

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31767

SPW

RESOLUTION EXTENDING TIME FOR PERFORMANCE
OF CONTRACT WITH KOCKS CRANE AND MARINE
COMPANY (KCMC)

RESOLVED that the time for the performance of the contract with KOCKS CRANE AND MARINE COMPANY (KCMC) for construction and installation of two container cranes at Seventh Street Public Container Terminal, Oakland, California, be and it hereby is extended by 214-calendar days for each crane, subject to the first crane having been shipped out of Korea by December 31, 1989, and the second crane being shipped out of Korea by February 25, 1990.

FURTHER RESOLVED that the Chief Engineer is hereby authorized to issue a change order to the KCMC contract granting the conditional time extension.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31768

SPK

RESOLUTION GRANTING UNION PACIFIC
RAILROAD COMPANY, PERMISSION TO PERFORM
CERTAIN WORK.

RESOLVED that the application submitted by UNION PACIFIC RAILROAD COMPANY, a corporation, for permission to perform certain work at its leased premises located at 1717 Ferro Street, Oakland, California, consisting of construction of a truck washing and fueling facility, including demolition, construction and installation of the following improvements:

- a) Demolition and removal of two existing underground fuel tanks and concrete cover;
- b) Construction of a 1'-9" deep x 75' long x 43'-4" wide reinforced concrete slab for truck washing;
- c) Construction of a 1'-2" deep x 40' long x 15' wide slab for a fueling station;
- d) Construction of a 25' x 28' reinforced concrete slab with an 8" wide and 32" high reinforced concrete dike around the perimeter of the slab to contain fuel and oil tanks;
- e) Installation of an above ground 10,400-gallon diesel fuel tank;
- f) Installation of an above ground 4,000-gallon reclaimed oil tank;
- g) Installation of an above ground 500-gallon reclaimed oil tank;
- h) Installation of an oil/water separator;
- i) Installation of a lift station;
- j) Installation of steel bollards;
- k) Installation of a 20-foot long container to house washing equipment and air compressor;

- l) Associated electrical, plumbing, and ventilating work;
and
- m) Replacement of existing cracked concrete and asphalt
pavement.

at an estimated cost to said applicant of \$187,500.00, hereby is approved and permission to perform the work is hereby granted conditioned upon: a) applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project; and b) applicant's compliance with all federal, state and local laws, rules and regulations concerning the removal and the installation of underground storage tanks.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

**Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5**

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31769

**RESOLUTION APPROVING AND RATIFYING USE
OF PREMISES LEASED TO MATSON TERMINALS,
INC. BY WALLENIOUS LINES AND ASSESSING
CHARGE FOR SUCH USE.**

WHEREAS, MATSON TERMINALS, INC. has requested the approval of this Board for the use of its leased facilities at the Seventh Street Terminal by WALLENIOUS LINES for one vessel call during the month of December, 1989; and

WHEREAS, the Marine Terminal Lease and Agreement between this Board and MATSON TERMINALS, INC., dated the 2nd day of May, 1966, as amended by that certain Third Supplemental Agreement dated the 7th day of November, 1973, provides that the Port may assess a reasonable charge in addition to the rental set forth in said lease as a condition to the approval of any use of the leased premises by third parties other than those named therein; now, therefore, be it

RESOLVED that this Board does hereby approve and ratify the said use of the Matson leased premises by WALLENIOUS LINES subject to the condition that there shall be paid to the Port 50% of all applicable charges which accrue pursuant to the Port of Oakland Marine Terminal Tariff, which the Board hereby determines to be a reasonable charge therefor, having taken into account the respective interests of the parties in the premises; and be it

FURTHER RESOLVED that in connection therewith MATSON TERMINALS, INC. shall render to the Port appropriate reports relating to the volume of cargo handled in connection with the use of said premises by WALLENIOUS LINES.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31770

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved:

ROBERT WINN, Manager, General Aviation, Salary Grade 12, Rate \$4508, effective January 8, 1990;

FRANK TSE, Land Records Programmer, Salary Grade 8, Rate \$3098, effective January 8, 1990;

JAMES DUNCAN, Port Maintenance Leader, effective January 8, 1990;

WILLIE JACKSON, Port Maintenance Leader, effective January 8, 1990;

ORLANDO MALESIDO, Youth Aide, Class "BB-1", effective January 8, 1990;

DAVID M. ALDAPE, Office Services Manager, Salary Grade 12, Rate \$4508, effective January 16, 1990;

STEVE STRETCHBERRY, Port Planning Supervisor, Salary Grade 11, Rate \$4031, effective January 16, 1990; and

WILLIAM E. WADE, Airport Operations Manager, Salary Grade 13, Rate \$5046, effective January 22, 1990.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31771

**RESOLUTION AMENDING RESOLUTION NOS. 31755
AND 31403 CONCERNING CERTAIN APPOINTMENTS.**

RESOLVED that that portion of Resolution No. 31755 relating to the appointment of SUZANNE LUCAS, adopted by this Board on December 19, 1989, is hereby amended to read as follows:

"SUZANNE LUCAS, Youth Aide, Class
"BB-1", effective December 20,
1989;..."

and be it

FURTHER RESOLVED that the appointment of ELLEN HOLMGREN to the position of Youth Aide, Class "AA", as approved by Resolution No. 31403 is hereby extended to and shall terminate on March 9, 1990.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31772

SPH

RESOLUTION ASSIGNING THE EXECUTIVE
DIRECTOR, TRANSPORTATION SERVICES TO A
NEW SALARY RATE WITHIN SALARY GRADE 19.

RESOLVED that the following named employee is hereby
assigned to the specific salary rate within the salary grade
assigned to his position, effective February 1, 1990, as follows:

Grade No. 19:

<u>Employee</u>	<u>Position</u>	<u>Salary Rate</u>
JAMES J. O'BRIEN	Executive Director, Transportation Services	\$11,667

and be it

FURTHER RESOLVED that the salary rate within Salary
Grade 19 for JAMES J. O'BRIEN set forth in Port Resolution No.
31708, adopted December 5, 1989 shall continue to be effective
to and including January 31, 1990.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SKH

RESOLUTION NO. 31773

**RESOLUTION APPROVING AMENDED APPLICATION
TO STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION FOR GRANT FUNDS FOR FERRY
SERVICE IN JACK LONDON SQUARE.**

RESOLVED, that the Board of Port Commissioners hereby approves an amended application with the State of California Department of Transportation for Transit Capital Improvement Program grant funds, in the approximate amount of \$2,352,000, for the lease-purchase of vessels to provide ferry service to Jack London Square; and be it

FURTHER RESOLVED, that said amended application shall replace the application to the State of California Department of Transportation for grant funds to construct a ferry terminal facility at Jack London Square as approved by this Board by the adoption of Resolution No. 31717 on December 5, 1989.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31774

SPH

RESOLUTION AMENDING RESOLUTION NO. 31457
WITH RESPECT TO EMPLOYEES REPRESENTED BY
THE WESTERN COUNCIL OF ENGINEERS IN THE
PORT OF OAKLAND REPRESENTATION UNIT C
FIXING THE PORT'S CONTRIBUTION FOR
EMPLOYEES AND THE PORT'S CONTRIBUTION FOR
ANNUITANTS AT DIFFERENT AMOUNTS.

WHEREAS the City of Oakland acting by and through its Board of Port Commissioners, a local public agency (the "Public Agency") desires to amend the provisions of Resolution No. 31457 relating to employer contributions for members of the Western Council of Engineers in Representation Units C, who are employees and annuitants of the agency; now, therefore be it

RESOLVED that the employer's contribution for each employee shall be the sum of Twenty Dollars (\$20.00) per full-time employee per month who qualifies for benefits in accordance with the criteria set forth in the Act and the Memorandum of Understanding between the Port and the Western Council of Engineers toward the cost of any insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those employees who have attained the age of 65 years; and be it

FURTHER RESOLVED that the employer's contribution for each annuitant shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of his her family member, in a health benefits plan up to a maximum of one dollar (\$1.00) per month; and be it

FURTHER RESOLVED that the employer's contribution for each annuitant shall be increased annually be five percent (5%) of the monthly contribution for employees, until such time as the contributions are equal; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute thereunder the sum of Two Hundred and Fifty-Eight and 47/100 Dollars (\$258.47) per full time employee per month who qualifies for benefits as described above toward the cost of any insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those employees who have attained the age of 65 years, in those cases where the said employee elects to provide such insurance for his or her dependents, provided however, if the said employee does not provide such insurance for dependents, or if the amount hereinabove set forth exceeds the cost of said insurance for the

said employee and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however the amount hereinabove provided for; and be it

