International Airport, and then to Bay Farm Island in the City of Alameda. The roadway will serve as an alternate route for regional traffic generated by the Airport and Bay Farm Island. It will accommodate projected traffic growth at the Air Cargo Center, the Airport Passenger Terminals, and the Harbor Bay Business Park. The Port of Oakland is the project sponsor listed in Measure B's 1986 Expenditure Plan. The Project is primarily located within the Port Area; however, portions are also located within the City of Alameda and within areas of the City of Oakland that are outside the Port Area. The plans and specifications for the construction of the Airport Roadway Project have been completed. The selected consultant is to provide construction management services for the construction of the Airport Roadway Project.

Due to the magnitude of the upcoming construction program, the Port's Construction Department needs assistance in managing some of the construction contracts. It is proposed that the selected team provide the following: Constructability review, value engineering, document control, monthly project reports, change orders and payment processing, dispute resolution, compliance with contract documents, and other miscellaneous services to effectively manage the contract.

BASIS OF SELECTION:

One hundred seventy five Requests for Qualifications (RFQs) were sent out on January 12, 1999. The RFQs were sent to engineering firms with offices in the Local Impact Area (LIA) Cities of Oakland, Alameda, Emeryville, and San Leandro. Proposals were received from thirteen teams.

The Port Review Panel reviewed the proposals and determined that three (3) teams were best qualified to be interviewed. They were invited for interviews. They are listed in alphabetical order as follows:

1. Harris & Associates, Inc. / TRS Consultants, Inc.
2. The Allen Group/Sverdrup / Cooper Pugeda Management, Inc.
3. VALLI Cooper & Associates, Inc.

The panel interviewed and evaluated the three teams based on the project teams' oral presentations, qualifications, relevant experience of the firms, as well as key project personnel, project teams' technical abilities, project approach, project management abilities, answers to interview questions, and evidence of compliance with the Port of Oakland's Non-Discrimination and Small Business Utilization Policy.

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The panel's evaluations of each of the three firms were presented to the Aviation Committee at its May 20, 1999 meeting. Senior staff recommended the Allen Group team, and the Committee approved forwarding that recommendation for consideration by the full Board.

Attached to this letter are Tables showing the consultant team members, their roles and their target shares of the work.

The Port's Office of Equal Opportunity (OEO) participated in all phases of evaluating the consultants and their proposals. OEO has determined that the recommended Firms are responsive to the Port's Non-Discrimination and Local Business Policy.

The EEO-1 Work Force Reports/Professional Services Questionnaires are on file.

It is anticipated that the amount of the agreement will not exceed \$5,000,000, and it is requested that the Executive Director be authorized to approve up to an additional \$1,250,000 for potential changes in scope. It is necessary to begin work immediately after the final scope and terms are agreed upon in order to meet the project schedule. Therefore, it is proposed that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations.

The work is budgeted under CIP Item Number AA00268.01, and the funding source is the Measure B Program administered by ACTA and the local matching funds to be provided by the Port, the City of Alameda, and the City of Oakland. The Port's share of local matching funds is a combination of Port cash and the value of the property contributed by the Port for the Project.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the engineering services as described above are professional services; and
2. Authorize negotiations and the preparation and execution of an agreement with the selected consulting team in accordance with the above provisions.

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 11

SUBJECT: Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of a Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC permit requirements, for the Waterfront Plaza Hotel Expansion Project, located at the intersection of Washington and Water Streets

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND

Clyde R. Gibb d.b.a. Waterfront Plaza Hotel, currently leases 1.09 acres of land in Jack London Square for his hotel/restaurant operation. The 55-year ground lease commenced on July 1, 1990 and expires June 30, 2045. The hotel owners have proposed a major expansion of the hotel facility on adjacent Port land. This agenda item requests Board approval of the Mitigated Negative Declaration/Initial Study, Adoption of the Mitigation Monitoring and Reporting Program, Authorization for the Executive Director to Implement BCDC permit requirements, and Approval of a Ninth Supplemental Agreement to the Lease.

ANALYSIS

The existing Waterfront Plaza Hotel complex contains a 144-room hotel with ancillary amenities, including conference/meeting and banquet facilities, a swimming pool and a full service restaurant (Jack's Bistro) with in-house bakery. The hotel owners have proposed a 63-room expansion to the hotel and other improvements including a re-configuration of the current hotel lobby, redesign/repositioning of the porte cochere, and a re-orientation of the hotel gift shop. In addition, a new landscaped courtyard and valet parking area would be created, along with a new vehicle turnaround at the foot of Washington Street.

The new hotel expansion would be developed on a rectangular site now occupied by a one-story building known as "Water Street III", and a courtyard area currently used to support valet parking at the hotel. The Water Street III building contains 5,660 square feet, and is currently occupied by the hotel gift shop and hotel conference rooms. The hotel expansion component of the project would involve the demolition of the Water Street III building and the construction of a new five-story building in its place. To the extent feasible, the project would use the existing site improvements (such as pile foundations and utility infrastructure) The owners estimate the total project cost to be between \$6 and \$7 million. They have received a financing commitment from Wells Fargo Bank. Staff and the developer will continue to work with BCDC to get the required amendment to the Jack London Square BCDC permit (3-4-month process). Construction is targeted to start April/May 2001, with project completion and grand opening targeted for late spring 2002.

The first floor of the proposed structure would continue to support the gift shop and conference/pre-function uses. The second through fourth floors would each contain 17 guestrooms apiece, while the fifth floor would contain 12 guestrooms with adjoining balconies. The floor area for the new addition would total 40,194 square feet. The new structure would include an 84-foot tower that would house a lobby and two elevators. The new landscaped courtyard area would be created between the new 5-story addition and the existing hotel building, along with eight valet parking spaces. Vehicular traffic would be eliminated from this area and from the adjoining portion of Water Street. Additional parking needs would be accommodated in the hotel garage, in the Washington Street Garage and at an

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Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of the Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC Permit Requirements, for the Waterfront Plaza Hotel Expansion Project, located at the intersection of Washington and Water Streets

Page 2 of 4

off-site location at Third Street and Broadway currently controlled by the owners.

Pursuant to Section 727 of the City Charter, this project has been determined to conform to the Oakland General Plan.

TERMS AND CONDITIONS: *Following are the terms and conditions of the proposed Ninth Supplemental Agreement to the Lease:*

Premises: The Premises consists of approximately 6,500 s.f. of land in Jack London Square currently improved with the Water Street III building. The project would involve the demolition of the Water Street III building. The Ninth Supplemental Agreement would amend the legal description of the existing lease to incorporate this new land area.

Use: The premises would be used for the expansion of the Waterfront Plaza Hotel, including 63 new hotel rooms. The new expansion would also contain banquet and meeting space, offices, and the hotel gift shop.

Term: The lease term for both the original hotel property and the expansion property would be 60 years. The current term has 45 + years remaining.

Construction & Initial Rent (63-room expansion only) Commencing on the effective date of the Ninth Supplemental Agreement, and continuing 5-years after the opening of the 63-room addition, the rent would be \$55,000 annually for the expansion project only.

Rent for Existing Rooms (144 rooms only) For the first five-years of the expanded lease term the rent for the existing 144 rooms and the restaurant would be according to the following fixed rent schedule: year 1 = \$421,500; year 2 = \$436,500; year 3 = \$451,500; year 4 = \$466,500; year 5 = \$481,500.

Thereafter the lessee would pay 4.75% of gross hotel receipt, 2% of gross restaurant receipts and .5% common area maintenance (Hotel).

Minimum Rent: (combined properties)

Commencing on the 6th year (after the opening of the 63-room addition) the lessee would pay an initial annual minimum rent of \$395,184 (hotel) and \$75,732 (restaurant). Total annual minimum rent = \$470,916 for both the existing and expanded properties.

Percentage Rent: (combined properties)

4.75% of gross hotel/misc. receipts
2% of gross food/beverage receipts
.5% Common Area Maintenance Contribution (Hotel)

Minimum Rent Adjustment: The minimum rent would be adjusted every 5 years based on the greater of 1) the percentage change in the Consumer Price Index over the preceding five year period, or 2) 65% of the actual minimum and percentage rent for the 12-month period immediately preceding the adjustment.

Insurance: The lessee would carry public liability and damage insurance, naming the Port as an additional insured, with cross-liability endorsements, protection and indemnity, with minimum types and limits of \$5,000,000.

Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of the Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC Permit Requirements, for the Waterfront Plaza Hotel Expansion Project, located at the intersection of Washington and Water Streets

Page 3 of 4

Prevailing Wages: The lessee would pay for prevailing wages during construction of the improvements in accordance with the Port's current policy.

Improvements: The lessee would construct the improvements, according to plans and specifications, to be approved by the Port. The lessee would complete construction within 18 months after the effective date of the Eight Supplemental Agreement.

Environmental Compliance: All costs associated with the preparation of the required CEQA environmental documents will be paid by the lessee.

Relocation of Utilities: The lessee will be responsible for all costs associated the relocation of any utilities, vaults etc.

Mitigation Costs: The project would require a permit from the San Francisco Bay Conservation and Development Commission (BCDC). The lessee proposes to meet BCDC's requirements for maximum feasible public access by providing in-lieu public access improvements in Estuary Park. Initially, the Port and lessee would split the costs of these improvements equally up to a maximum of \$300,000 (\$150,000 Port share). The lessee would eventually recapture his cost through rental credits during the term of the lease.

Design Changes: The Port will recommend possible changes to the exterior design of the new structure to enhance its appearance at the pedestrian level. Costs associated with these changes would be recaptured by lessee through rental credits, during the term of the lease. This effort will be processed on a parallel track with the construction drawings phase of the project.

CEQA DETERMINATION

The Waterfront Plaza Hotel Expansion Project ("Project") would require the Board of Port Commissioners' discretionary approval of a lease and a Port development permit. In compliance with the California Environmental Quality Act ("CEQA"), the Port prepared an Initial Study to determine whether the Project would cause any significant environmental impacts. The Initial Study concluded that potential significant environmental impacts of the Project may include: possible exposure to strong ground shaking, possible exposure to hazardous materials during the course of site preparation and pile-driving work, and construction-related noise. However, each of these impacts would be mitigated to a less-than-significant level with implementation of the mitigation measures identified in the draft Mitigation Monitoring and Reporting Program (Attachment A). Consequently, the Port determined that an Environmental Impact Report ("EIR") was not necessary and issued a Proposed Mitigated Negative Declaration.

The Initial Study/Proposed Mitigated Negative Declaration was circulated for public review from September 27, 2000 to October 23, 2000. This document's notice of availability was published in The Oakland Tribune, posted at the County of Alameda, and mailed to Jack London Square tenants, relevant agencies, and interested citizens. The document's availability was announced at Waterfront Coalition and Waterfront Roundtable meetings. Copies of the document were sent to the State Clearinghouse, the City of Oakland, the San Francisco Bay Conservation and Development Commission, the Waterfront Coalition, and the Jack London Neighborhood Association, and were available by request at the Port's Environmental Planning Department. At the end of the Public Review period, the Port received two comment letters, one from the California Department of Transportation (Caltrans) and one from the California Department of Toxic Substances Control (DTSC). Caltrans noted that the project would have no significant effects on state highway facilities. DTSC recommended that sampling be conducted to determine whether contamination is present and provided information about DTSC's Voluntary Cleanup Program. In response to the DTSC letter, the Port clarified that sampling has been conducted on the site, in connection with an earlier project. The Initial

Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of the Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC Permit Requirements, for the Waterfront Plaza Hotel Expansion Project, located at the intersection of Washington and Water Streets

Page 4 of 4

Study/Mitigated Negative Declaration that is presented for Board approval includes these comment letters, responses to these comments, and the Mitigation Monitoring and Reporting Program.

Budget/Fiscal Impact

The Port budgeted \$285,000 under CIP number P1.00464.02 for Port labor and overhead and public access mitigation costs. It is anticipated that additional Port revenue from project will offset the budgeted expenditure.

OPTIONS

- 1) Approve the staff recommendation
- 2) Approve the staff recommendation with changes
- 3) Do not approve staff recommendation

RECOMMENDATION:

It is recommended that the Port Board approve the Mitigated Negative Declaration/Initial Study, adopt the Mitigation Monitoring and Reporting Program, authorize the payment of up to \$150,000 in public access improvement mitigation costs, approve the Lease Supplement under the terms and conditions outlined above, and authorize the Executive Director to implement any requirements of the BCDC permit, for the Waterfront Plaza Hotel Expansion Project

Attachment A
WATERFRONT PLAZA HOTEL EXPANSION MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>Seismic Shaking</p> <p>The project site is expected to experience strong ground shaking during the economic life-span of structures located there. Seismic shaking could damage structures and infrastructure at the site. This represents a potentially significant impact related to the proposed development of the project site.</p>	<p>(A) Current Uniform Building Code (1997 Edition) design requirements and City of Oakland seismic regulations shall be followed by the project structural engineer to minimize potential damage due to seismic shaking. In addition, construction of the proposed structures shall follow the recommendations presented by the Geotechnical Investigation for the Boatel Project as described in Kaldveer Associates' 1988 report and recommendations presented by the Structural Engineer, Razzano/Tovani Associates, Inc. The lateral force resisting system should be designed using the 1997 Uniform Building Code, which takes into account the effects of distance from nearby faults, the anticipated magnitude of earthquakes on nearby faults, as well as soil types and their effect on the design seismic force levels.</p>	<p>(A) Incorporate appropriate engineering methods into design.</p>	<p>(A) Project Sponsor, Project Designer and Civil and Geotechnical Engineer</p>	<p>(A) Before construction goes out to bid</p>

Attachment A
WATERFRONT PLAZA HOTEL EXPANSION, MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
Seismic Shaking (continued)	(B) Utility connections to the new structure shall be designed to provide sufficient flexibility to withstand the expected ground motion anticipated during an earthquake.	(B) Incorporate appropriate engineering methods into design.	(B) Project Sponsor and Project Designer, and Civil and Geotechnical Engineer	(B) Before construction goes out to bid

Attachment A
WATERFRONT PLAZA HOTEL EXPANSION MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

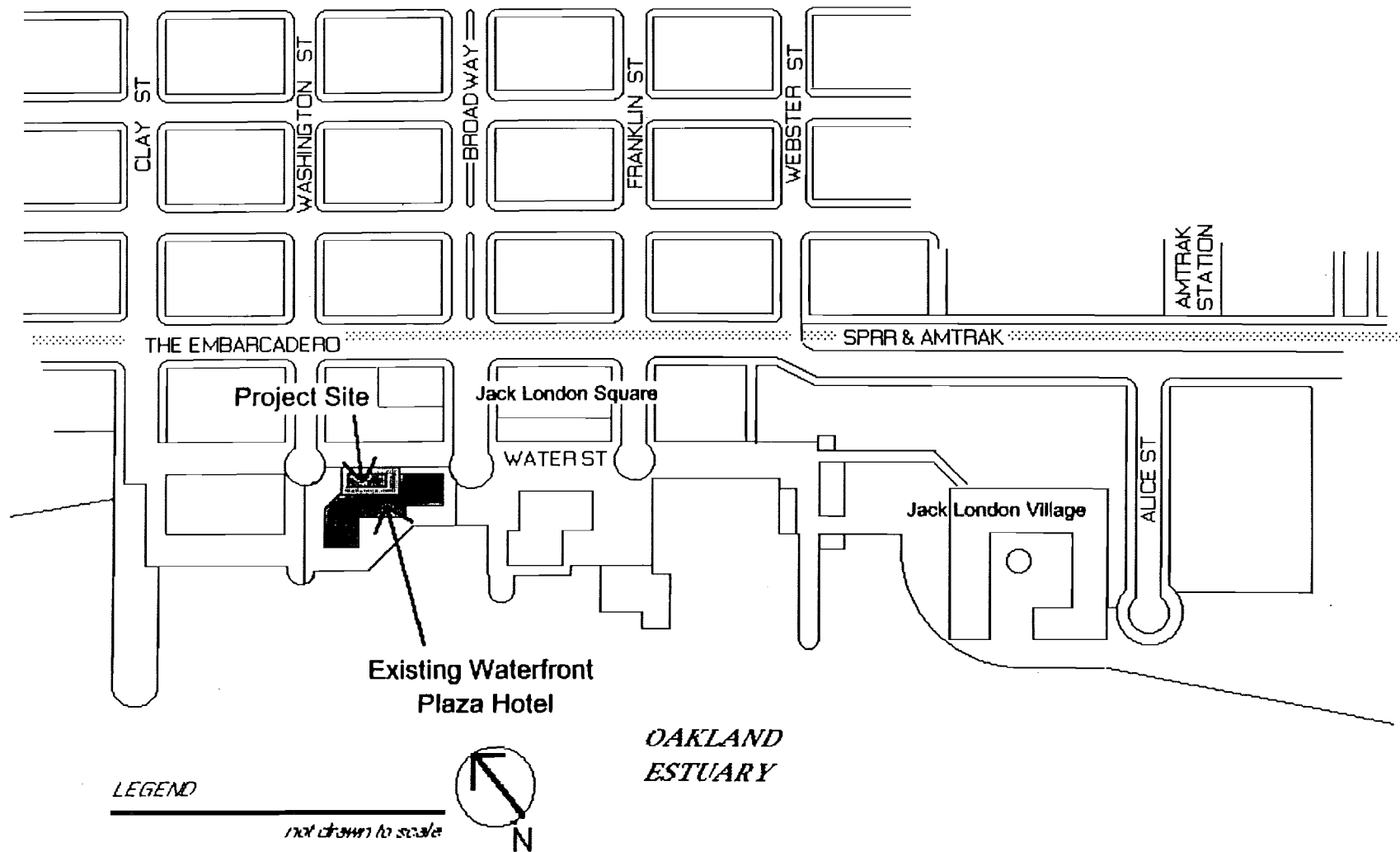
IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>Possible Exposure of Hazardous Materials</p> <p>Due to the unknown character of fill materials previously placed at the project site, it is possible that such fill may contain hazardous materials which, if exposed during the course of site preparation and pile driving work, could result in the exposure of people to such materials. This would represent a potentially significant adverse environmental impact associated with the proposed project.</p>	<p>In the event that hazardous materials are encountered during site preparation or pile driving work, all such activity at the project site shall be halted until the material in question has been evaluated by the Port of Oakland resident engineer or a representative of the Port of Oakland's Environmental Health and Safety Compliance Department. Prior to the resumption of work at the project site, implementation of appropriate soil testing and disposal methods in accordance with applicable state and local regulations and as approved by the Department of Toxic Substances Control, the Regional Water Quality Control Board, or the Alameda County Health Care Services Agency, would reduce the impact to a level of less than significant.</p>	<p>Oversee contractor compliance during construction.</p>	<p>Port of Oakland</p>	<p>During construction</p>

Attachment A
WATERFRONT PLAZA HOTEL EXPANSION, MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>Construction-Related Noise</p> <p>Demolition, site preparation and construction activities at the project site could result in a temporary increase in existing noise levels, although these noise levels would not be regarded as severe. Temporary construction noise, related to pile placement activities, foundation work, materials hauled by truck and other construction vehicles circulating in the area beyond normal business hours, could impact existing hotel patrons in the existing portion of the Waterfront Plaza Hotel. This would represent a potentially significant impact associated with project development.</p>	<p>In order to reduce potential noise related to demolition, site preparation and construction activities, the operation of any excessively noisy tools or equipment used in construction shall be limited to the period between 8:00 AM and 8:00 PM on weekdays (except legal holidays) and between 9:00 AM and 8:00 PM on weekends. All construction equipment used at the project site shall be adequately muffled and properly maintained. This mitigation measure would reduce this impact to a level of less than significant.</p>	<p>Oversee contractor compliance during construction.</p>	<p>Port of Oakland</p>	<p>During demolition, site preparation, pile driving, and construction</p>

Figure 2

Project Location



Agenda Sheet

^{TD}
 SUBJECT: Ratification of Addenda, Rejection of Bids, and Authorization to Negotiate a Contract for Construction of Berthing Facilities for Former U.S.S. Potomac and Lightship Relief, Jack London Square

DATE: November 21, 2000

ITEM NO: 12

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

Three bids were received and opened on October 4, 2000 for **Construction of Berthing Facilities for Former U.S.S. Potomac and Lightship Relief, Jack London Square, Oakland, California.** The following bids were received:

BIDDERS	LOCATION	DBE *	TOTAL BID PRICE
Saliba Corporation	San Francisco, CA		\$810,544.00
Power Engineering Contractors, Inc.	Alameda, CA		\$894,190.00
SeaWorks Incorporated	Oakland, CA		\$915,477.00

* DBE = Disadvantaged Business Enterprise

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

The Board of Port Commissioners, on June 20, 2000, approved the Plans and Specifications for this project to advertise for bids. Addendum 1 was issued to make minor corrections to the Plans and Specifications and to extend the bid opening to October 4, 2000. Addenda 2 and 3 were issued to respond to questions during the site tour and to written questions from bidders. The changes to the physical work of the Contract were not substantial.

ANALYSIS:

Disadvantaged Business Enterprise Goal

The use of Federal funds requires compliance with Disadvantaged Business Enterprise (DBE) goals established in accordance with the Federal Disadvantaged Business Enterprise Program (49 CFR 26). Due to revised information provided by the State of California Department of Transportation (Caltrans), the DBE goal recommended for the project has been modified from 20 percent to 15.5 percent.

Budget - Rejection of Bids:

The low bid exceeds the Engineer's estimate by nearly 30%. In an effort to determine the reasons for this discrepancy, staff reviewed the itemized bid prices submitted by each of the bidders and compared them against the bid prices submitted by bidders on a similar, past project, from which much of the Engineer's estimate was based. The key differences included the cost to renovate the existing steel float; to construct the recessed fender anchors on the existing quay wall; to furnish and install the concrete pavers and guardrail; and to construct the electrical work.

The renovation work on the steel float was expected by the bidders to include much more rehabilitation work than originally estimated. Consequently, they included a contingency cost for this additional work as well as a cost to reballast the structure.

The cost for recessed fender anchor installation was originally based on a design that included modifications to the existing quay wall (retaining wall). After finalizing the design, estimating the cost, and submitting the estimate to the State of California, the quay wall was deemed to be a historic structure, thus, changes to the original design were made to reduce the impacts to the wall, which correspondingly increased the costs of the recessed fender anchor installation.

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No. 20455

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Assistant

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NOV 21 2000

DATE

The concrete paver work on this project is similar to a past project where the contractor was required by the architect to reset the pavers numerous times due to problems adhering to the desired pattern. The bidders accounted for this extra work in their bids. Given that the location of the work is in a less publicly traveled way, a review of the original design is underway to allow for an easier construction process.

The guardrail designed for this project includes a teakwood cap. Some bidders claimed that the teakwood specified could not be delivered in time to complete the construction work within the specified contract duration, consequently, the guardrail work included contingency costs. Staff investigated this claim and does not believe that this is the case. Nevertheless, a review of the original design is underway to allow it to be more readily constructable and to reduce costs.

Finally, during the bid period, a change was made to tie the security system of the project to a controller outside the original limits of work. The original estimate did not capture this additional cost.

In order to reduce costs, staff believes it is in the best interests of the Port to reject all bids and authorize the Executive Director to negotiate with all three bidders and enter into a contract with the bidder who submits the lowest responsible negotiated bid. The negotiated bid will be based on a value-engineered set of bidding documents that incorporate modifications to the design while maintaining the overall form and function of the planned improvements.

The capital budget for Fiscal Year 2001 provides for this work under CIP Element No. P1.00469.03. This project will be constructed using Port Cash and Federal Funds. The Federal funding approved for the project is included in a Transportation Enhancement Activity (TEA) grant from the Regional Transportation Planning Authority (RTPA). Caltrans has issued the necessary Authorization to Proceed to construction for the portion of work funded by the TEA grant. In accordance with the grant agreement, Caltrans has delegated the authority to determine the lowest responsive/responsible bidder to the Port without concurrence to award by Caltrans. Consequently, the Port may reject the bids and negotiate a contract without impacting the grant funding authorization.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this Contract because it is a Commercial Real Estate project.

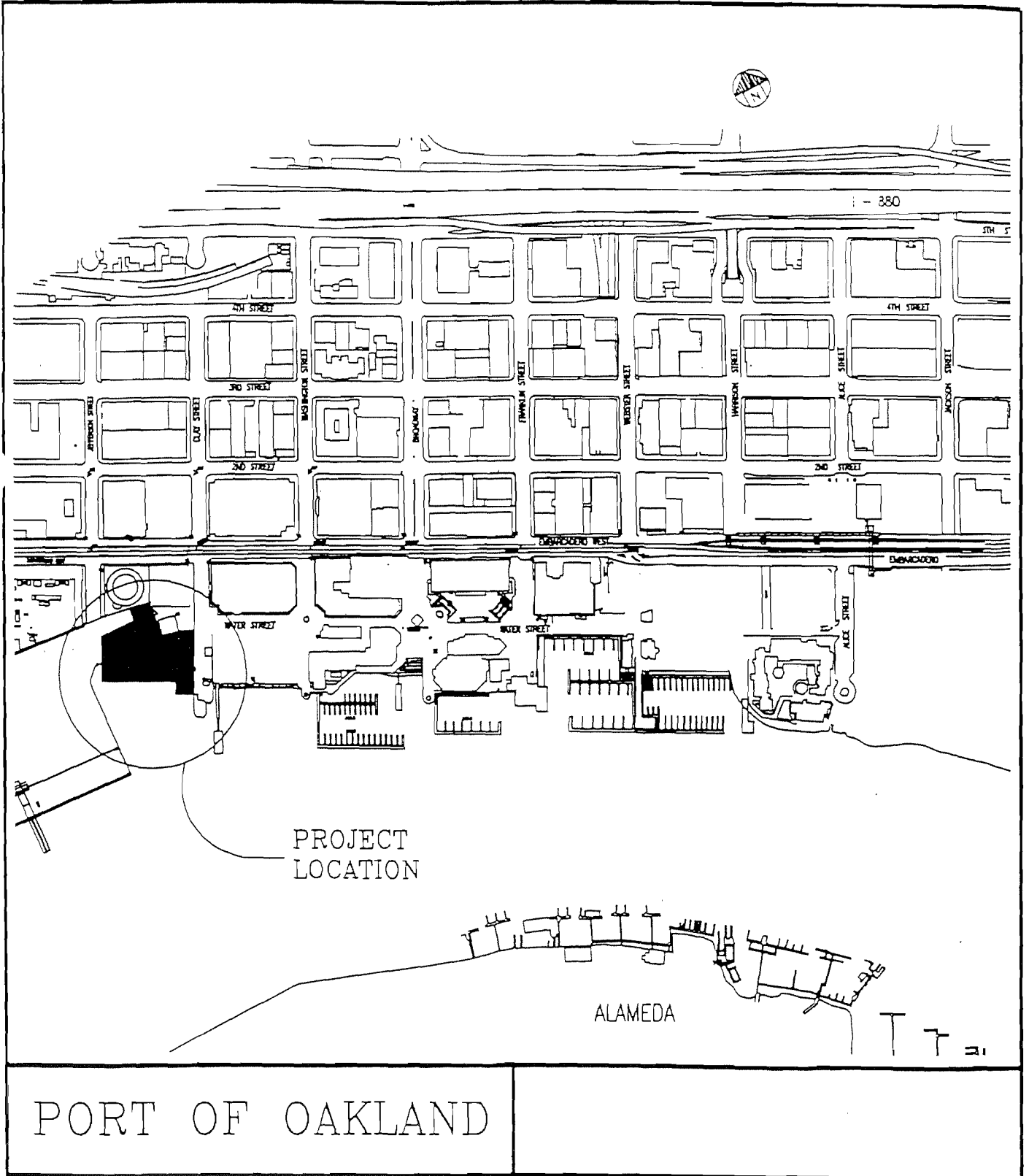
OPTIONS:

The option to award the project is not recommended since the bids greatly exceeded the Engineer's estimate, and to negotiate with only one bidder is also not recommended, as such a process will eliminate the other bidders. Re-bidding the project will also take time and significantly more staff cost.

The preferred option is to reject the bids, negotiate with all three bidders based on a value-engineered set of revised documents, and to enter into a contract with the bidder who provides the lowest negotiated bid as long as said bid is lower than the lowest bid originally submitted on the project. If the negotiations fail, it is recommended that the Executive Director be authorized to dispense with competitive bidding and enter into a contract with a bidder on the open market, again, as long as said bid is lower than the lowest bid originally submitted on the project.

RECOMMENDATION:

It is recommended that Addenda 1, 2, and 3 be ratified; that it be found to be in the best interests of the Port to reject all bids; that the Executive Director be authorized to negotiate with all three bidders for a contract with whomever provides the lowest, responsible negotiated bid as described above; and, if negotiations fail, that the Executive Director be authorized to negotiate and execute a contract on the open market as described above. It is further recommended that all bid securities be returned to the respective bidders.



Agenda Sheet

DATE: November 21, 2000

ITEM NO: 13

SUBJECT: Proposed Terms and Conditions for Exclusive Negotiation Agreement with Ellis Partners for the Jack London Square Master Development

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

LCOR-WDG Ventures entered into an Exclusive Negotiation Agreement (ENA) with the Port in May of 2000. After the initial 90-day period (May 25 through August 23, 2000), LCOR/WDG Ventures terminated the ENA by letter on August 22, 2000.

The Port accepted the termination of LCOR/WDG Ventures; however, it did request that they make a proposal on the development under terms that they might find acceptable. LCOR/WDG Ventures submitted a revised proposal, which was not acceptable to the Port.

One of the finalists in the RFQ process was Ellis Partners. At the Port's request, Ellis Partners has submitted a general proposal outlining development scenarios and minimum rent to the Port as well as other aspects specific to the development opportunity. In order to provide Ellis Partners and the Port the ability to pursue this opportunity, Ellis Partners would enter into an ENA, which is being presented today for approval. The ENA would be for a 90-day period and would require Ellis Partners to pay a \$100,000 non-refundable deposit. At the conclusion of the ENA the Port would enter into a development agreement for the development of Parcels C, D, E, F and G. If necessary, Ellis Partners would have an option to extend the ENA period for an additional 90-day period upon payment of an additional \$100,000 fee which amount would be applicable to rent during the construction period.

The ENA would cover the concept of a management agreement for the management of the existing Jack London Square Development as well as the right to negotiate for the acquisition by Ellis Partners of certain Port owned assets in Jack London Square.

The ENA would detail the concept of a Port cash investment of \$5,000,000 as indicated in the RFQ. It would also discuss the Port's willingness to directly invest or develop other public assets such as parking in an amount in the neighborhood of an additional \$5,000,000. The ENA would also delineate the specific development scenarios including land uses and development densities. The ENA would delineate the minimum rent the Port expects to receive during the first stabilized year of operation (approximately 5 years following the lease execution). The ENA would contain information on deliverable dates and provide requirements for developer to provide assumptions and programs. The ENA would include a development financing structure requirement with a 60% debt / 40% equity ratio.

ANALYSIS:

After further review of the LCOR/WDG Ventures proposal it was felt that there could be risk to the Port if it participated in issuing project specific tax exempt revenue bonds for the hotel and parking components. The Ellis Partners proposal appears to meet the Port's parameters with respect to the stated goals in the Master Development RFQ with no additional Port investment other than that already pledged in the Port CIP budget for expansion of Jack London Square and parking development. In addition, the marketing, management and potential sale of Port owned assets is consistent with the CRE Restructure and Development Plan approved by the Board in March 1999.

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CONDITIONS:

- (1) The Port could enter into a new ENA with Ellis Partners under the terms and conditions outlined above.
- (2) The Port could informally solicit other proposals for master developer or individual parcels from interested parties who participated or were aware of the Port's initial proposal period but for reasons of time or other commitments were unable to follow through.
- (3) The Port may wish to issue a new Request for Qualifications or Proposals for the development opportunity sites as well as the sale of the existing development assets. The original RFP did not make reference to the Port's desire to sell other buildings within Jack London Square. As considerable time, effort and expense was given to the process of the selection of the master developer, there is some substantial risk with this option as it may take anywhere from six to twelve months before the Port would be in a position to enter into another ENA with a new qualified developer.

RECOMMENDATION:

It is recommended that the Board direct staff to pursue Option 1 above. More specifically, it is recommended that the Board direct staff to negotiate an ENA with Ellis Partners for a 90-day period with an option for one 90-day extension. The first 90-day period requires an up-front non-refundable payment of \$100,000. The second 90-day period, should one be required, would also require a \$100,000 payment for which the funds would be applied to construction rent upon execution of a lease. The successful conclusion of the ENA would result in a development agreement that would cover such items as development phasing; general massing and allocation of building bulk throughout the sites; the span of control of properties for the project; financing alternatives and options available; environmental issues, development schedules, economic feasibility as well as Performance information, economic terms and the like.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 18

SUBJECT: Authorization to Purchase Property at 1899 Dennison Street

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

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FACTUAL BACKGROUND:

In May of this year the Board approved the required CEQA documentation (Initial Study and Mitigated Negative Declaration) for the Union Point Park Development at Embarcadero between Dennison and Kennedy Streets. The Spanish Speaking Unity Council, a non-profit organization working on community development in the Fruitvale area of Oakland has proposed and has obtained funding for a park to be developed on the 7 acres of land near the Union Point Marina. The master plan for the park requires the acquisition of a private parcel of land on Dennison and Embarcadero. To this end, Port staff, the Unity Council, City staff, Coastal Conservancy, and Trust for Public Land, among others have been working to refine the master plan and obtain all necessary funding as required to see the park developed.

In October 1998 the Board approved the application and execution of a grant from the State of California Department of Transportation for \$250,000 as mitigation for state roadway projects (Environmental Enhancement and Mitigation Grant - EEM). This specific grant was for property acquisition and therefore is restricted to that use. The grant was awarded and has been awaiting completion of negotiation with the owner. This funding provides only partial funding of the acquisition. The property we are proposing to purchase is the former Cryer property at Dennison and Embarcadero (see attached map). This property is approximately 28,740 sf. It has taken several months to negotiate a purchase price with the owner who would like to close escrow by the end of this year. After an MAI appraiser appraised the property, we have concluded negotiations with the seller for a price of \$800,000, (\$27.83 per sf). Funds for purchasing the property would come from several sources as follows:

- The \$250,000 EEM grant
- A Coastal Conservancy Grant for \$500,000
- A Port contribution of \$50,000 plus closing costs

There is a tenant on the property at this time currently paying about \$2,300 per month rent. The tenant has expressed an interest to continue using the property until such time as it is necessary for park development (two to three years). Under this scenario the Port would enter into an agreement with the tenant and rent the property to them under substantially the same terms, which would offset the Port's cash contribution for the purchase of this property.

ANALYSIS:

Attached is a copy of the master plan for the development of the park which includes the property at Dennison and Embarcadero (1899 Dennison Street). The appraisal for the property was for \$835,000 without the building. The building on the property was built in the 1920's and appears to have some value for future reuse on the site. The development of the park is consistent with the Estuary Policy Plan and has community support. In the interest of moving the project forward and in order for the current owner to take advantage of the current tax year, we would

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SECRETARY OF THE BOARD

NOV 21 2000

DATE

like to move forward with the acquisition of the property and close escrow by the end of the year. The purchase agreement has been signed. While the EEM funding is identified and available one more action will need to be taken by the Coastal Conservancy Board to amend their previous action increasing the amount they awarded for acquisition by \$85,000. The Port's action would be contingent on this approval which will occur on December 7, 2000.

OPTIONS:

The Port has taken the lead to purchase the property, as it currently owns all bordering property excluding the Dennison Street right of way. The building is constructed in part on existing Port property as well as the private property. If the Port does not purchase the property the park master plan could not be realized. Because of the grants that are in place it would be difficult to assign them to others such as the City to carry out the purchase of the property. The only other option would be that the Port not purchase the property and the owner would then seek a private party to purchase the property. Our efforts to negotiate a purchase price have been hampered by the strong commercial property real estate market and delay may require us to renegotiate at perhaps a higher price.

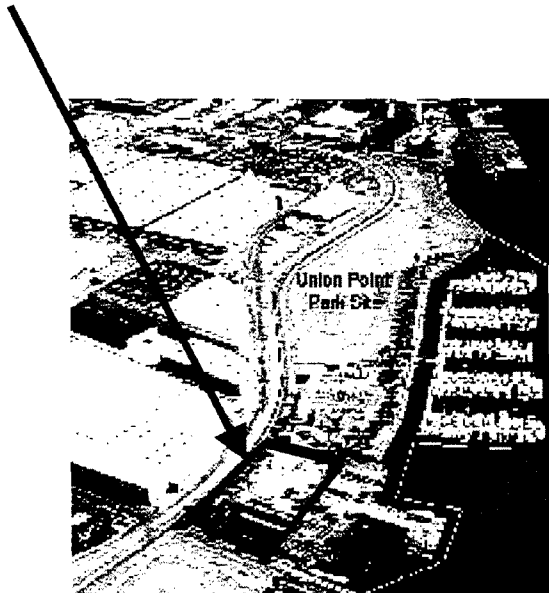
RECOMMENDATION:

It is recommended that a first reading of an ordinance be given to approve and authorize the Executive Director to execute the Purchase and Sale Agreement and Escrow Instructions between the Port of Oakland and Stephen J. Cowley, an individual doing business as Steam Valve, in the amount of \$800,000 pending award or execution of appropriate grants as indicated above and authorizing expenditure of \$50,000 in Port funds plus closing costs.

Union Point Park Master Plan



Approximate location of Steam Valve property ~ 29,000 sf



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: ^{TD} Approval of Change Order to the Contract for Construction of Container Yard Phase 1B at Berths 55/56 Inner Harbor Channel, Oakland, California

DATE: November 21, 2000

ITEM NO: 21

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port presently has a contract with O.C. Jones & Sons, Inc., for the CONSTRUCTION OF CONTAINER YARD PHASE 1B AT BERTHS 55/56 INNER HARBOR CHANNEL, OAKLAND CALIFORNIA, which became effective on December 15, 1999 at lump sum and unit prices totaling \$20,782,063.00.

ANALYSIS:

The actual work commenced on site in early 2000 doing site demolition, grading and placement of excavated soils. During that time it was discovered that the site conditions were not as expected. In July 2000 the Board approved a change order to use a lime/cement soil stabilization process to improve the subgrade to allow the project to proceed.

In order to minimize lost time and impact to the important project milestone of delivering power to the new cranes, the Contractor was directed to accelerate that portion of the electrical work while the design was proceeding.

We are now in a position that we need to issue another change order to the Contractor. Some of the work has been completed and some is yet to be done. The Port and the Contractor have been unable to come to an agreement on the price for the change order.

BUDGET ANALYSIS:

The funding for this Change Order is budgeted under the project original CIP Element M6.00599.01, Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes.

RECOMMENDATION:

It is recommended that the Board approve this change order in an approximate amount of \$200,000 to O. C. Jones & Sons for the above-described work.

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20462 BOARD ACTION TAKEN

Assistant

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Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 22

^{TD}
SUBJECT: *[Signature]* Authorization to Ratify and Negotiate Change Orders with
Harding Lawson Associates for the Closure of Landfill at
the Former Lew F. Galbraith Golf Course

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

On March 21, 2000, by Resolution No. 20134, the Board approved entering into a contract with Harding Lawson Associates (HLA) for **Closure of Landfill at the Former Lew F. Galbraith Golf Course, Oakland, California.** The Contract became effective in May 2000, with lump sum and unit prices totaling \$5,896,429.00. The work consists of moisture conditioning the dredged material previously placed on the site as part of the -42 foot deepening project, using the material to construct a clay cap over the existing landfill areas, and providing rough grading and drainage for the future golf course.

The project is located at the former Lew F. Galbraith Golf Course, located near the Oakland International Airport. The 170-acre site originally consisted of shallow mudflat and tidal marshland adjacent to San Francisco Bay. Municipal waste filling (primarily construction demolition debris) began as early as the 1930's and continued through the 1950's. In the mid 1960's, the site was converted into the Lew F. Galbraith Municipal Golf Course by leveling and covering the site with a two to five-foot thick layer of soil.

As of October 2000, HLA has completed placing and compacting 72,000 cubic yards of clay cap and 345,000 cubic yards of fill material that comply with the golf course design grades. In addition, HLA has also placed 18,300 square yards of geosynthetic liner and installed 1,330 lineal feet of storm drain pipe for the ornamental pond and basin areas.

On August 1, 2000, the Board granted authorization to negotiate a change order with HLA for the construction of low-permeability cut-off walls for this project. The installation of the cut-off walls was necessary to control higher than anticipated groundwater levels in order to construct the low elevation ornamental lake and pond areas for the new golf course.

After the installation of the low-permeability cut-off walls, groundwater from within the walls was temporarily pumped to the existing vegetative control area (VCA) holding ponds in order to begin excavation of the ornamental ponds. The stored groundwater was to be used as dust control within the dike perimeter. The VCA ponds were used previously for de-watering the site during the dredged material placement and during the rainy season.

During this process, the Regional Water Quality Control Board (RWQCB) visited the site and strongly advised the Port to treat/remediate the groundwater/leachate encountered during excavation. Their reasoning was based upon defining the groundwater as leachate due to the fact that it came in contact with refuse material. In addition, the RWQCB stated that the VCA was not lined or permitted for leachate storage. For these reasons, the Regional Board ordered the Port to immediately cease use of the VCA for water storage. The Regional Board stated that discharge of either untreated or treated groundwater/leachate to the Bay or adjoining wetlands would not be allowed.

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Assistant

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NOV 21 2000
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ANALYSIS:

In response to the RWQCB's requests, the VCAs were closed for use as holding ponds, and a system of Baker Tanks was set up to (1) provide aeration of groundwater/leachate, and (2) provide storage capacity for the treated water. Water from the treatment/storage system was then pumped into water trucks and used onsite for dust control, within the low-permeability cut-off walls. This option was the most easily implementable and the least costly option available to the Port.

Other alternatives evaluated included discharge to EBMUD and discharge to the adjacent San Leandro sewage treatment facility. Discharge of groundwater and leachate are not permissible to EBMUD and, if allowed, permitting would have required approximately eight weeks and discharge costs would have been in excess of \$100,000. While discharge to the San Leandro sewage treatment facility was readily permittable, the facility required a hookup fee of approximately \$250,000 plus per gallon charges.

The landfill closure project will require additional time to complete because:

1. The installation of the cut-off walls delayed the pond construction and thereby set back the rest of the construction schedule;
2. Unanticipated pumping and treatment of groundwater/leachate further impacted progress; and
3. Generation of additional landfill material for reburial at the site, due to excavation of the additional low-permeability cut-off walls, required more time and effort to rebury refuse onsite than originally anticipated.

For these reasons, the project will enter into the rainy season and will require additional winterization, beyond the original contract parameters. Both Alameda County and the RWQCB recently toured the site and had directed the Port to provide additional storm water protection as described below:

1. Temporary covering and sealing of the additionally generated and stockpiled refuse material.
2. Pumping and dispensing of excess storm water run-off to prevent standing water/infiltration at the site while not discharging it into the Bay or adjacent wetland areas, and
3. Installation of erosion control fabric on adjacent dikes to preserve sensitive wetland areas.

The contractor will provide the Baker Tank system, necessary pumps, plumbing, manpower and a water truck for approximately three months to meet the regulator's requests.

Project Labor Agreement:

The Maritime and Aviation Project Labor Agreement (MAPLA), which is currently included in the original HLA contract, will also apply to the change order work.

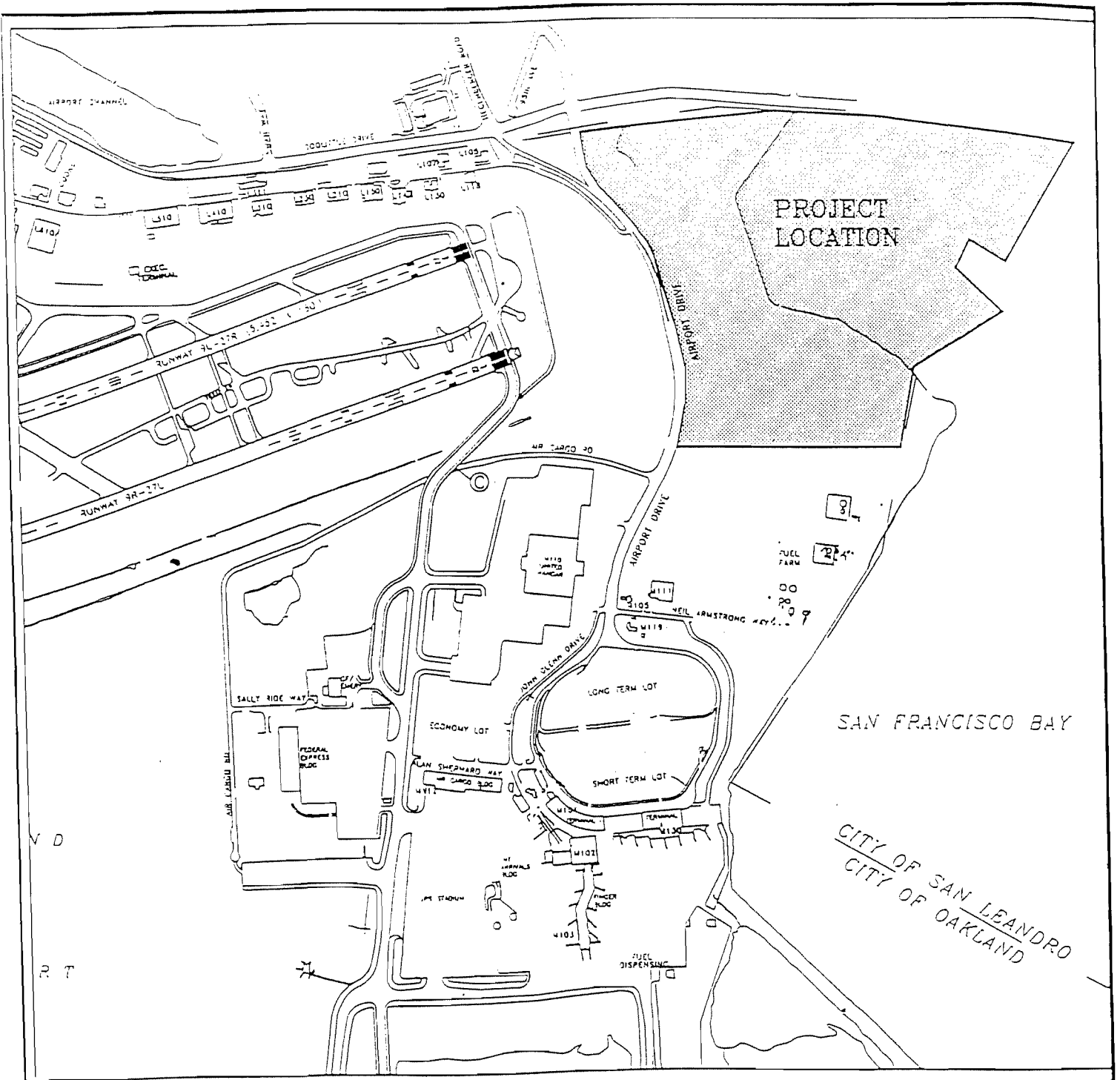
Budget:

The overall costs associated with the Landfill Closure work, including this change order, remain within the original Total Project budget. Including this change order, a total of \$516,309 in changes have been issued under this contract.

The project is budgeted under CIP Element No. MA.02870.19. The Total Project Cost is estimated to be \$12,000,000. The funding source is Port bonds.

RECOMMENDATION:

1. It is recommended that the Board authorize the ratification of the change order, as described above, for a not to exceed total amount of \$88,000 for groundwater/leachate treatment and reuse via the Baker Tank system.
2. It is further recommended that the Board authorize the Executive Director to negotiate a change order, as described above, for a not to exceed total amount of \$60,000 for additional winterization of the site.



PORT OF OAKLAND

Agenda Sheet

DATE: November 21, 2000

SUBJECT: Port Sustainability Policy

ITEM NO: 32

PROGRAM AREA:

Airport Operations

Commercial Real

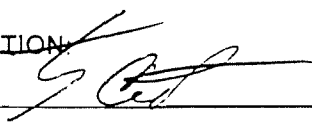
Estate

Maritime Operations

Overall Operations

SUBMITTED BY: Tay Yoshitani

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

In spring 1999, as part of the Port's annual strategic plan update process, the Board of Port Commissioners directed staff to begin applying sustainable development principles and practices to Port operations. Accordingly, the Executive Office convened a staff task force in May 1999 to educate Port staff about sustainability; evaluate current Port operations and identify opportunities for improvement; begin formulating a comprehensive Port Sustainability Program; and draft a sustainability policy framework for Board consideration. Over the past year, this task force has met regularly, organized training sessions on sustainability principles for all Port staff, and coordinated with City of Oakland staff regarding the City's Sustainable Community Development Initiative. Also, the task force inventoried Port divisions' current activities to identify what is already being done, and what could be readily changed, to better promote sustainable community development. Results of the Activity Inventory are attached as Exhibit A.

ANALYSIS:

Practices that can be considered sustainable are those that respect the limits of the earth's capacity to provide resources and absorb waste. A sustainable enterprise is one that operates at no expense to the environment, meeting today's needs without compromising the ability of future generations to meet their own needs. To make the Port an environmentally sustainable enterprise, we need to find ways of doing day-to-day business which:

- Conserve water, energy and other natural resources;
- Eliminate or reduce waste;
- Avoid or reduce environmental pollution;
- Restore and protect natural habitats; and
- Foster social equity and strong communities.

In July 1997, the Oakland City Council adopted a policy framework for the City's Sustainable Community Development Initiative and established a Working Group to formulate specific policy recommendations and action steps. Council adopted the result, a set of five major policy recommendations with action steps, in November 1998. All five policy areas are applicable to

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No. 20467

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the Port, and policies #1, #3 and #4 are especially relevant.

- #1 - Implement a sustainable development strategy as an overarching principle guiding Oakland's economic development program
- #2 - Link the sustainable economic development strategy to a comprehensive approach to job training and continuing education.
- #3 - Encourage in-fill housing, mixed use development, and sustainable building practices
- #4 - Make the City of Oakland operations and services a model of sustainable community development practices
- #5 - Establish an on-going process of community participation/evaluation by community organizations, businesses, unions, and educational institutions – using sustainable community development as a way to build the strengths of Oakland's people.

The City has taken numerous steps to implement the above policies, including hiring a staff *Coordinator for the Sustainable Community Development Initiative*; opening a *Green Building Resource Center* within CEDA; and requiring "Environmental Opportunities" findings in City Council resolutions (Exhibit B). The City Public Works Agency (PWA) has drafted a *Construction and Demolition Debris Recycling Ordinance*, and the Port has agreed to work with the City to follow similar procedures in the Port Area.

The attached Activity Inventory shows that the Port is already on its own initiative undertaking many activities that promote sustainability. But as a key City department and regional business enterprise, the Port has the ability and responsibility to do more to help "make City of Oakland operations and services a model of sustainable community development practices."

RECOMMENDATION:

Implement a sustainable development strategy as an overarching principle guiding the Port of Oakland's operations and development programs, with the goal of making the Port a sustainable public agency and business enterprise.

- Incorporate sustainability principles and practices into the Port's annual strategic business planning, goal-setting and performance measuring processes.
- Work closely with city staff and officials to share information, ideas and resources, and where appropriate, to jointly implement sustainability measures.
- Require "Environmental Opportunities" findings in Board letters and resolutions, similar to those required in City Council resolutions.

EXHIBIT A

Activity Inventory: Current Port Activities that Promote Sustainability PORT SUSTAINABILITY TASK FORCE

INTRODUCTION

The purpose of this Activity Inventory is to evaluate Port divisions' current activities and determine what we are doing already, as well as what we *could* be doing, to promote sustainability.

This inventory is the result of preliminary surveys of Port divisions by members of the Sustainability Task Force. Many examples were found of Port activities that are "moving in the right direction" in terms of sustainability. These types of activities should be encouraged and expanded upon. For simplicity, the activities have been grouped under five broad program areas:

- I. GENERAL WORK PRACTICES
- II. FACILITIES
- III. STREETS, LANDSCAPING and NATURAL AREAS
- IV. TRANSPORTATION
- V. BUSINESS, INTER-AGENCY and COMMUNITY LINKAGES

Within each broad program category is a sample listing of target activities—i.e., activities that promote sustainability. This is intended as a guideline for thinking about Port activities according to sustainability criteria, not as an exhaustive list.

TARGET ACTIVITIES

I. GENERAL WORK PRACTICES

A. Use of Materials and Supplies

1. Comply with California regulation AB 939 (work towards City's goal of reducing waste by 50% by the end of 2000)
2. Conserve paper by printing on both sides, using e-mail instead, etc.
3. Reuse and repair items when possible
4. Recycle all waste paper, recyclable plastics, metal and other materials
5. Encourage a conservation ethic in work habits (energy, water and material)

B. Purchasing

1. Avoid purchase of disposable items, especially plastic
2. Specify vendors who minimize packaging
3. Specify vendors who offer recycled and non-toxic products

Exhibit A – Activity Inventory
Current Port Activities that Promote Sustainability

II. FACILITIES

A. Operations and Maintenance

1. Retrofit existing buildings for energy and water efficiency
2. Avoid discharges of toxins or other pollutants into the environment
3. Remediate contaminated sites; recycle contaminants where feasible

B. Planning, Design and Specifications

1. Avoid demolition by re-using buildings where feasible
2. Incorporate “green” design principles into new and retrofit facilities (e.g., water and energy conservation, use of natural light, ventilation and solar energy)
3. Specify use of recycled, renewable and non-toxic building materials in new and retrofit construction
4. Recycle urban land by remediating brownfields and developing infill sites
5. Incorporate historic preservation criteria into site planning where appropriate

C. Contracting, Demolition and Construction

1. Maximize the salvage of building materials when demolition is necessary
2. Select contractors who incorporate “green” principles into demolition and construction practices

III. STREETS, LANDSCAPING and NATURAL AREAS

A. Operations and Maintenance

1. Conserve water and energy
2. Avoid use of toxic substances in fertilizers, pesticides, cleaning materials, etc.
3. Compost landscape waste

B. Planning, Design and Specifications

1. Incorporate habitat protection and restoration into site plans
2. Specify use of recycled, renewable and non-toxic materials
3. Design streets, lighting and landscaping for energy and water efficiency (e.g., use low maintenance materials, native plant species)

C. Contracting, Demolition and Construction

1. Select contractors who incorporate “green” principles into street and landscape construction practices
2. Protect and restore natural habitat areas affected by construction activities

Exhibit A – Activity Inventory
Current Port Activities that Promote Sustainability

IV. TRANSPORTATION

A. Port Employees, Tenants and Customers

1. Implement incentives for carpooling and transit use
2. Specify fuel-efficient and clean-fuel vehicles

B. Development Policies and Priorities

1. Support transit-oriented and transportation efficient development policies
2. Support alternative (non-auto) ground transportation modes

V. BUSINESS, INTER-AGENCY and COMMUNITY LINKAGES

A. Tenants and Customers

1. Encourage tenants and customers to adopt sustainability policies and practices
2. Evaluate Port relationships with customers according to sustainability criteria; identify opportunities for improving business practices

B. Agencies

1. Work with City and other agencies to implement resource conservation, waste reduction and other sustainability initiatives

C. Community and Region

1. Create local jobs, outreach and training programs
2. Actively involve the community in Port project development planning
3. Support community events, programs and services

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
I. GENERAL WORK PRACTICES			
I-A Use of Materials and Supplies/ Waste Reduction	1. Comply with California regulation AB 939 (work towards City's goal of reducing waste by 50% by the end of 2000)	<input type="checkbox"/> Establishing and expanding waste reduction, reuse and recycling programs. <i>Pending:</i> <ul style="list-style-type: none"> ▪ Educate Port facilities personnel and tenants in methods of solid waste reduction and provide handouts and literature 	Airport
	2. Conserve paper by printing on both sides, using e-mail, etc.	<input type="checkbox"/> Use of 2-sided photocopy feature is increasing, including Port Board letters as of March 1, 2000 <input type="checkbox"/> Use of intranet e-mail, palm pilots etc. is increasing Port-wide, but many people still print out messages and attachments <input type="checkbox"/> Use of internet website to publicize Port-related information such as environmental impact reports and studies is increasing <input type="checkbox"/> Specifications are printed on two sides, and a fee is charged for <u>some</u> project specs (based on percent of project estimate to limit copies to ensure copies are mainly taken by serious prospective bidders). <i>Pending:</i> <ul style="list-style-type: none"> ▪ Divide specs into volumes. Some parts don't change & need not be duplicated for every project. ▪ Use of compact discs and intranet for specs. <input type="checkbox"/> Port intranet is being used for "paperless" Vision 2000 (V2K) construction management; not yet working effectively <input type="checkbox"/> Financial transaction process has been re-engineered to take advantage of web-based ordering and electronic fund transfer <input type="checkbox"/> PC access to HP system has resulted in more selective and compact printing, with less demand for large computer paper printouts	Port-wide Port-wide; MIS Communications; MIS Engineering Specifications Engineering; Maritime Finance and Purchasing MIS
	3. Reuse and repair items when possible	<input type="checkbox"/> Reconditioned telephones have been purchased as part of the Port telephone system upgrade	Finance and Purchasing; MIS

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
	4. Recycle all waste paper, recyclable plastics, metal and other materials	<input type="checkbox"/> Paper products are recycled in all Port and OPA-managed offices <input type="checkbox"/> Surplus scrap industrial metal products are recycled <input type="checkbox"/> Cardboard is recycled at the airport <input type="checkbox"/> Photocopy toner cartridges are recycled, but the Port no longer purchases recycled toner cartridges due to quality concerns	Office Services, OPA Facilities Maintenance Airport Purchasing, Office Services
	5. Encourage a conservation ethic in work habits (energy, water and material)		
I-B Purchasing	1. Avoid purchase of disposable items, especially plastic		
	2. Specify vendors who minimize packaging	<input type="checkbox"/> Bottled water has been replaced with on-site tap water purification systems	Purchasing, Office Services
	3. Specify vendors who offer recycled and non-toxic products	<input type="checkbox"/> Recycled office and bathroom paper products have been specified and are in use; photocopy paper is 30% post-consumer fiber; Building Services has found that paper with a higher post-consumer fiber content is thinner, and not suitable for 2-sided copying <input type="checkbox"/> Purchased reconditioned payloaders <input type="checkbox"/> Recycled trash can liners are purchased for use at various Port buildings <input type="checkbox"/> Office furniture made from composite of recycled materials instead of hardwood has been purchased <input type="checkbox"/> Non-toxic (low VOC) cleaning products and floor polish have been specified and are in use at the Airport	Purchasing, Office Services Purchasing Purchasing Purchasing, Airport Facilities Maintenance

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
II. FACILITIES			
II-A Operations and Maintenance	1. Retrofit existing buildings for energy and water efficiency 2. Avoid discharges of toxins or other pollutants into the environment; recycle waste materials	<input type="checkbox"/> Energy management systems (lights, HVAC) have been installed at 530 Water Street and 70 Washington Street <input type="checkbox"/> Preventive maintenance of HVAC is performed on a quarterly basis <input type="checkbox"/> Runway rubber deposit removal program – instead of being sent to landfill, 2-55 gallon drums of removed rubber are recycled by incorporating into asphalt concrete. Runway rubber deposits are removed with water instead of chemicals and the water is retained and treated, including filtration through a wetland system, to prevent toxins from entering the Bay <input type="checkbox"/> Used oil recycling program - oil tanks are provided at T-hangar and marinas; oil is recycled <input type="checkbox"/> Battery recycling program – lead-acid batteries found on Port property are recycled <input type="checkbox"/> Latex paint recycling – unused latex paint is recycled instead of being sent to landfill <input type="checkbox"/> Engine retrofit and Re-engine programs under development: Container Yard Equipment, trucks, AC Transit buses <input type="checkbox"/> Port is providing funding for emissions reductions at Red Star Yeast and Precision Casting <input type="checkbox"/> Port requires that vehicle maintenance facilities at marine terminals must be covered <input type="checkbox"/> Port participates in annual stormwater workshops	CRE/OPA CRE/OPA Facilities Maintenance (Airport) Facilities Maintenance Facilities Maintenance Maritime, Environmental Planning Maritime Maritime, EHSC Maritime, EHSC
	3. Remediate contaminated sites; recycle contaminants where feasible	<input type="checkbox"/> Petroleum product recovery programs – sites contaminated by spilled petroleum are being, or have been, remediated and the petroleum is being recycled (Maersk, Ringsby and Union Pacific Property)	Engineering Construction, EHSC

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
II-B Planning, Design and Specifications	1. Avoid demolition by re-using buildings where feasible	<input type="checkbox"/> Portview park: train switching tower was relocated and retrofitted for public use	
	2. Incorporate "green" design principles into new and retrofit facilities (e.g., water and energy conservation, use of natural light, ventilation and solar energy)	<input type="checkbox"/> Jack London Master Development project will require incorporation of "green" site planning and building design principles and practices <input type="checkbox"/> Water usage program under development in consultation with EBMUD, ARFF, OFD, and AFD. Will incorporate water conservation and re-use measures into engineering designs, construction plans, and specifications <input type="checkbox"/> Airport community noise insulation program – reducing impacts of airport noise for neighbors: Port-sponsored program to replace windows and install insulation in single family residences to reduce aircraft noise	CRE Airport Airport
	3. Specify use of recycled, renewable and non-toxic building materials into new and retrofit construction	<input type="checkbox"/> Developing waste reduction program that parallels the City's Construction and Demolition Debris Recycling Ordinance, with the goal of reducing waste 50% by 2000. <input type="checkbox"/> Recycled asphalt products (R.A.P.) are specified for incorporation into new asphalt concrete (A/C) paving	Engineering Specifications Engineering Specifications
	4. Recycle urban land by remediating brownfields and developing infill sites	<input type="checkbox"/> Oak-to-Ninth District Specific Plan and Redevelopment project incorporates site clean-up and land recycling as major components <input type="checkbox"/> Union Point Park project includes remediation and re-use of Cryer site	CRE, EHSC, Legal "
	5. Incorporate historic preservation criteria into site planning where appropriate	<input type="checkbox"/> North training wall is being documented and a portion reconstructed as part of Vision 2000 project <input type="checkbox"/> Jack London Square History Project	Maritime, Engineering, Env. Planning CRE

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
II-C Contracting, Demolition and Construction	1. Maximize the salvage of building materials when demolition is necessary	<input type="checkbox"/> Youth Employment Program (YEP) - training and jobs program for local youth: Building #120K was deconstructed and the lumber resold (also applies to category V-C.1) <input type="checkbox"/> Concrete foundations and A/C are routinely crushed on site and recycled into road base: <ul style="list-style-type: none"> ▪ Vision 2000 project: approximately 500,000 tons so far ▪ Building L-820: contractor is required to crush/create base material from demolished PCC Apron ▪ Former blimp pad: Port is developing plans for a crushing plant 	Engineering Construction, Maritime Engineering Construction
	2. Select contractors who incorporate "green" principles into demolition and construction practices	<input type="checkbox"/> Berths 55 – 58 using portion of salvaged training wall as dock <input type="checkbox"/> Port has specified use of electric dredges and provided power for them, in order to reduce emissions	Maritime Maritime, Engineering
III. STREETS, LANDSCAPING AND NATURAL AREAS			
III-A Operations and Maintenance	1. Conserve water and energy	<input type="checkbox"/> Reclaimed water is used for landscape irrigation at the Airport, planned for portions of "new" Galbraith golf course <input type="checkbox"/> Airport landscaping is mulched to conserve irrigation water <input type="checkbox"/> Xeriscope principles and plants planned for Airport Roadway and Gateway project landscaping	Engineering Facilities Maintenance Airport Airport
	2. Avoid use of toxic substances in fertilizers, pesticides, cleaning materials, etc.	<input type="checkbox"/> Airport has an active and unofficial program to use healthy cleaning supplies in the terminal area	Airport
	3. Compost landscape waste	<input type="checkbox"/> Airport mowers compost clippings into soil <input type="checkbox"/> Airport tree cuttings are chipped and used as groundcover/mulch	Airport

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
III-B Planning, Design and Specifications	1. Incorporate habitat restoration and protection into site plans	<input type="checkbox"/> Middle Harbor Shoreline Park – As part of the vision 2000 program, a community-serving park with shallow water habitat is being created and funding provided for 30 years' maintenance <input type="checkbox"/> Recently-completed: Martin Luther King Regional Wetlands (restoration)	Maritime, Engineering CRE/Airport
	2. Specify use of recycled, renewable and non-toxic building materials		
	3. Design streets, lighting and landscaping for energy and water efficiency (e.g., use low maintenance materials, native plant species)	<input type="checkbox"/> Airport roadway lighting circuit has been designed to allow selective shut-off	Airport, Engineering Design
III-C Contracting, Demolition and Construction	1. Select contractors who incorporate "green" principles into street and landscape construction practices		
	2. Protect and restore natural habitat areas affected by construction activities	<input type="checkbox"/> Beneficial reuse of dredged material. Reused material from the -42 ft. dredging project for wetlands restoration and landfill closure including a new golf course. Planning to use material from the -50 ft. dredging project for habitat enhancement, wetlands restoration and daily fill/cover for landfills. Beneficial reuse of dredged material supports restoration plans for Federally and State listed endangered species. <input type="checkbox"/> Port has participated in drafting Ballast Water Exchange Ordinance for San Francisco Bay and provided funding and technical support for ballast water studies	Maritime, Engineering Environmental Planning

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
IV TRANSPORTATION			
IV-A Port Employees, Tenants and Customers	1. Implement incentives for carpooling and transit use	<input type="checkbox"/> Port and tenant employees receive a discount on AirBART as an incentive to use public transit <input type="checkbox"/> Preferential carpool parking is provided at Washington Street Garage and Airport <input type="checkbox"/> Employee parking fees have been increased at Airport and 530 Water Street – while not the principle objective at the Airport, the fee increases may help discourage single occupancy vehicle commuting. As part of the parking rate increase at 530 Water Street, to go into effect September 1, CRE is creating a new shuttle that will run between 12th Street Bart to Oak St. parking lot, to JLS. We hope this shuttle will encourage more JLS occupants to take public transportation (as well as offer a cheaper alternative to parking in the garage). <input type="checkbox"/> Airport tenants (UAL, SWA) sponsor vanpools <input type="checkbox"/> Co-sponsor noontime shopper shuttle between Jack London Square and downtown Oakland <input type="checkbox"/> Bike racks are provided throughout Jack London Square; lockers at ferry terminal <input type="checkbox"/> Port is a co-sponsor of Alameda-San Francisco-Oakland ferry service	Airport Airport, CRE Airport, CRE Airport CRE CRE CRE
	2. Specify fuel-efficient and clean-fuel vehicles	<input type="checkbox"/> Twelve alternative fuel [Compressed Natural Gas (CNG)] vehicles were purchased <input type="checkbox"/> Airport is installing four electric vehicle charging stations <input type="checkbox"/> An electric battery charger has been provided in the Washington Street garage for electric vehicles <input type="checkbox"/> A semi-mobile CNG station has been located at the Airport	Purchasing Airport CRE Airport

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
IV-B Development Policies and Priorities	1. Support transit-oriented and transportation efficient development policies	<input type="checkbox"/> Jack London Master Development project aims to create higher development densities on infill sites <input type="checkbox"/> Port funds and sponsors area transportation studies – Jack London District and West Oakland	CRE CRE, Maritime
	2. Support alternative (non-auto) ground transportation modes	<input type="checkbox"/> Assist in providing improved transit (bus stops, new routes, night owl service)	Airport
V. BUSINESS, INTER-AGENCY and COMMUNITY LINKAGES			
V-A Tenants and Customers	1. Encourage tenants and customers to adopt sustainability policies and practices	<input type="checkbox"/> Co-sponsor events such as compost recycling day, Preparedfest, Trash Bash, etc. <input type="checkbox"/> Leasing CNG vans to Airport shuttle operating at below market rates to encourage sustainable transportation <input type="checkbox"/> <i>Providing grant information and support to tenants for sustainable transportation practices that reduce pollution</i>	CRE Airport Airport
	2. Evaluate Port relationships with customers according to sustainability criteria; identify opportunities for improving business practices	<input type="checkbox"/> Perform annual tenant survey to receive feedback on customer services, areas of needed improvements (sustainability is not specifically addressed) <input type="checkbox"/> <i>Pending: Consolidated trash pick-up for Jack London Square ("garbage train" & compactor)</i>	CRE CRE
V-B Agencies	1. Work with the city of Oakland and other agencies to implement resource conservation, waste reduction and other sustainability initiatives	<input type="checkbox"/> Active involvement with City agencies to implement Estuary Policy Plan open space and public access projects	CRE

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
V-C Community and Region	1. Create local jobs, outreach and training programs	<input type="checkbox"/> YEP program (see II.C.1 above) <input type="checkbox"/> Local employment and training programs – Port summer internships, scholarships, and tuition reimbursement <input type="checkbox"/> Assist job training and education agencies in developing training programs to meet industry standards <i>Pending:</i> <input type="checkbox"/> <i>Develop recruitment strategies for growth in specific industries that are environmentally conscious and a part of sustainable development</i> <input type="checkbox"/> <i>Foster partnerships with businesses and job training community-based organizations for targeted training in sustainable development</i> <input type="checkbox"/> Local spending policy – focuses Port resources on the Local Impact Area	ERDP ERDP ERDP ERDP Port-wide
	2. Actively involve the community in Port project development planning	<input type="checkbox"/> Increasing efforts Port-wide; examples include Middle Harbor Shoreline Park design fair and West Oakland Good Neighbor Policy <input type="checkbox"/> Oakland high school student program on Port history	Port-wide Engineering, Maritime

EXHIBIT A - Activity Inventory
Current Port Activities that Promote Sustainability

CATEGORY	TARGET ACTIVITIES (activities which promote sustainability)	CURRENT PORT APPLICATIONS	PORT DIVISION/ DEPARTMENT
	3. Support community events, programs and services	<ul style="list-style-type: none"> <input type="checkbox"/> Surplus computers, unused/obsolete supplies (i.e. folders, pens, pencils) are donated to local schools and non-profit agencies <input type="checkbox"/> Port printing program for non-profits <input type="checkbox"/> Neighborhood school programs, Boys and Girls Clubs <input type="checkbox"/> West Oakland and East Oakland community information centers <input type="checkbox"/> PortFest, July 4th, sponsorships of health organizations – blood drive, etc. <input type="checkbox"/> Sponsorship and information booths at local festivals, fairs and other community & business events <input type="checkbox"/> Actively participate in numerous community forums and coordinating committees <input type="checkbox"/> Collaborate with community beautification projects such as "Oakland Releaf" <p><i>Pending/proposed:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Currently in the process of putting together an environmental awareness program in collaboration with the Unity Council with emphasis on sustainability</i> <input type="checkbox"/> <i>Plan and execute a community information program designed to increase public awareness of sustainability principles and practices</i> <input type="checkbox"/> <i>Create Farmer's Market Information Booth materials that focus Port's efforts re: sustainability</i> 	Various Depts.

EXHIBIT B

Environmental Opportunities Guiding Questions

The following are questions that staff can ask about programs or purchases that will give guidance to seeking out environmental opportunities. **The Environmental Opportunities section will be required on Council Agenda Reports beginning January 4, 2000.**

Are you buying a product or choosing a vendor?

- Are you purchasing a recycled item or an item with recycled content or components?
- Are you buying an energy efficient product?
- Are you buying a product that has been certified as an environmentally preferable product? (e.g., Green Seal, Scientific Certification Systems, Energy Star, etc.)
- Are you buying a product that is less toxic (contains fewer hazardous chemical substances) or nontoxic?
- Are you buying a product that emits less air pollution in its use or manufacture?
- Are you buying a product that conserves water and other resources in its use or manufacture?
- Are you buying a product that causes less water pollution in its use or manufacture?
- Are you buying a product that creates less solid or hazardous waste in its use or manufacture? (Including unnecessary packaging materials)
- Are you buying a product that does not contain PVC?
- Are you buying a product that is durable and reusable or contains components that are recyclable?

Are you entering into a service contract (excluding professional services) or selecting a vendor?

- Is the vendor or service provider using environmentally sound practices in manufacturing or providing services that reduces pollution or toxins? (i.e., certifications such as ISO 14000 (European Union Environmental Certification) or Alameda County Green Business Certification)
- Has the company adopted an environmental operating policy? (i.e., CERES Principles, Natural Step etc.)
- Has the vendor or service provider received environmental endorsements or certifications? (e.g., Green Seal, Scientific Certification Systems, Energy Star, etc.)
- Is the vendor or service provider supplying environmentally sound products?
- Is the vendor or service provider reducing unnecessary packaging?

Are you developing a new program/ project?

- Does the program/ project promote recycling?
- Does the program/ project use recycled materials?
- Does the program/ project encourage reduction of solid and hazardous waste?
- Does the program/ project promote water and land conservation?
- Does the program/ project reduce air and/or water pollution?
- Does the program/ project promote public transit, clean fuel vehicles, bicycling, walking, or other low emission transportation?
- Does the program/ project promote in-fill development versus sprawl?
- Does the program/ project provide environmental education or promote environmental goals with the public?
- Does the program/ project promote energy conservation or efficiency?
- Reduced impact on infrastructure and ecosystems (e.g., minimizes grading, tree removal in natural areas, decreases stormwater-runoff through use of pervious paving and natural storm drainage systems)
- Does the RFP/contract language address environmental/sustainability issues?
- Does the program/project make use of the City's Youth Environmental Corps (Team Oakland)?
- Does the program/project provide environmental job training opportunities for youth or adults?

Is this a construction or demolition project?

- Does the design team have expertise in sustainable building (green buildings) practices? And do they have demonstrated experience in:
 - environmentally sound site design and planning
 - energy efficiency modeling, measurement and verification
 - water efficiency
 - indoor air quality
 - environmentally sound, low toxic building materials
 - construction waste management and prevention
 - low maintenance design and materials?
- Is it a sustainable building that exhibits a high level of environmental, economic and engineering performance by using an integrated approach to achieving the following:
 - Energy, water and building materials efficiencies
 - Indoor air quality
 - Occupant health, safety, and productivity (e.g., daylighting, natural ventilation, minimized use of toxic products)
 - transit-oriented development
 - Minimized use of toxic building and janitorial materials?

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

Date: November 21, 2000

SUBJECT: **CLOSED SESSION**

Item No. 40

SUBMITTED BY: **Christopher C. Marshall**

PROGRAM AREA

EXECUTIVE OFFICE RECOMMENDATION: *CCM*
S

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

FACTUAL BACKGROUND:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.**

Pursuant to subdivision (a) of Section 54956.9.

Name of Case:

City of San Leandro v. Port of Oakland, et al.

Alameda County Superior Court Case Nos. 793033-9 and 815053-8

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant pursuant to subdivision (b) of Sections 54956.9: 2 matters.

3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:**

Property: Selection Locations
Jack London Square
Oakland, CA 94606

Negotiating Parties: Port of Oakland and Oakland Portside Associates
Under Negotiation: Price and Terms of Agreement

SUPPLEMENTAL

Property: 9th Avenue Terminal, Oakland
Negotiating Parties: Port of Oakland and Cal Crew of U.C. Berkeley
Under Negotiation: Price and Terms of Agreement

Property: 1899 Dennison Street
Negotiating Parties: Port of Oakland and Collier International
Under Negotiation: Price and Terms of Agreement

- MOTION
RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Resolution
No. 20470

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

NOV 21 2000

DATE

SUMMARY AGENDA OF BOARD CALENDAR
November 21, 2000

COMMERCIAL REAL ESTATE

14S Authorization to Include the Demolition of Building G-305 and Removal of Foundations of Buildings G-301, G-302 and G-303, Inner Harbor, in the Port's Small Business Program. (Resolution)

Recommends approval for the project to be included in the Small Business Program.

15S Recommend Approval of New License and Concession Agreement with Dockside Boat & Breakfast. (Resolution)

Recommends approval of a new agreement to cover their boat and breakfast business.

16S Recommends Approval of New License and Concession Agreement with Telemedia Communication Systems, Inc. (Resolution)

Recommends approval of a new agreement to cover their space on Embarcadero.

17S License and Concession Agreement, NCMA for the Temporary Operation of the Fuel Dock in Jack London Square. (Resolution)

Recommends approval of the agreement to provide for the operation of the fuel dock at the Jack London Marina.

MARITIME

23S Substitution of Painting Subcontractor for Construction of Berth 55/56 Trouble Kiosk, Inner Harbor Channel. (Resolution)

Recommends approval of the substitution of the painting subcontractor.

24S Substitution of Electrical Subcontractor for Construction of Berth 55/56 Trouble Kiosk, Inner Harbor Channel. (Resolution)

Recommends approval of the substitution of the electrical subcontractor.

**SUMMARY AGENDA
November 21, 2000**

25S

Substitution of Paving Subcontractor for Demolition of Building E-240 and Miscellaneous Structures, Middle Harbor. (Resolution)

Recommends approval of the substitution of the paving subcontractor.

ORDINANCES: ("S")

Port Ordinance No. 3614 being, "AN ORDINANCE FINDING AND DETERMINING THAT THE PUBLIC INTEREST OF KAISERAIR, INC. AND EARHART ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, FOR PUBLIC USE IN CONNECTION WITH PORT DEVELOPMENT PURPOSES, MAKING OTHER FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, AND AUTHORIZING THE FILING OF PROCEEDINGS IN CONDEMNATION FOR THE ACQUISITION THEREOF."

Provides for the leasehold acquisition of certain real property to be acquired by the Port for the entrance roadway, parking and utility infrastructure for the Aviation Facilities Maintenance Project.

Port Ordinance No. 3615 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTIONS 2.01, 10.019, 10.013, 8.147, 5.026 AND 6.013."

Provides for creation of salary schedule, creation of additional position, and amending salary schedule assignments.

Agenda Sheet

DATE: November 7, 2000

SUBJECT: Recommendation to Adopt Resolution of Necessity (Ordinance) to Initiate Eminent Domain Proceedings by Port of Oakland; Property Owner/lessor: Port of Oakland to Acquire Certain Property Interests of Lessee(s): KaiserAir/Earhart Associates; Alameda County Assessor Parcel No. 042-4404-005 for Port Use

ITEM NO: 1

PROGRAM AREA: .

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: STEVEN GROSSMAN

EXECUTIVE OFFICE RECOMMENDATION:



DUPLICATE OF PRIOR CALENDAR MEMO

FACTUAL BACKGROUND:

It is recommended that the City of Oakland, by and through its Board of Port Commissioners ("Board"), initiate eminent domain proceedings to acquire the leasehold interests of KaiserAir, Inc. and Earhart Associates in and to a portion of real property owned by the Port of Oakland and designated APN 042-4404-005, by adopting the attached Ordinance of Necessity. The portion of the real property is identified on the exhibits attached hereto as Exhibit A and to the Ordinance Necessity. The Ordinance of Necessity requires a two-thirds vote of the Board for passage.

The entire parcel consists of approximately 35,999 square feet/0.827 acre from which approximately 11,855 square feet/0.272 acre is to be acquired for the project. The property is located within the Port Area on Earhart Road, Oakland International Airport, North Field Area, and the record owner is the Port of Oakland. The Port entered into an original lease of the real property with Western Automotive Facilities (dated June 9, 1981 and recorded August 6, 1981 as Document # 81-133256 of the official records of the County of Alameda; "Master Lease") and the current lessee of the Port by assignment is KaiserAir, Inc., a corporation (pursuant to the Eighth Supplemental Agreement dated January 1, 1996 and recorded June 6, 1996). The Master Lease has been subject to various subsequent assignments and/or conveyances of the leasehold interests or portions thereof to subtenants/lessees including the sub-leasehold interest of Earhart Associates, a California Limited Partnership, created by the *Second Supplemental Agreement* to the Master Lease (dated June 18, 1985 and recorded July 19, 1985 as Document # 85-14228 of the official records of the County of Alameda). In addition, KaiserAir and Earhart are also parties to another sublease agreement entitled *Industrial Net Lease, Hangar 5, Oakland Airport*, entered into on June 18, 1985. The remaining term of Master Lease is to July 31, 2011; the present use of the portion of the property required by the Port is an auto parking area in connection with KaiserAir operations.