FURTHER RESOLVED that the Board shall contribute the sum of ten dollars (\$10) per eligible part-time employee, as described in Section 3 of Port Ordinance 1166 as amended, who qualifies for benefits in accordance with criteria in said Act and in the current Memorandum of Understanding between the Port of Oakland and the Western Council of Engineers, except as provided in said Section 3 of Port Ordinance 1166, as amended, per month toward the cost of such insurance hereinabove described; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute the sum of One Hundred and Twenty-Nine and 24/100 Dollars (\$129.24) per eligible part-time employee, as described in Section 3 of Port Ordinance No. 1166 as amended, who qualifies for benefits as described above, except as provided in said Section 3 of Port Ordinance No. 1166 as amended, per month toward the cost of such insurance hereinabove described, provided however, if the said part-time employee does not provide such insurance for dependents or if the amount hereinabove set forth exceeds the cost of said insurance for the said part-time employee and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however a total contribution as hereinabove set forth; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute thereunder the sum of Fifty-Nine Dollars (\$59.00) per eligible retiree per month, who by reason of his/her retirement from the service of the Board occurring on or after September 1, 1989 qualifies for insurance provided under the Act as described above, toward the cost of any such insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those retirees who have attained the age of 65 years, in those cases where the said retiree elects to provide such insurance for his or her dependents. In the event that the said retiree does not provide such insurance for dependents, or in the event the amount hereinabove set forth exceeds the cost of said insurance for the said retiree and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however the amount hereinabove provided for, provided however, that said payments shall be prorated for retirees whose eligibility to participate under the Act is by reason of their retirement from the service of the Board as an eligible part-time employee and provided further that said retiree shall have enrolled in any such insurance plan provided under the Act within 120 days from the date of his/her retirement and that the said employee shall have completed at least five (5) years of Port/City service upon his/her retirement date and provided further that the monthly contributions paid to the Benefits Account for eligible retirees described above shall be reduced by one dollar (\$1.00) on August 1, 1990 and on each succeeding August 1 that said Benefits Account is maintained for each of said eligible retirees; and be it

FURTHER RESOLVED that the Board of Port Commissioners, as the Public Agency's executive body, appoints and directs and does hereby appoint and direct, the Acting Chief Executive Officer and Executive Director (the "Executive Director") to file with the

Board of Administration of the Public Employees' Retirement System a certified copy of this Resolution, and to perform on behalf of Said Public Agency all functions required of it under the Act and Regulations of the Act's Board of Administration;

FURTHER RESOLVED that the Executive Director will advise the Board of Administration of the Public Employees' Retirement System if the district cease to be a public agency as defined above; and be it

FURTHER RESOLVED that coverage under the Act as set forth hereinabove shall be effective September 1, 1989.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Nocs: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31775

SPK

RESOLUTION AMENDING RESOLUTION NO. 31458 WITH RESPECT TO EMPLOYEES REPRESENTED BY THE WESTERN COUNCIL OF ENGINEERS IN THE PORT OF OAKLAND REPRESENTATION UNIT C AND BELONGING TO THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM FIXING THE PORT'S CONTRIBUTION FOR EMPLOYEES AND THE PORT'S CONTRIBUTION FOR ANNUITANTS AT DIFFERENT AMOUNTS.

WHEREAS the City of Oakland acting by and through its Board of Port Commissioners, a special district (the "Special District") pursuant to Government Code Section 22754(g), desires to amend the provisions of Resolution No. 31458 relating to employer contributions for members of the Western Council of Engineers in Representation Units C and belonging to the Oakland Municipal Employees' Retirement System who are employees and annuitants; now, therefore be it

RESOLVED that the employer's contribution for each employee shall be the sum of Twenty Dollars (\$20.00) per full-time employee per month who qualifies for benefits in accordance with the criteria set forth in the Act and the current Memorandum of Understanding between the Port and the Western Council of Engineers toward the cost of any insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those employees who have attained the age of 65 years; and be it

FURTHER RESOLVED that the employer's contribution for each annuitant shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of his/her family member, in a health benefits plan up to a maximum of one dollar (\$1.00) per month; and be it

FURTHER RESOLVED that the employer's contribution for each annuitant shall be increased annually by five percent (5%) of the monthly contribution for employees, until such time as the contributions are equal; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute thereunder the sum of Two Hundred and Fifty-Eight and 47/100 Dollars (\$258.47) per full-time employee per month who qualifies for benefits as described above toward the cost of any insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those employees who have attained the age of 65 years, in those cases where the said employee elects to provide such insurance for his or her dependents, provided however, if the said employee does not

provide such insurance for dependents, or if the amount hereinabove set forth exceeds the cost of said insurance for the said employee and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however the amount hereinabove provided for; and be it

FURTHER RESOLVED that the Board shall contribute the sum of ten dollars (\$10.00) per eligible part-time employee, as described in Section 3 of Port Ordinance No. 1166 as amended, who qualifies for benefits in accordance with criteria in said Act and in the current Memorandum of Understanding between the Port of Oakland and the Western Council of Engineers, except as provided in said Section 3 of Port Ordinance No. 1166, as amended, per month toward the cost of such insurance hereinabove described; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute the sum of One Hundred and Twenty-Nine and 24/100 Dollars (\$129.24) per eligible part-time employee, as described in Section 3 of Port Ordinance No. 1166 as amended, who qualifies for benefits as described above, except as provided in said Section 3 of Port Ordinance No. 1166 as amended, per month toward the cost of such insurance hereinabove described, provided however, if the said part-time employee does not provide such insurance for dependents or if the amount hereinabove set forth exceeds the cost of said insurance for the said part-time employee and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however a total contribution as hereinabove set forth; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute thereunder the sum of Fifty-Nine Dollars (\$59.00) per eligible retiree per month, who by reason of his/her retirement from the service of the Board occurring on or after September 1, 1989 qualifies for insurance provided under the Act as described above, toward the cost of any such insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those retirees who have attained the age of 65 years, in those cases where the said retiree elects to provide such insurance for his or her dependents. In the event that the said retiree does not provide such insurance for dependents, or in the event the amount hereinabove set forth exceeds the cost of said insurance for the said retiree and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however the amount hereinabove provided for, provided however, that said payments shall be prorated for retirees whose eligibility to participate under the Act is by reason of their retirement from the service of the Board as an eligible part-time employee and provided further that said retiree shall have enrolled in any such insurance plan provided under the Act within 120 days from the date of his/her retirement and that the said employee shall have completed at least five (5) years of Port/City service upon his/her retirement date and provided further that the monthly contributions paid to the Benefits Account for eligible retirees described above shall be reduced by one dollar (\$1.00) on August 1, 1990 and on each succeeding August 1 that said Benefits Account is maintained for each of said eligible retirees; and be it

FURTHER RESOLVED that the Board of Port Commissioners, as the Special District's executive body, appoints and directs and does hereby appoint and direct, the Acting Chief Executive Officer and Executive Director (the "Executive Director") to file with the Board of Administration of the Public Employees' Retirement System a certified copy of this Resolution, and to perform on behalf of said Special District all functions required of it under the Act and Regulations of the Act's Board of Administration;

FURTHER RESOLVED that the Executive Director will advise the Board of Administration of the Public Employees' Retirement System if the district ceases to be a special district as defined above; and be it

FURTHER RESOLVED that coverage under the Act as set forth hereinabove shall be effective September 1, 1989.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31776

SAK

RESOLUTION AMENDING RESOLUTION NO. 31459 WITH
RESPECT TO UNREPRESENTED PORT EMPLOYEES IN
REPRESENTATION UNITS D AND E AND CERTAIN
CONFIDENTIAL EMPLOYEES IN REPRESENTATION UNITS
A, B AND G FIXING THE PORT'S CONTRIBUTION FOR
EMPLOYEES AND THE PORT'S CONTRIBUTION FOR
ANNUITANTS AT DIFFERENT AMOUNTS.

WHEREAS the City of Oakland acting by and through its Board of Port Commissioners, a local public agency (the "Public Agency") desires to amend the provisions of Resolution No. 31459 relating to employer contributions with respect to unrepresented Port employees and annuitants in Representation Units D and E and with respect to certain employees and annuitants in Representation Units A, B and G whose employment classifications are represented by United Public Employees, Local 790 but who are identified by the Port as confidential employees and annuitants as defined under the Myers-Miliias-Brown Act; now, therefore be it

RESOLVED that the employer's contribution for each employee shall be the sum of Twenty Dollars (\$20.00) per full-time employee per month, including full-time Youth Aides who qualify for benefits in accordance with the Act, Port of Oakland Personnel Bulletin No. 1, dated February 22, 1983 and the current Memorandum of Understanding between the Port and United Public Employees Local 790 for the Youth Aide Unit, who qualify for benefits in accordance with the criteria set forth in the Act toward the cost of any insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those employees who have attained the age of 65 years; and be it

FURTHER RESOLVED that the employer's contribution for each annuitant shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of his/her family member, in a health benefits plan up to a maximum of one dollar (\$1.00) per month; and be it

FURTHER RESOLVED that the employer's contribution for each annuitant shall be increased annually be five percent (5%) of the monthly contribution for employees, until such time as the contributions are equal; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute thereunder the sum of Two Hundred and Fifty-Eight and 47/100 Dollars (\$258.47) per full-time employee per month, including full-time Youth Aides who qualify for benefits as described above toward the cost of any insurance provided under the Act, or by the Social

Security Administration in conjunction with any plan provided under the Act for those employees who have attained the age of 65 years, in those cases where the said employee elects to provide such insurance for his or her dependents, provided however, if the said employee does not provide such insurance for dependents, or if the amount hereinabove set forth exceeds the cost of said insurance for the said employee and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however, the amount hereinabove provided for; and be it

FURTHER RESOLVED that the Board shall contribute the sum of ten dollars (\$10.00) per eligible part-time employee, as described in Section 3 of Port Ordinance No. 1166 as amended, including part-time Youth Aides who qualify for benefits in accordance with criteria in said Act, Memorandum of Understanding with United Public Employees Local 790 and Port of Oakland Personnel Bulletin No. 1, except as provided in said Section 3 of Port Ordinance No. 1166, as amended, per month toward the cost of such insurance hereinabove described; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute the sum of One Hundred and Twenty-Nine and 24/100 Dollars (\$129.24) per eligible part-time employee, as described in Section 3 of Port Ordinance No. 1166 as amended, including part-time Youth Aides who qualify for benefits as described above, except as provided in said Section 3 of Port Ordinance No. 1166 as amended, per month toward the cost of such insurance hereinabove described, provided however, if the said part-time employee does not provide such insurance for dependents or if the amount hereinabove set forth exceeds the cost of said insurance for the said part-time employee and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however, a total contribution as hereinabove set forth; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute thereunder the sum of Fifty-Nine Dollars (\$59.00) per eligible retiree per month, who by reason of his/her retirement from the service of the Board occurring on or after September 1, 1989 qualifies for insurance provided under the Act as described above, toward the cost of any such insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those retirees who have attained the age of 65 years, in those cases where the said retiree elects to provide such insurance for his or her dependents. In the event that the said retiree does not provide such insurance for dependents, or in the event the amount hereinabove set forth exceeds the cost of said insurance for the said retiree and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however the amount hereinabove provided for, provided however, that said payments shall be prorated for retirees whose eligibility to participate under the Act is by reason of their retirement from the service of the Board as an eligible part-time employee and provided further that said retiree shall have enrolled in any such insurance plan provided under the Act within 120 days from the date of his/her retirement and that the said employee shall have completed at least five (5) years of Port/City service upon his/her retirement date and provided further that the monthly contributions paid to the Benefits Account for eligible retirees described above shall be reduced by one dollar (\$1.00) on August 1, 1990 and on each succeeding August 1 that said Benefits Account is maintained for each of said eligible retirees; and be it

FURTHER RESOLVED that the Board of Port Commissioners, as the Public Agency's executive body, appoints and directs and does hereby appoint and direct, the Acting Chief Executive Officer and Executive Director (the "Executive Director") to file with the Board of Administration of the Public Employees' Retirement System a certified copy of this Resolution, and to perform on behalf of said Public Agency all functions required of it under the Act and Regulations of the Act's Board of Administration;

FURTHER RESOLVED that the Executive Director will advise the Board of Administration of the Public Employees' Retirement System if the district ceases to be a public agency as defined above; and be it

FURTHER RESOLVED that coverage under the Act as set forth hereinabove shall be effective September 1, 1989.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31777

RESOLUTION AMENDING RESOLUTION NO. 31460 WITH RESPECT TO UNREPRESENTED PORT EMPLOYEES IN REPRESENTATION UNITS D AND E AND CERTAIN CONFIDENTIAL EMPLOYEES IN REPRESENTATION UNITS A, B, AND G AND BELONGING TO THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM FIXING THE PORT'S CONTRIBUTION FOR EMPLOYEES AND THE PORT'S CONTRIBUTION FOR ANNUITANTS AT DIFFERENT AMOUNTS.

WHEREAS the City of Oakland acting by and through its Board of Port Commissioners, a special district (the "Special District") pursuant to Government Code Section 22754(g), desires to amend the provisions of Resolution No. 31460 relating to employer contributions with respect to unrepresented Port employees and annuitants in Representation Units D and E and with respect to certain employees and annuitants in Representation Units A, B and G whose employment classifications are represented by United Public Employees, Local 790 but who are identified by the Port as confidential employees and annuitants as defined under the Myers-Milias-Brown Act all of whom belong to the Oakland Municipal Employees' Retirement System; now, therefore be it

RESOLVED that the employer's contribution for each employee shall be the sum of Twenty Dollars (\$20.00) per full-time employee per month, including full-time Youth Aides who qualify for benefits in accordance with the Act, Port of Oakland Personnel Bulletin No. 1, dated February 22, 1983 and the current Memorandum of Understanding between the Port and United Public Employees Local 790 for the Youth Aide Unit, who qualify for benefits in accordance with the criteria set forth in the Act toward the cost of any insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those employees who have attained the age of 65 years; and be it

FURTHER RESOLVED that the employer's contribution for each annuitant shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of his/her family member, in a health benefits plan up to a maximum of one dollar (\$1.00) per month; and be it

FURTHER RESOLVED that the employer's contribution for each annuitant shall be increased annually by five percent (5%) of the monthly contribution for employees, until such time as the contributions are equal; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute thereunder the sum of Two Hundred and Fifty-Eight and 47/100 Dollars (\$258.47) per full-time employee per month, including full-time Youth Aides who qualify for benefits as described above toward the cost of any insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those employees who have attained the age of 65 years, in those cases where the said employee elects to provide such insurance for his or her dependents, provided however, if the said employee does not provide such insurance for dependents, or if the amount hereinabove set forth exceeds the cost of said insurance for the said employee and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however the amount hereinabove provided for; and be it

FURTHER RESOLVED that the Board shall contribute the sum of ten dollars (\$10.00) per eligible part-time employee, as described in Section 3 of Port Ordinance No. 1166 as amended, including part-time Youth Aides who qualify for benefits in accordance with criteria in said Act, Memorandum of Understanding with United Public Employees Local 790 and Port of Oakland Personnel Bulletin No. 1, except as provided in said Section 3 of Port Ordinance No. 1166, as amended, per month toward the cost of such insurance hereinabove described; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute the sum of One Hundred and Twenty-Nine and 24/100 Dollars (\$129.24) per eligible part-time employee, as described in Section 3 of Port Ordinance No. 1166 as amended, including part-time Youth Aides who qualify for benefits as described above, except as provided in said Section 3 of Port Ordinance No. 1166 as amended, per month toward the cost of such insurance hereinabove described, provided however, if the said part-time employee does not provide such insurance for dependents or if the amount hereinabove set forth exceeds the cost of said insurance for the said part-time employee and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however a total contribution as hereinabove set forth; and be it

FURTHER RESOLVED that in addition to the foregoing, the Board shall establish a Benefits Account and shall contribute thereunder the sum of Fifty-Nine Dollars (\$59.00) per eligible retiree per month, who by reason of his/her retirement from the service of the Board occurring on or after September 1, 1989 qualifies for insurance provided under the Act as described above, toward the cost of any such insurance provided under the Act, or by the Social Security Administration in conjunction with any plan provided under the Act for those retirees who have attained the age of 65 years, in those cases where the said retiree elects to provide such insurance for his or her dependents. In the event that the said retiree does not provide such insurance for dependents, or in the event the amount hereinabove set forth exceeds the cost of said insurance for the said retiree and his or her dependents, the Board shall contribute the actual cost of such insurance, not exceeding, however the amount hereinabove provided for, provided however, that said payments shall be prorated for retirees whose eligibility to participate under the Act is by reason of their retirement from the service of the Board as an eligible part-time employee and provided further that said retiree shall have enrolled in any such insurance plan provided under the Act within 120 days from the date of his/her retirement and that the said employee shall have completed at least five (5) years of

Port/City service upon his/her retirement date and provided further that the monthly contributions paid to the Benefits Account for eligible retirees described above shall be reduced by one dollar (\$1.00) on August 1, 1990 and on each succeeding August 1 that said Benefits Account is maintained for each of said eligible retirees; and be it

FURTHER RESOLVED that the Board of Port Commissioners, as the Special District's executive body, appoints and directs and does hereby appoint and direct, the Acting Chief Executive Officer and Executive Director (the "Executive Director") to file with the Board of Administration of the Public Employees' Retirement System a certified copy of this Resolution, and to perform on behalf of said Special District all functions required of it under the Act and Regulations of the Act's Board of Administration;

FURTHER RESOLVED that the Executive Director will advise the Board of Administration of the Public Employees' Retirement System if the district ceases to be a special district as defined above; and be it

FURTHER RESOLVED that coverage under the Act as set forth hereinabove shall be effective September 1, 1989.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Aycs: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Nocs: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31778