It is necessary that the leasehold interests in and to the portion of the real property be acquired by the Port for *the entrance roadway, parking and utility infrastructure for the Aviation Facilities Maintenance Project (the "Aviation Facilities Complex")*. The Aviation Facilities Complex consists of reconstructing and consolidating existing structures for Airport Maintenance Facilities. The entire Airport Facilities Complex will occupy approximately 5.45 acres on the North Field of the Oakland Airport. Except for the approximately 11,855 square feet to be acquired from the KaiserAir leasehold, the Airport Facilities Complex will be on vacant, airport land located between Doolittle Drive and Earhart Road in the North Field portion of the Airport. The maintenance facilities directly support Airport activities for passengers, cargo, general aviation, parking and other ancillary activities that are necessary to the Airport operation. The purpose of the Aviation Facilities Complex project is to consolidate Airport maintenance facilities. The consolidation will intensify the use of existing Airport land. The newly constructed Aviation Facilities Complex will upgrade the structures and facilities that house Airport maintenance activities. The existing facility structures are located between Doolittle Drive and Earhart Road. The existing structures were built about 60 years ago and are outdated. The existing facilities include over 55,000 square feet of space located within several structures. Consolidated facilities will enable improved and efficient maintenance operations of this 24-hour Airport activity.

The proposed Aviation Facilities Complex includes the following: a warehouse, shop complex, office building, vehicle service building, fueling station, hazardous materials storage area, equipment storage, drive ways, parking for 60

- MOTION
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existing employees, parking for service vehicles, vehicle wash rack, ancillary maintenance facilities, fencing and landscaping. The structures would be one or two stories in height. The Doolittle Drive right of way, California State Route 61, is adjacent to the easterly length of the site. The fence would include slats to visually buffer the industrial site activity from Doolittle Drive and the San Leandro Shoreline. Access to the site will be from Earhart Road and from Cooke Street. Utilities for the project will connect with existing services.

ENVIRONMENTAL REVIEW

Port of Oakland filed Notice of Exemption with Alameda County Recorder on 12/22/98. San Francisco Bay Conservation and Development Commission (BCDC) issued Permit M98-71 issued on 2/8/99 and Amendment One to Permit issued 2/25/00 to Port of Oakland for the Aviation Facilities Complex project. (Copies of the Environmental Reports are available for review at the office of the Secretary to the Board of Port Commissioners ("Board Secretary") and are incorporated into the administrative record herein.) Therefore, the Port has complied with the environmental review process under the California Environmental Quality Act ("CEQA"), found in Public Resources Code Sections 21000, et. seq. and the State CEQA Guidelines adopted by the Secretary of Resources.

The public use and necessity for the project has been established by a number of reports and studies and the use is an established public use under the law. (Copies of all reports and studies are available for review at the office of the Board Secretary and are incorporated into the administrative record herein.)

Airport Properties staff has attempted to reach an agreement with the leaseholders on the terms and conditions for voluntary purchase of the leasehold interests for \$37,000, which is the appraisal amount; however, a voluntary agreement between the parties has not been reached at this time.

It is now appropriate to institute eminent domain proceedings since the Port is at an impasse with the leaseholders. Under state law procedure, a hearing is held by the Board of Port Commissioners prior to initiating eminent domain proceedings. The hearing is for the limited purpose of whether to adopt the Resolution (Ordinance) of Necessity which entails a consideration of the following four items:

- a) Whether the public interest and necessity require this project;
- b) That the project is planned or located in a manner that will be most compatible with the most public good and least private injury;
- c) That this property sought to be acquired is necessary for this project; and
- d) Whether the offer to purchase the property required by Government Code Section 7267.2 has been given to the owner lessee of record.

State law makes clear that this hearing is not for the purpose of hearing testimony as to what the leasehold interest is worth, or whether the appraisal is valid, or whether the Port has made a fair offer to the leaseholders. As such, the amount of compensation to be paid for the acquisition of the interest is not a matter or issue being heard by the Board at this time. Adopting the Ordinance will not preclude the leaseholders from claiming greater compensation as determined by a court of law in accordance with the laws of the State of California. Nor will the adoption of the Ordinance foreclose further and/or future negotiations on the amount of compensation to be paid for the interest.

NOTIFICATION:

The leaseholders KaiserAir and Earhart Associates have been given notice of this hearing by letter notice dated October 20,2000 from the office of Special Eminent Domain Counsel Gary R. Rinehart.

OPTIONS:

- 1) Adopt Resolution (Ordinance) of Necessity.
- 2) Do not adopt Ordinance of Necessity.
- 3) Request additional information.

RECOMMENDATION:

Adopt Resolution (Ordinance) of Necessity initiating eminent domain proceedings, establish the amount of probable compensation of \$37,000, and authorizing deposit in court or with the State Treasurer the amount of compensation established by the Board as the probable amount of compensation to be awarded in the eminent domain and to apply to the court for an order permitting the Port to take immediate possession and use of the interests in the property for the above described public uses and purposes.

EXHIBIT "B-1"

KAISERAIR, INC.
TAKE AREA
LEGAL DESCRIPTION

All that real property in the City of Oakland, County of Alameda, State of California, within the area of the Oakland International Airport, being more particularly described as follows:

Commencing at "EAR-KAIS EC", a standard Port of Oakland monument as shown on Record of Survey 1546, recorded November 2, 1998, Book 22, Pages 71-75, Alameda County Records; thence North 35°45'49" East 26.00 feet to the northeasterly street plan line of Earhart Road as shown on said Record of Survey 1546 (22M71); thence along said street plan line South 54°14'11" East 86.56 feet; thence leaving said street plan line North 35°51'35" East 6.00 feet to the Point of Beginning;

thence parallel with said street plan North 54°14'11" West 45.10 feet; thence North 35°45'49" East 141.88 feet; thence South 54°14'11" East 116.84'; thence South 35°45'49" West 76.00 feet; thence North 54°14'11" West 71.63 feet; thence South 35°51'35" West 85.88 feet to the Point of Beginning;

Containing 11,855 square feet 0.272 acres, more or less, measured at ground level.

End of Description

Bearings and distances used in this description and its accompanying plat are based on the California Coordinate System, Zone III, North American Datum of 1983. All distances in this description are grid distances. To convert grid distances to ground distances multiply by 1.0000707.

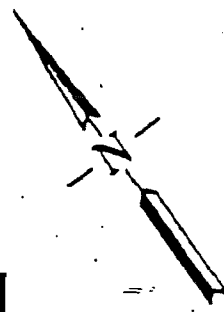
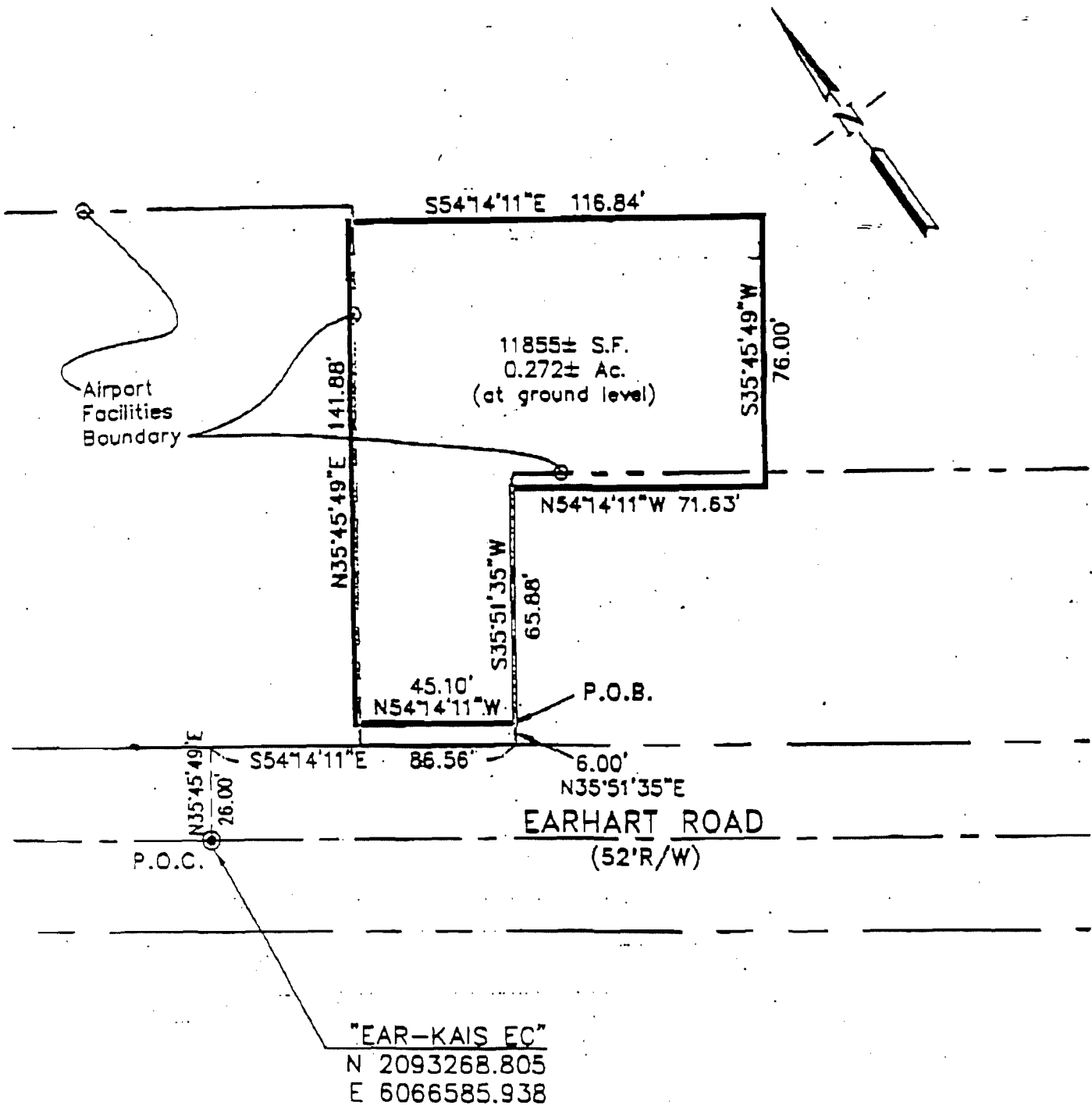
Surveyor's Statement

This description was prepared pursuant to section 8726 of the Business and Professions Code of the State of California by or under the supervision of:

Date: 04/05/00



Forrest A. Reed, L.S. 6207
License Expires 03/31/02



NOTE:
 BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III.
 ALL DISTANCES ARE GRID DISTANCES. MULTIPLY HEREON SHOWN DISTANCES BY 1.0000707 TO OBTAIN GROUND DISTANCES.
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PORT OF OAKLAND
 LAND SURVEYS AND MAPPING

 530 Water Street
 Oakland, California

EXHIBIT "B-1"
 KAISERAIR PARKING - TAKE AREA
 Plat to accompany Legal Description

SCALE: 1" = 40'
Wkt. Ord: 106201
Field Bk:
REV BY: cm
DATE: 3/18/99
SHEET 1 OF 1

Agenda Sheet

DATE: November 7, 2000

ITEM NO: 31

SUBJECT: PERSONNEL ITEMS

- Title Changes
- Creation of Salary Schedule
- Amendment of Salary Schedule Assignments
- Creation of Additional Position
- Amendment of FY2000 - 2001 Staffing Plan

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: *Robert C. Martinez* Robert C. Martinez

EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

FACTUAL BACKGROUND:

I. TITLE CHANGES-Ordinance (2 Readings)

- A) It is requested that the Board approve the title change for the following classifications. These positions were included in the FY 2000-2001 Staffing Plan under the current titles as indicated below. The new titles are more appropriate for the duties and responsibilities that will be performed. The Airport Ground Transportation & Parking Operations Specialist I will not result in a change in salary. However, the Airport Noise Abatement/Environmental Affairs Supervisor will result in a change in salary and assignment to the appropriate salary schedule (See Item III below).

CURRENT TITLE	NEW TITLE
Airport Ground Transportation Aide	Airport Ground Transportation & Parking Operations Specialist I
Airport Noise Abatement/Environmental Affairs Officer	Airport Noise Abatement/Environmental Affairs Supervisor

II. CREATION OF SALARY SCHEDULE—Ordinance (2 Readings)

- A) It is requested that the Board create the following salary schedule in Representation Unit A to implement its assignment to the classification of Permit Technician as requested in Item III of this Agenda.

NEW SALARY SCHEDULE #	STEP A	STEP B	STEP C	STEP D	STEP E
93.8	\$3,660	\$3,845	\$4,039	\$4,271	\$4,517

III. AMENDMENT OF SALARY SCHEDULE ASSIGNMENTS—Ordinance (2 Readings)

- A) It is requested that the Board approve the amendment of the salary schedule assignment for the classification of Permit Technician to Salary Schedule 93.8 (a--\$3,660; b--\$3,845; c--\$4,039; d--\$4,271; e--\$4,517). This amendment is necessary to correct the existing Salary Schedule 80.1 (a--\$3,659; b--\$3,844; c--\$4,038; d--\$4,517; e--\$0.00) in which the E Step was omitted.

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B) It is requested that the Board approve the amendment of the salary schedule assignment for the classification of **Airport Noise Abatement/Environmental Affairs Officer** (title to be changed in I.A) above) to **Salary Schedule 972.3** (a--\$6,230; b--\$6,540; c--\$6,867; d--\$7,280; e--\$7,717). This classification will replace the Airport Noise Abatement/Environmental Affairs Officer which is assigned to Salary Schedule 503.5 (a--\$5,188; b--\$5,448; c--\$5,720; d--\$6,063; e--\$6,427). This action is necessary due to the results of a classification and compensation study.

IV. CREATION OF ADDITIONAL POSITION—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of one additional position of **Executive Assistant** in the Aviation Division. This position while not a part of the FY 2000 – 2001 Staffing Plan, has been approved by the Executive Director to replace the Principal Clerk position vacated by the retirement of the incumbent and does not increase the FTE count.

V. AMENDMENT OF FY 2000-2001 STAFFING PLAN—Ordinance (2 Readings)

A) It is requested that the Board approve the amendment of the FY 2000 – 2001 Staffing Plan to include an additional new position of **Deputy Port Attorney IV** in the Port Attorney's Office. This position will support the Port's Capital Improvement Projects for a period of time not to exceed seven years.

CURRENT EMPLOYEE FTE COUNT

FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 10/22/99	AS OF 9/29/00	AS OF 10/27/00
Full-Time Employees	612.00	560.00	564.00	565.00
Part-Time Employees	2.13	2.40	2.40	2.40
Relief Telephone Operators		3.00	3.00	3.00
Relief Airport Custodians (P/T)	*11.00	8.00	8.00	8.00
Relief Airport Custodians (Intermittent, P/T)		0.00	0.00	0.00
TOTAL	625.13	573.40	577.40	578.40

* Statistical breakdown of various Reliefs was not available during this period.

TEMPORARY AGENCY WORKER COUNT AS OF 10/25/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	21	16	0	7	0	0	44
*CIP	0	0	8	4	0	0	12
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	3	1	0	0	0	0	4
*SPECIAL PROJECT	4	3	0	5	1	0	13
WORKER'S COMP BACKFILL	0	2	0	0		0	2
TOTAL	28	22	8	16	1	0	75

* Temps supporting CIP or special projects--not replacement of current FTE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNT

CATEGORY	10/01/1997	07/25/2000	08/24/2000	09/28/2000	10/25/2000
BACKFILL	27	31	37	35	44
*CIP	18	13	13	12	12
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	2	2	0	0
MEDICAL BACKFILL	4	8	8	4	4
*SPECIAL PROJECT	11	14	13	12	13
WORKER'S COMP BACKFILL	3	2	2	2	2
TOTAL	63	70	75	65	75

COUNT SUMMARY

CURRENT FTE COUNT	578.40
CURRENT TEMPORARY AGENCY BACKFILLS	44.00
VACANT POSITIONS	24.00
TOTAL	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding title changes, creation of Salary Schedule, amendment of Salary Schedule Assignments, creation of additional position, and amendment of the FY 2000 – 2001 Staffing Plan.

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 14S

^{TP}
SUBJECT: Authorization to Include the Demolition of Building G-305 and Removal of Foundations for Buildings G-301, G-302 & G-303, Inner Harbor, in the Port's Small Business Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *for* *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Buildings G-301, G-302, and G-303 were demolished in early 1998 due to homeless citizens taking refuge in them and due to the unsafe site conditions. Their foundations were left in place pending legal issues regarding contaminants in the ground. The issues are now resolved. Building G-305 was left in place so the Oakland Strokes, a non-profit organization that provides teenage boys and girls the opportunity to learn competitive rowing and life skills, could continue to occupy the building until they could be relocated. The Port will coordinate the demolition of Building G-305 with the relocation schedule of the Oakland Strokes to the new Aquatic Center.

The scope of work consists of demolishing Building G-305 and the foundations from Buildings G-301, G-302, and G-303, and all other miscellaneous structures, including: shed, gangway, piles, and asphalt concrete. The site will be left as a vacant rock lot, graded to drain, with erosion control measures in place, ready for future development.

ANALYSIS:

It is believed to be in the best interests of the Port to include this project in the Port's Small Business Program. This program allows small local contractors to attain experience in public sector work. To encourage small local contractor participation in this work, it is recommended that the Port dispense with competitive bidding procedures and engage in an outreach program by initially soliciting bids from only small local contractors certified by the Port's Office of Equal Opportunity.

To ensure that this work is completed on time, the bid documents and advertisement will be modified to encourage all contractors to pick up the Plans and the Project Manual. Contractors will be informed that the Port will initially only consider bids from small local contractors. If no responsive bids are received, all companies on record as having received the Plans and Project Manual will be invited to submit bids on a newly scheduled bid submission date.

Environmental:

Port staff completed environmental review for the demolition of Buildings G-301, G-302, G-303, and G-305 under the California Environmental Quality Act (CEQA) in October 1997. The work was subject to an Initial Study. The Board of Port Commissioners adopted a Mitigated Negative Declaration on October 31, 1997, which evaluated the environmental impacts and identified mitigation measures for all aspects of the removal of the four buildings, including clearing and grading the site. The proposed demolition will complete the project as described in the Mitigated Negative Declaration, and therefore requires no further environmental review or mitigation.

General Plan:

Pursuant to Sec. 727 of the City Charter, the Port has determined that this project conforms to the policies of the City of Oakland General Plan.

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No. 20457

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

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Budget:

The Capital Budget for Fiscal Year 2000-2001 provides for this work under CIP item No. P2.00628.03. The funding source is Port cash. The Total Project Cost is estimated to be \$370,000.

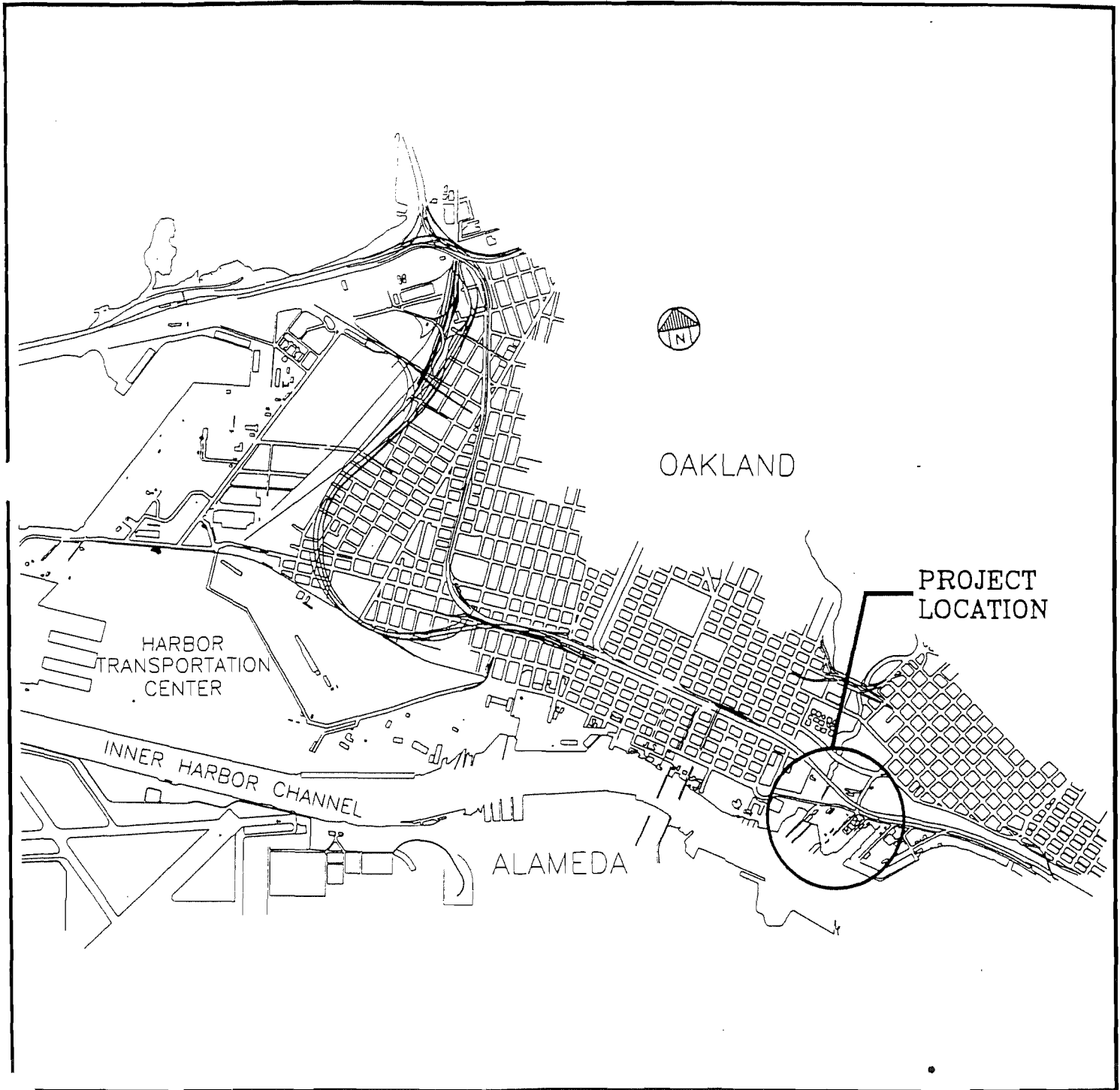
Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) do not apply for this work since it is a Commercial Real Estate project.

RECOMMENDATION:

It is recommended that the project **Demolition of Building G-305 and Removal of Foundations of Buildings G-301, G-302 & G-303, Inner Harbor**, be included in the Port's Small Business Program, and that it be found to be in the best interests of the Port to dispense with competitive bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor who submits an acceptable bid.

It is further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on informal bids, if the attempt to secure an acceptable bid from a small local contractor is not successful.



PORT OF OAKLAND

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 15S

SUBJECT: Recommend Approval of New License and Concession Agreement with Dockside Boat & Breakfast

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The following one-year License and Concession Agreement is submitted for approval:

Licensee	Location	Property Description	Rate	Agreement Date
Dockside Boat & Breakfast	Jack London Square Marinas	N/A	4% of Gross Receipts	05/01/00

This License and Concession Agreement is for the purpose of updating a previous agreement. Dockside Boat and Breakfast conducts a bed and breakfast type operation utilizing up to 10 privately owned vessels in the Jack London marinas. The vessel owners obtain a berth in the usual manner and contract individually with Dockside to participate in the program. This is a unique business enterprise, one of a handful of bed and breakfasts in Oakland, the only one offering the waterfront experience.

The lease of the property is categorically exempt from CEQA per CEQA Guidelines, Section 15301.

Pursuant to Section 727 of the City Charter, the lease has been determined to conform to the policies of the Oakland General Plan.

This agreement was not previously considered by the Board in establishing a target rate for negotiations.

RECOMMENDATION:

It is recommended the Board approve the above-listed agreement.

- MOTION
- RESOLUTION
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Approved by Resolution

No. 20458

BOARD ACTION TAKEN

Assistant

Sharon Kappone
 SECRETARY OF THE BOARD

NOV 21 2000

DATE

Agenda Sheet

SUBJECT: Recommend Approval of New License and Concession Agreement with Telemedia Communication Systems, Inc.

DATE: November 21, 2000

ITEM NO: 16S

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The following one-year License and Concession Agreement is submitted for approval:

Licensee	Location	Property Description	Rate	Agreement Date
Telemedia Communication Systems, Inc.	351 Embarcadero	2,776 square feet of warehouse and office space	\$2,109.76 per month	September 1, 2000

This agreement was not previously considered by the Board in establishing a target rate for negotiations.

The lease of the property is categorically exempt from CEQA per CEQA Guidelines, Section 15301.

Pursuant to Section 727 of the City Charter, the lease has been determined to conform to the policies of the Oakland General Plan.

RECOMMENDATION:

It is recommended the Board approve the above-listed agreement.

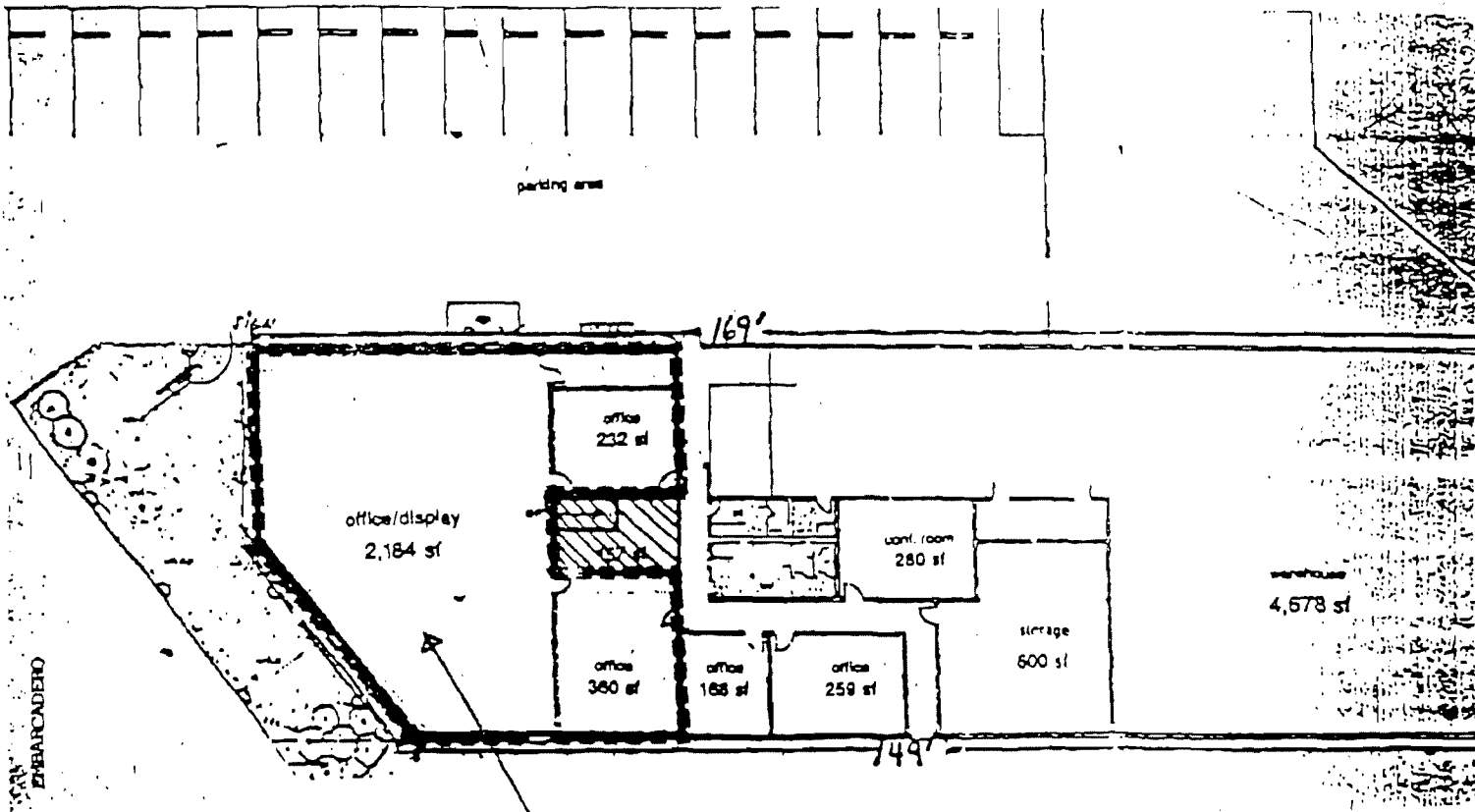
- MOTION
- RESOLUTION
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Approved by Resolution
No. 20459
BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

NOV 21 2000
DATE

EXHIBIT "B-2"
SKETCH OF PROPERTY



Boundary of Assigned Area

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: November 21, 2000

SUBJECT: License and Concession Agreement, NCMA for the Temporary Operation of the Fuel Dock in Jack London Square

ITEM NO: 17S

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Jack London Square Marina is substantially complete. The harbormaster's office building is still under construction, however the current schedule from the contractor indicates that the building will be completed by the end of November 2000.

Part of the acceptance of the fueling facility from the contractor was the requirement to test the system. This could not be done unless the fueling system was made operational. The Port purchased the revenue system and fuel dispensers for about \$20,000, however, it was necessary to purchase the fuel and test the system.

The fueling operation will be included in the upcoming RFP for the Marina Asset Sale, Ground Lease and Operating Agreement. The new marina operator would be responsible for operating the fueling operation once the agreement is awarded.

ANALYSIS:

A temporary agreement with the NCMA provides a party that will constantly monitor the in-ground fuel tanks and fueling dispensing system the Port developed and provides rent to the Port during the period where the Port is soliciting a marina operator/owner.

OPTIONS:

The option would be to vacate NCMA from the premises under the terms of its Right of Entry and await an operators selection upon the successful conclusion of the Marina RFP which will result in a Marina Asset Sale, Ground Lease and Operating Agreement.

RECOMMENDATION:

It is recommended that a License and Concession Agreement be executed with the NCMA for the temporary operation of the marine fueling facility at the Jack London Square marina at a monthly rent of \$1,000 per month against 7% of gross sales.

- MOTION
RESOLUTION
ORDINANCE
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Approved by Resolution

No. 20460

BOARD ACTION TAKEN

Assistant

Signature of Secretary of the Board

SECRETARY OF THE BOARD

NOV 21 2000

DATE

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 23S

^{TD}
SUBJECT: Substitution of Painting Subcontractor for
Construction of Berth 55/56 Trouble Kiosk,
Inner Harbor Channel

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Eclat Construction Incorporated (Eclat) for the **CONSTRUCTION OF BERTH 55/56 TROUBLE KIOSK, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA.** Eclat has requested Board approval to substitute its listed painting subcontractor. By letter, dated October 20, 2000, the Contractor notified the Port that its listed subcontractor, Omni Painting, has requested to rescind their bid due to cost increases. Under Section 4107 of the California Public Contract Code, this is considered to be a valid basis for substitution of subcontractor.

The Port has given written notice to Omni Painting that Eclat has requested to substitute another firm in place of theirs. The Port has also contacted Omni Painting to confirm that they have no objection to Eclat's request to substitute. Omni's owner confirmed that they wished to rescind their bid and that they have no objection to the substitution.

Eclat has requested that Brite Painting, an Oakland-based firm which has submitted paperwork to be certified with the Port as an MBE and LIABE, be listed as the new painting subcontractor. The Port's Office of Equal Opportunity was notified of the above substitution and they have indicated that they have no objection.

The value of the subcontract work is \$6,830, which is 3.3% of the total contract amount of \$205,245. This contract was handled under the provisions of the Port's small contractor program and is exempt from coverage by the Project Labor Agreement.

RECOMMENDATION:

It is recommended that Omni Painting be deleted as the listed subcontractor to perform the painting work, and that Brite Painting, an Oakland-based firm, be added as the subcontractor to perform said work.

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Approved by Resolution

No. 20464

BOARD ACTION TAKEN Assistant

[Signature]
SECRETARY OF THE BOARD

NOV 21 2000

DATE

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 245

^{TD}
SUBJECT: Substitution of Electrical Subcontractor for
Construction of Berth 55/56 Trouble Kiosk,
Inner Harbor Channel

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Eclat Construction Incorporated (Eclat) for the **CONSTRUCTION OF BERTH 55/56 TROUBLE KIOSK, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA.** Eclat has requested Board approval to substitute its listed electrical subcontractor. By letter, dated October 20, 2000, the Contractor notified the Port that its listed subcontractor, A. J. Hicks and Son Electric, Inc. (Hicks), has requested to rescind their bid due to material cost increases and payroll increases. A copy of Hicks' letter to Eclat is on file with the Port. Under Section 4107 of the California Public Contract Code, this is considered to be a valid basis for substitution of subcontractor.

The Port has contacted Hicks to confirm that they have no objection to Eclat's request to substitute another firm in place of theirs. Hicks' owner confirmed that they wished to rescind their bid and that they have no objection to the substitution.

Eclat has requested that Summerhill Electric, an Oakland-based firm, which is an MBE and LIABE, be listed as the new electrical subcontractor. The Port's Office of Equal Opportunity was notified of the above substitution and they have indicated that they have no objection.

The value of the subcontract work is \$29,017, which is 14.14% of the total contract amount of \$205,245. This contract was handled under the provisions of the Port's small contractor program and is exempt from coverage by the Project Labor Agreement.

RECOMMENDATION:

It is recommended that A. J. Hicks and Son Electric, Inc., be deleted as the listed subcontractor to perform the electrical work, and that Summerhill Electric be added as the subcontractor to perform said work.

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No.

20465

BOARD ACTION TAKEN

Assistant

Sharon Kujawa
SECRETARY OF THE BOARD

NOV 21 2000

DATE

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 255

^{JD}
SUBJECT: Substitution of Paving Subcontractor
for Demolition of Building E-240 and
Miscellaneous Structures, Middle Harbor

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: ^{for} Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with Downrite Demolition & Excavation (Downrite) for the **DEMOLITION OF BUILDING E-240 AND MISCELLANEOUS STRUCTURES, MIDDLE HARBOR, OAKLAND, CALIFORNIA.** Downrite has requested Board approval to substitute its listed paving subcontractor. By letter, dated October 12, 2000, the Contractor notified the Port that its listed subcontractor, C & G Contractors, Inc. (C & G), does not wish to sign the contract for the bid amount stated at time of bid. A copy of C & G's letter to Downrite is on file with the Port. Under Section 4107 of the California Public Contract Code, this is considered to be a valid basis for substitution of subcontractor.

The Port has given written notice to C & G that Downrite has requested to substitute another firm in place of their firm. The statutory time within which the subcontractor may object has passed, and we have received no reply from C & G.

Downrite has made a good-faith effort to replace C & G with a similarly-classed company. Documentation of their good-faith effort is on file with the Port. Downrite has requested that Ransome Company, Inc., an Oakland-based firm, certified with the Port as an LIABE/LBABE, be listed as the new subcontractor to perform the paving work. The Port's Office of Equal Opportunity was notified of the above substitution and they have indicated that they have no objection.

The value of the subcontract work is \$19,520, which is 15.52% of the total contract amount of \$125,775. This contract was handled under the provisions of the Port's small contractor program and is exempt from coverage by the Project Labor Agreement.

RECOMMENDATION:

It is recommended that C & G Contractors, Inc., be deleted as the listed subcontractor to perform the paving work, and that Ransome Company, Inc., be added as the subcontractor to perform said work.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 2046
BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

NOV 21 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 Water Street
Oakland, California 94607

TELEPHONE: (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

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JOHN PROTOPAPPAS
PATRICIA A. SCATES

C A L E N D A R

**Regular Meeting of the Board of Port Commissioners
Tuesday, December 5, 2000 - 3:00 PM**

ROLL CALL

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

READING OF THE MINUTES:

Regular meeting of September 5, 2000; and regular meeting
of September 19, 2000.

Deferred - Adjourned regular meeting of October 10, 2000;
adjourned regular meeting of October 24, 2000; regular
meeting of November 7, 2000; and regular meeting of
November 21, 2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Administration
Aviation
Maritime

READING OF SUMMARY ITEMS: (Marked "S")

10 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1** Approval of Change Order for Cement Deep Soil Mix (CDSM) Delay Costs for Construction of Doolittle Drive and Airport Drive Interchange, Airport Roadway Project (Contract B), OIA. (Resolution)
- 2** Supplemental Agreement with Ray Keiser for Consultant Costs Associated with Air Cargo Ferry Feasibility Analysis. (Resolution)
- 3S** Approval of Third Supplemental Agreement with Pierre Murphy, Esquire, For Air Service Development. (Resolution)
- 4S** Authorization to Exceed \$50,000.00 Limit for Remaining Fiscal Year on Travel Planner Printing. (Resolution)
- 5S** Award of Contract 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, OIA. (Resolution)
- 6S** Authorization to Include the Demolition of Buildings L-737, L-739, L-741, and L-743, North Airport, OIA, in the Small Business Program. (Resolution)
- 7S** Approval of Plans and Project Manual for the Construction of Two New Gates at Terminal 1, Building M-103, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 11S** Recommend Approval of First Supplemental Agreement Adding Parcel of Property to License and Concession Agreement with the City of Oakland. (Resolution)

MARITIME

- 21** Management Agreement with Marine Terminals Corporation for Operations at Burma Road Terminal. (Ordinance)
- 22** Approval of Change Order for Construction of Joint Intermodal Terminal, Middle Harbor. (Resolution)
- 23** Ratification of Change Orders to Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A at Berths 55/56, Inner Harbor Terminal. (Resolution)
- 24** Authorization to Negotiate and Execute an Agreement with Lewis Engineering for Engineering Design Services to Support Environmental Compliance Activities for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)
- 25S** Extension of Hanjin Shipping Company's Terminal Use Agreement and DSR-Senator Lines and Cho Yang Shipping Company's Terminal Use Agreement at Ben E. Nutter Terminal. (Resolution)
- 26S** Ratification of Change Order for Construction of Administration Building and Maintenance and Repair Facility at Berths 55/56, Inner Harbor Channel. (Resolution)

OPERATIONS

- 31** Personnel Item: Creation of Additional Position. (Ordinance)
- 32** Approval to Execute Advancement of Funds Contract with Western Area Power Administration. (Resolution)

- 33S** Award of 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, 2001 and Ending December 31, 2001, 2002 or 2003. (Resolution)

BUILDING PERMIT APPLICATION ("S")

CA1 for The Gifted Traveler, tenant improvements in the existing shell space in the Terminal 2 concourse between the news stand and the Round Table Pizza.

CLOSED SESSION

- 40** Under Separate Cover by Secretary of the Board.