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENTS.**

RESOLVED, that the Secretary be and he hereby is authorized to execute for and on behalf of this Board that certain License and Concession Agreement with STOUFFER RESTAURANT COMPANY, a California corporation, dated the 1st day of May 1989, for an area consisting of approximately 1,344 square feet of water area located in the Oakland Estuary, Oakland, California, for a term of one year, expiring on the 30th day of April 1990, at an annual rate of Four Hundred and 00/100 Dollars (\$400.00);

RESOLVED, that the Secretary be and he hereby is authorized to execute for and on behalf of this Board that certain License and Concession Agreement with UNITED BEVERAGE, INC., a California corporation, dated the 1st day of May 1989, for an area consisting of approximately 16.180 square feet (.3714 acres) in Building No. F-229, located at 245 Second Street, Oakland, California, for a term of one year, expiring on the 30th day of April 1990, at a monthly rental of Two Thousand Five Hundred Eighty-Eight and 16/100 Dollars (\$2,588.16);

RESOLVED, that the Secretary be and he hereby is authorized to execute for and on behalf of this Board that certain License and Concession Agreement with JOHN W. BAKER, an individual, doing business under the firm name and style of OAKLAND MARINE SERVICE, dated the 1st day of May 1989, for an area consisting of approximately 1,800 square feet of water area located immediately easterly at the foot of Fifth Avenue and 400 square feet of land area adjacent to the water area of the Oakland Estuary, Oakland, California, for a term of one year, expiring on the 30th day of April 1990, at an annual rate of Two Hundred Forty-Three and 00/100 Dollars (\$243.00);

FURTHER RESOLVED, that said agreements shall be upon a form of license agreements customarily used for such purposes, and said agreements shall be approved by the Port Attorney.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31779

RESOLUTION REJECTING CLAIM OF LEORA BENKORESH.

WHEREAS, LEORA BENKORESH on the 18th day of December, 1989 presented her claim against the Board of Port Commissioners of the City of Oakland for damages in the sum of \$3,244.00 for personal injuries sustained as a result of a fall on an escalator at Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, this Board breached no duty owed to Claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore be it

RESOLVED, that such claim be and it is hereby rejected.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31780

RESOLUTION REJECTING CLAIM OF HEIDI PAYNE.

WHEREAS, HEIDI PAYNE on the 15th day of December, 1989, presented her claim against the Board of Port Commissioners of the City of Oakland for damages in the sum of \$750,000.00 for personal injuries sustained when she was struck from behind by a baggage cart at Metropolitan Oakland International Airport, Oakland, California; and

and WHEREAS, this Board breached no duty owed to Claimant;

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore be it

RESOLVED, that such claim be and it is hereby rejected.

At an adjourned regular meeting held January 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Ward Allen,
Wasserman and President Brady - 5

Noes: None

Absent: Commissioners Lockhart and Sweeney - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31781

RESOLUTION APPROVING AND RATIFYING
ISSUANCE OF CHANGE ORDER, AND GRANTING
TIME EXTENSION FOR CONTRACT FOR SECOND
EXTENSION OF SECOND FLOOR ADDITION TO
BUILDING NO. M-103, SOUTH FIELD,
METROPOLITAN OAKLAND INTERNATIONAL
AIRPORT (A.I.P. 3-06-0170-02,
3-06-0170-08).

RESOLVED that the Board of Port Commissioners hereby approves and ratifies the issuance to ARNTZ BUILDERS, INC., a California corporation, of a change order under the contract for "Second Extension of Second Floor Addition to Building No. M-103, South Field Metropolitan Oakland International Airport (A.I.P. 3-06-0170-02, 3-06-0170-08)" for additional cost and work involved in purchasing and replacing carpeting in the seating areas of Building No. M-103 which was not contemplated in the contract plans and specifications, in the sum of \$42,575.00, and hereby grants a time extension of 5 calendar days for completion of the change order work.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SA

RESOLUTION NO. 31782

**RESOLUTION AUTHORIZING EXECUTION OF
FIRST SUPPLEMENTAL AGREEMENT WITH
PASHA PROPERTIES, INC.**

RESOLVED that the Chief Executive Officer and Executive Director be and he hereby is authorized to execute and the Secretary to attest that certain First Supplemental Agreement dated January 17, 1990, with PASHA PROPERTIES, INC., a corporation ("Pasha"), amending that certain Management Agreement dated July 5, 1989, between the Port and Pasha, Federal Maritime Commission Agreement No. 224-200274, to provide for suspension of the term of the Agreement effective February 1, 1990 until the terminal facility can berth vessels and use berth facilities, extension of the term for the number of months of the suspension plus three (3) months and suspension of Pasha's compensation for the period of the term suspension plus three (3) months.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31783

SPH

**RESOLUTION APPROVING ADVERTISING FOR
RECEIPT OF BIDS FOR CONSTRUCTION OF
SEVENTH STREET STORAGE YARD, SEVENTH
STREET TERMINAL, OAKLAND, CALIFORNIA
(C.I.P. No. M2-0157-01)**

WHEREAS by Resolution No. 31618 adopted October 10, 1989 the Board approved the plans and specifications for the "Construction of Seventh Street Storage Yard, Seventh Street Terminal, Oakland, California" and receipt of bids was subsequently cancelled in order to determine any possible changes in the scope of work due to the October 17, 1989, Loma Prieta earthquake; now, therefore, be it

RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to February 21, 1990, the date set for receiving said bids.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31784

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SAI ENGINEERS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between SAI ENGINEERS, INC. and this Board, to furnish electrical engineering consulting services with respect to the construction of a Port electrical substation and 12KV feeder system, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from SAI ENGINEERS, INC. without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that SAI ENGINEERS, INC., be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$195,450 unless additional work, up to an additional cost not to exceed \$59,000, is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31785

SCH
RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PERFORM CERTAIN PUBLIC WORK WITHOUT COMPETITIVE BIDDING AND AUTHORIZING THE PERFORMANCE THEREOF.

(Installation of container crane cable reel system at Seventh Street Terminal)

WHEREAS, a portion of the earthquake damage to the Berth 35 wharf at the Seventh Street Terminal is now being rebuilt in order to accommodate operation of new container cranes scheduled for delivery and completion of installation in May 1990; and

WHEREAS, as a result of earthquake repairs and the planned sequence of temporary and permanent repairs at Seventh Street Terminal, it is advantageous to schedule conversion of the crane power pick-up system to take place within the yard repair work schedule; and

WHEREAS, in order to meet the needs of marine terminal operations at the Seventh Street Terminal, it is necessary immediately to perform such installation of container crane cable reel system in order to have the cranes operational at the earliest possible time; and

WHEREAS, the time necessary for compliance with competitive bidding requirements will result in undue delay incompatible with the needs of the users of said facilities; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interest of the Port to perform such installation of container crane cable reel system at Seventh Street Terminal without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director be and he is hereby authorized and directed to cause said work to be performed without advertising for bids therefore, at an estimated cost of \$2,850,000.00.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31786

**RESOLUTION AUTHORIZING EXECUTION OF
SIXTH SUPPLEMENTAL AGREEMENT WITH
STEVEDORING SERVICES OF AMERICA.**

RESOLVED that the Chief Executive Officer and Executive Director be and he hereby is authorized to execute and the Secretary to attest that certain Sixth Supplemental Agreement dated January 17, 1990, with STEVEDORING SERVICES OF AMERICA, a corporation ("SSA"), amending that certain Management Agreement dated August 21, 1984, between the Port and SSA, Federal Maritime Commission Agreement No. 224-010642, to provide for the further extension of the term of the Agreement to March 31, 1990 and for the continued increase in the basic compensation to SSA for its services in managing, operating and soliciting cargo for the assigned premises during the period of the extended term to ten percent (10%) of the gross wharfage and terminal tariff revenues which accrue for users of the assigned premises.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31787

Spt

RESOLUTION APPROVING ISSUANCE OF A CHANGE ORDER AND GRANTING TIME EXTENSION FOR INSTALLATION OF SECURITY SYSTEM, JACK LONDON SQUARE, OAKLAND, CALIFORNIA.

RESOLVED that the Board of Port Commissioners hereby approves the issuance to TRANSPAC FIBER OPTICS AND TELECOMMUNICATIONS, INC., of a change order under the contract for Installation of Security System, Jack London Square, Oakland, California, to reimburse the Contractor for the added cost of more expensive cable materials required to conserve conduit space pursuant to a detailed cable design prepared as part of the scope of work of the contract but not previously contemplated in the contract plans and specifications at lump sum total cost of \$90,000.00, and hereby grants a time extension of 20 calendar days for completion of the change order work.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

SRA

RESOLUTION NO. 31788

RESOLUTION APPOINTING JAMES MCGRATH
TO THE POSITION OF PORT ENVIRONMENTAL
MANAGER.

RESOLVED that the appointment of JAMES MCGRATH,
to the position of Port Environmental Manager, Salary
Grade 13, Rate \$5046, effective January 18, 1990, be
and the same hereby is approved.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31789

RESOLUTION CONCERNING CERTAIN LEAVES OF ABSENCE.