Vote on the following resolutions:

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

Noes: None

Absent: President Kramer – 1

RESOLUTIONS:

- 20471 1 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH GALLAGHER & BURK, INC., - BROSAMER, A JOINT VENTURE, FOR CONSTRUCTION OF DOOLITTLE DRIVE AND AIRPORT DRIVE INTERCHANGE, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (Airport – 1)
- 20472 2 FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH KEISER & 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. (Airport – 2)
- 20473 3 FINDING AND DETERMINING THAT A PROPOSED THIRD SUPPLEMENTAL AGREEMENT WITH PIERRE MURPHY FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT. (Airport – 3S)

- 20474 4 FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR PRINTING OF THE OAKLAND AIRPORT TRAVEL PLANNER WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport – 4S)
- 20475 5 AWARDING CONTRACT TO ASCOM TRANSPORT SYSTEM, 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, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Airport – 5S)
- 20476 6 GRANTING AUTHORIZATION TO INCLUDE DEMOLITION OF BUILDINGS L-737, L-739, L-741, AND L-743, 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 COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS. (Airport – 6S)
- 20477 7 APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF TWO NEW GATES AT TERMINAL 1, BUILDING M-103, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR. (Airport – 7S)
- 20478 8 APPROVING AND AUTHORIZING EXECUTION OF A FIRST SUPPLEMENTAL AGREEMENT WITH THE CITY OF OAKLAND. (Commercial Real Estate – 11S)
- 20479 9 APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH OLIVER DESILVA, INC., DBA GALLAGHER & BURK, INC., FOR CONSTRUCTION OF JOINT INTERMODAL TERMINAL, MIDDLE HARBOR, OAKLAND, CALIFORNIA. (Maritime – 22)
- 20480 10 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDERS FOR CONTRACT WITH PORT OF OAKLAND CONSTRUCTORS, A JOINT VENTURE, FOR CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A, AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime – 23)

- 20481 11 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH LEWIS ENGINEERING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime – 24)
- 20482 12 APPROVING AND AUTHORIZING EXECUTION OF SIXTH SUPPLEMENTAL AGREEMENT WITH DSR-SENATOR LINES GMBH AND CHO YANG SHIPPING COMPANY, LTD. (Maritime – 25S)
- 20483 13 APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH WEST BAY BUILDERS, INC., FOR CONSTRUCTION OF ADMINISTRATION BUILDING AND MAINTENANCE AND REPAIR FACILITY AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime – 26S)
- 20484 14 APPROVING AND AUTHORIZING EXECUTION OF ADVANCEMENT OF FUNDS CONTRACT WITH THE WESTERN AREA POWER ADMINISTRATION. (Operations – 32)
- 20485 15 AWARDED CONTRACT TO THYSSEN ELEVATOR COMPANY DBA THYSSEN DOVER ELEVATOR, 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, 2001, AND ENDING DECEMBER 31, 2001, 2002 OR 2003, OAKLAND, CALIFORNIA, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Operations – 33S)
- 20486 16 GRANTING AIR TERMINAL SERVICES, INCORPORATED, PERMISSION TO PERFORM CERTAIN WORK. (Blanket Authority)
- 20487 17 APPROVING SETTLEMENT AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT, MUTUAL RELEASE, AND COVENANT NOT TO SUE WITH PACIFIC GAS AND ELECTRIC COMPANY, AND ITS PREDECESSORS, A CALIFORNIA CORPORATION, CONCERNING CITY OF OAKLAND, A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS BOARD OF PORT COMMISSIONERS V. PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, AND DOES 1 THROUGH 50, INCLUSIVE, SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF ALAMEDA CASE NO. 8001317 (“LOT 12 MOVIE THEATER LITIGATION”). (Closed Session – 40)

20488 18

1) AUTHORIZING THE CONTINUED RETENTION OF WENDEL ROSEN BLACK AND DEAN AS SPECIAL COUNSEL TO THE PORT ATTORNEY ON THE ENVIRONMENTAL REVIEW PROJECT AND AN INCREASE IN BUDGET; 2) APPROVING AND AUTHORIZING THE PREPARATION AND SUBMITTAL OF DEMAND LETTERS TO CURRENT AND/OR FORMER PORT TENANTS CONCERNING DAMAGES ASSOCIATED WITH ENVIRONMENTAL CONTAMINATION OF PORT PROPERTY; 3) APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE TOLLING AGREEMENTS CONCERNING CONTAMINATED PORT PROPERTIES; 4) APPROVING AND AUTHORIZING THE RETENTION OF COX, CASTLE AND NICHOLSON LLP ("COX CASTLE") AS SPECIAL COUNSEL TO THE PORT ATTORNEY CONCERNING THE SHIPPER'S IMPERIAL ENVIRONMENTAL MATTER; AND 5) APPROVING AND AUTHORIZING THE PORT ATTORNEY TO FILE SUITE AGAINST PARTIES (AND INSURANCE CARRIERS) WHO HAVE CONTAMINATED PORT PROPERTY. (Closed Session – 40)

Vote on the following ordinances:

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

Noes: None

Absent: President Kramer - 1

ORDINANCES:

1 ("S") Port Ordinance No. 3616 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A NINTH SUPPLEMENTAL AGREEMENT TO LEASE WITH CLYDE R. GIBB, DOING BUSINESS AS WATERFRONT PLAZA HOTEL."

Final.

2 ("S") Port Ordinance No. 3617 being, "AN ORDINANCE AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH STEPHEN J. CROWLEY, D.B.A. STEAM VALVE FOR PURCHASE OF 1899 DENNISON STREET FOR UNION POINT PARK PURPOSES."

Final.

REGULAR MEETING
December 5, 2000

- 3** Port Ordinance No. ____ being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH MARINE TERMINAL CORPORATION FOR BURMA ROAD TERMINAL."

Maritime – 21 to print.

- 4** Port Ordinance No. ____ being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE AN ADDITIONAL POSITION OF PORT JOB RESEARCHER."

Operations – 31 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be a regular meeting held on Tuesday, December 19, 2000 at 2:00 PM

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 1

TD
SUBJECT: Approval of Change Order for Cement Deep Soil Mix (CDSM)
Delay Costs for Construction of Doolittle Drive and
Airport Drive Interchange, Airport Roadway Project (Contract B),
OIA

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port presently has a contract with Oliver DeSilva, Inc. (dba Gallagher & Burk, Inc.), and R & L Brosamer, Inc., doing business as Gallagher & Burk - Brosamer, a Joint Venture, for the Construction of Doolittle Drive and Airport Drive Interchange, Oakland International Airport, Oakland, California.

ANALYSIS:

The installation of the Cement Deep Soil Mix (CDSM) wall was delayed due to the failure of the utility companies to relocate existing utility facilities in the path of the CDSM wall.

In order to minimize delays to production, work was completed as areas became available, which resulted in a rather disjointed and piece-meal work effort.

This resulted in extra costs incurred due to inefficiencies of the CDSM drill rig being moved in a random pattern, instead of the installation occurring in a planned pattern.

OPTIONS:

After having several discussions with Pacific Bell, PG&E, and other utility companies, it was calculated that delay costs would total \$567,000 if the Contractor waited for the completion of the utility relocations.

After evaluating the impacts to the schedule and potential costs, it became clear that other elements of the project, such as the bridge construction, would be significantly delayed unless the CDSM installation progressed, even though it was at a slower rate.

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Approved by Resolution No. 20471

Signature of Assistant Secretary of the Board

DEC - 5 2000

BOARD ACTION TAKEN Assistant SECRETARY OF THE BOARD DATE

BUDGET ANALYSIS:

By working closely with the contractor and putting additional pressure on the utility companies, the Port was able to significantly reduce the delay costs. The cost of this change order is \$152,126. The funding for this change order will be covered by CIP Element No. AA.00268.01. The funding source is Measure B, administered by the Alameda County Transportation Authority, and also from the City of Alameda, City of Oakland, and Port cash.

RECOMMENDATION:

It is recommended that the Board ratify a change order for \$152,126 to Gallagher & Burk – Brosamer, a Joint Venture, for the above-described work.

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 2

SUBJECT: Supplemental Agreement with
Ray Keiser for Consultant Services
Associated with Air Cargo Ferry
Feasibility Analysis

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: John Glover 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

Port staff has been working with staff and consultants from San Francisco International Airport (SFO) and the air cargo community over the past year to study the feasibility of moving air cargo between the airports and Silicon Valley by water transit. The potential benefits of a cargo ferry include time savings for our air cargo airline tenants in their delivery schedules, and reductions in peak hour traffic on regional highways by replacing truck movements with ferry operations. The corridor between Oakland International Airport and Silicon Valley has been identified by at least one air cargo carrier as the route with the highest level of delays in the nation.

The operating premise of our study is that a high-speed ferry service would be instituted by an independent operator who would run the ferries under contract with air cargo airlines. The airports, in addition to undertaking this feasibility analysis and follow-on planning and environmental studies, would be responsible for providing appropriate docking facilities.

Initial work to date has been promising. We have identified a high-speed vessel technology that works well in the shallow water surrounding both airports and potential south bay service points, and have elicited interest from potential operators of the service. We have also received strong indications of interest from the cargo airlines.

The next step is to quantify the amount of cargo that would be assigned by the airlines to such a service, and to begin to define schedules. Due to the competitive nature of the air cargo industry, it has been impossible for potential operators to obtain sufficient information about potential cargo volumes from the airlines to allow them to determine the financial feasibility of establishing and operating the service. We believe it is necessary at this point to retain a consultant with experience in air cargo logistics who can research and develop this key information from available sources.

Ray Keiser is currently under contract with the Port to perform consulting work related to our air cargo expansion program. Mr. Keiser and his associates have the necessary expertise and industry contacts to perform the analysis of air cargo volumes potentially available for the ferry service. We are requesting approval to enter into a Supplemental Agreement with Mr. Keiser which would direct him to undertake this additional work. It is estimated that the work will take six months to complete, and will cost not more than \$50,000.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to enter into a Supplemental Agreement with Ray Keiser to conduct studies necessary to determine the feasibility of the proposed air cargo ferry service, at a cost not to exceed \$50,000.

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Approved by Resolution

No. 20472

BOARD ACTION TAKEN Assistant



SECRETARY OF THE BOARD

DEC - 5 2000

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Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 21

SUBJECT: Management Agreement with Marine Terminals Corporation for Operations at Burma Road Terminal

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Raymond A. Boyle

RAB

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port's Agreement with Marine Terminals Corporation ("MTC") at the Berth 7 Burma Road Terminal ("BRT") is presently in holdover status. Under a previous Lease Agreement, the Port had rented the Berth 7 facility from the U.S. Army for \$545,125.00 annually. Several months ago, the Port entered into a no cost sublease with the Oakland Base Reuse Authority ("OBRA") for BRT. The terminal offers an on-dock transit shed and is presently used as a breakbulk facility where import steel commodities are discharged. Last February, Star Shipping transferred its Terminal Use Agreement ("TUA") and operations from the Ninth Avenue Terminal to BRT so that imported newsprint is also handled at the facility.

ANALYSIS:

MTC has indicated that they are losing money on their BRT operations. This could jeopardize the Port's position in the breakbulk steel and newsprint markets. MTC's losses are attributed to several factors. Steel tonnage remains depressed because domestic producers continue to seek protection from off-shore manufacturing which results in uncertainties generated by anti steel dumping legislation. The terminal itself is somewhat hindered in that there are wharf weight restrictions in handling steel commodities. There is also limited yard area to stage odd lots before truck pickup. MTC has therefore requested the Port re-evaluate compensation terms and an extended term under a new Management Agreement. The Port has proposed a new two year contract with the following key elements:

- 1. The new Agreement shall be subject to the terms and conditions of the sublease dated July 26, 2000 between the Port and OBRA.
2. MTC shall be subject to a guarantee of \$1,200,000.00 which is to be achieved in the first two contract years from all activity at the premises, including vessel and cargo activity from Star Shipping. This two year guarantee shall be subject to increases at the same time and by the same percentage as any upward adjustments are made to the Port's tariff non-containerized wharfage rate for Cargo, Not Otherwise Specified (NOS).
3. MTC will pay 55% of the Port's prevailing tariff charges for dockage, wharfage, wharf demurrage and wharf storage for all activity at the premises, excluding that for vessel and cargo activity from Star Shipping.
4. MTC will pay 45% of the Port's prevailing tariff charges for dockage, wharfage, wharf demurrage and wharf storage if during any contract year the facility's imputed Port tariff activity, excluding Star Shipping's, exceeds \$1.7 million dollars.
5. MTC and the Port shall each have the right to cancel the Agreement upon 60 days written notice. Upon expiration of the new 2 year term the Agreement will continue in full force and effect in one year increments but subject to 90 days written cancellation notice if the City, through OBRA, and the Port make a finding of determination which transfers the premises for other use of the site. However, in lieu of the 90 days, the Port may require that MTC be given an earlier notice of cancellation and termination if the premises are transferred by OBRA for other site use. The one year increments beyond the original 2 year term shall be subject to a revised Minimum Annual Guarantee.
6. The Port fully expects to maintain its relationship with Star Shipping so that all of its revenue generating activities under the current TUA remain in Oakland. MTC therefore agrees it will not solicit vessel stevedoring and terminal services at any other Northern California port for a Star Shipping vessel that would have otherwise called at the Burma Road Terminal. The Port may therefore elect to cancel the Agreement upon 30 days from when MTC provides vessel stevedoring and terminal services at any other Northern California port for a Star Shipping vessel that would have

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Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

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DATE

otherwise called at BRT.

7. MTC may elect to finance the cost of any temporary building/shed that is needed to keep operations viable upon the facility. MTC shall be responsible for all related maintenance to any such structure and for the cost of removal upon expiration of the Agreement.
8. MTC shall continue to be responsible for all maintenance and repair of the facilities, including the Army crane, railroad tracks and rail tracks on the adjacent premises.
9. Compensation provisions of the new Agreement shall relate back to December 1, 2000.

FINANCIAL IMPACT:

The existing Agreement with MTC and the Star Shipping TUA have generated annual revenue of approximately \$978,000.00. When considering that we previously paid the U.S. Army \$545,125.00 for the Berth 7 facility, the net to the Port resulted in almost \$433,000.00 per year. The proposed Agreement would generate approximately \$643,000.00 net to the Port at current volume levels. However, MTC anticipates increased activity from more steel shipments and additional newsprint from another carrier which could result in total overall Port revenues exceeding \$900,000.00 under the new Agreement.

ALTERNATIVES:

1. The Port could lose a significant portion of BRT's existing activity to other Bay Area ports if the proposed adjustments are not made.
2. MTC will not be able to attract the additional cargo volume for Oakland if the proposed concessions are not granted.

The proposed modifications were reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and Port CEQA Guidelines and were determined Categorical Exempt per Section 15301 (p) which exempts such Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and where there is no negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval to enter into the new Management Agreement with Marine Terminals Corporation, as outlined above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

TJ
SUBJECT: Approval of Change Order for Construction of Joint Intermodal Terminal, Middle Harbor

DATE: December 5, 2000
ITEM NO: 22

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Joint Intermodal Terminal (JIT) Master Plan was prepared in 1998, as the basis for the current construction contract "Construction of Joint Intermodal Terminal, Middle Harbor, Oakland, California." The Master Plan was prepared to allow for construction of a Departure Track, up to 8 intermodal loading tracks, and two Tailtracks. A Departure Track serves as the temporary storage track for receiving inbound intermodal trains and preparing outbound intermodal trains for pickup by a line haul carrier, such as the Union Pacific Railroad or Burlington Northern and Santa Fe Railway. Intermodal loading tracks are the railroad tracks that are used for unloading and loading intermodal rail cars. Tailtracks serve several functions, including a runaround or escape function, as storage track when needed, and as a way to switch cuts of intermodal cars onto or off of another loading track. Tailtracks are essentially a small storage yard connected directly to the intermodal facility.

Plans and Specifications were approved by the Board on September 20, 1999, the project was awarded to Oliver DeSilva, Inc., DBA Gallagher and Burk, Inc., on February 3, 2000, and a Notice to Proceed was issued on April 24, 2000. The current construction project includes construction of the Departure Track and Tracks 1 through 4, and a short, 2000 foot, segment of the "Tailtrack" to support switching of locomotives between the Departure and intermodal loading tracks from the east end of the JIT.

The current scope of work in the JIT construction contract was limited to the short segment of tailtrack since the full length of both tailtracks is to be constructed on what is now the northern 40 feet of Middle Harbor Road in front of the American President Lines (APL) terminal. The construction of the tailtracks on the Middle Harbor Road right of way requires that the Port realign Middle Harbor Road and reconstruct all intersections. Most of the tailtrack will be constructed under a new construction project, "Realignment of Middle Harbor Road, Adeline Street Overcrossing to K Street", that will be submitted to the Board soon. Some of the work needed to complete the tailtrack construction would be better accomplished under the current JIT construction contract. This approach is needed to utilize the opportunity for continuity where conflicts would exist between contracts, and to ensure that the new railroad grade crossing in Middle Harbor Road is completed under a single effort.

This change order includes construction of approximately 250 feet of additional railroad track; installation of a new railroad turnout in the intermodal yard; installation of a pre-cast concrete grade crossing on a new railroad track alignment; and completion of all excavation and ballast construction within the current project limits. This will minimize the work required under the construction contract, "Realignment of Middle Harbor Road, Adeline Street Overcrossing to K Street." Minimizing the work under that contract will essentially eliminate impacts to any JIT rail traffic on the tailtrack currently under construction in the JIT contract, since only railroad ties and rail need be installed after the change order work is completed.

The estimated cost of this change order is \$154,300. Approximately \$111,800 of this work will be performed using existing contract bid items, and approximately \$42,500 of this work will be new and will require negotiation with the Contractor.

- MOTION
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Approved by Resolution

No. 20479
BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

DEC - 5 2000

DATE

BUDGET ANALYSIS:

The funding for this change order is budgeted under the existing CIP Element M6.00563.02 for construction of Phase 2 JIT

ENVIRONMENTAL:

The Environmental Impact Report and Environmental Impact Statement for this project were certified by the Board on June 15, 1999.

RECOMMENDATION:

It is recommended that the Board approve this change order to increase the scope of the project, and that payment be made under unit contract prices and negotiated unit and lump sum prices for the estimated amount of \$154,300.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Ratification of Change Orders for Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A at Berths 55/56, Inner Harbor Channel

DATE: December 5, 2000
ITEM NO: 23

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port has a contract with Port of Oakland Constructors, a Joint Venture, for the CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA, which became effective October 25, 1999, at lump sum and unit prices totaling \$57,063,086.00.

ANALYSIS:

There are two change orders covered by this agenda item. One covers work on the storm drain system and one relates to subgrade stabilization work.

Storm Drain System: Under the original contract, the Contractor was required to install two large diameter storm drain collection systems. These systems consisted of 4, 5 and 6-foot diameter concrete pipes and their associated manholes.

However, the existing ground contained large amounts of wet clay and mud and was not capable of supporting the sand bedding as a foundation for these drainage systems. Therefore, the Engineer directed that the unsuitable material be removed and disposed of and 1-1/2" drain rock be used as the base for the storm drains.

Subgrade Stabilization: Under a separate change order, about 270,000 square yards of the subgrade in the area that will be the Container Yard was too unstable to support the loads of the Container Yard.

Based on the report from the Port's consultants and the Port's own research, the Port determined that the most cost-effective method of stabilizing the soil was to install Geoweb material. The method consisted of excavating the soil to a depth of three feet and installing Geoweb material.

The cost for the Geoweb material is \$308,085.87. The work to install the Geoweb material had to be done in a piecemeal fashion so as not to disturb other work being done in the area.

BUDGET ANALYSIS:

The funding for this work is budgeted under CIP Element M6.00599.01 Budget/Awards Variance.

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ORDINANCE
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Approved by Resolution No. 20480 BOARD ACTION TAKEN

Signature of Assistant Secretary of the Board

DEC - 5 2000 DATE

RECOMMENDATION:

It is recommended that the Board ratify these two change orders: One in an amount of \$37,419.74 covering the cost of removal and disposition of the unsuitable soil, and furnishing and installing drain rock; and the second for an amount of \$308,085.87 for the cost of the Geoweb material, to Port of Oakland Constructors, a Joint Venture, for the above-described work.

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 24

^{TD}
SUBJECT: Authorization to Negotiate and Execute an Agreement
with Lewis Engineering for Engineering Design Services
to Support Environmental Compliance Activities for the
Closure of Landfill at the Former Lew F. Galbraith Golf Course

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port has made a commitment to the community to replace the former Lew F. Galbraith Golf Course with a new course by early 2002. To accomplish this goal, the Port has implemented a three-phase construction program. The Phase I work consisted of preparing the site, including excavating, stockpiling, and moisture conditioning a majority of the dredged material pumped in from the -42 ft. channel deepening project. The Phase II work, which was awarded on March 21, 2000, consisted of moisture conditioning the remaining dredged material, constructing a cap over the existing landfill areas, and providing rough grading and drainage for the new golf course. The Phase III work will consist of constructing the final golf course grades, irrigation, planting, parking, and the new clubhouse.

The Port of Oakland (Port) currently has a professional services agreement with Lewis Engineering to provide Construction Quality Assurance (CQA) services for the landfill closure project at the former Lew F. Galbraith golf course. The agreement was approved by the Board on May 25, 2000, per Resolution No. 20203. The Board authorized a total maximum compensation of \$300,000. Lewis Engineering will perform approximately 37% of the work as the Prime. Subsurface Consultants, Inc. and Signet Testing Labs will perform 38% and 25%, respectively, as subconsultants. The CQA services are necessary to verify construction conformance with the plans and specifications, which include rigorous testing and continuous field inspections. This is a requirement of the Final Closure Plan, which is strictly regulated by the Regional Water Quality Control Board (RWQCB).

Recently, the Port staff person that was responsible for assuring environmental compliance with the requirements of the regulating agencies has vacated the position. During the landfill closure work, it has become apparent that this position is the key to facilitating the schedule of the project and thereby avoiding costs due to regulatory approval delays. The main responsibilities of the position include coordination with all of the regulating agencies on all design and construction related changes in order to obtain their approval. Without this process, the Port will be jeopardizing the project by taking risks that project changes may not be in compliance with the regulating agency's guidelines. In general, many of the regulating agency's guidelines are interpretable or offer a design alternative to account for varying site conditions. This coordination requires a very knowledgeable and experienced person who is intimately familiar with all aspects of the project and can justify the changes and provide acceptable economic solutions. Therefore, it is recommended that this position be temporarily filled to ensure success of this project.

ANALYSIS:

In view of the time constraints, contracting with Lewis Engineering to provide these services is the most viable alternative as a replacement for the former Port staff person. Lewis Engineering has been involved from the beginning in the landfill closure construction work, has obtained extensive knowledge of the site conditions, and understands the design intent of the plans and specifications. Lewis Engineering also has a strong background in all aspects of landfill related activities, especially with experience in landfill permitting for other local landfill

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Approved by Resolution
No. 20481

[Signature]

DEC - 5 2000

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

DATE

projects. Lewis Engineering is presently providing CQA services for the landfill closure project and has been closely coordinating the CQA work with the RWQCB and other regulating agencies. The replacement of the former Port staff person with Lewis Engineering allows for a smooth transition for all of the involved participants.

Under the proposed arrangement, Lewis Engineering will provide coordination with the RWQCB, California Integrated Waste Management Board, and the Alameda County Department of Health Services, regarding changes, permits and compliance for the landfill closure work at the former Lew F. Galbraith Golf Course. Additional responsibilities will include: quarterly groundwater monitoring, periodic site inspections for the assessment of winterization activities, providing periodic updates on status of winterization, and responding to regulatory agency inquires.

The Port's Office of Equal Opportunity (OEO) previously evaluated their paperwork and has certified Lewis Engineering as both a women-owned business and a Local Business Area Business Enterprise (LBABE). OEO concurs with the recommendation. The EEO-1 Work Force Report/Professional Services Questionnaire form is on file. Below is a table describing Lewis Engineering's classification.

Consultant	Location	% of Work	OEO Status*
Lewis Engineering	Piedmont, CA	100%	WBE/LBABE

* WBE=Woman Business Enterprise

Budget Status:

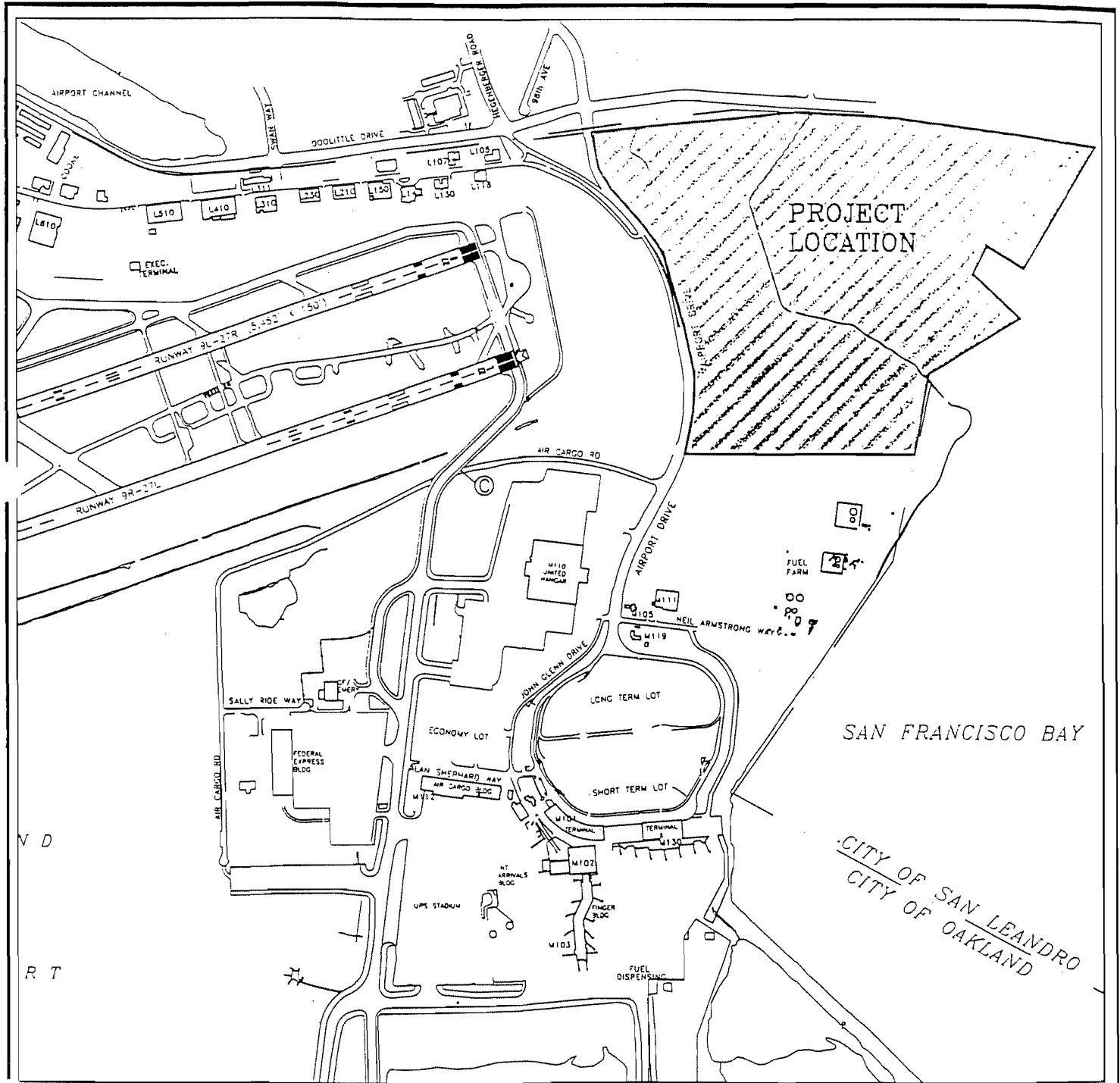
Staff is currently developing a scope of work and negotiating fees with Lewis Engineering. It is anticipated that the maximum compensation for these services will not exceed \$50,000. It is recommended that the Executive Director be authorized to prepare and execute a professional services agreement based on these negotiations. In addition, it is requested that the Executive Director be authorized to approve up to an additional \$15,000 for potential changes in scope.

The cost of the work referenced herein remains within the total project budget. The work is budgeted under CIP Element No. MA.02870.19. The funding source is Port Bonds.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the services described above are professional services; and
2. Authorize the preparation and execution of an agreement with Lewis Engineering in accordance with the above provisions.



PORT OF OAKLAND

Board of Port Commissioners - PORT OF OAKLAND

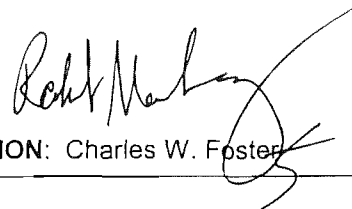
Agenda Sheet

SUBJECT: PERSONNEL ITEMS
Creation of Additional Position

DATE: December 5, 2000

ITEM NO: 31

SUBMITTED BY: Robert C. Martinez



EXECUTIVE OFFICE RECOMMENDATION: Charles W. Foster

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

I. CREATION OF ADDITIONAL POSITION—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of one additional position of **Port Job Researcher** in the Port Communications Division. This position is needed to implement the recommendation of a desk audit to reclassify an Employment Resource Development Program Technician position and redesignate the incumbent. This action is an item approved in the FY 2000-2001 Staffing Plan and does not result in an increase to FTE count.

CURRENT EMPLOYEE FTE COUNT

FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE

EMPLOYEES	AS OF 2/1/91	AS OF 10/22/99	AS OF 10/27/00	AS OF 11/24/00
Full-Time Employees	612.00	560.00	565.00	575.00
Part-Time Employees	2.13	2.40	2.40	2.40
Relief Telephone Operators		3.00	3.00	3.00
Relief Airport Custodians (P/T)	*11.00	8.00	8.00	8.00
Relief Airport Custodians (Intermittent, P/T)		0.00	0.00	0.00
TOTAL	625.13	573.40	578.40	588.40

* Statistical breakdown of various Reliefs was not available during this period.

TEMPORARY AGENCY WORKER COUNT AS OF 10/25/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	21	16	0	7	0	0	44
*CIP	0	0	8	4	0	0	12
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	3	1	0	0	0	0	4
*SPECIAL PROJECT	4	3	0	5	1	0	13
WORKER'S COMP BACKFILL	0	2	0	0		0	2
TOTAL	28	22	8	16	1	0	75

* Temps supporting CIP or special projects--not replacement of current FTE

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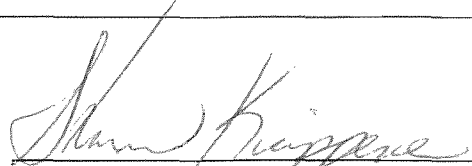
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Assistant

SECRETARY OF THE BOARD

DATE



DEC - 5 2000

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNT

CATEGORY	10/01/1997	07/25/2000	08/24/2000	09/28/2000	10/25/2000
BACKFILL	27	31	37	35	44
*CIP	18	13	13	12	12
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	2	2	0	0
MEDICAL BACKFILL	4	8	8	4	4
*SPECIAL PROJECT	11	14	13	12	13
WORKER'S COMP BACKFILL	3	2	2	2	2
T O T A L	63	70	75	65	75

COUNT SUMMARY

CURRENT FTE COUNT	588.40
CURRENT TEMPORARY AGENCY BACKFILLS	44.00
VACANT POSITIONS	14.00
TOTAL	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of additional position.

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 32

^{TD}
SUBJECT: Approval to Execute Advancement of Funds Contract
with Western Area Power Administration.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Port of Oakland purchases low-cost electricity from the Western Area Power Administration (WAPA) for use at the former FISCO facilities. WAPA is responsible for marketing the electrical energy produced from California's Central Valley Project (CVP), which includes the output of generation facilities such as those that exist at Shasta Dam. Most of the CVP projects were built decades ago and their capital costs have been mostly or completely paid off. Because the capital cost of hydroelectric projects is the largest component of power cost from such projects, power from the CVP projects has a low cost of production (consisting mostly of operation and maintenance costs and some capital replacement reserve costs).

WAPA must allocate the power from the CVP projects (at cost plus WAPA administrative fees) to public agencies based on criteria that have been developed over the years through legislative and administrative actions. Because of its low cost, WAPA allocations are highly sought after by public entities. The Port received an allocation of CVP power at the former FISCO facilities based on its uses under the National Defense Authorization (NDA) Act.

To provide firm deliveries of electricity to its customers, WAPA must supplement its renewable hydropower resources with Power Purchases and Wheeling (PP&W) Program services. WAPA's customers cover the cost of this PP&W Program when they pay for the power they consume. However, there is a 30 day or longer period between the time WAPA must first pay for purchases under the PP&W Program and when it subsequently receives payment from its customers. In the past, this cashflow exposure was fully covered through a variety of appropriations and reimbursement arrangements authorized by Congress. Now, however, these appropriations are no longer adequate to fund the cashflow needs of WAPA for its PP&W Program. Accordingly, WAPA requests that the costs that it incurs under its PP&W Program that are not funded by the Federal government be paid for in advance by its customers and that its customers commit to advancing these funds by signing an Advancement of Funds Contract. The advancement amount would be determined through a formula that allocates the advances among WAPA customers according to prior usage patterns. All previous month advances would appear as credits on future WAPA invoices. Thus, executing the Advancement of Funds Contract would not increase the amount that a customer would pay for WAPA power.

ANALYSIS:

The Advancement of Funds Contract was negotiated between WAPA and representatives of its customers to address the Federal funding shortfall in a fair and equitable way among WAPA's customers. The Contract term extends through December 31, 2004. WAPA requests that all customers execute this Contract to ensure the success of WAPA's PP&W Program. Under this Contract, the Port is obligated to advance about \$40,000 for an estimated monthly energy usage. If the Port loses the WAPA allotment, the Port may pay four times this amount by purchasing the same amount of energy on the open market.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to execute the Advancement of Funds Contract with Western Area Power Administration.

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Approved by Resolution
No. 20484

BOARD ACTION TAKEN

Assistant

[Signature]
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DEC - 5 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

Date: December 5, 2000

SUBJECT: CLOSED SESSION

Item No. 40

SUBMITTED BY: Christopher C. Marshall

PROGRAM AREA

EXECUTIVE OFFICE RECOMMENDATION: 

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Pursuant to subdivision (a) of Section 54956.9.
Name of Case:

City of Oakland v. Pacific Gas and Electric Company,
Alameda County Superior Court Case No. 8001317

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant pursuant to subdivision (b) of
Sections 54956.9: 2 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided
under Government Code Section 54956.8, under negotiations:

Property: Selection Locations
Jack London Square
Oakland, CA 94606

Negotiating Parties: Port of Oakland and Oakland Portside Associates
Under Negotiation: Price and Terms of Agreement

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Approved by Resolution

No. 20487 + 20488

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

DEC - 5 2000

DATE

**SUMMARY AGENDA OF BOARD CALENDAR
December 5, 2000**

AIRPORT

- 3S** Approval of Third Supplemental Agreement with Pierre Murphy, Esquire, For Air Service Development. (Resolution)
- Recommends approval to renew the agreement for his services.
- 4S** Authorization to Exceed \$50,000.00 Limit for Remaining Fiscal Year on Travel Planner Printing. (Resolution)
- Recommends approval to exceed the limit for the printing of the OIA Travel Planner. Notes the increase in production and that the new proposals exceeded the spending limit.
- 5S** Award of Contract 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, OIA. (Resolution)
- Notifies of the one bid received and recommends award of the contract to the bidder.
- 6S** Authorization to Include the Demolition of Billings L-737, L-739, L-741, North Airport, OIA, in the Small Business Program. (Resolution)
- Recommends approval for the work to be included in the Small Business Program.
- 7S** Approval of Plans and Project Manual for the Construction of Two New Gates at Terminal 1, Building M-103, OIA. (Resolution)
- Recommends their approval and authority to advertise for bids for the new gates.

Commercial Real Estate

- 11S** Recommend Approval of First Supplemental Agreement Adding Parcel of Property to License and Concession Agreement with the City of Oakland. (Resolution)
- Recommends approval to add additional space to the Agreement. Notes that the parcel is used for the Zhone Technology Facility.

**SUMMARY AGENDA
December 5, 2000**

MARITIME

25S Extension of Hanjin Shipping Company's Terminal Use Agreement and DSR-Senator Lines and Cho Yang Shipping Company's Terminal Use Agreement at Ben E. Nutter Terminal. (Resolution)

Recommends approval to extend their agreement at their present terminal. Notes that they will be the major tenant at the new development next year.

26S Ratification of Change Order for Construction of Administration Building and Maintenance and Repair Facility at Berths 55/56, Inner Harbor Channel. (Resolution)

Recommends approval of the change order which provides for the pile length to be increased by 5-feet to develop the required bearing capacity for the building.

OPERATIONS

33S Award of 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, 2001 and Ending December 31, 2001, 2002 or 2003. (Resolution)

Notifies of the bids received and recommends award of the contract to the low bidder.

ORDINANCES:

Port Ordinance No. 3614 being, "AN ORDINANCE FINDING AND DETERMINING THAT THE PUBLIC INTEREST OF KAISERAIR, INC. AND EARHART ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, FOR PUBLIC USE IN CONNECTION WITH PORT DEVELOPMENT PURPOSES, MAKING OTHER FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, AND AUTHORIZING THE FILING OF PROCEEDINGS IN CONDEMNATION FOR THE ACQUISITION THEREOF."

Provides for the leasehold acquisition of certain real property to be acquired by the Port for the entrance roadway, parking and utility infrastructure for the Aviation Facilities Maintenance Project.

SUMMARY AGENDA
December 5, 2000

Port Ordinance No. 3616 being, "AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A NINTH SUPPLEMENTAL AGREEMENT TO LEASE WITH CLYDE R. GIBB, DOING BUSINESS AS WATERFRONT PLAZA HOTEL."

Provides for a Ninth Supplemental Agreement to Lease with the Waterfront Plaza Hotel.

Port Ordinance No. 3617 being, "AN ORDINANCE AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH STEPHEN J. CROWLEY, D.B.A. STEAM VALVE FOR PURCHASE OF 1899 DENNISON STREET FOR UNION POINT PARK PURPOSES."

Provides for the Purchase and Sale Agreement with Steam Valve for purchase of 1899 Dennison Street for Union Point Park purposes.

Agenda Sheet

DATE: November 21, 2000

ITEM NO: 11

SUBJECT: Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of the Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC permit requirements, for the Waterfront Plaza Hotel Expansion Project, located at the intersection of Washington and Water Streets

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION

DUPLICATE OF PRIOR CALENDAR MEMO

FACTUAL BACKGROUND

Clyde R. Gibb d.b.a. Waterfront Plaza Hotel, currently leases 1.09 acres of land in Jack London Square for his hotel/restaurant operation. The 55-year ground lease commenced on July 1, 1990 and expires June 30, 2045. The hotel owners have proposed a major expansion of the hotel facility on adjacent Port land. This agenda item requests Board approval of the Mitigated Negative Declaration/Initial Study, Adoption of the Mitigation Monitoring and Reporting Program, Authorization for the Executive Director to Implement BCDC permit requirements, and Approval of a Ninth Supplemental Agreement to the Lease.

ANALYSIS

The existing Waterfront Plaza Hotel complex contains a 144-room hotel with ancillary amenities, including conference/meeting and banquet facilities, a swimming pool and a full service restaurant (Jack's Bistro) with in-house bakery. The hotel owners have proposed a 63-room expansion to the hotel and other improvements including a reconfiguration of the current hotel lobby, redesign/repositioning of the porte cochere, and a re-orientation of the hotel gift shop. In addition, a new landscaped courtyard and valet parking area would be created, along with a new vehicle turnaround at the foot of Washington Street.

The new hotel expansion would be developed on a rectangular site now occupied by a one-story building known as "Water Street III", and a courtyard area currently used to support valet parking at the hotel. The Water Street III building contains 5,660 square feet, and is currently occupied by the hotel gift shop and hotel conference rooms. The hotel expansion component of the project would involve the demolition of the Water Street III building and the construction of a new five-story building in its place. To the extent feasible, the project would use the existing site improvements (such as pile foundations and utility infrastructure) The owners estimate the total project cost to be between \$6 and \$7 million. They have received a financing commitment from Wells Fargo Bank. Staff and the developer will continue to work with BCDC to get the required amendment to the Jack London Square BCDC permit (3-4-month process). Construction is targeted to start April/May 2001, with project completion and grand opening targeted for late spring 2002.