SPH

RESOLVED that leaves of absence or extensions thereof, for the following employees, with or without pay, for the reasons and times respectively shown, be and the same hereby are approved or ratified as the case may be:

JAYNE SANDOVAL, Intermediate Typist Clerk, without pay, for medical reasons, for a period of forty six (46) working days, commencing January 8, 1990; and

MARIE Y. TSO, Personnel Technician, without pay, for medical reasons, for a period of four (4) working days, commencing January 16, 1990.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPH

RESOLUTION No. 31790

**RESOLUTION RATIFYING AND APPROVING
EXECUTION OF SUPPLEMENTAL AGREEMENT WITH
NASHIONAL OFFICE FURNITURE CONCEPTS AND
EXPENDITURE OF MONEY IN CONNECTION
THEREWITH.**

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the Acting Chief Executive Officer and Executive Director's execution, on behalf of the Port, of that certain supplemental agreement dated the 27th day of December 1989, with Nashional Office Furniture Concepts, a Division of Gene's Office Products and Furniture, Inc., a California corporation, for storage of furniture for the new Port offices.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

**Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7**

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31791

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH ENVIRONMENTAL SERVICES, INC. (ENSCO) FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 31104, the Board of Port Commissioners authorized an Agreement with ENVIRONMENTAL SERVICES, INC. (ENSCO), a California corporation, to furnish environmental consulting services and such Agreement was entered into on May 31, 1989; and

WHEREAS, it is desirable at this time to amend said Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve an extension of time and to provide for an option for further extension of time under said Agreement; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between ENVIRONMENTAL SERVICES, INC. (ENSCO), a California corporation, and this Board will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such additional services from ENVIRONMENTAL SERVICES, INC. (ENSCO) without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for an additional six months of work under the Agreement and that the Executive Director of Port Development is hereby authorized to approve one additional extension of not to exceed six months, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31792

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF GRANT OF EASEMENT AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT.

WHEREAS, EAST BAY MUNICIPAL UTILITY DISTRICT ("E.B.M.U.D.") has requested that the Port grant to E.B.M.U.D. a right-of-way easement for the construction of a 12-inch reclaimed water pipeline from E.B.M.U.D.'s water reclamation facility in San Leandro to the City of Alameda Golf Course for the purpose of irrigating the golf course; now therefore be it

RESOLVED that the Chief Executive Officer and the Secretary be and they are hereby authorized to execute a Grant of Easement Agreement granting to E.B.M.U.D. the requested easement generally upon the terms and conditions described in Agenda Sheet Item No. Airport-6S, "SUBJECT: Grant of Easement To East Bay Municipal Utility District for Alameda Reclamation Project", dated January 17, 1990, and subject to approval as to form and legality by the Port Attorney.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31793

**RESOLUTION AMENDING THE BY-LAWS AND
ADMINISTRATIVE RULES OF THE BOARD
OF PORT COMMISSIONERS.**

RESOLVED that Article XII of the By-Laws and Administrative Rules of the Board of Port Commissioners shall be and the same is hereby amended to renumber Section 17 thereof to be Section 18 and to add thereto new Section 17 as follows:

17. The CEO shall have and is hereby delegated the authority to approve for and on behalf of this Board subleases or subassignments of all or portions of Port premises under Port leases, license and concession agreements or other Port occupancy agreements which require the prior written consent of the Port to any such sublease or subassignment, and the CEO's approval in each such instance shall be deemed by this Board to have the same force and effect as an approval of such sublease or subassignment by resolution of this Board.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31794

RESOLUTION RATIFYING AND APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT FOR CONSTRUCTION OF BERTHING FACILITIES AND LAND IMPROVEMENTS, EMBARCADERO COVE MARINA, UNION POINT BASIN.

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the issuance to CONCO CEMENT COMPANY, of a change order under the contract for construction of berthing facilities and land improvements, Embarcadero Cove Marina, Union Point Basin, for the additional work involved in removing and disposing of buried debris and importing sand fill material, in a sum of \$61,132.62, together with a time extension of 5 calendar days for such extra work.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31795

**RESOLUTION AUTHORIZING EXECUTION
OF TERMINATION AGREEMENT WITH
SEA CROSS, INC.**

RESOLVED that the Chief Executive Officer and Executive Director be and he is hereby authorized to execute and the Secretary to attest for and on behalf of this Board, that certain Termination Agreement with SEA CROSS, INC., a corporation, dated the 17th day of January, 1990 terminating that certain Lease between the Port and said SEA CROSS, INC., dated the 9th day of June, 1981 and recorded on the 7th day of August, 1981, as No. 81-134240, Official Records of Alameda County, California, effective upon the occurrence of the events described in said Termination Agreement including the payment to said SEA CROSS, INC., of \$280,000.00 subject to the payment deductions and other terms and conditions of said Termination Agreement.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31796

**RESOLUTION AUTHORIZING MONTH TO MONTH
HOLD OVER OCCUPANCY UNDER LEASE WITH
THE ROMAN CATHOLIC WELFARE CORPORATION
OF OAKLAND.**

WHEREAS, THE ROMAN CATHOLIC WELFARE CORPORATION OF OAKLAND, as Lessee, occupies certain Port premises located at 7th and Terminal Streets under a Lease dated November 5, 1969, hereinafter referred to as "the Lease", and

WHEREAS, the twenty (20) year term of the Lease will terminate January 31, 1990; and

WHEREAS, the Port is presently in the process of finalizing a marine terminal occupancy agreement with a major shipping line which terminal will include the said premises; and

WHEREAS, pending commencement of construction of said marine terminal facility the Port will not require the use of the said premises prior to April, 1990 and the Port is therefore willing to allow Lessee's continuing hold over occupancy thereof until at least March 31, 1990 to allow Lessee additional time to move its operations to other premises; now therefore be it

RESOLVED that THE ROMAN CATHOLIC WELFARE CORPORATION OF OAKLAND shall be permitted to hold over the use of the premises covered by the Lease under the provisions of Paragraph 25 of the Lease until March 31, 1990; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to further extend Lessee's permitted hold over occupancy of the premises beyond March 31, 1990 on a month to month basis in accordance with said Paragraph 25 in the event the premises are not required for commencement of construction on April 1, 1990; provided that any such further authorized extension of hold over occupancy shall not interfere with the schedule for said marine terminal construction.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31797

SA

RESOLUTION APPROVING AND AUTHORIZING PAYMENT TO OAKLAND PORTSIDE ASSOCIATES OF PORT'S SHARE OF COSTS TO REPAIR EARTHQUAKE DAMAGE.

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the payment by the Port to OAKLAND PORTSIDE ASSOCIATES, a California limited partnership ("OPA") of \$213,750.00 as the Port's 75% share as a partner in OPA in the \$285,000 cost to repair the October 17, 1989, earthquake damage to OPA's five buildings.

At an adjourned regular meeting held January 17, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 31798

SJA
RESOLUTION APPOINTING DEPUTY PORT
ATTORNEY III.

RESOLVED, that CARTER J. STROUD is hereby appointed to the position of Deputy Port Attorney III, Salary Grade 13, Rate \$5,646 monthly, effective February 21, 1990.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31799

**RESOLUTION AMENDING PORT RESOLUTION NO.
30810 APPROVING DESIGNATION BY CHIEF
EXECUTIVE OFFICER AND EXECUTIVE DIRECTOR
OF OFFICERS AND EMPLOYEES AUTHORIZED TO
SIGN WARRANTS AND OTHER DOCUMENTS.**

RESOLVED that Resolution No. 30810 adopted by this Board on July 5, 1988, be and the same is amended to read as follows:

"RESOLVED that the designation by the Chief Executive Officer and Executive Director pursuant to Port Ordinance No. 1276, of the officers and employees of this Board hereinafter named to sign warrants upon the funds hereinafter designated and to approve claims, demands and other similar documents, be and the same is hereby approved:

"1. Warrants upon the Port Revenue Fund and Port Construction Funds: Chief Executive Officer and Executive Director; Executive Director, Transportation Services; Executive Director, Port Development; Director of Engineering; Director of Administration/Human Resources; Chief Financial Officer; and the Port Controller or in the absence of the Port Controller, the Manager of Financial Planning and Analysis will sign on behalf of the Port Controller; provided that any such warrant that exceeds the sum of \$14,999.99 shall require the signature of two of said officers or employees and provided further that any such warrant that exceeds the sum of \$14,999.99 shall require the signature of the Chief Executive Officer and Executive Director; Executive Director, Transportation Services; Executive Director, Port Development; Director of Engineering; Director of Administration/Human Resources as one of the two signing officers or employees.

"2. Payroll distribution report and invoice vendor report: Initially by the Port Controller, or Chief Financial Officer or their authorized designee, with countersignature by the Director of Administration/Human Resources or his authorized designee.

"3. Accounting documents maintained in the ordinary course of Port business such as journal vouchers, individual claim documents, petty cash vouchers and monthly reports to the Auditor-Controller: Chief Financial Officer or Port Controller or their authorized designee."

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31800

THIS NUMBER NOT USED.