The first floor of the proposed structure would continue to support the gift shop and conference/pre-function uses. The second through fourth floors would each contain 17 guestrooms apiece, while the fifth floor would contain 12 guestrooms with adjoining balconies. The floor area for the new addition would total 40,194 square feet. The new structure would include an 84-foot tower that would house a lobby and two elevators. The new landscaped courtyard area would be created between the new 5-story addition and the existing hotel building, along with eight valet parking spaces. Vehicular traffic would be eliminated from this area and from the adjoining portion of Water Street. Additional parking needs would be accommodated in the hotel garage, in the Washington Street Garage and at an

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**Approved by Resolution
No. 20454**

BOARD ACTION TAKEN

Assistant

SECRETARY OF THE BOARD

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DATE

Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of the Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC Permit Requirements, for the Waterfront Plaza Hotel Expansion Project, located at the intersection of Washington and Water Streets

Page 2 of

off-site location at Third Street and Broadway currently controlled by the owners.

Pursuant to Section 727 of the City Charter, this project has been determined to conform to the Oakland General Plan.

TERMS AND CONDITIONS: Following are the terms and conditions of the proposed Ninth Supplemental Agreement to the Lease:

Premises: The Premises consists of approximately 6,500 s.f. of land in Jack London Square currently improved with the Water Street III building. The project would involve the demolition of the Water Street III building. The Ninth Supplemental Agreement would amend the legal description of the existing lease to incorporate this new land area.

Use: The premises would be used for the expansion of the Waterfront Plaza Hotel, including 63 new hotel rooms. The new expansion would also contain banquet and meeting space, offices, and the hotel gift shop.

Term: The lease term for both the original hotel property and the expansion property would be 60 years. The current term has 45 + years remaining.

Construction & Initial Rent (63-room expansion only) Commencing on the effective date of the Ninth Supplemental Agreement, and continuing 5-years after the opening of the 63-room addition, the rent would be \$55,000 annually for the expansion project only.

Rent for Existing Rooms (144 rooms only) For the first five-years of the expanded lease term the rent for the existing 144 rooms and the restaurant would be according to the following fixed rent schedule: year 1 = \$421,500; year 2 = \$436,500; year 3 = \$451,500; year 4 = \$466,500; year 5 = \$481,500.

Thereafter the lessee would pay 4.75% of gross hotel receipt, 2% of gross restaurant receipts and .5% common area maintenance (Hotel).

Minimum Rent: (combined properties)

Commencing on the 6th year (after the opening of the 63-room addition) the lessee would pay an initial annual minimum rent of \$395,184 (hotel) and \$75,732 (restaurant). Total annual minimum rent = \$470,916 for both the existing and expanded properties.

Percentage Rent: (combined properties)

4.75% of gross hotel/misc. receipts
2% of gross food/beverage receipts
.5% Common Area Maintenance Contribution (Hotel)

Minimum Rent Adjustment: The minimum rent would be adjusted every 5 years based on the greater of 1) the percentage change in the Consumer Price Index over the preceding five year period, or 2) 65% of the actual minimum and percentage rent for the 12-month period immediately preceding the adjustment.

Insurance: The lessee would carry public liability and damage insurance, naming the Port as an additional insured, with cross-liability endorsements, protection and indemnity, with minimum types and limits of \$5,000,000.

Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of the Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC Permit Requirements, for the Waterfront Plaza Hotel Expansion Project, located at the intersection of Washington and Water Streets

Page 3 of 4

Prevailing Wages: The lessee would pay for prevailing wages during construction of the improvements in accordance with the Port's current policy.

Improvements: The lessee would construct the improvements, according to plans and specifications, to be approved by the Port. The lessee would complete construction within 18 months after the effective date of the Eighth Supplemental Agreement.

Environmental Compliance: All costs associated with the preparation of the required CEQA environmental documents will be paid by the lessee.

Relocation of Utilities: The lessee will be responsible for all costs associated the relocation of any utilities, vaults etc.

Mitigation Costs: The project would require a permit from the San Francisco Bay Conservation and Development Commission (BCDC). The lessee proposes to meet BCDC's requirements for maximum feasible public access by providing in-lieu public access improvements in Estuary Park. Initially, the Port and lessee would split the costs of these improvements equally up to a maximum of \$300,000 (\$150,000 Port share). The lessee would eventually recapture his cost through rental credits during the term of the lease.

Design Changes: The Port will recommend possible changes to the exterior design of the new structure to enhance its appearance at the pedestrian level. Costs associated with these changes would be recaptured by the lessee through rental credits, during the term of the lease. This effort will be processed on a parallel track with the construction drawings phase of the project.

CEQA DETERMINATION

The Waterfront Plaza Hotel Expansion Project ("Project") would require the Board of Port Commissioners' discretionary approval of a lease and a Port development permit. In compliance with the California Environmental Quality Act ("CEQA"), the Port prepared an Initial Study to determine whether the Project would cause any significant environmental impacts. The Initial Study concluded that potential significant environmental impacts of the Project may include: possible exposure to strong ground shaking, possible exposure to hazardous materials during the course of site preparation and pile-driving work, and construction-related noise. However, each of these impacts would be mitigated to a less-than-significant level with implementation of the mitigation measures identified in the draft Mitigation Monitoring and Reporting Program (Attachment A). Consequently, the Port determined that an Environmental Impact Report ("EIR") was not necessary and issued a Proposed Mitigated Negative Declaration.

The Initial Study/Proposed Mitigated Negative Declaration was circulated for public review from September 27, 2000 to October 23, 2000. This document's notice of availability was published in The Oakland Tribune, posted at the County of Alameda, and mailed to Jack London Square tenants, relevant agencies, and interested citizens. The document's availability was announced at Waterfront Coalition and Waterfront Roundtable meetings. Copies of the document were sent to the State Clearinghouse, the City of Oakland, the San Francisco Bay Conservation and Development Commission, the Waterfront Coalition, and the Jack London Neighborhood Association, and were available by request at the Port's Environmental Planning Department. At the end of the Public Review period, the Port had received two comment letters, one from the California Department of Transportation (Caltrans) and one from the California Department of Toxic Substances Control (DTSC). Caltrans noted that the project would have no significant effects on state highway facilities. DTSC recommended that sampling be conducted to determine whether contamination is present and provided information about DTSC's Voluntary Cleanup Program. In response to the DTSC letter, the Port clarified that sampling has been conducted on the site, in connection with an earlier project. The Initial

Approval of the Mitigated Negative Declaration/Initial Study and Mitigation, Adoption of the Monitoring and Reporting Program, Approval of the Ninth Supplemental to the Lease Agreement, and Authorization to the Executive Director to Implement BCDC Permit Requirements, for the Waterfront Plaza Hotel Expansion Project, located at the intersection of Washington and Water Streets

Page 4 of

Study/Mitigated Negative Declaration that is presented for Board approval includes these comment letters, response to these comments, and the Mitigation Monitoring and Reporting Program.

Budget/Fiscal Impact

The Port budgeted \$285,000 under CIP number P1.00464.02 for Port labor and overhead and public access mitigation costs. It is anticipated that additional Port revenue from project will offset the budgeted expenditure.

OPTIONS

- 1) Approve the staff recommendation
- 2) Approve the staff recommendation with changes
- 3) Do not approve staff recommendation

RECOMMENDATION:

it is recommended that the Port Board approve the Mitigated Negative Declaration/Initial Study, adopt the Mitigation Monitoring and Reporting Program, authorize the payment of up to \$150,000 in public access improvement mitigation costs, approve the Lease Supplement under the terms and conditions outlined above, and authorize the Executive Director to implement any requirements of the BCDC permit, for the Waterfront Plaza Hotel Expansion Project

Attachment A
WATERFRONT PLAZA HOTEL EXPANSION MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>Seismic Shaking</p> <p>The project site is expected to experience strong ground shaking during the economic life-span of structures located there. Seismic shaking could damage structures and infrastructure at the site. This represents a potentially significant impact related to the proposed development of the project site.</p>	<p>(A) Current Uniform Building Code (1997 Edition) design requirements and City of Oakland seismic regulations shall be followed by the project structural engineer to minimize potential damage due to seismic shaking. In addition, construction of the proposed structures shall follow the recommendations presented by the Geotechnical Investigation for the Boatel Project as described in Kaldveer Associates' 1988 report and recommendations presented by the Structural Engineer, Razzano/Tovani Associates, Inc. The lateral force resisting system should be designed using the 1997 Uniform Building Code, which takes into account the effects of distance from nearby faults, the anticipated magnitude of earthquakes on nearby faults, as well as soil types and their effect on the design seismic force levels.</p>	<p>(A) Incorporate appropriate engineering methods into design.</p>	<p>(A) Project Sponsor, Project Designer and Civil and Geotechnical Engineer</p>	<p>(A) Before construction goes out to bid</p>

Attachment A
WATERFRONT PLAZA HOTEL EXPANSION MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
Seismic Shaking (continued)	(B) Utility connections to the new structure shall be designed to provide sufficient flexibility to withstand the expected ground motion anticipated during an earthquake.	(B) Incorporate appropriate engineering methods into design.	(B) Project Sponsor and Project Designer, and Civil and Geotechnical Engineer	(B) Before construction goes out to bid

Attachment A
WATERFRONT PLAZA HOTEL EXPANSION MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

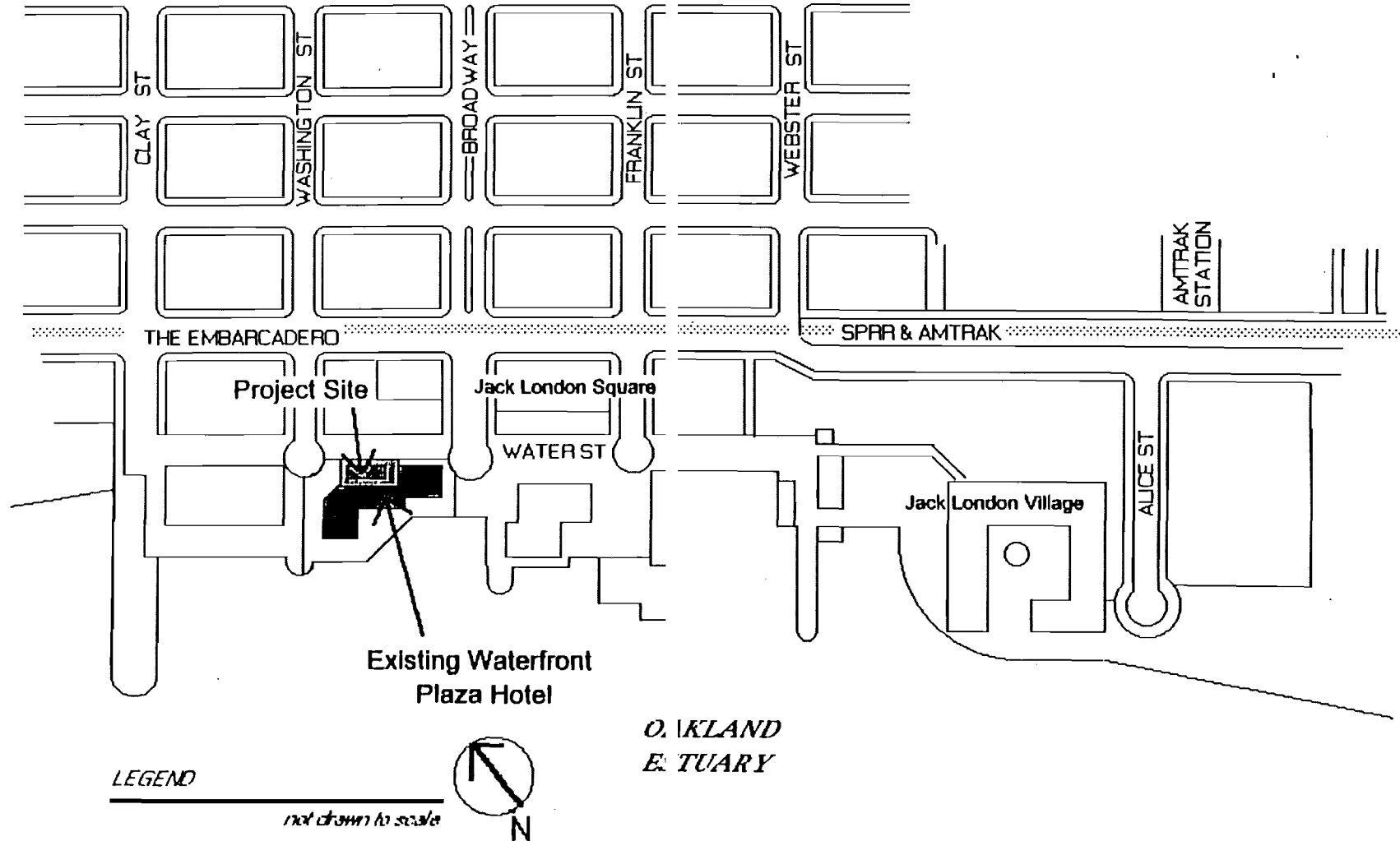
IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>Possible Exposure of Hazardous Materials</p> <p>Due to the unknown character of fill materials previously placed at the project site, it is possible that such fill may contain hazardous materials which, if exposed during the course of site preparation and pile driving work, could result in the exposure of people to such materials. This would represent a potentially significant adverse environmental impact associated with the proposed project.</p>	<p>In the event that hazardous materials are encountered during site preparation or pile driving work, all such activity at the project site shall be halted until the material in question has been evaluated by the Port of Oakland resident engineer or a representative of the Port of Oakland's Environmental Health and Safety Compliance Department. Prior to the resumption of work at the project site, implementation of appropriate soil testing and disposal methods in accordance with applicable state and local regulations and as approved by the Department of Toxic Substances Control, the Regional Water Quality Control Board, or the Alameda County Health Care Services Agency, would reduce the impact to a level of less than significant.</p>	<p>Oversee contractor compliance during construction.</p>	<p>Port of Oakland</p>	<p>During construction</p>

Attachment A
WATERFRONT PLAZA HOTEL EXPANSION MITIGATION MONITORING AND REPORTING PROGRAM
Mitigation for Significant Impacts

IMPACT	MITIGATION MEASURE	IMPLEMENTATION/ MONITORING METHOD	RESPONSIBLE PARTY	IMPLEMENTATION SCHEDULE
<p>Construction-Related Noise</p> <p>Demolition, site preparation and construction activities at the project site could result in a temporary increase in existing noise levels, although these noise levels would not be regarded as severe. Temporary construction noise, related to pile placement activities, foundation work, materials hauled by truck and other construction vehicles circulating in the area beyond normal business hours, could impact existing hotel patrons in the existing portion of the Waterfront Plaza Hotel. This would represent a potentially significant impact associated with project development.</p>	<p>In order to reduce potential noise related to demolition, site preparation and construction activities, the operation of any excessively noisy tools or equipment used in construction shall be limited to the period between 8:00 AM and 8:00 PM on weekdays (except legal holidays) and between 9:00 AM and 8:00 PM on weekends. All construction equipment used at the project site shall be adequately muffled and properly maintained. This mitigation measure would reduce this impact to a level of less than significant.</p>	<p>Oversee contractor compliance during construction.</p>	<p>Port of Oakland</p>	<p>During demolition, site preparation, pile driving, and construction</p>

Figure 2

Project Location



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to Purchase Property at 1899 Dennison Street

DATE: November 21, 2000

ITEM NO: 18

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION:

DUPLICATE OF PRIOR CALENDAR MEMO

FACTUAL BACKGROUND:

In May of this year the Board approved the required CEQA documentation (Initial Study and Mitigated Negative Declaration) for the Union Point Park Development at Embarcadero between Dennison and Kennedy Streets. The Spanish Speaking Unity Council, a non-profit organization working on community development in the Fruitvale area of Oakland has proposed and has obtained funding for a park to be developed on the 7 acres of land near the Union Point Marina. The master plan for the park requires the acquisition of a private parcel of land on Dennison and Embarcadero. To this end, Port staff, the Unity Council, City staff, Coastal Conservancy, and Trust for Public Land, among others have been working to refine the master plan and obtain all necessary funding as required to see the park developed.

In October 1998 the Board approved the application and execution of a grant from the State of California Department of Transportation for \$250,000 as mitigation for state roadway projects (Environmental Enhancement and Mitigation Grant - EEM). This specific grant was for property acquisition and therefore is restricted to that use. The grant was awarded and has been awaiting completion of negotiation with the owner. This funding provides only partial funding of the acquisition. The property we are proposing to purchase is the former Cryer property at Dennison and Embarcadero (see attached map). This property is approximately 28,740 sf. It has taken several months to negotiate a purchase price with the owner who would like to close escrow by the end of this year. After an MAI appraiser appraised the property, we have concluded negotiations with the seller for a price of \$800,000, (\$27.83 per sf). Funds for purchasing the property would come from several sources as follows:

- The \$250,000 EEM grant
- A Coastal Conservancy Grant for \$500,000
- A Port contribution of \$50,000 plus closing costs

There is a tenant on the property at this time currently paying about \$2,300 per month rent. The tenant has expressed an interest to continue using the property until such time as it is necessary for park development (two to three years). Under this scenario the Port would enter into an agreement with the tenant and rent the property to them under substantially the same terms, which would offset the Port's cash contribution for the purchase of this property.

ANALYSIS:

Attached is a copy of the master plan for the development of the park which includes the property at Dennison and Embarcadero (1899 Dennison Street). The appraisal for the property was for \$835,000 without the building. The building on the property was built in the 1920's and appears to have some value for future reuse on the site. The development of the park is consistent with the Estuary Policy Plan and has community support. In the interest of moving the project forward and in order for the current owner to take advantage of the current tax year, we would

Approved by Ordinance

passed to print Approved by Resolution

No. 20461

BOARD ACTION TAKEN

Assistant

[Signature]

SECRETARY OF THE BOARD

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DATE

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- ORDINANCE
- INFORMATION ONLY

like to move forward with the acquisition of the property and close escrow by the end of the year. The purchase agreement has been signed. While the EEM funding is identified and available one more action will need to be taken by the Coastal Conservancy Board to amend their previous action increasing the amount they awarded for acquisition by \$85,000. The Port's action would be contingent on this approval which will occur on December 7, 2000.

OPTIONS:

The Port has taken the lead to purchase the property, as it currently owns all bordering property excluding the Dennison Street right of way. The building is constructed in part on existing Port property as well as the private property. If the Port does not purchase the property the park master plan could not be realized. Because of the grants that are in place it would be difficult to assign them to others such as the City to carry out the purchase of the property. The only other option would be that the Port not purchase the property and the owner would then seek a private party to purchase the property. Our efforts to negotiate a purchase price have been hampered by the strong commercial property real estate market and delay may require us to renegotiate at perhaps a higher price.

RECOMMENDATION:

It is recommended that a first reading of an ordinance be given to approve and authorize the Executive Director to execute the Purchase and Sale Agreement and Escrow Instructions between the Port of Oakland and Stephen J. Cowley, an individual doing business as Steam Valve, in the amount of \$800,000 pending award or execution of appropriate grants as indicated above and authorizing expenditure of \$50,000 in Port funds plus closing costs.

Union Point Park Master Plan



Approximate location of Steam Valve property ~ 29,000 sf



Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 3S

SUBJECT: Approval of Third Supplemental Agreement with Pierre Murphy, Esquire, for Air Service Development

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Steven J. Grossman, Director of Aviation

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

An important component of the Aviation Division's air service development program, especially its international component, is the use of a Washington, D.C.-based representative. This person is used regularly to identify new route and service opportunities, attend relevant air service development meetings and seminars, facilitate contact with target airlines, ensure Port of Oakland representation in US Department of Transportation (DOT) items, including bilateral matters, and represent the Port of Oakland in appropriate route proceedings.

For the past five years, the Port has used the services of Mr. Pierre Murphy, a Washington, D.C.-based aviation consultant for these efforts. During this time, Mr. Murphy has been responsible for the establishment of air service by Corsair, CityBird, Taesa and World Airways at Oakland. He has played a major role in the successful treatment of Oakland in the recently-negotiated US-Japan bilateral agreement, and is currently representing the airport's interest in the ongoing US-China bilateral agreement. These efforts have contributed to the financial success of the airport and have provided the Port with a high profile presence with regard to aviation issues in Washington. These services performed by Mr. Murphy are unique to aviation and include representation of the airport in aviation-related matters before the DOT and other governmental agencies.

Port of Oakland has entered into successive contracts with Mr. Murphy to provide these services beginning in September 1995. Most recently, the Board authorized a second supplemental agreement to utilize Mr. Murphy's unique technical services until December 31, 2000 (Resolution No. 99091).

Mr. Murphy does not perform legal services for the Port. Likewise, any information concerning the Port which Mr. Murphy has or becomes aware of will be kept in strict confidence.

ANALYSIS:

The Aviation Marketing staff is recommending the extension of Mr. Murphy's contract for an additional 2 1/2 years at a fee of \$3,500 per month for a total fee of \$105,000 for the contract period. The extra half year will allow the contract to conform to the Port's fiscal year. Mr. Murphy has a proven track record with the Port in identifying airlines that could be enticed to serve Oakland. Mr. Murphy operates a two-person office and thus his clients receive his direct attention. Most firms in this business are substantially larger, have many airport clients and generally high overhead costs. The Port does not currently have a staff person stationed in Washington, D.C. to assist in this effort. At the same time, Oakland International Airport is increasing its focus on obtaining international air service, particularly from the Pacific rim. Mr. Murphy's services represent a cost-effective way to target the Port's eyes and ears on air service opportunities that originate in the Washington, D.C. regulatory climate. The services provided by Mr. Murphy will be evaluated annually for effectiveness and the contract will permit either party to terminate the agreement on 30 days notice.

- MOTION
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BOARD ACTION TAKEN

Assistant

Signature of Assistant Secretary of the Board

SECRETARY OF THE BOARD

DEC - 5 2000

DATE

ALTERNATIVES:

1. The Port could initiate a Request for Proposal process to identify and select a firm to provide the aviation representation services in Washington, D.C. This process would take a minimum of six months to complete and would involve investigation the capabilities and conflicts of the various firms available to represent the Port's interest. This option would require extension of Mr. Murphy's contract for a short period of time to complete this process.
2. The Port could allow Mr. Murphy's contract to expire and select no firm to represent it in Washington, D.C. This option would require additional resources by the Port to travel frequently to, or maintain a Washington, D.C. presence, or forgo the opportunities a Washington, D.C. presence would offer.
3. Extend Mr. Murphy's contract for the period and at the compensation levels indicated. This approach represents the most cost-effective way to accomplish the Port's goal of expanded air service, particularly in the international arena, and builds on the relationship established between the Port and various airlines and governmental agencies involved. This is the recommended option.

RECOMMENDATIONS:

It is recommended that the Board approve a third supplemental agreement to Pierre Murphy, Esquire, for Washington, D.C. representation for an additional 2 ½ years to June 30, 2003, at a cost of \$3,500 per month for a total cost not to exceed \$105,000 for the contract period.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Authorization to exceed \$50,000 limit for remaining fiscal year on Travel Planner printing.

DATE: December 5, 2000

ITEM NO: 45

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND

Aviation Marketing distributes the 28-page Oakland Airport Travel Planner airline flight timetable five times per year with two 3-month issues and three 2-month issues. The size and scope of this printing job are beyond the current internal printing capacity of Port Reprographics. Due to a rapid increase in demand from frequent flyers, corporate travel managers, and passengers at Oakland International, the quantity of Travel Planners demanded has increased 35% in FY00/01. This increase in production has pushed the cost of printing over \$50,000 per year.

The airline schedule information in this publication is extremely time-sensitive. The quantity (27,000-30,000 depending on two vs. three-month issue), and complexity of the production process requires a publisher to use a web press high-capacity printing machine to fulfill our order in a reasonable period of time. There are a very limited number of firms in the Bay Area that have this equipment. In the past, Aviation Marketing has attempted to work with smaller publishing companies with lower capacity Heidelberg Press equipment and have gotten poor results. Due to the volume of printing and complexity of double-folding and saddle stitching the publication (which smaller firms must outsource), the Travel Planner's reliability suffered.

Abbey Press is an Oakland-based firm that has published the Travel Planner entirely in-house over the last few years and has provided exceptional customer service on this project.

ANALYSIS

After requesting bids from Print Plus, Madison Street, Ford Graphics, American Lithograph, and Abbey Press, only two firms submitted proposals: American Lithograph and Abbey Press. The low rate of response was due to the web press requirement.

Vendor	Production Runs	Travel Planners	Unit Cost	
American Lithograph	3	27,000	\$ 0.78 /ea	\$ 63,000
	2	30,000	\$ 0.75 /ea	\$ 45,000
Sub-total				\$ 108,000
Abbey Press	3	27,000	\$ 0.44 /ea	\$ 35,952
	2	30,000	\$ 0.43 /ea	\$ 25,606
Sub-total				\$ 61,558

OPTIONS

- 1) Authorize Aviation Marketing to spend up to \$63,342 on printing cost with Abbey Press for Travel Planner in FY00/01. This will allow the Travel Planner to continue to be published with the highest degree of control over quality and timeliness.
- 2) Do not authorize Aviation Marketing to spend up to \$63,000 on printing costs with Abby Press for Travel Planner in FY00/01. Option #2 is not recommended because it would require re-bidding the project to include small firms that would require significantly increased production time to print the Travel Planner on lower capacity printing equipment. Further, the smaller firms do not have the ability to fold and stitch the Travel Planner in-house. Having a vendor outsource part of the project would reduce Aviation Marketing's ability to control the Travel Planner's timeliness and production quality.

RECOMMENDATION:

It is recommended that the board adopt a resolution to award the contract to Abbey Press and authorize Aviation Marketing to spend up to \$68,000 to include the costs of printing and a ten-percent contingency.

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Approved by Resolution

No. 20474

BOARD ACTION TAKEN

Assistant



SECRETARY OF THE BOARD

DEC - 5 2000

DATE

Agenda Sheet


DATE: December 5, 2000

ITEM NO: 5S

^{TD}
 SUBJECT: Award of Contract 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, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

One bid was received and opened on November 15, 2000, 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, Oakland International Airport, Oakland, California.** The following bid was received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Ascom Transport System, Inc.	Norcross, GA					\$126,852.00

* MBE = Minority Business Enterprise, WBE = Women Business Enterprise, LIABE = Local Impact Area Business Enterprise, LBABE Local Business Area Business Enterprise

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

ANALYSIS:

Non-Discrimination and Small/Local Business Utilization Policy:

No subcontractors will be used in the performance of the work of this contract. Accordingly, the provisions of the Port's Non-Discrimination and Small/Local Business Utilization Policy relevant to non-discrimination in construction subcontracting do not apply to this work. Therefore, it is recommended that Ascom Transport System, Inc., be considered to be a responsible bidder for the purposes of this Contract. The Port's Office of Equal Opportunity concurs with this recommendation.

Budget:

The Operating budget for Fiscal Year 2001 provides for this work. The funding source is Port cash. Ascom Transport System, Inc.'s bid is within the project budget.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this work.

RECOMMENDATION:

It is recommended that Ascom Transport System, Inc. be found to be a responsible bidder and that the contract for the above project be awarded to Ascom Transport System, Inc. for the amount of its bid.

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Approved by Resolution
 No. 20475

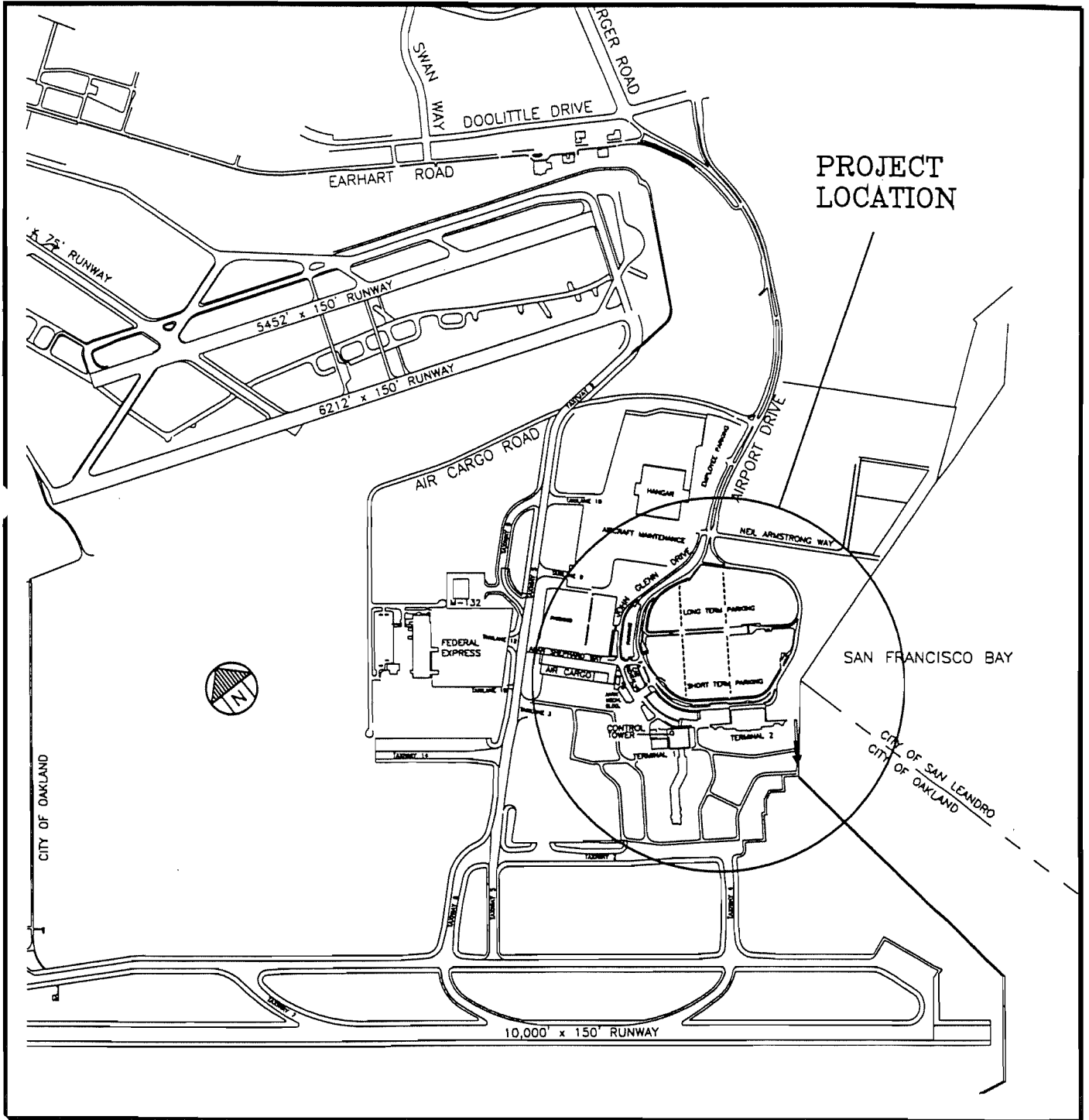
BOARD ACTION TAKEN

Assistant


 SECRETARY OF THE BOARD

DEC - 5 2000

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PROJECT
LOCATION

SAN FRANCISCO BAY

PORT OF OAKLAND

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 6S

^{TD}
SUBJECT: Authorization to Include the Demolition of Buildings; L-737,L-739,
L-741, and L-743, North Field, OIA, in the Small Business Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *[Signature]*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port proposes to demolish Buildings L-737, L-739, L-741, and L-743, at the North Field of the Oakland International Airport. These are deteriorated metal quonset huts that are approximately 50 years old and constructed with hazardous materials, such as asbestos and lead paint. This demolition work will not only remove deteriorated structures and hazardous materials, but it will also eliminate associated maintenance costs and allow the site to be developed for the replacement rental car facilities and the realignment of Langley Street.

ANALYSIS:

It is believed to be in the best interests of the Port to include this project in the Port's Small Business Program. This program allows small local contractors to attain experience in public sector work. To encourage small local contractor participation in this work, it is recommended that the Port dispense with competitive bidding procedures and engage in an outreach program by initially soliciting proposals from only small local contractors.

To ensure that this work is completed in time for the subsequent development of the site, the bid documents and advertisement will be modified to encourage all contractors to pick up the Plans and Project Manual. The contractors will be informed that the Port will initially only consider bids from small local contractors. If no responsive bids are received, all companies on record as having received the Plans and Project Manual will be invited to submit bids on a newly scheduled bid submission date.

Environmental:

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is part of Project B-5, Replacement Rental Car Service Facilities, in the EIR. The EIR evaluates the impacts associated with this project and provides mitigation measures to be implemented with this project. The Board of Port Commissioners certified the EIR on 6/29/99. The ADP was approved at the same time. No Subsequent or Supplemental EIR is required with respect to this project component of the ADP because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

General Plan:

Pursuant to Section 727 of the City Charter, the project has been determined to conform to the policies of the Oakland General Plan.

Budget:

The Total Project Cost is estimated to be \$262,000.

The Capital Budget for Fiscal Year 2000-2001 provides for this work under CIP Item No. A1.00816.07. The funding source is Port cash.

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No. 20476

BOARD ACTION TAKEN

[Signature]
Assistant SECRETARY OF THE BOARD

DEC - 5 2000

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Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project labor Agreement (MAPLA) apply for this work.

However, if a qualifying small local contractor submits a proposal that is acceptable to the Port and said contractor is otherwise eligible for exemption from the MAPLA under the program established in the MAPLA's Appendix "G" – Letter of Understanding re: Small Business Utilization Program, it is the Port's intention to exercise the exemption and to award the contract under that program.

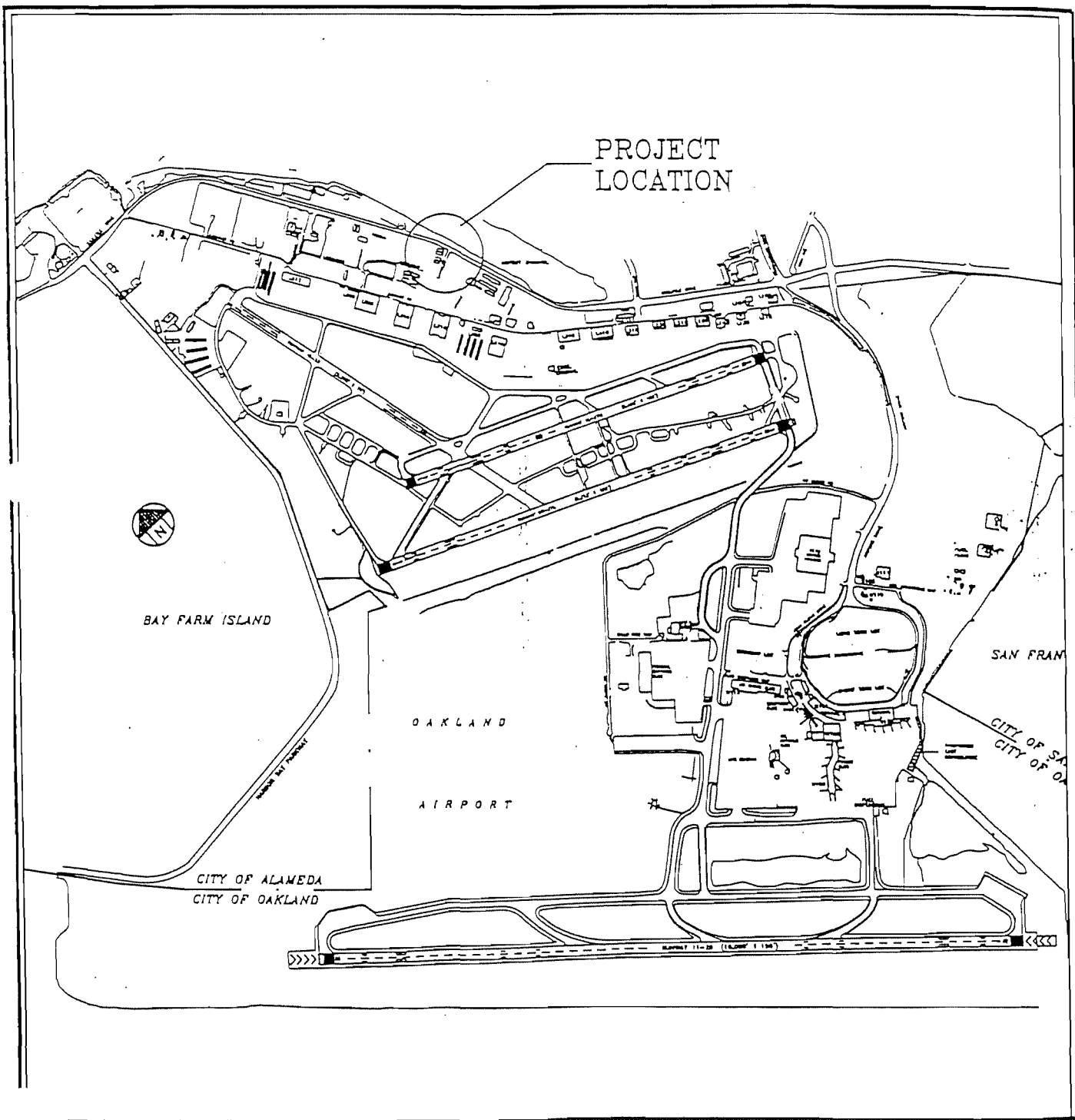
Sustainability:

As stated above, the existing buildings are approximately 50 years old and deteriorated. After discussions with the current users and potential contractors it is highly unlikely that these buildings can be disassembled and relocated. It is anticipated that the Contractor will separate the salvageable materials for reuse or sale.

RECOMMENDATION:

It is recommended that the project **Demolition of Buildings L-737, L-739, L-741, and L-743, North Field, OIA**, be included in the Port's Small Business Program, and that it be found to be in the best interests of the Port to dispense with competitive bidding procedures. It is also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor who submits an acceptable bid.

It is further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on informal bids, if the attempt to secure an acceptable bid from a small local contractor is not successful.



PORT OF OAKLAND

Agenda Sheet

^{TD}
SUBJECT: *John* Approval of Plans and Project Manual for the Construction
of Two New Gates at Terminal 1, Building M-103, OIA

DATE: December 5, 2000

ITEM NO: 7S

PROGRAM AREA:

- Airport Operations C.I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *[Signature]*

FACTUAL BACKGROUND:

The Plans and Project Manual for **Construction of Two New Gates at Terminal 1, Building M-103, Oakland International Airport, Oakland, California**, have been prepared and are submitted for approval and authorization to advertise for bids.

The passenger service capacity of the Terminal 1 gatehold aircraft boarding facilities, and the number of aircraft parking positions, are insufficient to meet the needs of the increasing passenger load and scheduled flights. The interior of the terminal lacks seating capacity, adequate space for queuing at the Podium, and room for the efficient flow of enplaning and deplaning passengers. The exterior of the terminal requires additional aircraft parking positions and passenger boarding gates to accommodate the current air carriers' flight schedules.

Although the scope of this project will not eliminate the overcrowded conditions inside the terminal, it will improve the efficiency of the terminal by alleviating some of the congestion within the terminal. The scope of work includes terminal modifications such as, relocating podiums, concession stands, telephone banks and Flight Identification Display (FID) cabinets; re-carpeting; relocating light fixtures; reconfiguring hydrant fueling pits; constructing concrete apron extensions; installing CCTV monitoring equipment; and extending utilities to the two new passenger loading bridges to be installed to serve the new gates. This project is scheduled for completion in early August, 2001. On October 10, 2000 the Board approved the procurement and installation of the passenger loading bridges; and the procurement of the hydrant fuel pits, which will be installed with this project.

The general contractor for this project, as well as the contractor responsible for construction of the hydrant fueling portion of this project, will be required to meet minimum experience requirements. Experience requirements are proposed to ensure that the general contractor who will be performing the work has prior experience in two critical areas. First, extensive experience is required for the coordination of work between several trades in concentrated areas along an active aircraft apron. As part of the two contracts, contractors are scheduled to drive piles, erect and relocate passenger loading bridges, excavate to modify the fuel system, relocate drainage structures and construct concrete apron extensions. All of this work will be done simultaneously, during the closure of a single boarding gate. The master schedule which includes coordinating all interior and exterior work will be developed by this contractor. The general contractor must have experience with aviation operations in an airport with a similar level of activity, in order to minimize disruptions to the air carriers and prevent conflicts between contractors.

The second critical item of work includes knowledge of welding procedures that reduce potential hazards of making modifications on an active, pressurized hydrant fueling pipeline. This work involves the contractor's judgment and precision to safely remove, store and transport fuel to minimize shutdowns to the aircraft fueling operation.

- MOTION
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- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20477

BOARD ACTION TAKEN

Sharon Kuppner
Assistant SECRETARY OF THE BOARD

DEC - 5 2000

DATE

The experience requirements include 1) completion of a project by both the general contractor and the general contractor's superintendent within the last five years, that is similar in overall scope, valued in excess of \$1,000,000, and located at a commercial airport with, at least, 8 million annual passengers; 2) completion of a hydrant fueling project by both the hydrant fueling contractor and the hydrant fueling contractor's superintendent within the last five years, valued in excess of \$500,000, and located at a commercial airport with, at least, 8 million annual passengers.

ANALYSIS:

Environmental:

The project is reviewed in the Environmental Impact Report (EIR) and the Supplement to the EIR of the Airport Development Program (ADP). This project is an initial phase of project component A1, Terminal 1 Expansion. The EIR evaluates the impacts associated with the ADP and provides mitigation measures to be implemented. The Board of Port Commissioners certified the EIR on June 29, 1999. The ADP was approved at the same time. No subsequent or Supplemental EIR is required with respect to this project component of the ADP, because none of the triggering events set forth in Section 15162 of the CEQA Guidelines has occurred.

General Plan:

This project is consistent with the City of Oakland General Plan (Section 727 of the City Charter) and with the Airport Layout Plan (ALP) dated September 1995.

Budget:

This project is not included in the Capital Improvement Program (CIP) presented to the Board of Port Commissioners Audit, Budget and Finance Committee on September 7, 2000. However, Passenger Facility Charges are available to fund this project. Accordingly, the latest version of the CIP has been modified to include this project.

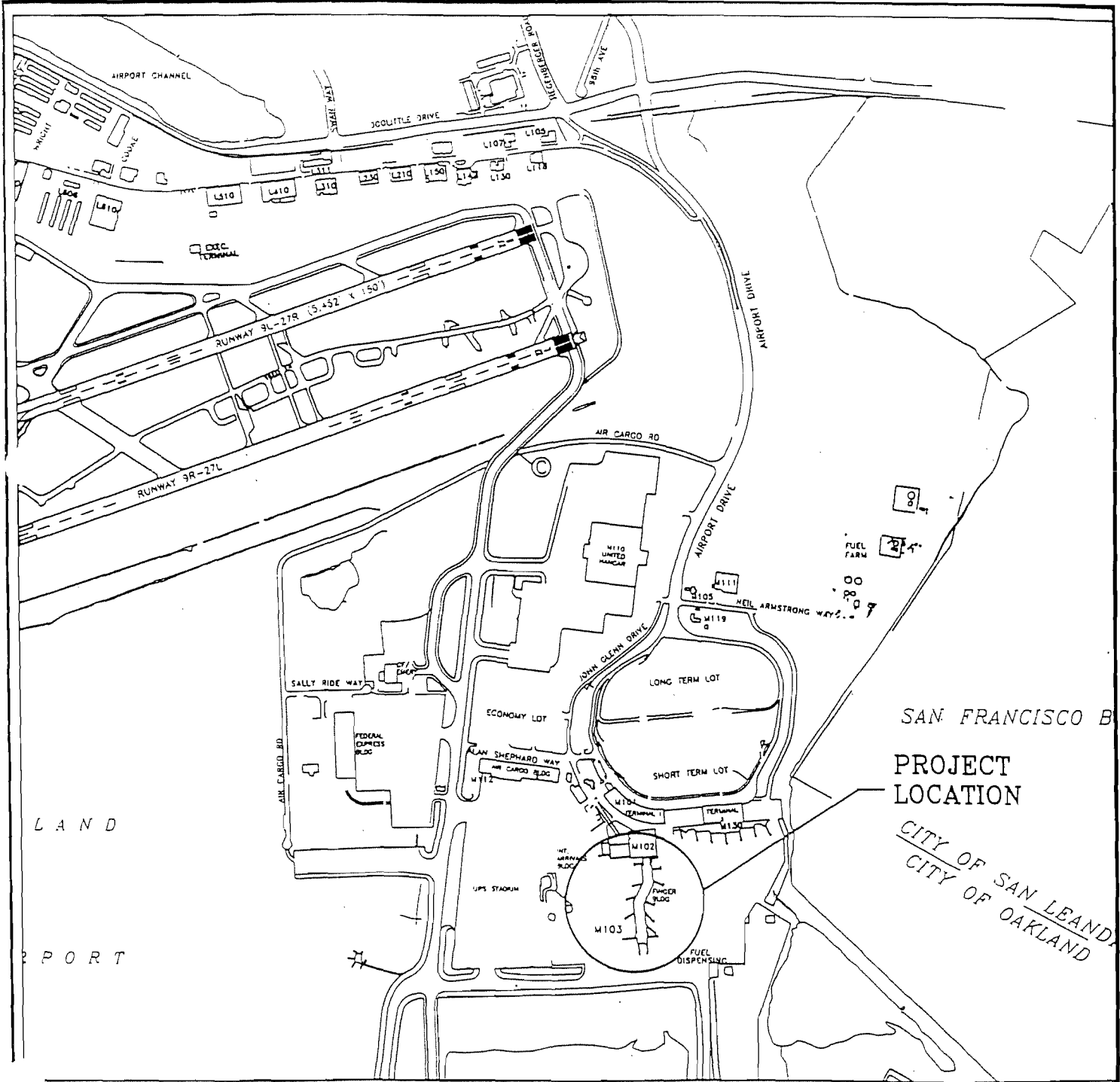
The work is budgeted under CIP Element No. A2.00760.01. The funding source is Port cash. The Total Cost of this Element is estimated to be \$5,890,000, of which, the Total Project Cost for this component of the overall program is estimated to be \$2,000,000.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that the Plans and Project Manual for the Construction of Two New Gates at Terminal 1, Building M-103, OIA, be approved and authorization be granted to advertise for bids to be received on January 10, 2001.



SAN FRANCISCO B
PROJECT
LOCATION
CITY OF SAN LEANDRO
CITY OF OAKLAND

PORT OF OAKLAND

Agenda Sheet

DATE: December 2000

ITEM NO: 11S

SUBJECT: Recommend Approval of First Supplemental Agreement Adding Parcel of Property to License and Concession Agreement with the City of Oakland

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

On April 5, 2000 the Port of Oakland and City of Oakland entered into an interim license and concession agreement for two parcels of vacant land containing 68,813 square feet in the Business Park. The land was required to accommodate the development of the Zhone Technology Project on the adjacent parcel. Negotiations between the Port and City for the transfer of these parcels are in progress. The City has requested modification of the agreement to add 5,228 square feet to the existing parking area.

This is the only modification to the existing agreement.

The lease of the property is categorically exempt from CEQA per CEQA Guidelines, Section 15301.

Pursuant to Section 727 of the City Charter, the lease has been determined to conform to the policies of the Oakland General Plan.

BUDGET ANALYSIS:

The agreement and transfer of additional land will not increase the Port's revenue flow. In anticipation of the transfer of the property, no revenue was budgeted for FY 00/01.

CONCLUSIONS:

1. Approve modification as set forth above.
2. Deny request for additional land. This option would place a burden on the City and the development of Zhone Technologies in the Oakland Business Park.

RECOMMENDATION:

It is recommended the Board approve the first supplemental agreement with the City of Oakland.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

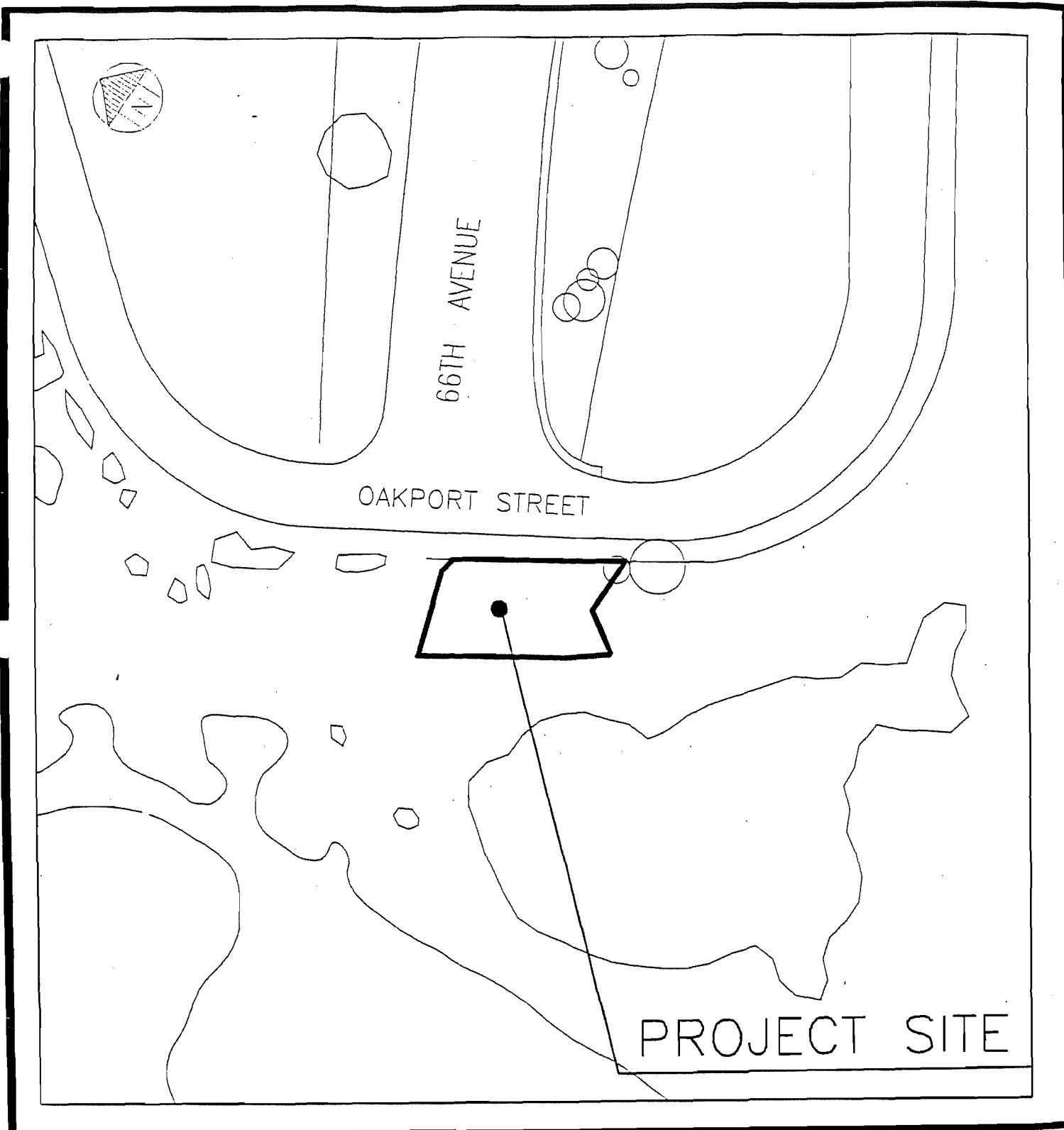
Approved by Resolution
No. 20478

BOARD ACTION TAKEN Assistant

Shirley Kuppine
SECRETARY OF THE BOARD

DEC - 5 2000

DATE



PORT OF OAKLAND

COMMERCIAL
REAL ESTATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 25S

SUBJECT: Extension of Hanjin Shipping Company's Terminal Use Agreement and and DSR-Senator Lines and Cho Yang Shipping Company's Terminal Use Agreement at Ben E. Nutter Terminal

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION *[Handwritten mark]*

FACTUAL BACKGROUND:

In October, 1999 the Board of Port Commissioners adopted Port Ordinance No. 3547 which approved assignment of the new marine cargo terminal at Berths 55/56 to Hanjin Shipping ("Hanjin") of Korea. Hanjin, DSR-Senator and Cho Yang Lines are collectively referred to as the United Alliance and will be the Primary Users of the new terminal. The present schedule anticipates the first phase of the terminal comprising approximately 88 acres will be available for occupancy in January, 2001. These lines, Hanjin and DSR-Senator/Cho Yang are presently assigned to Ben E. Nutter Terminal under separate Terminal Use Agreements (TUA) with both TUAs scheduled to terminate on December 31, 2000.

ANALYSIS:

The TUAs will terminate on December 31, 2000; however, the substantial completion of the Phase 1 terminal is scheduled for January, 2001. The actual date cannot be determined at this time but it is unlikely that it will be January 1. In order to provide that current economic benefits continue during this interim period and allow for construction delays, the Port proposes to extend the current TUAs until the commencement of the term of the Hanjin Non-exclusive Preferential Assignment or March 31, 2001. The proposed term extension will not alter any of the current provisions but will allow ample time for any unforeseen problems.

ALTERNATIVES:

The extension is required in order to avoid full assessment of the Port's tariff rates until commencement of economic provisions at the new Berth 55/56 terminal. There is no other course of action that would maintain current economic benefits for all parties concerned.

The proposed modifications were reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and Port CEQA Guidelines and were determined Categoricaly Exempt per Section 15301 (p) which exempts such Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and where there is no negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

It is recommended that the Board pass resolutions approving the proposed term extensions to the Hanjin Shipping TUA and the DSR-Senator and Cho Yang Shipping Company TUA, as outlined above. Following execution of the modified Agreements, they will be filed with the Federal Maritime Commission.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20482

BOARD ACTION TAKEN

Assistant

[Handwritten Signature]

SECRETARY OF THE BOARD

DEC - 5 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

TJ
SUBJECT: Ratification of Change Order for Construction of Administration Building and Maintenance and Repair Facility at Berths 55/56, Inner Harbor Channel

DATE: December 5, 2000

ITEM NO: 26S

PROGRAM AREA:

- Airport Operations
 Commercial Real Estate
 Maritime Operations
 Overall Operations

SUBMITTED BY: Joseph K. Wong

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port has a contract with West Bay Builders for the CONSTRUCTION OF ADMINISTRATION BUILDING AND MAINTENANCE AND REPAIR FACILITY AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA, which became effective April 24, 2000, at lump sum and unit prices totaling \$8,703,000.00. The work consists of the construction of a low-rise, steel-framed and masonry building, with associated site improvements and landscaping.

ANALYSIS:

The detail for the prestressed concrete pile on Sheet D-S5.9 of the project plans show a tip elevation of -30 for the indicator piles and -25 for production piles. Sheet A-S2.1 requires the Contractor to install 179 Type "A" piles at the Maintenance and Repair Facility. After the indicator pile driving and analysis was complete, the Port's geotechnical consultant confirmed in a letter, dated May 8, 2000, that the production pile length be increased by 5 feet to develop the required bearing capacity. This change order is to compensate the Contractor for the additional labor and materials needed to provide and drive each pile an additional five feet. In order to not delay the work of the contract, the Contractor was directed to proceed with this additional work.

ENVIRONMENTAL:

The work is covered under the Vision 2000 EIR documents.

BUDGET ANALYSIS:

The funding for this change order is budgeted under CIP Element M6.00599.01 Budget/Awards Variance.

RECOMMENDATION:

It is recommended that the Board ratify this change order in the amount of \$41,329.20 to West Bay Builders for the above-described work.

- MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION ONLY

Approved by Resolution No. 20483

BOARD ACTION TAKEN Assistant

Secretary Signature: [Handwritten Signature]
DATE: DEC - 5 2000

Agenda Sheet

DATE: December 5, 2000

ITEM NO: 33S

TD
 SUBJECT: Award of 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, 2001 and Ending December 31, 2001, 2002 or 2003.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Two bids were received and opened on November 15, 2000, 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, 2001 and Ending December 31, 2001, 2002 or 2003, Oakland, California.**

The following bids were received:

BIDDERS	LOCATION	MBE*	WBE*	LIABE*	LBABE*	TOTAL BID PRICE
Thyssen Elevator Company dba Thyssen Dover Elevator	Hayward, CA				X	\$76,800.00
Kone, Inc.	San Leandro, CA			**		\$85,116.00

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise
 ** Bidder not certified as an LIABE at time of bid

A copy of the bid canvass is on file. The work is located at the Harbor Transportation Center, Jack London Square and the Oakland Airport.

ANALYSIS:

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, if the bids are within 10% or \$1,000,000 (one million dollars), whichever is less, of the apparent low bidder's Total Bid Price, the bids may be modified (lowered) depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Since the bid of the low bidder, Thyssen Elevator Company dba Thyssen Dover Elevator (Thyssen Dover Elevator), is more than 10% lower than the bid of Kone, Inc., this portion of the Policy does not impact the award of this Contract.

No subcontractors will be used in the performance of the work of this contract. Accordingly, the provisions of the Port's Non-Discrimination and Small/Local Business Utilization Policy relevant to non-discrimination in construction subcontracting do not apply to this work. Therefore, it is recommended that Thyssen Dover Elevator, be considered to be a responsible bidder for the purposes of this Contract. The Port's Office of Equal Opportunity concurs with this recommendation.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
 No. 20485
 BOARD ACTION TAKEN

Assistant

[Signature]
 SECRETARY OF THE BOARD

DEC - 5 2000

DATE

Budget:

The cost of the service and maintenance work for the specified elevators, escalators, and moving walkways is included in the Operating Budget for fiscal year 2000-2001. The funding source is Port cash. The low bid is within the project budget.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement do not apply to this work.

RECOMMENDATION:

It is recommended that Thyssen Elevator Company dba Thyssen Dover Elevator be found to be the lowest responsible bidder, that the contract for the above project be awarded to Thyssen Elevator Company dba Thyssen Dover Elevator for the amount of its bid, and that the other bid be rejected and the bid security be returned to the other bidder.

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 Water Street
Oakland, California 94607

TELEPHONE: (510) 627-1100

COMMISSIONERS

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Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

C A L E N D A R

**Regular Meeting of the Board of Port Commissioners
Tuesday, December 19, 2000 - 3:00 PM**

ROLL CALL

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

READING OF THE MINUTES:

Adjourned regular meeting of October 10, 2000.

Deferred - adjourned regular meeting of October 24, 2000;
regular meeting of November 7, 2000; regular meeting of
November 21, 2000; and regular meeting of December 5,
2000.

ITEMS REQUIRING CLOSED SESSION:

See Item 40

RECOGNITION: Alex Uyeno, Artist, Junior Center of Art
and Science, Oakland

REPORT OF PRESIDENT:

REPORT OF EXECUTIVE DIRECTOR:

COMMITTEE REPORTS:

Administration
Commercial Real Estate

READING OF SUMMARY ITEMS: (Marked "S")

6 Items.

Action by the Board under "Reading of Summary Items" means that all of the matters listed have been summarized and are considered to be perfunctory in nature and will be adopted by one motion and appropriate vote. Summary items may be removed from the summary for discussion at the pleasure of the Board.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

AIRPORT

- 1** Authorization to Negotiate and Execute Professional Service Agreements with Leigh Fisher Associates and Ricondo & Associates to Provide As-Needed Aviation Planning Consulting Services. (Resolutions)
- 2** Rejection of Bids and Authorization to Negotiate a Contract for Construction of Aviation Maintenance Facilities Complex, North Airport, OIA. (Resolution)
- 3** Approval of Consultant Services with Bechtel Corporation to Analyze Project Delivery Options for the Airport Terminal Expansion (TEEx) Program. (Resolution)
- 4S** Ratification of Addendum and Award of Contract for Construction of Remain Overnight (RON) Aircraft Parking Apron and AC Overlay of Taxiway T, South Airport, OIA. (Resolution)

COMMERCIAL REAL ESTATE

- 11** First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Covance Research Products Inc. for the Property Located at the Corner of Edgewater Road and Pardee Lane. (Ordinance)
- 12** Approval of Grant from the State of California Coastal Conservancy for \$500,000 for the Purchase of 1899 Dennison Street for the Union Point Park Project. (Resolution)

- 13S** Authorization to Execute the Grant Agreements with the State of California, Department of Transportation for the Reconstruction of Embarcadero between Clay and Franklin Project. (Resolution)

MARITIME

- 21** Supporting Amendment to Oakland Base Reuse Authority's Reuse Plan for Oakland Army Base to be Consistent with Pending Amendment to San Francisco Bay Plan and San Francisco Bay Area Seaport Plan, Committing Port to Minimum Truck Parking and Maritime Support Services Area in Land Transferred to Port in Accordance with Amended Reuse Plan, and in Support of Port Lease or Acquisition of Additional Areas for Unsubsidized Leasing for Truck Parking and Maritime Support Services. (Resolution)
- 22** Authorization to Enter into a Grant Agreement with the California State Lands Commission for the West Coast Regional Applied Ballast Management Research and Demonstration Project. (Resolution)
- 23** Approval of Consultant Agreement for On-Call Professional Hydrographic Surveying and Mapping Services. (Resolution)
- 24** Approval of Change Order to the Contract for Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A at Berths 55/56, Inner Harbor Channel. (Resolution)
- 25** Approval of Change Order to the Contract for Construction of Container Yard Phase 1B at Berths 55/56, Inner Harbor Channel. (Resolution)
- 26S** Renewal of Korean Agency Contract. (Resolution)
- 27S** Adjustments to Leased Premises and Rental Compensation in Lease Agreement with Keep On Trucking Company, Inc. (Resolution)

OPERATIONS

- 31S** Selection of Administrator Section 125/129 Flexible Benefit Plan. (Resolution)

32 Approval to Hire Consultant Teams to Provide As-Needed Environmental Planning Consulting Services. (Resolutions)

33S Travel Authorization. (Resolution)

CLOSED SESSION

40 Under Separate Cover by Secretary of the Board.

LEGAL

41 Port of Oakland Flexible Benefits Plan – Retention of Tax Counsel. (Resolution)

Vote on the following Resolutions except Numbers 20, 21, 22 & 23:

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

Noes: None

Absent: Commissioner Kiang – 1

Vote on Number 20:

Ayes: Commissioners Ayers-Johnson, Scates, Uribe and President Kramer – 4

Noes: None

Abstained: Commissioners Kiang, Protopappas and Tagami – 3

Absent: None

Vote on Numbers 21, 22 & 23:

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

Noes: None

Absent: None

RESOLUTIONS:

20489 1 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH LEIGH FISHER ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport – 1)

- 20490 2 FINDING AND DETERMINING THAT A PROPOSED 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 AGREEMENT. (Airport – 1)
- 20491 3 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH BECHTEL INFRASTRUCTURE CORPORATION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Airport – 3)
- 20492 4 RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF REMAIN OVERNIGHT (RON) AIRCRAFT PARKING APRON AND AC OVERLAY OF TAXIWAY T, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, EXTENDING DATE SET FOR RECEIVING BIDS THEREFOR; AND AWARDED CONTRACT TO MCGUIRE AND HESTER, FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS. (Airport – 4S)
- 20493 5 APPROVING THE GRANT FROM THE CALIFORNIA STATE COASTAL CONSERVANCY FOR THE PURCHASE OF 1899 DENNISON STREET FOR THE UNION POINT PARK PROJECT. (Commercial Real Estate – 12)
- 20494 6 APPROVING AND AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION. (Commercial Real Estate – 13S)
- 20495 7 APPROVING AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE CALIFORNIA STATE LANDS COMMISSION FOR THE WEST COAST REGIONAL APPLIED BALLAST MANAGEMENT RESEARCH AND DEVELOPMENT PROJECT. (Maritime – 22)
- 20496 8 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH G. B. STAR FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime – 23)

- 20497 9 APPROVING ISSUANCE OF A CHANGE ORDER FOR CONTRACT WITH PORT OF OAKLAND CONSTRUCTORS, A JOINT VENTURE, FOR CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime – 24)
- 20498 10 APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH O.C. JONES & SONS, INC., FOR CONSTRUCTION OF CONTAINER YARD PHASE 1B AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA. (Maritime – 25)
- 20499 11 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GLOBAL ENTERPRISES, LTD., FOR MARITIME CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Maritime – 26S)
- 20500 12 APPROVING AND AUTHORIZING EXECUTION OF A FIRST SUPPLEMENTAL AGREEMENT WITH KEEP ON TRUCKING COMPANY, INC. (Maritime – 27S)
- 20501 13 APPROVING THE RESTATED FLEXIBLE BENEFITS PLAN (SECTION 125) AND APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN AGREEMENT WITH THE LIPMAN COMPANY INC. TO ADMINISTER THE SECTION 125 PLAN FOR UNITS A, B, C, D, E, F AND H. (Operations – 31S)
- 20502 14 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH EVS ENVIRONMENT CONSULTANTS FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 32)
- 20503 15 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH G. BORCHARD & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 32)

- 20504 16 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH URS CORPORATION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 32)
- 20505 17 FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH WEISS ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT. (Operations – 32)
- 20506 18 CONCERNING CERTAIN TRAVEL. (Operations – 33S)
- 20507 19 APPROVING APPOINTMENT OF SPECIAL COUNSEL. (Legal – 41)
- 20508 20 REJECTING ALL BIDS, FOR CONSTRUCTION OF AVIATION MAINTENANCE FACILITIES COMPLEX, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND CALIFORNIA, DIRECTING RETURN OF BID BONDS TO BIDDERS; AND AUTHORIZING A CONTRACT IN THE OPEN MARKET WITHOUT COMPETITIVE BID. (Airport – 2)
- 20509 21 SUPPORTING AMENDMENT TO OAKLAND BASE REUSE AUTHORITY'S (OBRA) REUSE PLAN FOR OAKLAND ARMY BASE TO BE CONSISTENT WITH PENDING AMENDMENT TO SAN FRANCISCO BAY PLAN AND SAN FRANCISCO BAY AREA SEAPORT PLAN, AND COMMITTING THE PORT TO MINIMUM TRUCK PARKING AND MARITIME SUPPORT SERVICES AREA. (Maritime – 21)
- 20510 22 APPROVING APPOINTMENT OF SPECIAL COUNSEL. (Closed Session – 40)
- 20511 23 AUTHORIZING COMPROMISE AND SETTLEMENT OF CLAIM ARISING OUT OF DAMAGE TO 115 KILOVOLT SUBMARINE CABLE. (Closed Session – 40)

Vote on the following ordinances:

Ayes: Commissioners Ayers-Johnson, Protopappas, Scates,
Tagami, Uribe and President Kramer – 6
Noes: None
Absent: Commissioner Kiang – 1

ORDINANCES:

1 ("S") Port Ordinance No. 3618 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH MARINE TERMINAL CORPORATION FOR BURMA ROAD TERMINAL."

Final.

2 ("S") Port Ordinance No. 3619 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE AN ADDITIONAL POSITION OF PORT JOB RESEARCHER."

Final.

3 Port Ordinance No. ____ being, "AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH COVANCE RESEARCH PRODUCTS, INC. FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.09 ACRE PARCEL OF LAND LOCATED AT EDGEWATER ROAD AND PARDEE LANE."

Commercial Real Estate – 11 to print.

APPEARANCES: (Public comment on non-agenda items may be received by the Board during this time. Please fill out a speaker card and present it to the Secretary of the Board.)

ADJOURNMENT: The next meeting will be an adjourned regular meeting held on Tuesday, January 9, 2001 at 3:00 PM

Agenda Sheet

DATE: December 19, 2000

ITEM NO: 1

SUBJECT: Authorization to negotiate and execute Professional Service Agreements with Leigh Fisher Associates and Ricondo & Associates to provide as-needed aviation planning consulting services

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven J. Grossman *SG*

EXECUTIVE OFFICE RECOMMENDATION: *OK*

FACTUAL BACKGROUND:

Aviation Planning is responsible for planning future facility and infrastructure requirements at Oakland International Airport. Projects range from assessing the need for additional runway capacity to determining when and where to provide additional parking. Aviation Planning staff are also frequently requested to consult on near-term projects to make sure that these projects complement other projects at the Airport. Staff also coordinate with representatives of several other agencies, such as the Metropolitan Transportation Commission, San Francisco International Airport, and the Bay Area Rapid Transit District, to ensure projects being pursued by these agencies are integrated with and/or do not interfere with existing and future operations at Oakland International Airport.

Given the range and number of both long- and short-term existing and upcoming aviation planning needs, aviation planning staff anticipate some challenge in continuing necessary long-term planning efforts, as well as responding in a timely manner to the many near-term projects requiring aviation planning input. Therefore, Aviation Planning staff prepared a Request for Proposal for teams to provide as-needed aviation planning consulting services. It is anticipated that as-needed consultants would be used to assist Port staff with short-term aviation planning studies that are smaller and shorter in duration than a full-scale/major aviation planning study. For example, as-needed consultants may be asked to assist Port staff with the following types of potential planning needs:

- Forecasts of aviation activity
- Facility requirements
- Development phasing
- Aviation planning information systems
- Airfield and airspace capacity and aircraft delay analysis
- Airspace analysis
- Airfield facilities layout
- Simple cost-benefit analysis
- Aircraft parking and servicing plans
- Cargo facility plans
- General aviation facility plans
- Roadway planning and traffic forecasts
- Curbside planning and operations studies
- People-mover and transit system planning
- Traffic/transportation planning and engineering
- Civil/utility engineering
- Construction cost estimating
- Graphic/copy design (e.g., preparation of brochures, presentations, handouts, etc.)

Because many of the short-term planning needs arise quickly and often overlap other needs, Aviation Planning intends to retain two aviation planning consulting teams (as opposed to one) to have access to a wide variety expertise on relatively short notice.

ANALYSIS / BASIS FOR SELECTION:

On October 13, 2000, staff distributed a Request for Proposals (RFP) to 14 aviation planning consulting firms headquartered or with offices in the nine-county San Francisco Bay Area. With approval of the Office of Equal Opportunity (OEO), staff did not require these aviation planning consulting firms to be headquartered or have offices in the Port's Local Impact Area (LIA) and/or Local Business Area (LBA) because of the specialty nature of aviation planning and the limited expertise in the LIA/LBA.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. *20489 & 20490*
BOARD ACTION TAKEN

Steven J. Grossman
SECRETARY OF THE BOARD

DEC 19 2000

DATE

However, staff sent letters to over 100 possible specialty subconsultants (e.g., traffic and civil engineering firms) located in the LIA and/or LBA to notify them of the availability of the RFP, encouraging them to contact and team with one or more of the 14 aviation planning consulting firms. The RFP was also available on the Port of Oakland's web site.

All prospective proposers were notified that, because of the nature of as-needed services, the volume of work for any particular team member, including the prime aviation planning consulting firm, could vary substantially, including the possibility of not receiving any work. Depending on the nature of future planning activities required, the amount of work conducted by firms in the LIA/LBA (either the prime aviation planning consulting firm and/or the specialty subconsultants) could range from nil to considerable. However, working with OEO, each firm recommended below has committed to using staff and/or subconsultants in the LIA/LBA for all as-need aviation planning tasks where appropriate staff expertise exists.

The Port received 4 proposals to provide as-needed aviation planning consulting services. Staff evaluated proposals based on technical expertise and experience, cost, and quality of presentation. OEO assessed preference points based on LIA/LBA participation commitments and community participation. Staff invited the 3 most qualified firms to participate in an oral interview with Aviation and Engineering Division staff. Based on the written proposals, oral interviews, and OEO evaluation, the two most qualified teams are Leigh Fisher Associates and Ricondo & Associates.

Leigh Fisher Associates (San Mateo, CA):	Ricondo & Associates (San Francisco, CA):
CCS Planning & Engineering (Oakland, CA)	Construction Management West (Oakland, CA)
Geomatrix Consultants (Oakland, CA)	Dowling Associates (Oakland, CA)
Lamphier & Associates (Oakland, CA)	Golder Associates (Oakland, CA)
Moffatt & Nichol Engineers (Oakland, CA)	Laurel Marcus & Associates (Oakland, CA)
Shah Kawasaki Architects (Oakland, CA)	Yuki A. Kawaguchi Associates (Oakland, CA)

It is proposed to execute Professional Services Agreements with each of the two firms at agreed billing rates on a time-and-materials basis for a total amount not to exceed \$200,000 for each contract (with Executive Director authorization of an additional \$25,000 for each contract). This budget is expected to be sufficient for a contract of between 18 and 24 months, depending on workload.

It is anticipated that the majority of the cost of as-needed aviation planning services will be covered under the capital budget under various elements of the CIP, depending on the project requiring as-needed planning. However, because much of the work that will be done under these contracts is currently unforeseen, it is not possible to present a detailed accounting of sources of funding.

OPTIONS:

- Do nothing (do not authorize the execution of Professional Services Agreements for as-needed aviation planning consulting services). With this option, Aviation Planning staff may not be able to respond to many of the near-term projects requiring planning input. Projects could be designed and/or constructed without coordination with other projects and long-term plans, and potentially without adequately addressing the needs of the Aviation Division, tenants, and/or airline passengers. Further, projects may not proceed in time to meet anticipated demand (i.e., facility and/or infrastructure needs may not adequately be addressed).
- Authorize the execution of Professional Services Agreements for as-needed aviation planning consulting services.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to execute a Professional Services Agreement with Leigh Fisher Associates and Ricondo & Associates for as-needed aviation planning consulting services on a time-and-materials basis not to exceed \$200,000 for each team. Further, it is recommended that the Executive Director be authorized to approve up to an additional \$25,000 for each team for services required beyond \$200,000.

Agenda Sheet

SUBJECT: Rejection of Bids and Authorization to Negotiate a Contract for Construction of Aviation Maintenance Facilities Complex, North Field, OIA

DATE: December 19, 2000

ITEM NO: 2

PROGRAM AREA:

- Airport Operations C. I.
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Five bids were received and opened on October 25, 2000, for **Aviation Maintenance Facilities Complex, North Field, Oakland International Airport, Oakland, California**. The following bids were received:

BIDDERS	LOCATION	LIABE*	LBABE*	TOTAL BASE BID PRICE	ADDITIVE ALTERNATES (1, 2, & 3)	TOTAL BID PRICE (Total Base Bid Price Plus Additive Alternates 1, 2, & 3)
West Bay Builders, Inc.	San Rafael, CA			\$6,337,006 **\$6,337,007	\$3,055,000	\$9,392,006 **\$9,392,007
Fedcon General Contractors, Inc.	Valencia, CA			\$6,963,000	\$3,251,500	\$10,214,500
M.A. Lindquist Co., Inc.	Oakland, CA	X		\$7,234,845 **\$7,234,848	\$3,735,729	\$10,970,574 **\$10,971,138
7BI-Con, Inc.	Oakland, CA	X		\$7,249,396	\$3,327,029	\$10,576,425
ARAM ENTERPRISES INC. dba A.R. CONSTRUCTION CO.	San Francisco, CA			\$7,314,874.00 **\$7,314,922.00	\$2,571,987	\$9,886,861.00 **\$10,749,000.00

* LIABE=Local Impact Area Business Enterprise, LBABE=Local Business Area Business Enterprise

** Total corrected in accordance with Document 00200, Instructions to Bidders, paragraph 21, Bid Evaluation.

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

ANALYSIS:

Bid Submittal Withdrawal Request:

On October 25, 2000, West Bay Builders, (West Bay), the apparent low bidder, notified Port Staff that it had submitted a mistaken bid that inadvertently omitted a significant portion of the structural steel on the project. On October 27, 2000, West Bay submitted written notice pursuant to Section 5103 of the Public Contract Code explaining the mistake and requested to be relieved of its bid and sought the return of its bid bond. Port Staff has reviewed the supporting documents submitted by West Bay and concluded that its bid contained a material mistake that was not the result of an error of judgement or carelessness in inspecting the work or in reading the plans and specifications. Accordingly, with the withdrawal of West Bay's bid, Fedcon General Contractors, Inc., (Fedcon) became the apparent low bidder.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20508

BOARD ACTION TAKEN Assistant SECRETARY OF THE BOARD

DEC 19 2000

DATE

Original Basis of Determining Lowest Responsible Bidder:

Due to the limited project budget, the bidders were required to submit a Total Base Bid Price for the Aviation Maintenance Facilities Complex project, which excluded various alternates including the cost of the Vehicle Maintenance Building. Additionally, the bidders were required to submit separate bids, as Additive Alternates, for the construction of the Vehicle Maintenance Building as well as for other minor items. It was staff's intent to evaluate the bids and determine if funds could be made available to include all of the Additive Alternates. If this were not possible, the award of the contract would be based upon the Total Base Bid Price.

Prior to the bid opening, the bidders were informed that the basis of determining the lowest responsible bidder would be based on the Total Base Bid Price. However, if the bid for the entire project was reasonable and if funds were available, award of the contract would be based on that lowest responsible bidder's bid for their Total Bid Price (Total Base Bid Price plus Additive Alternates).

Non-Discrimination and Small/Local Business Utilization Policy / Budget:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy, for bid comparison purposes only, bids may be modified (lowered) by as much as 10% depending on the location of the bidders and their subcontractors, and the length of time in those locations.

Based on a comparison of the modified bid amounts of the Total Base Bid Prices, M. A. Lindquist (Lindquist) replaced Fedcon as the lowest responsible bidder. However, the Total Bid Price of \$10,970,574 from Lindquist included a disproportionately higher price for the Vehicle Maintenance Building alternate, consequently, their Total Bid Price is not the lowest price. The bidder with the lowest Total Bid Price is ARAM Enterprises, Inc., dba A. R. Construction Co., from San Francisco, with a Total Bid Price of \$9,886,861.00. Since it was pre-established that the basis of determining the lowest responsible bidder would be based upon the Total Base Bid Price, the Port would pay \$1,083,713.00 more if the Port wished to perform the entire project (Total Bid Price). Staff believes that this difference of over one million dollars, due the disproportionately higher bid from Lindquist for the Vehicle Maintenance Building, is too large a premium to pay for the entire project.

In sum, while Lindquist's bid for the Base scope of work was the lowest, its bid for the additive alternates is actually disproportionately higher than the other bidders. In fact, Lindquist's bid for the additive alternates is over 20% higher than the average of the other bidders for the same work. This apparent anomaly in Lindquist's prices for the additive alternates might negatively impact the Port in two ways: 1) if the Port declines to build the additive alternates, then it has foregone an important public improvement that will limit the value of the Aviation Maintenance Facilities Complex, or 2) if the Port chooses to build the additive alternates, as bid by Lindquist, it will likely pay an excessive amount for the work. Neither of these outcomes is in the Port's best interest.

The Capital Budget for Fiscal Year 2001 provides for this work under CIP Element No. A1.00685.01. The funding source is Port cash with possible future bond reimbursement.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

OPTIONS:

The following are options considered by Staff:

1. Accept the lowest responsible bid for the Total Base Bid Price, award the contract to the lowest responsible bidder, but do not include the Additive Alternates because of the excessive premium for the Vehicle Maintenance Building. The Vehicle Maintenance Building would have to be re-bid at a later date with possibly higher bid prices for a separate contract package.

2. Reject all bids and negotiate with bidders two through five to obtain the lowest bid for the contract with whomever has the best value, including the Additive Alternate for the Vehicle Maintenance Building. If the bid negotiations fail, dispense with competitive bidding procedures and authorize the Executive Director to negotiate and execute a contract on the open market.
3. Reject all bids, re-bid the project and attempt to include new bidders. Staff believes this option would only delay the execution of the work and would not result in greater competition.