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31801

**RESOLUTION AUTHORIZING TERMINATION OF TENANCY
OF METROPOLITAN YACHT CLUB OF OAKLAND.**

WHEREAS, METROPOLITAN YACHT CLUB OF OAKLAND, a nonprofit corporation, is a tenant in possession of certain property in the Port Area of the City of Oakland at the Embarcadero Cove Marina area of the Oakland Estuary consisting of approximately 5,652 square feet of Port of Oakland Building N. J-120, pursuant to the terms of a Lease dated March 31, 1987; and

WHEREAS, METROPOLITAN YACHT CLUB OF OAKLAND has failed and refuses to provide the Port rental payments for the months beginning with August, 1989 and continuing through January 1990 required by the provisions of said Lease; now, therefore, be it

RESOLVED that the Port Attorney be and he hereby is authorized to take all steps necessary, including institution of legal proceedings, to terminate the tenancy METROPOLITAN YACHT CLUB OF OAKLAND.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31802

**RESOLUTION AUTHORIZING TERMINATION
OF TENANCY WITH NORAGER, INC. DBA
CAPRI RESTAURANT.**

WHEREAS, NORAGER, INC. DBA CAPRI RESTAURANT, a corporation, is a tenant in possession of certain property located on the South side of Embarcadero, approximately 100 feet easterly of the center line of Tenth Avenue, for the operation of a restaurant and consisting of approximately 13,748 square feet, pursuant to the provision of a Lease dated March 29, 1965 recorded on April 29, 1965, on Reel 1493, Image 287, Official Records of Alameda County, California, a First Supplemental Agreement dated August 6, 1975, a Second Supplemental Agreement dated June 6, 1978, and a Third Supplemental Agreement dated September 1, 1981.

WHEREAS, NORAGER, INC. DBA CAPRI RESTAURANT, has failed and refuses to provide the Port with excess rental payments due for the months beginning with January, 1987 and continuing through March, 1989. Minimum rental payments due for the months beginning with December, 1988 and continuing through December, 1989. Late fees for twelve months beginning December, 1988 and continuing through December, 1989. Lastly, an outstanding balance for the month of March, 1987. All of which payments are required by the provisions of said Lease with the Port of Oakland; now therefore,

RESOLVED that the Port Attorney be and he hereby is authorized to take all steps necessary, including institution of legal proceedings, to terminate the tenancy of NORAGER, INC. DBA CAPRI, RESTAURANT.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31803

**RESOLUTION AMENDING THE BY-LAWS AND
ADMINISTRATIVE RULES OF THE BOARD
OF PORT COMMISSIONERS REGARDING
LOCATION OF MEETINGS.**

RESOLVED that Section 1 of Article II of the By-Laws and Administrative Rules of the Board of Port Commissioners shall be and the same is hereby amended to read as follows:

"ARTICLE II.

Meetings.

1. Regular meetings shall be held in the Port of Oakland Building, 530 Water Street, in the City of Oakland, unless the Board designates and notices another location pursuant to Section 3 hereof, at the hour of 3:00 p.m., on the first Tuesday of each month, except when such Tuesday falls upon a holiday recognized by the Board, whereupon the meeting shall be held upon the next business day. Generally, the regular meeting will commence with an informal work session which will be held in Conference Room No. 256. The purpose of a work session is to inform members of the Board of pending business or to give them in-depth briefings. No motion, resolution, ordinance or public hearing shall be adopted or conducted at a work session. The formal regular meeting, at which motions, resolutions or ordinances may be adopted and public hearings may be conducted, shall be held in the Board Room, Room No. 259, and shall commence upon the Board Roll Call establishing a quorum of the Board in accordance with Section 2 hereof."

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31804

RESOLUTION CONSENTING TO SUBLETTING OF
NARIN LEASE TO ABLE WAREHOUSING, INC. AND
AUTHORIZING EXECUTION OF LESSOR'S CONSENT
AND ACKNOWLEDGMENT.

WHEREAS, the Port, as Lessor, and VAN BOKKELEN-COLE COMPANY, a corporation, as Lessee, entered into a certain Lease dated the 7th day of April 1959, for the occupancy by Lessee of certain premises near the foot of Fallon Street for a term of fifty (50) years commencing on the 1st day of July 1959; and

WHEREAS, HILLEL NARIN and NORMAN NARIN, Individually and as Trustees of the Trusts Established under the Will of ROSE NARIN, deceased, GARY DAVID NARIN, DONALD KEITH NARIN, STEPHEN MERTON NARIN, SHIRLEY NARIN, Individually, and SHIRLEY NARIN and ROBERT P. PRAETZEL, as Trustees of the Trust Established under the Will of STANLEY NARIN, deceased, through successive assignments with the consent of this Board and inheritance, succeeded to the Lessee's interest in said Lease; and

WHEREAS, the consent of this Board has been requested to the subletting of said leased premises to ABLE WAREHOUSING, INC., a California corporation; now, therefore, be it

RESOLVED that consent is hereby granted to Lessee to sublet said leased premises to Able Warehousing, Inc., a California corporation, subject to all the terms and conditions of said Lease; and be it

FURTHER RESOLVED that the Chief Executive Officer be and he is hereby authorized to execute on behalf of this Board that certain Consent and Acknowledgment attached to the sublease document evidencing the Port's consent and acknowledging the said sublessee's rights upon any termination of the Lease by the Port pursuant to its Termination Option set forth in the Ninth Supplemental Agreement dated August 7, 1984 to said Lease.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31805

SRA

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER AND EXECUTIVE DIRECTOR TO FILE PREAPPLICATION WITH THE FEDERAL AVIATION ADMINISTRATION UNDER THE AIRPORT IMPROVEMENT PROGRAM, AIP-11.

RESOLVED that the Board of Port Commissioners hereby authorizes and directs the Chief Executive Officer and Executive Director to file with the FEDERAL AVIATION ADMINISTRATION an Airport Improvement Program (AIP-11) preapplication for a grant offer for fiscal year 1990 to fund the following projects:

1. Airport Computerized Access Control System;
2. Airport Terminal Earthquake Repairs;
3. Airport Baggage Claim Expansion and
4. Air Cargo Apron Expansion - New Site.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31806

SFA

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR UPGRADING FLAME DETECTOR DEVICES AND CONTROLS FOR UNDER AIRCRAFT WING FOAM MONITOR AND FIRE PROTECTION SYSTEM AT GEORGE P. MILLER AVIATION HANGAR, BUILDING M-110, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Upgrading Flame Detector Devices and Controls for Under Aircraft Wing Foam Monitor and Fire Protection System at George P. Miller Aviation Hangar, Building M-110, South Field, Metropolitan Oakland International Airport, Oakland, California, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

<u>Portion of Work</u>	<u>Time of Completion</u>	<u>Liquidated Damages</u>
Entire work of contract	140 calendar days after the date the contract takes effect	\$400.00 per calendar day
Installation and testing of 6" foam line fire protection system	30 calendar days after commencement of this portion	\$300.00 per calendar day
Deactivation of fire protection system for connection of new foam pipe system to the existing fire protection system	1 normal working day; 8:00 a.m. to 5:00 p.m. within the piping installation period	\$15.00 for each five minute period beyond the specified completion period

FURTHER RESOLVED that said sums for liquidated damages are set to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to March 21, 1990, the date set for receiving said bids.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31807

**RESOLUTION APPROVING APPLICATION TO
METROPOLITAN TRANSPORTATION COMMISSION
FOR GRANT FUNDS FOR FERRY SERVICE IN
JACK LONDON SQUARE AND AUTHORIZING THE
EXPENDITURE OF MATCHING FUNDS IN CON-
NECTION THEREWITH.**

RESOLVED, that the Board of Port Commissioners hereby approves the submission of a Joint Application with the City of Alameda to Metropolitan Transportation Commission for grant funds, in the amount of \$600,000.00, to provide operational subsidies for ferry service between Oakland/Alameda and San Francisco for Fiscal Years 1989/90 and 1990/91; and be it

FURTHER RESOLVED that this Board does hereby authorize the expenditure of the sum of \$60,000.00 as the Port's share of required matching local funds for said project.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31808

SPA

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC ACCESS IMPROVEMENTS, EMBARCADERO COVE MARINA, CENTRAL BASIN, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Construction of Public Access Improvements at Embarcadero Cove Marina, Central Basin, Oakland, California, be and the same hereby are approved; and be it

FURTHER RESOLVED that a sum for liquidated damages be set in the amount of \$300.00 per calendar day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sum is based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to March 7, 1990, the date set for receiving said bids.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31809

SAA
RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR MAINTENANCE DREDGING OF BERTHS 35, 36, 67, 68 AND BERTH 26 AREA, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Maintenance Dredging of Berths 35, 36, 67, 68 and Berth 26 Area, Oakland, California, be and the same hereby are approved; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor, not less than ten (10) calendar days prior to March 7, 1990, the date set for receiving said bids.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31810

**RESOLUTION AUTHORIZING EXECUTION
OF SECOND SUPPLEMENTAL AGREEMENT
WITH MITSUI O.S.K. LINES, LTD.**

RESOLVED that the Chief Executive Officer and Executive Director be and he hereby is authorized to execute and the Secretary to attest that certain Second Supplemental Agreement dated February 6, 1990, with MITSUI O.S.K. LINES, LTD., as User amending that certain Terminal Use Agreement dated March 19, 1985, between the Port and User, Federal Maritime Commission Agreement No. 224-010744, to provide for the extension of the term of the Terminal Use Agreement to April 30, 1990 and to provide for an additional tariff wharfage reduction of thirty percent (30%) because of operational restraints on User as a result of earthquake damage to the Seventh Street Marine Terminal and the present unavailability thereof and the delay in availability of new post-panamax container cranes at said Seventh Street Marine Terminal.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31811

2/11

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, DECLARING THE INTENTION OF THE BOARD TO ISSUE BONDS IN AN AMOUNT PRESENTLY ESTIMATED NOT TO EXCEED \$50,000,000 TO FINANCE THE REHABILITATION, ACQUISITION AND CONSTRUCTION OF MARINE TERMINAL, WHARF AND RELATED IMPROVEMENTS TO BE OWNED BY THE PORT OF OAKLAND.

WHEREAS, the City of Oakland (the "City"), State of California, is a chartered city duly organized and existing under and pursuant to the provisions of the Constitution of the State of California and the Charter of the City (the "Charter"); and

WHEREAS, the Board of Port Commissioners of the City of Oakland (the "Board") is a duly constituted department of the City and has exclusive control, management, supervision and jurisdiction of the Port Department of the City, the Port of Oakland and the Port Area of the City, and is the governing body of said Port Department, Port of Oakland and Port Area, all as provided for and defined in Article VII of the Charter; and

WHEREAS, the Board intends to issue and sell its Bonds (the "Obligations") pursuant to Article VII of the Charter for the purpose of providing the financing for the rehabilitation, acquisition and installation of a new wharf, container cranes, operations/office buildings, dredging, container yard modification and electrical/mechanical and related improvements (the "Project") to be located at Port of Oakland Outer Harbor Area at Berths 20, 21 and 22 bounded by Maritime Street, which Project will be owned by the Port; and

WHEREAS, in order to provide for the continued economic development and viability of the Port, and necessary and desirable capital improvements, additions, betterments, replacements, renewal and construction of Port facilities, the Board wishes to declare its intention to authorize an issue of the Obligations of the Board for the purpose of providing all or a portion of the cost of acquiring and constructing the Project upon such terms and conditions as may be determined by the Board; now, therefore, be it

RESOLVED by the Board of Port Commissioners of the City of Oakland:

Section 1. Declaration of Intent: That it does hereby declare its intention to authorize the issuance of Obligations of the Board under and in accordance with the Charter of the City, in such amounts, but not to exceed \$50,000,000, and upon such terms and conditions as may be determined by the Board, for the purpose of providing all or a portion of the cost of rehabilitation, acquiring and constructing the Project to be located within the City, the issuance of the Obligations to be authorized by a resolution of the Board at a meeting to be held for such purpose, and upon the approval of the Port's legal counsel and delivery at the closing of such Obligations of an approving legal opinion of the bond counsel to the Port.

Section 2. Repeal of Inconsistent Resolutions. All other resolutions of the Board, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 3. Effective Date of Resolution. This Resolution shall take effect from and after its passage and approval.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31812

RESOLUTION RATIFYING AND APPROVING EMER-
GENCY CONTRACT ACTIONS TAKEN AS A RESULT
OF THE OCTOBER 17, 1989, EARTHQUAKE
(CHARLES P. HOWARD TERMINAL)

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the emergency contract actions taken to repair paving at the Charles P. Howard Terminal, as described in Agenda Sheet Item No. Marine Terminals-10S entitled "Ratification of Additional Emergency Action Taken as a Result of the October 17, 1989 Earthquake" and dated February 6, 1990.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31813

SPT

RESOLUTION RATIFYING AND APPROVING EMERGENCY CONTRACT ACTIONS TAKEN AS A RESULT OF THE OCTOBER 17, 1989, EARTHQUAKE (WATERLINES AT MARINE TERMINALS)

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the emergency contract actions taken to repair waterlines at the marine terminals, as described in Agenda Sheet Item No. Marine Terminals-11S entitled "Ratification of Additional Waterline Repair Actions Taken as a Result of the October 17, 1989 Earthquake" and dated February 6, 1990.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31814

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH THE WYATT COMPANY, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

WHEREAS, by Resolution No. 31174 adopted by the Board of Port Commissioners (the "Board") on February 21, 1989, the Board authorized an Agreement with THE WYATT COMPANY, a Delaware corporation, to furnish consulting services to develop a salary administration program for the Port; and

WHEREAS, by Resolution No. 31626, adopted by the Board on October 10, 1989, the Board authorized a further amendment to said amended Agreement; and

WHEREAS, it is desirable at this time to further amend said amended Agreement to provide for additional services and compensation, as set forth in Agenda Sheet Item No. Operations 1; now, therefore, be it

RESOLVED, that the Board of Port Commissioners does hereby find and determine that a Second Supplemental Agreement between THE WYATT COMPANY and this Board, to furnish additional consulting services in connection with the Port's salary administration program, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from THE WYATT COMPANY, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute for and on behalf of the Board a second supplemental agreement for such services and that THE WYATT COMPANY be compensated for such additional services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum additional compensation which can be made under said supplemental agreement is \$39,000.00 and provided that the Supplemental Agreement shall be on a form approved by the Port Attorney.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31815

AAA

RESOLUTION FINDING AND DETERMINING THAT
A PROPOSED SUPPLEMENTAL AGREEMENT WITH
DIANE W. SANCHEZ, AN INDIVIDUAL, DOING
BUSINESS AS SUNSET ASSOCIATES, FOR
CONSULTING SERVICES CONSTITUTES PROFES-
SIONAL OR SPECIALIZED SERVICES; AND
AUTHORIZING EXECUTION OF SAID AGREEMENT.

WHEREAS, by Resolution No. 31175 adopted by the Board of Port Commissioners (the "Board") on February 21, 1989, the Board authorized an Agreement with DIANE W. SANCHEZ, an individual, doing business as SUNSET ASSOCIATES, to furnish consulting services to develop a salary administration program for the Port; and

WHEREAS, by Resolution No. 31633, adopted by the Board on October 10, 1989, the Board authorized an amendment to said Agreement; and

WHEREAS, it is desirable at this time to further amend said amended Agreement to provide for additional services and compensation, as set forth in Agenda Sheet Item No. Operations 1; now, therefore, be it

RESOLVED, that the Board of Port Commissioners does hereby find and determine that a Second Supplemental Agreement between DIANE W. SANCHEZ and this Board, to furnish additional consulting services in connection with the Port's salary administration program, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from DIANE W. SANCHEZ without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute for and on behalf of the Board a supplemental agreement for such services and that DIANE W. SANCHEZ be compensated for such additional services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum additional compensation which can be made under said supplemental agreement is \$26,000.00 and provided that the Supplemental Agreement shall be on a form approved by the Port Attorney.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 31816

[Handwritten initials]

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

FAITH FULLER-TOMPKINS, Youth Aide, Class "H", Rate "b", effective December 1, 1989;

TADEUSZ F. MANKOWSKI, Supervising Civil Engineer, Rate "c", effective January 18, 1990;

MAXINE J. SMITH, Assistant Airport Planner, Salary Grade 9, Rate \$3728, effective January 29, 1990;

PHILIP R. LASCOLA, Aviation Division Finance Manager, Salary Grade 12, Rate \$5046; effective February 7, 1990;

DOROTHY ABOUMRAD, Secretary to the Executive Director, Transportation Services, Salary Grade 8, Rate \$3155, effective February 7, 1990;

AUDREE THOMAS, Commercial Representative II, Salary Grade 8, Rate \$2883, effective February 7, 1990;

JOHN KIRBY NARCISSE, Commercial Representative III, Salary Grade 9, Rate \$4000, effective February 12, 1990;

KENNETH TAYLOR, Semi-Skilled Laborer, effective February 22, 1990;

HERBERT HALEY II, Semi-Skilled Laborer, effective February 26, 1990;

and be it

FURTHER RESOLVED that the following appointments are hereby approved in accordance with Section 5.09 of the Port Personnel Rules and Procedures:

ALVIN C. SOARES, Port Senior Programmer/Analyst, Salary Grade 9, Rate \$3825, effective February 7, 1990;

COLE D. HUNTER, Port Senior Programmer/Analyst, Salary Grade 9, Rate \$3825, effective February 7, 1990;

GEORGE L. FONG, Port Senior Accountant, Salary Grade 9, Rate \$3811, effective February 7, 1990;

CLAY WORSHAM, Port Senior Accountant, Salary Grade 9, Rate \$3606, effective February 7, 1990;

RITA YALUNG, Port Senior Accountant, Salary Grade 9, Rate \$3606, effective February 7, 1990;

CIELO AJERO-BELCHER, Port Senior Accountant, Salary Grade 9, Rate \$3606, effective February 7, 1990; and

TERESITA V. MORALES, Port Staff Accountant I, Salary Grade 7, Rate \$2671, effective February 7, 1990.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31817

SPT
RESOLUTION AMENDING RESOLUTION NO. 31788.