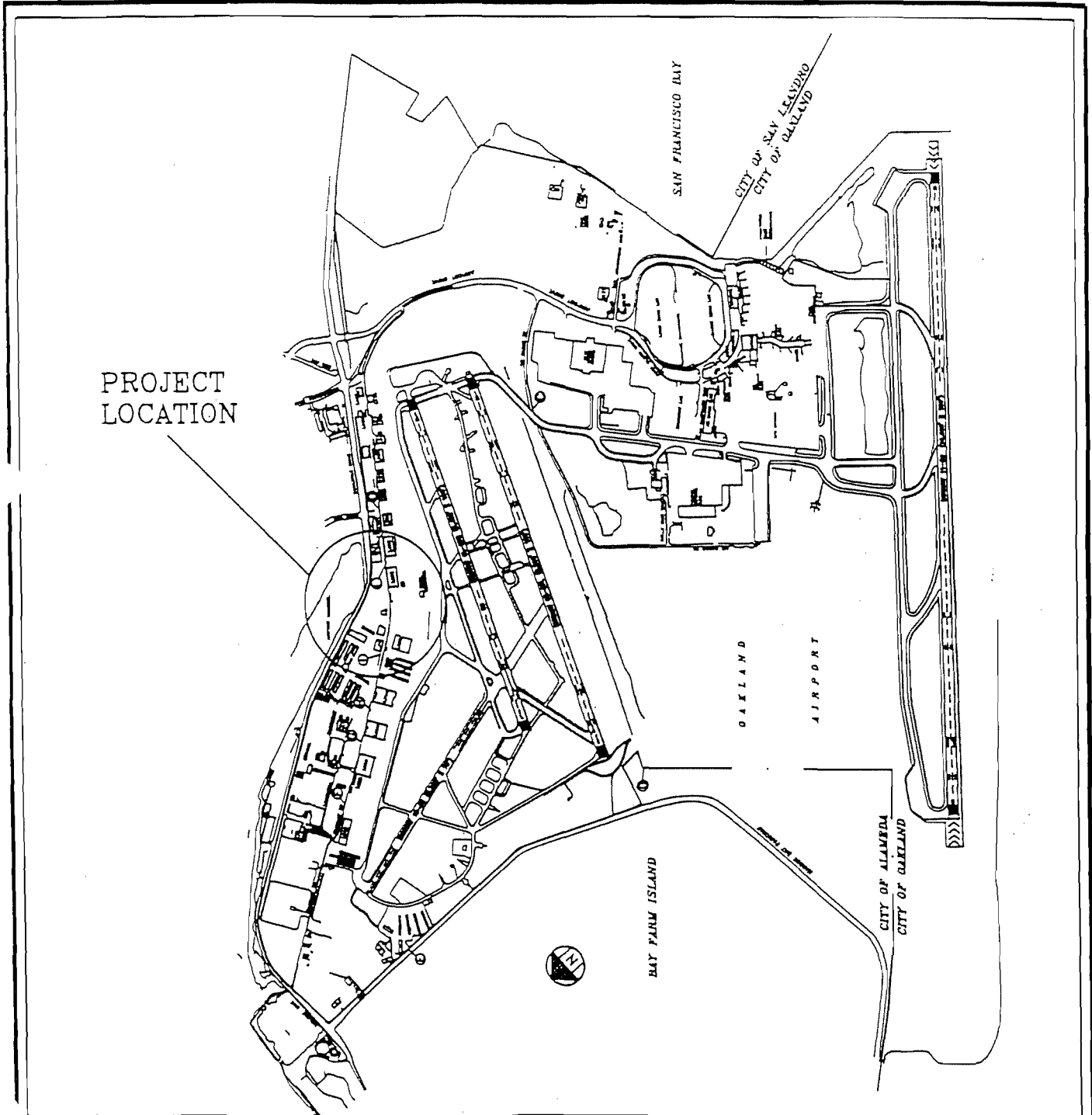
After analyzing the above options, it is believed to be in the best interests of the Port to select Option 2.

RECOMMENDATION:

It is recommended that it be found to be in the best interests of the Port to reject all bids; and that, the Executive Director be authorized to execute a contract for the entire project, including all additive alternates, as follows:

- a. Sealed proposals shall be requested from the bidders ranked two through five whose bids were rejected pursuant to the recommendation herein;
- b. Sealed proposals shall be submitted, except as otherwise permitted by the Director of Engineering, not later than 2:00 p.m., January 4, 2001;
- c. Each proposal shall be on terms that are identical to the terms of the proposers' rejected bids, including, without limitation, the subcontractors listed in the rejected bids, except that no bid security shall be required and the bid price (including the amount of any subcontract bid) may be different;
- d. The contract awarded to one of said proposers shall not exceed 10,500,000.00; and,
- e. If none of the four bidders submit proposals by the specified deadline or the lowest proposal submitted is in an amount greater than 10,500,000.00, the Executive Director shall solicit proposals as he deems appropriate; and enter into a contract on such terms as he deems appropriate.

It is further recommended that all bid securities be returned to the respective bidders.



PORT OF OAKLAND

NORTH FIELD
OIA

Agenda Sheet

DATE: December 19, 2000

ITEM NO: 3

^{TD}
SUBJECT: Approval of Consultant Services with Bechtel Corporation
to Analyze Project Delivery Options for the
Airport Terminal Expansion (TEEx) Program

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Steven Grossman / Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

As we near completion of the conceptual portion of the Airport Terminal Expansion (TEEx) Program, we need to consider how we will contract for the design and construction of the new passenger terminal facilities. The Port, as with most municipal agencies, has typically contracted for complete designs and has then bid the construction contracts where the low bidder gets the job. This design/bid/build approach has worked well with the Port's normal capital improvement program. However, for a program of the size and composition of the airport terminal expansion, there are several other procurement options that should be explored before we make recommendations on packaging the terminal expansion for procurement.

ANALYSIS:

Information on the various procurement options is available from a number of sources. The TEEx staff is currently researching the subject by obtaining information from an Airport Peer Review group, BART, our airline liaison office, and the Design Build Institute of America. As an added source of information, we need input from a firm that has used all the various procurement forms and that can offer a complete and neutral evaluation of the pros and cons of each.

We are fortunate to have such a firm in the Bay Area. Bechtel Corporation is one of the largest contractors in the world. They plan, design, and construct airports and a wide variety of other facilities all over the world. They have practical, hands on experience with all methods of project delivery from the perspective of owner, designer, contractor and project manager, and can impartially evaluate the various methods for our particular airport expansion program. Bechtel is unique in the Bay Area, both in size and breadth of experience.

Given the unique circumstances of this program need, and in accordance with the provisions of the Non-Discrimination and Small Local Business Utilization Policy, the Executive Director consulted with the Chief Engineer and determined that it was in the best interests of the Port to suspend the normal processes and preferences for this selection. The Office of Equal Opportunity concurs with this determination.

SCOPE OF WORK:

The proposed scope of services is for the consultant to identify the full range of appropriate program and project delivery systems that could be considered for the design and construction of the various elements of the TEEx program, and to provide an analysis of each as to their suitability for the TEEx program. Factors to be considered include the primary concerns of cost and schedule, as well as each system's impact on ongoing operations, quality of final product, local business utilization, and the role of the Port as a decision-maker for the program. The consultant is to impartially analyze and report on the options.

BUDGET:

The cost of consulting services will be paid at the agreed lump sum price of \$65,000. It is proposed that the Executive Director be authorized to approve up to \$15,000 if additional services are required.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20491

BOARD ACTION TAKEN *Assistant*

[Signature]
SECRETARY OF THE BOARD

DEC 19 2000
DATE

The cost of these consulting services is included in CIP Item A2.00820.14 as part of the terminal expansion program.

ALTERNATIVES:

The alternative would be to rely on the information gathered from the other sources noted above, ask staff to consider the probable predisposition of each party providing the information, and then analyze the applicability of the various options to our program. While this may be possible, this program is important enough to justify a relatively minor expense, in comparison to the cost of the program, to assure a balanced commentary on all options.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the consultant services described above are professional services; and
2. Authorize the preparation of an agreement with Bechtel Corporation in accordance with the above provisions.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: December 19, 2000

ITEM NO: 11

SUBJECT: First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Covance Research Products, Inc. for the Property located at the Corner of Edgewater Road and Pardee Lane

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION: [Signature]

FACTUAL BACKGROUND:

A critical component of the Commercial Real Estate Division's restructure plan which was approved by the Board in 1999 was the sale of parcels within the Oakland Airport Business Park to create funding for projects along the waterfront.

The Port received a number of proposals to purchase the site, and, after discussion with the Commercial Real Estate Committee, entered into negotiations with Covance Research Products, Inc. Covance, a bio-medical research facility, has outgrown its leased premises in Berkeley, and will be doubling its capacity.

The terms of the Purchase and Sale Agreement are:

ANALYSIS:

- Price: \$17.00 per square foot \$1,550,649.00
Deposit: \$80,000 at the execution of the Purchase and Sale Agreement that becomes non-refundable at the end of the due diligence period
Due Diligence: 90 days with one 90-day extension
Buyer's Obligations: Evidence of financial capability Design development plans
Closing Date: 30 days after the expiration of the due diligence period
Extension: One 30-day extension of the closing date at a cost of \$50,000
Repurchase: The Port has the option to repurchase the property if the buyer does not commence construction of the required improvements within 18 months from the date of close of escrow

- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Ordinance passed to print

BOARD ACTION TAKEN

Assistant

[Signature] SECRETARY OF THE BOARD

DEC 19 2000 DATE

The execution of the Purchase and Sale Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt under the State and Port CEQA Guidelines, Section 15312, Surplus Government Property Sales. This exemption does not apply to construction and/or operation of the project. These activities are not exempt under CEQA and will require environmental review, as provided by State law and the conditions of the Purchase and Sale Agreement.

It has also been determined that:

- (a) That the Property has become unnecessary for Port purposes or harbor development; and
- (b) That the proposed sale of the Property complies with the provisions of Section 5.13 (b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture.) The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

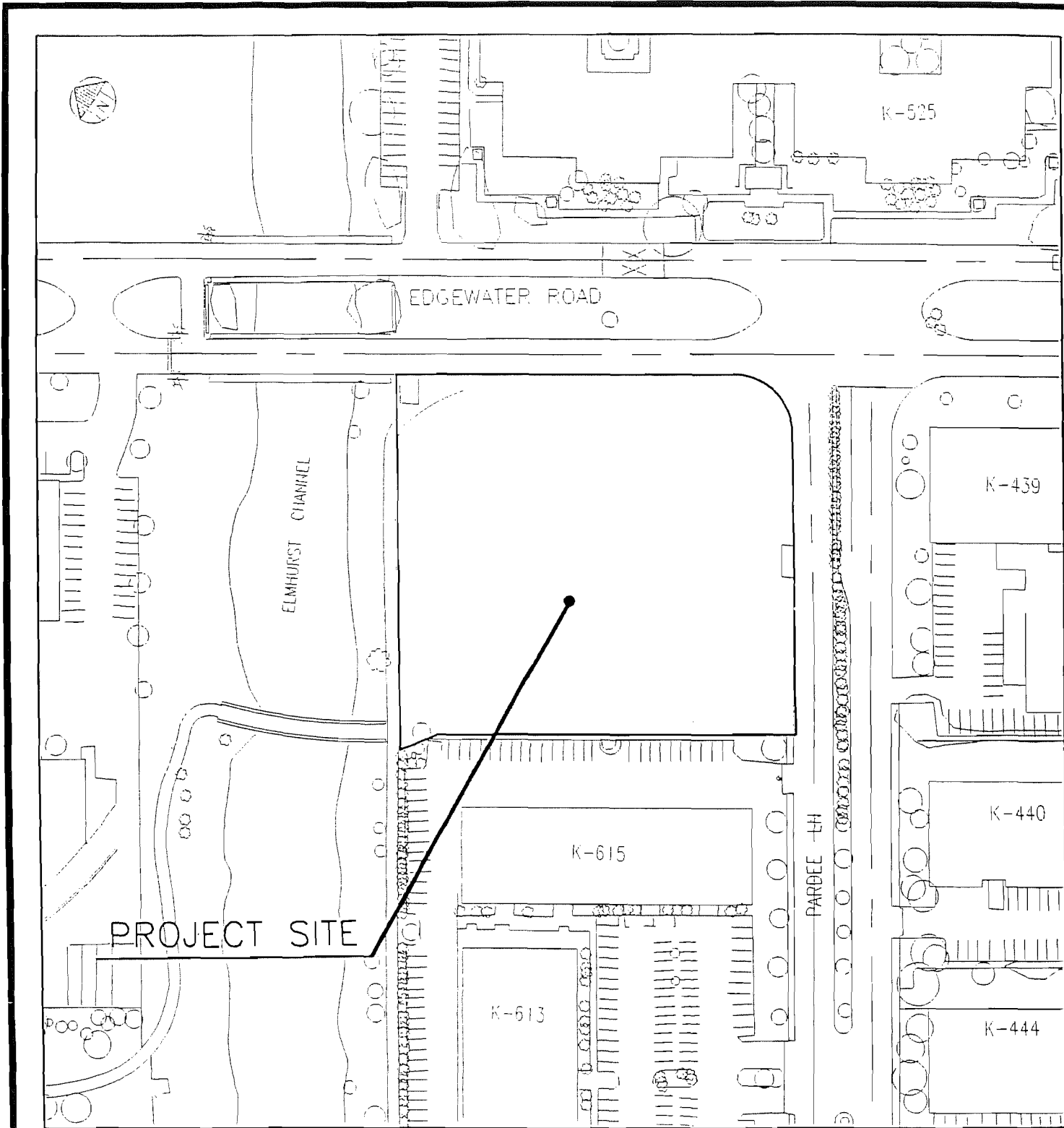
OPTIONS:

1. Elect to ground lease rather than sell the parcel. This would be counter to the Port's strategic plan.
2. Develop an RFP process for selling the parcel. The parcel was exposed to the market, and the current purchase price represents market value for the area.

This item was reviewed and recommended for approval at the December 7, 2000 Commercial Real Estate Committee Meeting.

RECOMMENDATION:

It is recommended that the Board give first reading to an ordinance authorizing the Executive Director to execute a Purchase and Sale Agreement and all related sales documents between the Port of Oakland and Covance Research Products, Inc. for the purchase of the Edgewater/Pardee parcel at a purchase price of \$17.00 per square foot.



PORT OF OAKLAND

COMMERCIAL
REAL ESTATE

Agenda Sheet

DATE: December 19, 2000

ITEM NO: 12

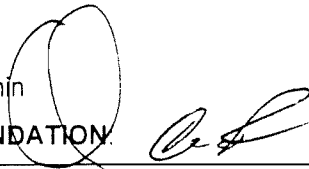
SUBJECT: Approval of Grant from the State of California Coastal Conservancy for \$500,000 for the Purchase of 1899 Dennison Street for the Union Point Park Project

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar R. Benjamin

EXECUTIVE OFFICE RECOMMENDATION:



FACTUAL BACKGROUND:

On November 21, 2000, the Board gave first reading to an ordinance authorizing the execution of a Purchase and Sale Agreement with Stephen J. Crowley, D.B.A. Steam Valve for the purchase of 1899 Dennison Street for Union Point Park purposes. The approval of the acquisition is contingent upon the Port of Oakland receiving a \$500,000 grant from the Coastal Conservancy. The Port has already received an EEM grant from Caltrans that is restricted to the purchase of the property.

The purchase of the property is consistent with the Master Plan for the Union Point Park project.

ANALYSIS:

The source of funds, as indicated in the Board approval on November 21, 2000 is as follows:

- \$250,000 EEM grant
- Coastal Conservancy Grant for \$500,000
- Port contribution of \$50,000 plus closing costs. The Port will recover the cash contribution by leasing the site to the existing tenant at a monthly rate of \$2,250. The existing project schedule for the construction of Union Park construction, indicates approximately two years before this site will be required.

OPTIONS:

- Do not accept the grant and therefore not purchase the site.
- Execute the agreement for the grant to allow the purchase of the site as approved by the Board.

RECOMMENDATION:

It is recommended that the Port accept the grant for \$500,000 from the Coastal Conservancy and authorize the Executive Director to execute the agreement on behalf of the Port.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

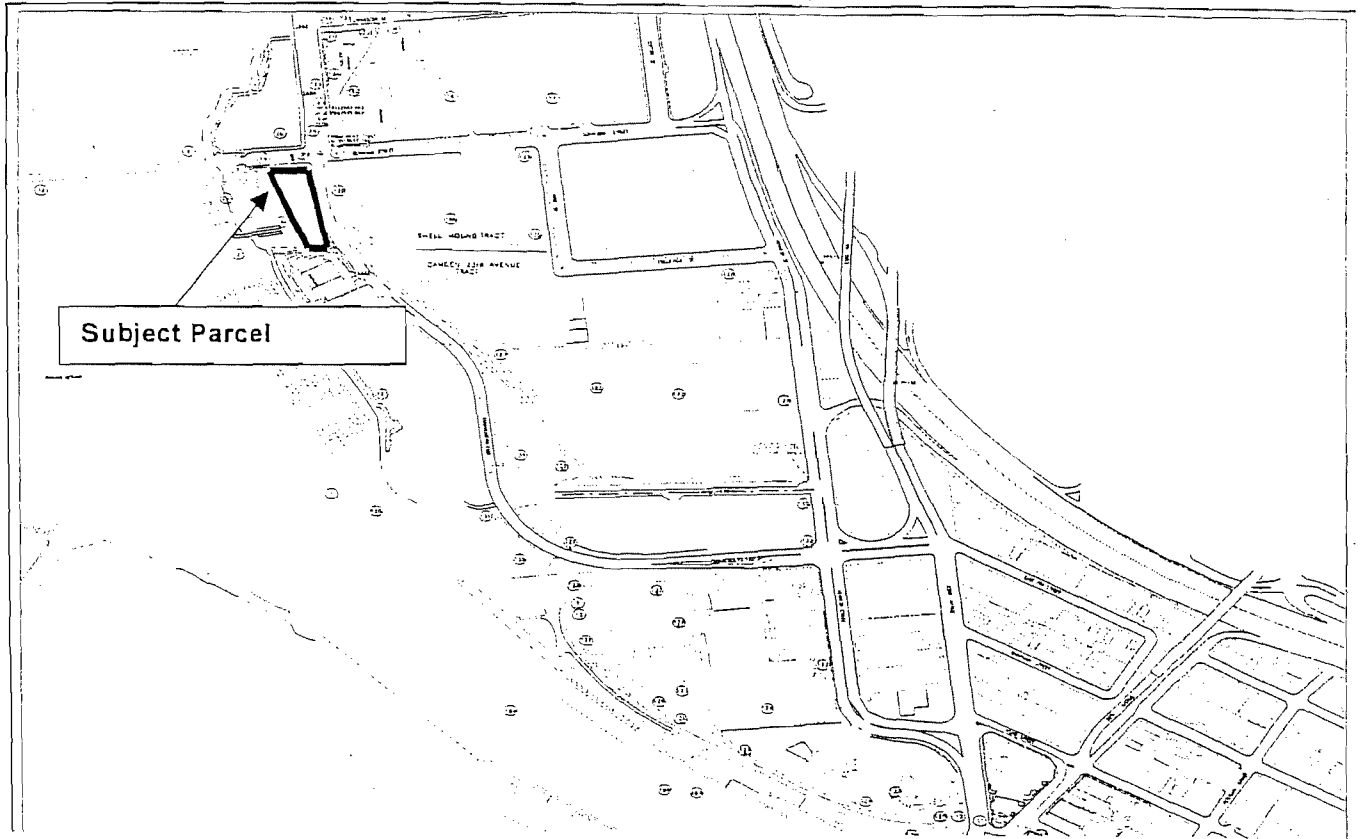
Approved by Resolution

No. 20493
BOARD ACTION TAKEN


Assistant SECRETARY OF THE BOARD

DEC 19 2000

DATE



Agenda Sheet

DATE: December 19, 2000

ITEM NO: 21

SUBJECT: Resolution Supporting Amendment to Oakland Base Reuse Authority's (OBRA) Reuse Plan for Oakland Army Base to be Consistent with Pending Amendment to San Francisco Bay Plan and San Francisco Bay Area Seaport Plan, and Committing the Port to Minimum Truck Parking and Maritime Support Services Area

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations (CI)
- Overall Operations

SUBMITTED BY: Ray Boyle

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND: On September 19, 2000, the Board of Port Commissioners authorized the Executive Director to execute a three-party Memorandum of Understanding (MOU) with the Oakland Base Reuse Authority (OBRA) and the San Francisco Bay Conservation and Development Commission (BCDC) and also authorized the filing of a joint OBRA/Port application to amend the BCDC's San Francisco Bay Plan and San Francisco Bay Area Seaport Plan. The MOU is an agreement among the BCDC, OBRA and Port to process and act on the requested amendment of the Bay and Seaport Plans and to articulate payment and cost sharing. The joint application to amend the Bay and Seaport Plans was filed with BCDC on September 20, 2000. The BCDC approved the initiation of the process to amend the two plans at its September 21, 2000 Commission meeting and is scheduled to vote on the amendment at its January 4, 2001 meeting. Please refer to the Port's September 19, 2000 Board Agenda Sheet Item No. 21 for additional factual background.

The proposed amendment to the Bay and Seaport Plans requests the removal of the existing "port priority use" designation from the westerly portion of the Oakland Army Base (OAB) that is now anticipated to be transferred from the U.S. Department of the Army (Army) to the OBRA or City of Oakland (City). The port priority use designation must be removed from the area to be transferred to the OBRA/City (the Gateway Development) if the City is to develop it for purposes other than port priority uses. The easterly portion of OAB would be transferred to the Port for port priority uses only.

The Port has worked collaboratively with OBRA to develop an alternative plan that *reconfigures* the boundaries of the lands at OAB that deviate from those in the original Draft Final Base Reuse Plan dated July 27, 1998 (Reuse Plan). For purposes of clarity, the original proposal, depicted in the current Reuse Plan, was to transfer the westerly portion of OAB to the Port and to transfer the easterly portion of OAB to OBRA or the City. The Port and OBRA are confident that the proposed reconfiguration will: demonstrate that cargo throughput capacity requirements through the year 2020 will be met; minimize Bay fill; satisfy BCDC's policy and legislative mandates; and be deemed consistent with the Bay and Seaport Plans. At its October 17, 2000 public hearing, the BCDC's Seaport Plan Advisory Committee (SPAC) voted to accept the Port/OBRA's joint application to amend the subject Bay and Seaport Plans.

PURPOSE: The purpose of this Board Letter is to secure from the Board of Port Commissioners its support and commitment, through the passing of a Resolution: (i) to support the proposed Reuse Plan amendment and accompanying reconfiguration, (ii) to commit to the provision by the Port of 15 acres of Truck Parking and Maritime Support Services, and (iii) to commit to collaborate with the City to establish mutually acceptable regional, City and Port programs to alleviate the impacts of Port maritime related trucking activities in the local neighborhoods and to share equitably in the cost thereof. The BCDC staff has stated that its Commission will require evidence of City and Port support of the Base Reuse Plan as a prerequisite to considering, and voting on, the proposed amendment to the Bay and Seaport Plans scheduled for January 4, 2001. Similar Resolutions have been placed before the Oakland Redevelopment Agency, City Council and OBRA Boards for approval.

ANALYSIS: BCDC conducted a public hearing on December 7, 2000 to solicit and consider public comments on the subject reconfiguration and amendment to the Bay and Seaport Plans. Comments were received from the public and the hearing was subsequently closed. The Port and City staffs feel reasonably optimistic that they will be able to continue to demonstrate to the BCDC, the overall benefits of the subject reconfiguration and amended Base Reuse Plan to the community, the BCDC and to the region at large.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20509

BOARD ACTION TAKEN

Assistant


SECRETARY OF THE BOARD

DEC 19 2000

DATE

In response to concerns raised prior to this hearing about the adequacy of available land for truck-related maritime support services, the Port and City staffs agreed to seek commitment from the Board of Port Commissioners and City Council to each provide fifteen acres of land dedicated to such purposes. It is staff's belief, based upon BCDC Commissioner comments at the hearing, that this commitment is necessary to secure a favorable vote on the Bay and Seaport Plan amendments.

BUDGET: Staff and consultant costs are already budgeted under CIP No. M7.0901.01.

SCHEDULE: As stated above, amending the Bay and Seaport Plans will require a vote by the BCDC Commission that is currently scheduled to occur on January 4, 2001. However, because of recent concerns by the West Oakland Commerce Association dealing with truck parking, the vote could potentially be delayed beyond this date. Since the BCDC actions are on the critical path for redevelopment of OAB, other program components such as actual conveyance of federally-owned lands to the Port and OBRA/City may also be delayed. Approvals by the State Lands Commission and other regulatory bodies that are outside of Port and City control are also expected to impact the schedule. It is important that the strategies employed to accommodate the complex transactions needed to close OAB be developed carefully and in concert with the many constituents associated with this program. Port staff feels it is important to maintain a steady momentum, a sense of urgency and to preserve the Port and City's credibility with the Army and with state regulators.

ENVIRONMENTAL DOCUMENTATION: The City of Oakland, as lead agency under the California Environmental Quality Act (CEQA), has prepared an Initial Study and approved a Mitigated Negative Declaration, dated July 2, 1998, for the interim leasing of OAB (Notice of Determination dated July 29, 1998). The City of Oakland is also preparing to commence work on a Programmatic Environmental Impact Report that is expected to be completed within the next 10-12 months. As lead agency under the National Environmental Policy Act (NEPA), the Army has prepared and approved an Environmental Assessment and a Finding of No Significant Impact (FONSI) for same dated October 1997. The Army has also prepared an Environmental Impact Statement dated September 1999 for the Disposal and Reuse of OAB to support conveyance, but it is currently on hold until the above-described issues are resolved and until the Army's new consistency determination is approved by BCDC. A Record of Decision (ROD) is expected some time in late Spring or early Summer of 2001. In addition, BCDC staff will oversee preparation of a CEQA-equivalent programmatic Environmental Assessment (EA) prepared in accordance with and as required by BCDC regulations. The CEQA-equivalent EA must be completed prior to the BCDC vote to approve the Bay and Seaport Plans amendments on January 4, 2001.

RECOMMENDATION: It is recommended that the Board of Port Commissioners pass a Resolution:

1. Supporting and requesting that the Oakland Base Reuse Authority adopt an amendment to its July 27, 1998 Draft Final Base Reuse Plan consistent with the pending amendment to the Bay Conservation and Development Commission's San Francisco Bay Plan and San Francisco Bay Area Seaport Plan, provided that said Plans are amended in accordance with the Joint Port/OBRA proposal, and
2. Committing to provide 15 acres of dedicated truck parking and related maritime support on an unsubsidized basis and on other reasonable terms and conditions, by lease or other agreement and further consents to said 15 acres being designated by BCDC as port priority use in the Seaport Plan, and
3. Consistent with regional, City and Port transportation planning efforts, committing to collaborate with the City of Oakland to establish mutually acceptable regional, City and Port programs to alleviate the impacts of Port maritime related trucking activities in the local neighborhoods and to share equitably in the costs thereof.

Agenda Sheet

DATE: December 19, 2000

ITEM NO: 22

SUBJECT: Authorization to Enter into a Grant Agreement with the California State Lands Commission for the West Coast Regional Applied Ballast Management Research and Demonstration Project

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

At the Regional Water Quality Control Board's public hearing on the Clean Water Act certification and Waste Discharge Requirements ("WDR") for the 50-foot Harbor Deepening Project, the chairperson of the Board expressed the Board's concern about the risk of introduction of invasive species into the San Francisco Bay. Port staff was already aware of the Board's concern and had previously contacted the California State Lands Commission (SLC) to ask about the status of their plan to conduct a pilot ballast water treatment program. Working with the SLC, staff had identified the need to expand the SLC program at a cost of \$150,000. When staff proposed to the Board to meet their concerns by the issuance of \$150,000 grant to the SLC, the proposal was accepted and issuance of the grant was included as a provision of the WDR.

The grant will allow the SLC to expand their planned program, called the West Coast Regional Applied Ballast Management Research and Demonstration Project, to install and test experimental treatment methods on commercial shipping vessels. The SLC is charged under State Law with evaluating alternatives to ocean exchange of ballast water. The SLC had previously obtained a grant for \$150,000 from the U. S. Fish and Wildlife Service to conduct a pilot treatment program. The Port grant would allow the SLC to expand that study to conduct an engineering analysis of an additional vessel, install the on-board ballast water treatment equipment, and assist in the evaluation and monitoring of that equipment.

We request authorization to enter into a grant agreement with the SLC for the amount of \$150,000 to expand their pilot ballast water treatment program. We also request that up to \$25,000 of contingency funding be made available, if necessary, to be approved by the Executive Director. The funding source is port cash. The task is budgeted under CIP Element M6.02871.02.

Description	Amounts
Proposed Total Maximum Compensation	\$ 150,000
Contingency Funds that may be approved by the Executive Director	\$ 25,000
Proposed Total Maximum Possible Compensation	\$ 175,000

RECOMMENDATION:

It is recommended that the Board:

1. Authorize the execution of a grant agreement with the California State Lands Commission as described above; and
2. Authorize the Executive Director to approve up to \$25,000 in contingency funding.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20495

BOARD ACTION TAKEN

[Signature]

SECRETARY OF THE BOARD

Assistant

DEC 19 2000

DATE

Agenda Sheet

^{TD}
 SUBJECT: Approval of Consultant Agreement for On-Call Professional Hydrographic Surveying and Mapping Services

DATE: December 19, 2000

ITEM NO: 23

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port of Oakland regularly engages hydrographic surveying services to perform condition soundings, on selected berths, an average of twice per year. The Port also utilizes the hydrographic consultant for pre- and post-dredge soundings for quantity analysis as part of our berth maintenance-dredging program. In addition, we occasionally require specialized services such as multibeam bathymetric mapping, sub-bottom profiling, and in-shore surveying underneath and around the berth areas.

The current agreement for performance of these services will expire soon. It is therefore proposed that a new agreement be entered into so that we may continue to provide the required services. The anticipated cost of the services is \$800,000 over a three-year period.

ANALYSIS:

The Port sent out a Request For Proposals (RFP) to all firms in the San Francisco Bay area that were known to us or had previously expressed an interest in proposing to the Port for these services. Three firms responded by the deadline, and all three were invited for oral interviews on October 3, 2000. One important component of the RFP is our Mentoring Program, which is designed to build the skill set, and experience base of small local firms. The advantage to the Port is that we create a larger local consulting base from which we can draw upon when we need additional capacity.

Staff evaluation of the number one ranked proposal is as follows:

1. G. B. Star as Mentor with PLS Surveys as Protégé, in a subconsultant position. This team proposed a further evolution in the Mentor-Protégé relationship by including the Protégé in all aspects of our hydrographic program, not just the condition soundings. It is proposed that the Protégé participate in the dredging program, including pre- and post-dredge soundings and the calculation of payment quantities. The appropriate quality assurance checks and balances are in place, with professional oversight in three layers. This team was ranked highest in terms of overall experience and capacity to service the Port on multiple project tasks, and on compliance with the Port's Nondiscrimination and Small Local Business Utilization Policy. G. B. Star and PLS Surveys each have separate contracts with the Port now, which will soon expire. Staff noted the apparent advantage of this relationship in our succession planning.

ALTERNATIVES:

2. Sea Surveyor is a small firm that has previous experience with the Port of Oakland. The firm did address the issues of importance to the Port's hydrographic program. Staff did consider response time from Benicia to be a factor, but the firm has a history of excellent response. Although this is a proposed professional services agreement and therefore not subject to price bidding, staff did note a competitive rate schedule equivalent to the first ranked team. The firm did propose a Protégé, but did not articulate any of the business arrangements. In fact, the proposal was for the Port to enter into a separate agreement with the proposed Protégé, a process that would either require another RFP, or a sole source procurement. Staff considered both of these options to be disadvantageous to the Port. The Port's Office of Equal Opportunity (OEO) ranked this firm the lowest of the three.

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- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20496

BOARD ACTION TAKEN

Assistant

[Signature]
 SECRETARY OF THE BOARD

DEC 19 2000

DATE

3. Fugro West is a nationally based firm that has recently begun competing in the Bay Area on a full time basis. Although their *proposal and presentation* were informative, it was also generic and very few of the issues relative to our hydrographic program were addressed. This firm's proposed rate schedule was the highest of the three. The firm failed to address the Mentoring Program at all, contending that they mentored their own employees.

OEO participated in all phases of the evaluation of the consultants and their proposals. OEO has determined that the G.B. Star team is responsive to the Port's Non-Discrimination and Small Local Business Utilization Policy. Staff's evaluations of the three firms were presented to the Maritime Committee at its November 30, 2000 meeting. Staff recommended G.B. Star and the Committee approved forwarding that recommendation to the full Board for consideration. The work is budgeted under and funded by the various capital improvement and maintenance projects for which the services are provided.

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the services as described above are professional services; and
2. Authorize negotiations, preparation, and execution of an agreement with G.B. Star for their services, as described above, for an amount not to exceed \$800,000.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: December 19, 2000

SUBJECT: Approval of Change Order to the Contract for Construction of Container Wharf, Dike, Fill and Container Yard Phase 1A at Berths 55/56, Inner Harbor Channel

ITEM NO: 24

PROGRAM AREA:

- Airport Operations
Commercial Real Estate
Maritime Operations
Overall Operations

SUBMITTED BY: Joseph K. Wong
EXECUTIVE OFFICE RECOMMENDATION:

FACTUAL BACKGROUND:

The Port has a contract with Port of Oakland Constructors, a Joint Venture, for the CONSTRUCTION OF CONTAINER WHARF, DIKE, FILL AND CONTAINER YARD PHASE 1A AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND, CALIFORNIA, which became effective October 25, 1999, at lump sum and unit prices totaling \$57,063,086.

ANALYSIS:

As part of the Vision 2000 program, the Port stockpiled all of the asphalt concrete and portland cement concrete generated from the demolition of the existing streets and buildings. This material was then crushed to be recycled as aggregate base for use in the new pavement sections for the container yard, roadways, and rail terminal.

BUDGET ANALYSIS:

The Port and the Contractor are negotiating a delivered price per ton including all markups and taxes. The placement and compaction of the material will be paid for under existing bid items. The estimated cost of this change order will be \$400,000.

On this project to date, including this change order, there are 34 change orders totaling approximately \$5,036,000 for 8.8% of the original award amount. Of this amount, approximately \$2 million is for work moved to this project from a future funded element of the program.

RECOMMENDATION:

It is recommended that the Board approve this Change Order to Port of Oakland Constructors, a Joint Venture, to furnish aggregate base, and that payment be made under negotiated unit prices for the estimated amount of \$400,000.

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- MOTION
RESOLUTION
ORDINANCE
INFORMATION ONLY

Approved by Resolution

No. 20497

BOARD ACTION TAKEN

Assistant

Secretary signature

SECRETARY OF THE BOARD

DEC 19 2000

DATE

Agenda Sheet

DATE: December 19, 2000

^{TD}
SUBJECT: Approval of Change Order to the Contract for Construction of Container Yard Phase 1B at Berths 55/56, Inner Harbor Channel

ITEM NO: 25

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JW*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

The Port presently has a contract with O.C. Jones & Sons, Inc., for the **CONSTRUCTION OF CONTAINER YARD PHASE 1B AT BERTHS 55/56, INNER HARBOR CHANNEL, OAKLAND CALIFORNIA**, which became effective on December 15, 1999 at lump sum and unit prices totaling \$20,782,063. The work consists of constructing approximately 71 acres of container yard, including furnishing and installing asphaltic and interlocking stone pavement; furnishing and installing lighting, fire protection, potable water, gas and electrical systems; furnishing and installing storm and sanitary systems; and performing signing and striping. The work also includes the construction of the terminal gate and canopy, the reefer wash facility and landscaping.

ANALYSIS:

One of the critical path items of work on this project is the installation of the electrical systems, which includes trenching for installation of conduit and pull boxes; pulling cables; furnishing and installing switch gear and transformers; assembling and installing lights and light poles; and installing the plugs for land operation of the refrigerated containers. The Contractor is currently installing power and electrical/telephone trenches in the northern area of the project site. The schedule to install the electrical systems has been impacted by: 1) adverse weather beyond the limits specified in the contract; 2) additional efforts to correct unstable subgrade; and 3) the re-sequencing of electrical work caused by recent tenant-requested design changes. The Contractor's current schedule update shows completion of electrical systems beyond the desired completion of mid-February, 2001. The solution to recover from these delays is to extend working shifts beyond a normal 8-hour shift for approximately 10 to 14 weeks to install the remaining portion of the electrical system. Extending working shifts will re-sequence the electrical installation with other activities in the project schedule to allow other trades and suppliers to complete their work. This re-sequencing will also shift the electrical schedule to correspond with tenant improvement activities in the Administration Building. Advanced completion of the electrical system protects the subgrade, as it minimizes the time trenches would remain open to rain. Completion of the electrical trenching allows advancement of asphalt paving activities that will protect the site from weather damage and minimize potential delays due to adverse weather. It is proposed that the Port pay only the premium portion of the costs for the extended shifts.

BUDGET ANALYSIS:

It is estimated that the premium portion of the extended shifts is \$250,000. The funding for this Change Order is budgeted under the project original CIP Element M6.00599.01, Budget/Awards Variance, the element in the Vision 2000 Program Budget established to fund such project changes. The funding source is Port Bonds.

Including this change order, there will be some 26 change orders valued at \$3,850,000 or 10.5% of the original contract work. Of this number, approximately \$2 million relates to unforeseen soil conditions and \$1.3 million to changes requested by the tenant to enhance revenue.

RECOMMENDATION:

It is recommended that the Board approve this change order in an amount estimated to be \$250,000 to O. C. Jones & Sons, Inc., for the above-described work.

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- MOTION
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Approved by Resolution

No. 20498
BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

DEC 19 2000
DATE

Agenda Sheet


DATE: December 19, 2000


ITEM NO: 32

^{TD}
SUBJECT: Approval to Hire Consultant Teams to Provide As-Needed Environmental Planning Consulting Services

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong 

EXECUTIVE OFFICE RECOMMENDATION: 

FACTUAL BACKGROUND:

The Port of Oakland is subject to a variety of environmental laws and regulations. As an agency responsible for a wide range of activities, the Port often needs to prepare environmental documentation and secure permits. The Port's Environmental Planning Department provides broad environmental planning services for the Port's capital program and operations. Additional environmental planning consulting services are often required to supplement these activities. Such professional services would be facilitated by having "as-needed" contracts in place so that assistance would be immediately available when required.

This will be the second series of such contracts sponsored by the Environmental Planning Department. The first contracts were established in May 1998, with consultant teams who could provide a variety of specific technical expertise and experience. To date, these contracts are approximately two thirds complete. It is anticipated that the contracts will be complete within the next six months. The type of work tasked under these contracts through June 2000 is summarized in the following table:

Technical Specialty	% of Total
Air Quality	2%
Adjunct Staff	12%
Biology	32%
Cultural Resources	9%
Environmental Documentation	12%
Graphics	2%
Hydrology / Sedimentation	16%
Permitting	2%
Socio-economic	1%
Training	Less than 1%
Transportation Studies	12%
	100%

A notification of the Port's intention to solicit proposals from consultant firms interested in on-call environmental consulting services was sent on July 26, 2000, to approximately 200 environmental planning consulting firms in the Port's designated Local Business Area (LBA). LBA firms were identified through (1) the Port of Oakland Business Services Database, which is maintained by the Port's Office of Equal Opportunity (OEO), (2) the yellow pages, and (3) the Port' Environmental Planning and Environmental Health and Safety Department files. Consultants were asked to indicate their interest in receiving a Request for Proposal (RFP) by completing and returning a Statement of Interest form. The objective was to identify firms that wished to participate in a team proposal and to encourage LBA, small firms, sole proprietorships, and firms with one or few areas of in-house technical teams to draw on outside expertise and be willing to manage subconsultants in providing environmental documentation products. In response, Statements of Interest were received from 53 consultant firms.

\\Brdagndas\EnvBLs\AsNeededConsultant\121900

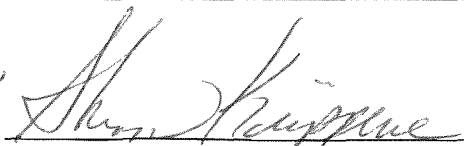
- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20502, 20503,
20504 & 20505

BOARD ACTION TAKEN

Assistant

 SECRETARY OF THE BOARD

DEC 19 2000

DATE

A matrix of consultant firms by areas of technical expertise and applied experience was developed. A Request for Proposal packet, including the consultant matrix, was posted on the Port's website on August 28, 2000. All 53 firms who had submitted Statements of Interest were notified of this posting via e-mail on August 24, 2000. Those that could not be contacted via e-mail received fax transmissions. Four proposals, which included 26 consulting firms, were received in Port offices by the deadline on September 21, 2000.

The proposals were reviewed and evaluated by a panel of three staff members from the Environmental Planning Department and one staff member from the Aviation Division. The panel met on September 26, 2000, and determined that all four teams had submitted adequate proposals and qualified for interviews. Interviews were conducted on October 27, 2000. The following four consultant teams are being recommended to provide the Port with environmental planning consulting services:

Firm	Location	LIA/LBA
g. borchard & associates	Oakland	LIA *
EVS Environment Consultants	Alameda	LIA
URS Corporation	Oakland	LIA
Weiss Associates	Emeryville	LIA

OEO reviewed the four short-listed teams to determine their responsiveness and preference points based on the Port's Non-Discrimination and Small Local Business Utilization Policy. OEO has the current Professional Services Questionnaire/EEO-1 Work Force Reports on file for all four recommended firms, and has determined that all firms comply with the Port's Non-Discrimination and Small Local Business Utilization Policy. Of the four firms, g. borchard & associates is a small, Oakland-based firm, and the other three firms are based in the LIA.

It is proposed that the Port execute professional services contracts for approximately three years each with all four teams, and to compensate them at agreed billing rates on a time-and-materials basis for a total amount not to exceed \$750,000 per firm. For all four contracts, a \$3 million aggregate maximum amount is recommended based upon the projection of projects and efforts within the Environmental Planning Department work program. The contracts will be used only as required and the contract maximums will not be exceeded without future Board approval.

The cost of these services is covered by the 5-year Capital Improvement Budget.

The following tables list each team's composition and their roles. The percentage of work varies for team members, depending on the nature of the individual tasks assigned.

TEAM MEMBER		ROLE
g. borchard & associates	LIA	Prime Consultant Environmental Planning / Assessment / Compliance
Basin Research Associates	LIA *	Cultural Resources
Dowling Associates	LIA	Transportation
Environmental Science Associates (ESA)	LIA	CEQA / NEPA Support
Environmental Vision	LIA	Architecture / Urban Design
GAIA	LIA	CEQA / NEPA Management
Luster National	LIA	Public Outreach
Woods Hole Group		Sediment Analysis / WQ

TEAM MEMBER		ROLE
EVS Environment Consultants	LIA	Prime Consultant Biological Analyses / Ecological Risk
Aquifer Sciences, Inc.	LBA	Soil / Groundwater Evaluations
Everest International Consultants		Coastal / Wetland Engineering
Far West Restoration Engineering	LIA	Environmental Restoration / Engineering
Merkel & Associates	LIA	Marine Habitat Management / Restoration
Sycamore Associates	LBA	Biological Assessment / Planning

TEAM MEMBER		ROLE
URS	LIA	Prime Consultant Environmental Planning / Assessment / Compliance
Merkel & Associates	LIA	Marine Habitat Restoration
Garcia and Associates		Biological Services
William Sylte	LBA *	Air Quality
Dowling Associates	LIA	Transportation
Environmental Vision	LIA	Visual Resources Evaluation
JRP Historical		Cultural Resources
Vernnaza Wolfe	LIA *	Fiscal / Economic Feasibility Analyses
David Gates & Associates	LBA *	Recreation Planning

TEAM MEMBER		ROLE
Weiss Associates	LIA	Prime Consultant Environmental Assessment, Project Mgmt.
Entrix	LBA	NEPA / CEQA, Biological Services, Air Quality
Luster National	LIA	Public Involvement
Ward & Associates	LBA	Land Use Planning
The Zahn Group	LIA	Architecture, Graphics, Construction Management
CCS	LIA	Traffic Analyses
Garcia and Associates		Cultural Resources
SCA Environmental	LIA	Noise Analyses
Leigh Fisher Associates		Airport Consultation

* Working on certification (see several that have one type of certificate, but not the other).

RECOMMENDATION:

It is recommended that the Board:

1. Determine that the consulting services as described are professional services; and
2. Authorize the preparation and execution of separate agreements with g. borchard & associates, EVS Environment Consultants, URS Corporation, and Weiss Associates in accordance with the above provisions, with each firm receiving a not-to-exceed amount of \$750,000, for a total aggregate contract amount of \$3 million.

Board of Port Commissioners - PORT OF OAKLAND
Agenda Sheet

SUBJECT: CLOSED SESSION

Date: December 19, 2000

SUBMITTED BY: Christopher C. Marshall

Item No. 40

EXECUTIVE OFFICE RECOMMENDATION:

CCM
[Signature]

PROGRAM AREA

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Pursuant to subdivision (a) of Section 54956.9.
Name of Case:

City of Oakland v. GKO & Associates, et al.
Alameda County Superior Court Case No. 824540-7

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant pursuant to subdivision (b) of
Sections 54956.9: 2 matters.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided
under Government Code Section 54956.8, under negotiations:

Property: Selection Locations
Jack London Square
Oakland, CA 94606

Negotiating Parties: Port of Oakland and Oakland Portside Associates
Under Negotiation: Price and Terms of Agreement

SUPPLEMENTAL

Property: Oakland Army Base

Negotiating Parties: Port of Oakland and City of Oakland
Under Negotiation: Price and Terms of Agreement

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Approved by Resolution

No. 20510

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

DEC 19 2000

DATE

BOARD OF PORT COMMISSIONERS
OF THE

PORT OF OAKLAND

530 Water Street
Oakland, California 94607

TELEPHONE: (510) 627-1100

CHARLES W. FOSTER
Executive Director

DAVID L. ALEXANDER
Port Attorney

CHRISTOPHER C. MARSHALL
Secretary of the Board

COMMISSIONERS

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President

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FRANK KIANG
JOHN PROTOPAPPAS
PATRICIA A. SCATES

December 19, 2000

Legal-41

Board of Port Commissioners
Of the City of Oakland
Oakland, California

**RE: PORT OF OAKLAND FLEXIBLE BENEFITS PLAN -
RETENTION OF TAX COUNSEL**

Dear Commissioners:

In 1996 the Port established a Flexible Benefits Plan, often called a "cafeteria plan" under Section 125 of the Internal Revenue Code of 1986, as amended. Under the Plan, an employee foregoes certain taxable cash compensation and chooses to use the pre-tax equivalent amount to reimburse qualifying medical and dependent care expenses. (The Director of Corporate Administration has submitted an Agenda Sheet to the Board, for consideration at its December 19th meeting, addressing restatement of the existing 125 Plan and approval of a legal agreement with a new Plan Administrator.)

Expert tax advice is necessary both to (1) maintain the Plan in accordance with changing Internal Revenue Code and regulation provisions and (2) assist the Port in complying with annual federal IRS testing and filing requirements. I recommend that the Board authorize me to retain the Oakland law firm of Fitzgerald, Abbott and Beardsley LLP, and the tax partner Kristen Pace, to assist my office, as necessary from time to time, in preparation of the restated Plan and compliance with federal requirements.

Respectfully submitted,



DAVID L. ALEXANDER
Port Attorney

cc: Charles Foster
Tay Yoshitani
Robert Martinez

Approved by Resolution

No.

20507

Assistant



DEC 19 2000

**SUMMARY AGENDA OF BOARD CALENDAR
December 19, 2000**

AIRPORT

- 4S** Ratification of Addendum and Award of Contract for Construction of Remain Overnight (RON) Aircraft Parking Apron and AC Overlay of Taxiway T, South Airport, OIA. (Resolution)

Notifies of the four bids received and recommends award of the contract to the low bidder.

COMMERCIAL REAL ESTATE

- 13S** Authorization to Execute the Grant Agreements with the State of California, Department of Transportation for the Reconstruction of Embarcadero between Clay and Franklin Project. (Resolution)

Recommends approval to accept the state grant for the roadway improvements at Jack London Square.

MARITIME

- 26S** Renewal of Korean Agency Contract. (Resolution)

Recommends approval to renew the agency contract for the Korean representation.

- 27S** Adjustments to Leased Premises and Rental Compensation in Lease Agreement with Keep On Trucking Company, Inc. (Resolution)

Recommends approval to delete certain space from their area at 9th Avenue. Notes the economic condition of the firm.

OPERATIONS

- 31S** Selection of Administrator Section 125/129 Flexible Benefits Plan. (Resolution)

Recommends approval to retain a new administrator for the plan and amend the plan to comply with the new tax law changes.

**SUMMARY AGENDA
December 19, 2000**

33S Travel Authorization. (Resolution)

Recommends approval for the travel of two maritime representatives to Geneva, Switzerland.

ORDINANCES: ("S")

Port Ordinance No. 3618 being, "AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF MULTI-YEAR LICENSE AND CONCESSION AGREEMENT WITH MARINE TERMINAL CORPORATION FOR BURMA ROAD TERMINAL."

Provides for approving an agreement with Marine Terminal Corporation for Burma Road Terminal.

Port Ordinance No. 3619 being, "AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE AN ADDITIONAL POSITION OF PORT JOB RESEARCHER."

Provides for creating an additional position of Port Job Researcher.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Management Agreement with Marine Terminals Corporation for Operations at Burma Road Terminal

DATE: December 5, 2000

ITEM NO: 21

PROGRAM AREA:

- Program Area options: Airport Operations, Commercial Real Estate, Maritime Operations, Overall Operations.

SUBMITTED BY: Raymond A. Boyle

RAB

DUPLICATE OF PRIOR CALENDAR ITEM

EXECUTIVE OFFICE RECOMMENDATION

FACTUAL BACKGROUND:

The Port's Agreement with Marine Terminals Corporation ("MTC") at the Berth 7 Burma Road Terminal ("BRT") is presently in holdover status. Under a previous Lease Agreement, the Port had rented the Berth 7 facility from the U.S. Army for \$545,125.00 annually. Several months ago, the Port entered into a no cost sublease with the Oakland Base Reuse Authority ("OBRA") for BRT. The terminal offers an on-dock transit shed and is presently used as a breakbulk facility where import steel commodities are discharged. Last February, Star Shipping transferred its Terminal Use Agreement ("TUA") and operations from the Ninth Avenue Terminal to BRT so that imported newsprint is also handled at the facility.

ANALYSIS:

MTC has indicated that they are losing money on their BRT operations. This could jeopardize the Port's position in the breakbulk steel and newsprint markets. MTC's losses are attributed to several factors. Steel tonnage remains depressed because domestic producers continue to seek protection from off-shore manufacturing which results in uncertainties generated by anti steel dumping legislation. The terminal itself is somewhat hindered in that there are wharf weight restrictions in handling steel commodities. There is also limited yard area to stage odd lots before truck pickup. MTC has therefore requested the Port re-evaluate compensation terms and an extended term under a new Management Agreement. The Port has proposed a new two year contract with the following key elements:

- 1. The new Agreement shall be subject to the terms and conditions of the sublease dated July 26, 2000 between the Port and OBRA.
2. MTC shall be subject to a guarantee of \$1,200,000.00 which is to be achieved in the first two contract years from all activity at the premises, including vessel and cargo activity from Star Shipping. This two year guarantee shall be subject to increases at the same time and by the same percentage as any upward adjustments are made to the Port's tariff non-containerized wharfage rate for Cargo, Not Otherwise Specified (NOS).
3. MTC will pay 55% of the Port's prevailing tariff charges for dockage, wharfage, wharf demurrage and wharf storage for all activity at the premises, excluding that for vessel and cargo activity from Star Shipping.
4. MTC will pay 45% of the Port's prevailing tariff charges for dockage, wharfage, wharf demurrage and wharf storage if during any contract year the facility's imputed Port tariff activity, excluding Star Shipping's, exceeds \$1.7 million dollars.
5. MTC and the Port shall each have the right to cancel the Agreement upon 60 days written notice. Upon expiration of the new 2 year term the Agreement will continue in full force and effect in one year increments but subject to 90 days written cancellation notice if the City, through OBRA, and the Port make a finding of determination which transfers the premises for other use of the site. However, in lieu of the 90 days, the Port may require that MTC be given an earlier notice of cancellation and termination if the premises are transferred by OBRA for other site use. The one year increments beyond the original 2 year term shall be subject to a revised Minimum Annual Guarantee.
6. The Port fully expects to maintain its relationship with Star Shipping so that all of its revenue generating activities under the current TUA remain in Oakland. MTC therefore agrees it will not solicit vessel stevedoring and terminal services at any other Northern California port for a Star Shipping vessel that would have otherwise called at the Burma Road Terminal. The Port may therefore elect to cancel the Agreement upon 30 days from when MTC provides vessel stevedoring and terminal services at any other Northern California port for a Star Shipping vessel that would have

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BOARD ACTION TAKEN

Signature of Assistant Secretary of the Board

ASSISTANT SECRETARY OF THE BOARD

DEC - 5 2000

DATE

otherwise called at BRT.

7. MTC may elect to finance the cost of any temporary building/shed that is needed to keep operations viable upon the facility. MTC shall be responsible for all related maintenance to any such structure and for the cost of removal upon expiration of the Agreement.
8. MTC shall continue to be responsible for all maintenance and repair of the facilities, including the Army crane, railroad tracks and rail tracks on the adjacent premises.
9. Compensation provisions of the new Agreement shall relate back to December 1, 2000.

FINANCIAL IMPACT:

The existing Agreement with MTC and the Star Shipping TUA have generated annual revenue of approximately \$978,000.00. When considering that we previously paid the U.S. Army \$545,125.00 for the Berth 7 facility, the net to the Port resulted in almost \$433,000.00 per year. The proposed Agreement would generate approximately \$643,000.00 net to the Port at current volume levels. However, MTC anticipates increased activity from more steel shipments and additional newsprint from another carrier which could result in total overall Port revenues exceeding \$900,000.00 under the new Agreement.

ALTERNATIVES:

1. The Port could lose a significant portion of BRT's existing activity to other Bay Area ports if the proposed adjustments are not made.
2. MTC will not be able to attract the additional cargo volume for Oakland if the proposed concessions are not granted.

The proposed modifications were reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and Port CEQA Guidelines and were determined Categorical Exempt per Section 15301 (p) which exempts such Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and where there is no negligible or no expansion of use beyond that previously existing.

RECOMMENDATION:

Approval to enter into the new Management Agreement with Marine Terminals Corporation, as outlined above.

Board of Port Commissioners - PORT OF OAKLAND

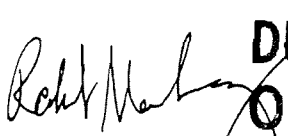
Agenda Sheet

SUBJECT: PERSONNEL ITEMS
Creation of Additional Position

DATE: December 5, 2000

ITEM NO: 31

SUBMITTED BY: Robert C. Martinez



EXECUTIVE OFFICE RECOMMENDATION: Charles W. Fiske

**DUPLICATE
OF PRIOR
CALENDAR MEMO**

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

I. CREATION OF ADDITIONAL POSITION—Ordinance (2 Readings)

A) It is requested that the Board approve the creation of one additional position of **Port Job Researcher** in the Port Communications Division. This position is needed to implement the recommendation of a desk audit to reclassify an Employment Resource Development Program Technician position and redesignate the incumbent. This action is an item approved in the FY 2000-2001 Staffing Plan and does not result in an increase to FTE count.

CURRENT EMPLOYEE FTE COUNT

**FY 2000-2001 BUDGETED OPERATING FTE: 646.40 FTE
CIP FTE: 62.00 FTE**

EMPLOYEES	AS OF 2/1/91	AS OF 10/22/99	AS OF 10/27/00	AS OF 11/24/00
Full-Time Employees	612.00	560.00	565.00	575.00
Part-Time Employees	2.13	2.40	2.40	2.40
Relief Telephone Operators		3.00	3.00	3.00
Relief Airport Custodians (P/T)	*11.00	8.00	8.00	8.00
Relief Airport Custodians (Intermittent, P/T)		0.00	0.00	0.00
TOTAL	625.13	573.40	578.40	588.40

* Statistical breakdown of various Reliefs was not available during this period.

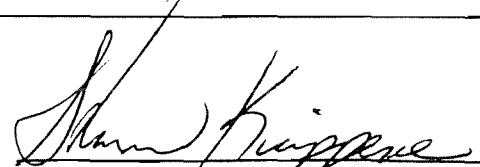
TEMPORARY AGENCY WORKER COUNT AS OF 10/25/2000

CATEGORY	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	UNIT F	TOTAL
BACKFILL	21	16	0	7	0	0	44
*CIP	0	0	8	4	0	0	12
LEAVE BACKFILL (NON MEDICAL)	0	0	0	0	0	0	0
MEDICAL BACKFILL	3	1	0	0	0	0	4
*SPECIAL PROJECT	4	3	0	5	1	0	13
WORKER'S COMP BACKFILL	0	2	0	0	0	0	2
TOTAL	28	22	8	16	1	0	75

* Temps supporting CIP or special projects—not replacement of current FTE

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BOARD ACTION TAKEN Assistant SECRETARY OF THE BOARD

DEC - 5 2000

DATE

COMPARISON OF TEMPORARY AGENCY WORKER COUNT WITH PREVIOUS COUNT

CATEGORY	10/01/1997	07/25/2000	08/24/2000	09/28/2000	10/25/2000
BACKFILL	27	31	37	35	44
*CIP	18	13	13	12	12
LEAVE BACKFILL (NON MEDICAL)	DATA NOT TRACKED	2	2	0	0
MEDICAL BACKFILL	4	8	8	4	4
*SPECIAL PROJECT	11	14	13	12	13
WORKER'S COMP BACKFILL	3	2	2	2	2
TOTAL	63	70	75	65	75

COUNT SUMMARY

CURRENT FTE COUNT	588.40
CURRENT TEMPORARY AGENCY BACKFILLS	44.00
VACANT POSITIONS	14.00
TOTAL	646.40

RECOMMENDATION

It is recommended that the Board of Port Commissioners approve the preceding creation of additional position.

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Agenda Sheet

DATE December 19, 2000

ITEM NO: 4S

SUBJECT: Ratification of Addenda and Award of Contract for Construction of Remain Overnight (RON) Aircraft Parking Apron and AC Overlay of Taxiway T, South Field, OIA

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Joseph K. Wong *JKW*

EXECUTIVE OFFICE RECOMMENDATION *CE*

FACTUAL BACKGROUND:

Four bids were received and opened on November 29, 2000, for Construction of Remain Overnight (RON) Aircraft Parking Apron and AC Overlay of Taxiway T, South Field, Oakland International Airport, Oakland, California. The following bids were received:

BIDDERS	LOCATION	LIABE*	LBABE*	TOTAL BID PRICE 3 (BASE BID PLUS ALT. A + B PRICES)
McGuire and Hester	Oakland, CA	X		\$15,665,537.00
Gallagher & Burk, Inc.	Oakland, CA	X		\$15,838,640.00
O.C. Jones and Sons, Inc.	Berkeley, CA		X	\$16,676,796.00
R & L Brosamer, Inc.	Oakland, CA	X		\$17,248,670.00

*LIABE = Local Impact Area Business Enterprise, LBABE Local Business Area Business Enterprise

A copy of the bid canvass is on file. The location of the work is shown on the attached map.

The Board of Port Commissioners, on October 10, 2000, approved the plans and specifications for this project to advertise for bids to be received on November 15, 2000. Addenda No. 1 and 2 were issued by the Chief Engineer to extend the bid opening date to November 29, 2000, and to include minor changes to the Bid Form, requirements for the Ground Run-up Enclosure and fueling system, and to the project Plans. The changes to the physical work of the contract were not substantial.

ANALYSIS:

Bidder Qualification:

The project specifications included qualification requirements of past construction of concrete paving and ground run-up enclosure projects at airports. McGuire and Hester met the qualification requirements for the project.

Non-Discrimination and Small/Local Business Utilization Policy:

In accordance with the Port's Non-Discrimination and Small/Local Business Utilization Policy (Policy), for bid comparison purposes only, if the bids are within 10% or \$1,000,000 (one million dollars), whichever is less, of the apparent low bidder's Total Bid Price, the bids may be modified (lowered) depending on the business location of the bidders and their subcontractors, and the length of time at those locations. Based on the comparison of the modified bid amounts, McGuire and Hester remains the low bidder.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No. 20492

BOARD ACTION TAKEN

Assistant Secretary Signature
Assistant SECRETARY OF THE BOARD

DEC 19 2000

DATE

Accordingly, it is recommended that McGuire and Hester be considered to be the lowest responsible bidder for the purpose of this contract. The Port's Office of Equal Opportunity analyzed the bids for compliance with the Policy, and concurs with this recommendation. LIABE participation is 51.57%, and LBABE participation is 1.68%.

Subcontractor Listing:

McGuire and Hester listed the following subcontractors. The remainder of the work will be performed by McGuire and Hester

<u>SUBCONTRACTORS SUBCONTRACTING AREA (Including Trucking)</u>	<u>LOCATION</u>	<u>LIABE</u>	<u>LBABE</u>	<u>"\$" AND "%" OF EACH SUBCONTRACTOR'S BID TO PRIME CONTRACTOR</u>
<u>McGuire and Hester</u> Prime Contractor	Oakland, CA	X		\$7,003,197.00/44.70%
<u>Striping Express, Inc.</u> Striping	Oakland, CA	*		\$39,500.00/0.25%
<u>Worldwide Land Surveyors</u> Surveying	Concord, CA		X	\$40,000.00/0.26%
<u>S & S Trucking</u> Trucking	Oakland, CA	X		\$367,500.00/2.35%
<u>Blast Deflectors, Inc.</u> Ground Run-up Enclosure	Watsonville, CA			\$2,124,000.00/13.56%
<u>Taber Construction</u> Service Building	Martinez, CA		X	\$115,000.00/0.73%
<u>St. Francis Electric</u> Electric	Hayward, CA	*		\$2,495,080.00/15.93%
<u>Magnum Pacific</u> Concrete	Pleasant Hill, CA		*	\$2,080,000.00/13.28%
<u>Cutler Trucking</u> Trucking	Fulton, CA			\$290,000.00/1.85%
<u>R.E. Serrano</u> Concrete	Oakland, CA	*		\$295,260.00/1.88%
<u>Salinas Reinforcing</u> Steel Reinforcing	Livermore, CA		X	\$108,000.00/0.69%
<u>Francisco Electric</u> Electrical Supplier	Oakland, CA	X		\$133,000.00/0.85%
<u>Lucy's Sales</u> Electrical Supplier	Oakland, CA	X		\$575,000.00/3.67%

*Bidder not certified as an LIABE/LBABE at time of bid.

Budget:

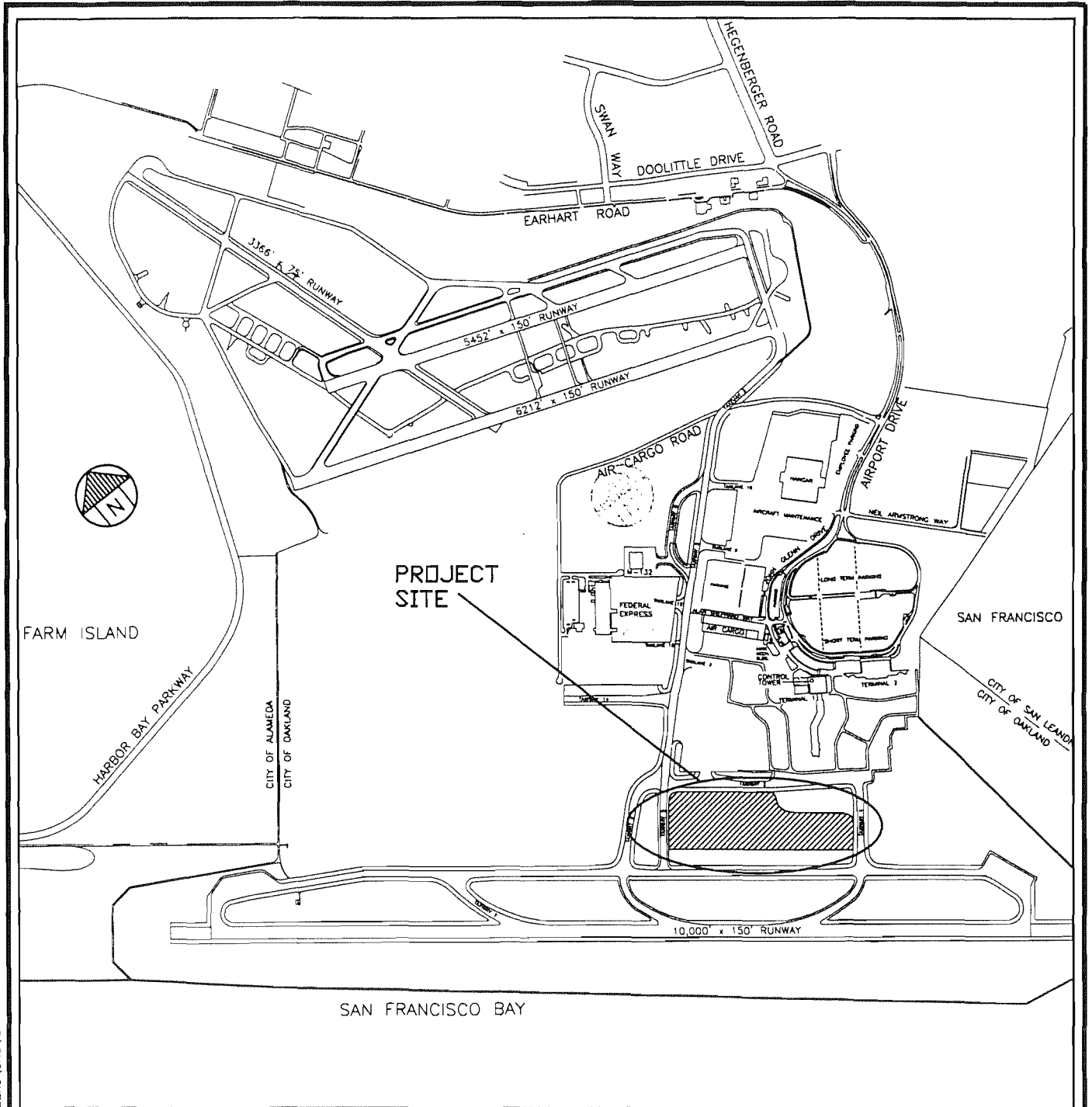
The capital budget for Fiscal Year 2001 provides for this work under CIP Items No A2.00682.01 and A2.00641.03. The funding source is Passenger Facility Charges under PFC 7 and 9 respectively. The low bid is within the project budget.

Project Labor Agreement:

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement apply to this work.

RECOMMENDATION:

It is recommended that McGuire and Hester be found to be the lowest responsible bidder, that Addenda 1 and 2 be ratified, that the contract for the above project be awarded to McGuire and Hester for the amount of its bid, and that other bids be rejected and the bid securities be returned to the other bidders.



PORT OF OAKLAND

RON CONSTRUCTION SCHEDULE

ID	Task Name	Duration	Start	Finish	2001												2002						
					Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
1	Bid Period & Award	40 days	Wed 11/29/00	Tue 1/23/01	[Rollup Bar]																		
2	Open Bids	0 days	Wed 11/29/00	Wed 11/29/00	◆ 11/29																		
3	Board Award	0 days	Tue 12/19/00	Tue 12/19/00	◆ 12/19																		
4	Contract Prep & Exec	15 days	Wed 12/20/00	Tue 1/9/01	[Task Bar]																		
5	Issue NTP	1 day	Tue 1/23/01	Tue 1/23/01	↓																		
6	Construction (440 cal days)	315 days	Wed 1/24/01	Tue 4/9/02	[Task Bar]																		
7																							
8	Issue NTP	25 days	Thu 2/1/01	Wed 3/7/01	[Task Bar]																		
9	Construction	315 days	Thu 3/8/01	Wed 5/22/02	[Task Bar]																		
10																							
11	Issue NTP	25 days	Wed 6/20/01	Tue 7/24/01	[Task Bar]																		
12	Construction	315 days	Wed 8/1/01	Tue 10/15/02	[Task Bar]																		

Project Constr RON Parking Apron
Date: Mon 12/4/00

Task		Summary		Rolled Up Progress	
Split		Rolled Up Task		External Tasks	
Progress		Rolled Up Split		Project Summary	
Milestone	◆	Rolled Up Milestone	◇		

Agenda Sheet

DATE: December 19, 2000

ITEM NO: 13S

SUBJECT: Authorization to Execute the Grant Agreements with the State of California, Department of Transportation for the Reconstruction of Embarcadero between Clay and Franklin Project

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Omar Benjamin

EXECUTIVE OFFICE RECOMMENDATION: *CCM*

FACTUAL BACKGROUND:

On January 19, 1999, the Board approved the submittal of the grant application for funding under the State Transportation Improvement Program of SB45 in the amount of \$730,000 for the Improvements to Embarcadero West project.

ANALYSIS:

The Improvements to Embarcadero West project involves modifications to Embarcadero between Clay and Franklin Streets. These modifications consist of removing an inactive section of railroad track, installing pre-cast concrete railroad crossings at four intersections (Clay, Washington, Broadway and Franklin), constructing asphalt concrete overlays and installing striping in the traffic lanes, and constructing lighting and landscaping improvements.

The following indicates the funding breakdown for work to be performed under this grant:

Project	Estimated Project Cost	Grant Amount	Port Share
Reconstruction of Embarcadero Clay and Franklin	\$982,000	\$730,000	\$302,000

GENERAL PLAN:

Pursuant to Section 727 of the City Charter, the projects have been determined to conform to the transportation designation for the sites in the Oakland General Plan.

BUDGET:

This work is included in the CIP Item Nos. P1.00601.02.

ENVIRONMENTAL:

This project has been determined to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15301, Class 1 – Repair of Existing Facilities and Section 15302, Class 2 – Replacement of Reconstruction of Existing Facility.

RECOMMENDATION:

It is recommended that the Board authorize the Executive Director to execute the grant agreements with the State of California, Department of Transportation regarding the grant funding under the State Transportation Improvement Program of SB45 in the amount of \$730,000.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20494

BOARD ACTION TAKEN Assistant

Alan Krupp
SECRETARY OF THE BOARD

DEC 19 2000

DATE

Agenda Sheet

SUBJECT: Renewal of Korean Agency Contract

DATE: December 19, 2000

ITEM NO: 265

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

FACTUAL BACKGROUND:

Global Enterprises, Ltd. as represented by Mr. P.S. Chung, has served as the Port of Oakland's agent in Korea since 1984, and currently serves under a one-year term Professional Services Agreement dated January 1, 2000. Compensation for Global Enterprises, Ltd. is USD \$18,000 per year plus allowable expenses of up to USD \$6,000 annually. As a primary element to the Port of Oakland's continuing marketing efforts in Korea, it is proposed this contract with Global Enterprises, Ltd. be renewed for an additional twelve-month period.

ANALYSIS:

Global Enterprises, Ltd. has consistently provided value to our marketing efforts through their personal knowledge of the key decision makers at the four Korean based ocean carriers and with governmental agencies, and through their ability to interact with and represent the Port to these entities. Also, Global Enterprises, Ltd. has coordinated media representation for the Port in Korea including executive interviews, article placement and advertising. Further, their long-term relationship with the Port has enabled them to develop an in-depth understanding of the trade and transportation issues facing Oakland.

Additionally, Global Enterprises, Ltd. has provided valuable support to the Board and staff during Port trade missions to Korea in arranging business meetings, press conferences and transportation.

We therefore recommend extension of the Global Enterprises, Ltd. agency representation contract for a twelve month period through December 31, 2001 at a compensation level of USD \$18,000 per year plus allowable expenses of up to USD \$6,000.

ALTERNATIVES:

Forego contract renewal: The functions currently performed by Global Enterprises would need to be taken over by in-house staff or eliminated. However, we would lose continuity with our trade and media contacts in Korea, and forego on-site logistical support of the Port's international trade missions.

Solicit for an alternative agent: Over the past sixteen years Global Enterprises has developed extensive expertise in coordinating with the Port of Oakland and numerous contacts on the Port's behalf. To obtain alternative representation would entail additional time and expense in agent selection, plus training required to educate the alternative agent on the Port's personnel, procedures, objectives, and issues.

RECOMMENDATION:

Approval of the Agreement in accordance with the above.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20499

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

DEC 19 2000

DATE

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

DATE: December 19, 2000

ITEM NO: 27S

SUBJECT: Adjustments to Leased Premises and Rental Compensation in Lease Agreement with Keep On Trucking Company, Inc.

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

SUBMITTED BY: Raymond A. Boyle *RAB*

EXECUTIVE OFFICE RECOMMENDATION: *[Signature]*

FACTUAL BACKGROUND:

Keep On Trucking Company, Inc. ("KOT") is a motor carrier which for many years has operated a steel storage facility in the vicinity of the Ninth Avenue Terminal. The current 5-year Lease Agreement was approved by the Board of Port Commissioners in 1998 and expires during the first part of calendar year 2004. The Lease Agreement provides for a 4% rate increase commencing October 1, 2000. Consequently, the Port presently receives monthly rental of \$ 35,147.35, as follows:

	<u>Lease Area</u>	<u>Square Feet</u>	<u>Rental Rate/ Square Foot</u>	<u>Rental Amount</u>
1.	Warehouse H-107	4,400.00	\$.24960	\$ 1,098.24
2.	Office Building H-228	714.29	\$.79040	\$ 564.57
3.	Warehouse-229	5,500.00	\$.24960	\$ 1,372.80
4.	Unpaved Land	121,995.36	\$.09360	\$ 11,418.77
5.	Paved Land	<u>151,886.17</u>	\$.13624	<u>\$ 20,692.97</u>
	Total Monthly Rent Under Lease	284,495.82		\$ 35,147.35

KOT also pays the Port an additional \$5,000.00 per month during the 5-year term of the Lease Agreement as partial settlement for the City of Oakland v. Keep On Trucking Company, Inc. litigation.

ANALYSIS:

KOT has indicated that they are losing money on their operations because of the competitive steel market. Steel tonnage remains depressed because domestic producers continue to seek protection from off-shore manufacturing which results in uncertainties generated by anti steel dumping legislation. KOT recently advised the Port that they can no longer afford the entire property they presently occupy under the Lease Agreement. The cash drain is acute enough to put the future of the company at risk. Consequently, KOT now proposes to delete approximately 127,900 square feet (+/- 2.94 acres) of the Paved Land area in order to strengthen its cash flow. KOT would continue to pay the Port for the remaining Paved Land area they would continue to occupy in accordance with the rates provided by the Lease Agreement.

FINANCIAL IMPACT:

Deleting most of the Paved Land Area would decrease the monthly rental of the Lease Agreement by \$17,425.10 (\$209,101.20 annually.)

ALTERNATIVES:

- The Port could lose the remaining portion of KOT's steel activity to other Bay Area ports and KOT may cease operations in Oakland if the proposed deletion to the Paved Land area and corresponding rental adjustments are not made. This would result in fewer steel truckers in our harbor area which are needed for these types of commodities.
- The +/- 2.94 acres to be relinquished by KOT provides the Port an opportunity to use the area for additional maritime support operations which would recoup the decrease in revenue by KOT.

The proposed adjustments to the KOT premises and rental compensation will commence January 1, 2001.

The proposed modifications are Categoricaly Exempt under the California Environmental Quality Act ("CEQA") and Section 15301 (p) which of the Port CEQA Guidelines.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution

No. 20500

BOARD ACTION TAKEN

Assistant

[Signature]
SECRETARY OF THE BOARD

DEC 19 2000

DATE

ENVIRONMENTAL OPPORTUNITIES FINDINGS:

In accordance with Resolution No. 20467, the above proposed action was evaluated for consistency with the Port's Sustainability Policy dealing with buying a product or choosing a vendor, entering into a service contract or selecting a vendor, developing a new program or project and entering into a construction or demolition project. The Port's Sustainability Policy applies to actions that are not included in this Agenda Sheet Item.

RECOMMENDATION:

Approval to enter into a Supplemental Agreement with Keep On Trucking Company, Inc. which deletes most of the Paved Land area and adjusts the rental compensation of the Lease Agreement, as outlined above.

Board of Port Commissioners - PORT OF OAKLAND

Agenda Sheet

SUBJECT: Selection of Administrator Section 125/129 Flexible Benefits Plan

DATE: December 19, 2000

ITEM NO: 315

SUBMITTED BY: Robert Martinez

RM

PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations

EXECUTIVE OFFICE RECOMMENDATION

Background:

On August 6, 1996 the Board of Port Commissioners approved the establishment of a Section 125 Flexible Spending Plan for all permanent employees. A Section 125 Flexible Benefits Spending Plan provides employees with the opportunity to pay dependent's care and medical expenses on a pre-tax basis, therefore, lowering their taxable income. Such Plans are widely used by public and private entities as a means of providing employee with benefits at little cost to the employer. Provision for these plans were incorporated into memoranda of understanding with SEIU Local 790, Western Council of Engineers and International Brotherhood of Electrical Workers Local 1245.

Due to various tax law changes it is recommended that the Port of Oakland restate its Section 125 Plan at this time. The Port Attorney's Office in connection with tax counsel has prepared a new Section 125 Plan document for Board approval.

In addition it is recommended that the Board authorize the Executive Director to execute an agreement with a Section 125 Plan administrator to provide the following services:

- Distribute communication materials and process all enrollments
- Provide standard employees meetings for the first year two plan years
- Provide the Port with per-pay-period reports and monthly reports of activities
- Provide Port employees with per-pay-period reimbursements and unlimited check writing at no additional cost
- Perform Discrimination testing
- Comply with IRS 5500 Filing Requirements

With the assistance of Saylor & Hill, the Port's Employee Benefits consultant, staff interviewed two local companies, TLC of Fremont and Pension Dynamics Corporation, of Lafayette, the only companies in the local business area that have the required public agency experience to provide the above described services.

Board approval is requested to authorize the Executive Director to enter into an agreement with The Lipman Company, Inc., doing business as TLC. for a term one year, with an option to renew annually for up to three years at the discretion of the Executive Director, to provide the services described above. TLC is proposed for selection based upon their reputation for providing high quality customer services. The annual administrative cost of this plan is approximately \$4000.00. This amount may increase slightly with an increase in employee participation. This company also has provided documentation of its commitment as an equal opportunity employer.

The proposed contract will cover the period of January 1, 2001 through December 31, 2001, with annual renewal options for up to a maximum of three years. The contract will provide administrative services and assistance with respect to the administration of Section 125 Plan for Rep. Units A, B, C, D, E, F and H.

Recommendation:

Board approval is requested to restate the Port's Section 125 Plan, effective January 1, 2001. Further, Board approval is requested contract with The Lipman Company Inc., (TLC), to administer the Section 125 Plan, for Rep. Units A, B, C, D,E, F and H.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution No.

20501
BOARD ACTION TAKEN

Shirley Kuppner
Assistant SECRETARY OF THE BOARD

DEC 19 2000
DATE

Agenda Sheet

SUBJECT: TRAVEL AUTHORIZATION

DATE: December 19, 2000

ITEM NO: 33S

SUBMITTED BY: Christopher C. Marshall

EXECUTIVE OFFICE RECOMMENDATION:

CCM


PROGRAM AREA:

- Airport Operations
- Commercial Real Estate
- Maritime Operations
- Overall Operations C.I.

As provided for in the Port's Administrative Manual, it is recommended that the Board authorize the travel of Ray Boyle, Director of Maritime, and Clement Chin, Senior Manager, Marketing and Business Development, to Geneva, Switzerland, on or about the period December 12 - 15, 2000, to call on Mediterranean Shipping Company.

Also recommended is the travel of Terry Smalley, Supervising Electrical/Mechanical Engineer, to Shanghai, China, on or about December 28, 2000 - January 15, 2001, for meetings with Shanghai Zhenhua Port Machinery regarding the new container cranes.


RECOMMENDATION:

It is recommended that the Board pass a resolution authorizing the above travel and reimbursement of appropriate expenses associated with the travel.

- MOTION
- RESOLUTION
- ORDINANCE
- INFORMATION ONLY

Approved by Resolution
No. 20506

BOARD ACTION TAKEN *Assistant*


SECRETARY OF THE BOARD

DEC 19 2000

DATE