RESOLVED that Resolution No. 31788 adopted by this Board on January 17, 1990, be and the same hereby is amended to read as follows:

"RESOLVED that the appointment of JAMES MCGRATH, to the position of Port Environmental Manager, Salary Grade 13, Rate \$5046, effective February 1, 1990, be and the same hereby is approved."

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31818

SPH

**RESOLUTION GRANTING LEAVE OF
ABSENCE TO PHILIP LASCOLA.**

RESOLVED that PHILIP LASCOLA, be and he is hereby granted a leave of absence from his classified position of Chief Port Accountant to accept appointment to the exempt position of Aviation Division Finance Manager, effective February 7, 1990.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 31819

SA

**RESOLUTION FINDING AND DETERMINING
THAT IT IS IN THE BEST INTEREST OF
THE PORT TO DISPENSE WITH FORMAL
BIDDING FOR REPAIR OF BUILDING F107,
66 JACK LONDON SQUARE AND
AUTHORIZING ACCOMPLISHMENT OF THE
WORK BY PURCHASE ORDER.**

WHEREAS, because of earthquake damage on October 17, 1989 which produced extensive cracking in various shear walls within the old Port Office Building at 66 Jack London Square (F-107), it is necessary that the damage be repaired to withstand seismic forces from future earthquakes;

WHEREAS, The Federal Emergency Management Agency ("FEMA") has acknowledged this damage and included repair of the building on its list of projects eligible for cost reimbursement; and

WHEREAS, it is extremely difficult to determine in advance either the total amount of cracks requiring repair or the labor effort required to repair any one crack or portion thereof; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to contract for all repairs on a time and materials basis as described in Agenda Sheet Item No. Properties - 6S dated February 6, 1990, without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized for and on behalf of the Board to contract for said work by purchase order contracts at a cost of approximately \$25,000.00.

At a regular meeting held February 6, 1990

Passed by the following vote:

**Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6**

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31820

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENTS.**

RESOLVED, that the Secretary be and he hereby is authorized to execute for and on behalf of the Board of Port Commissioners that certain License and Concession Agreement with CAROL BROOKMAN, an individual, doing business under the firm name and style of HEINOLD'S FIRST AND LAST CHANCE, dated the 1st day of May 1989, for an area consisting of 1,040 square feet, in Port Building No. F-203, located at 56 Jack London Square, Oakland, California, to be used by Licensee as a bar and saloon for a term of one year, expiring on the 30th day of April 1990, at a monthly rental of Seven Hundred Eighty-Nine and 00/100 Dollars (\$789.00);

RESOLVED, that the Secretary be and he hereby is authorized to execute for and on behalf of the Board of Port Commissioners that certain License and Concession Agreement with 111 BROADWAY ASSOCIATES, a limited partnership, dated the 1st day of May 1989, for an area consisting of approximately 40 square feet, in Parking Lot No. 12, located at the rear of 111 Broadway, Oakland, California, to be used by Licensee for maintaining an emergency fire exit door, which door shall be used only in cases of emergency, for a term of one year, expiring on the 30th day of April 1990, at a annual rental of Four Hundred and 00/100 Dollars (\$400.00);

FURTHER RESOLVED, that said agreements shall be upon a form of license and concession agreement customarily used for such purposes, and said agreements shall be approved as to form and legality by the Port Attorney.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31821

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH JORDAN WOODMAN DOBSON FOR ENGINEERING DESIGN SERVICES FOR REPAIR OF EARTHQUAKE DAMAGE TO BUILDING E-221 AND CONTAINER YARD AT BERTHS 60 AND 61, MIDDLE HARBOR TERMINAL CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES AND MAY BE MADE WITHOUT COMPETITIVE BID, AND APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT THEREFOR.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that a proposed contract between JORDAN WOODMAN DOBSON ARCHITECT ENGINEERING ("JWD"), a California corporation, and the Port, whereby JWD would design the repairs of Port Building E-221 and the container storage yard at Berths 60 and 61, Middle Harbor Terminal which were damaged by an earthquake which occurred on October 17, 1989, will constitute a contract for obtaining professional or specialized services and therefore may be made without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized for and on behalf of the Board to execute a written contract between the Port and JWD for such services, provided that such contract shall be consistent with the provisions described in Agenda Sheet Item No. Marine Terminals-7S dated February 6, 1990, and that the maximum payment under the contract shall not exceed \$212,750.00 provided, however, that the Executive Director may authorize, without further approval by the Board, additional work in an amount not to exceed \$71,000.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31822

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH CONRAD BUILDING SYSTEMS, INC. FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 28667, the Board of Port Commissioners (the "Board") authorized an Agreement with CONRAD BUILDING SYSTEMS, INC., a California corporation, to furnish architectural and engineering services in connection with the Port's parking structure on Lot 10 and such Agreement was entered into on October 30, 1984; and

WHEREAS, by Resolution No. 30561, the Board authorized a First Supplemental Agreement, which was entered into on March 1, 1988; and

WHEREAS, it is desirable at this time to further amend said amended Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional work under said Agreement and additional compensation for such work; now, therefore, be it

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Second Supplemental Agreement between CONRAD BUILDING SYSTEMS, INC., a California corporation, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from CONRAD BUILDING SYSTEMS, INC., without competitive bidding; and be it

FURTHER RESOLVED, that the Executive Director is hereby authorized to execute for and on behalf of the Board said Second Supplemental Agreement for services and that CONRAD BUILDING SYSTEMS, INC. be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum

additional compensation which can be made under said amended Agreement shall not exceed \$95,000, provided that the Executive Director may approve in writing an additional amount not to exceed \$30,000 for additional change-in-scope work, and provided that the Second Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held February 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31823

SPX

**RESOLUTION CONSENTING TO ASSIGNMENT
OF LEASE WITH OAKLAND SEA FOOD GROTTTO,
INC. TO RESTAURANTS UNLIMITED, INC.
AND AUTHORIZING EXECUTION OF CONSENT
TO ASSIGNMENT.**

WHEREAS, the Port, as Lessor, and OAKLAND SEA FOOD GROTTTO, INC., a corporation, as Lessee, entered into that certain Lease dated the 14th day of July, 1964, for the occupancy by Lessee of certain real property containing 0.319 acres, more or less, at Jack London Square for a term of fifty (50) years commencing on the 1st day of August, 1964; and

WHEREAS, said OAKLAND SEA FOOD GROTTTO, INC., has requested the consent of the Port to the assignment of said Lease to RESTAURANTS UNLIMITED, INC., a Washington State corporation; now, therefore, be it

RESOLVED that consent is hereby granted OAKLAND SEA FOOD GROTTTO, INC. to assign said Lease to RESTAURANTS UNLIMITED, INC., upon and subject to the express condition that RESTAURANTS UNLIMITED, INC., shall assume and perform all the obligations and liabilities of OAKLAND SEA FOOD GROTTTO, INC. under said Lease from and after the effective date of assignment subject further to the following express conditions:

1. That RESTAURANTS UNLIMITED, INC. has agreed that all existing interested employees of the OAKLAND SEA FOOD GROTTTO, INC. will be interviewed and considered for any of the approximately 120 newly created positions when the restaurant reopens following renovation,
2. That RESTAURANTS UNLIMITED, INC. pay prevailing wages for construction work during the renovation in accordance with the Port's current policy on prevailing wages during construction,
3. That the OAKLAND SEA FOOD GROTTTO, INC. be released from leasehold liability and that the OAKLAND SEA FOOD GROTTTO, INC., its heirs and assigns release the Port from any and all claims or liability, and
4. That the Port is guaranteed to receive at least as much total lease rent in 1990 and 1991 from RESTAURANTS UNLIMITED, INC., notwithstanding their extended closure during renovation, as it received in 1988 and 1989 from the OAKLAND SEA FOOD GROTTTO, INC.

and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute and the Secretary to attest that certain Consent to Assignment dated February 9, 1990 evidencing the Port's consent to said assignment by OAKLAND SEA FOOD GROUPO, INC. and granting permission to RESTAURANTS UNLIMITED, INC. to close the leased premises for extensive remodeling and rehabilitation for approximately six months, subject to the express conditions hereinabove set forth and to execute a Supplemental Agreement with RESTAURANTS UNLIMITED, INC. to the Lease covering conditions Nos. 1, 2 and 4 hereinabove.

At a special meeting held February 9, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Abstained: Commissioner Sweeney - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31824

RESOLUTION FINDING AND DETERMINING THAT
A PROPOSED AGREEMENT WITH HEIDRICK AND
STRUGGLES, INC. FOR EXECUTIVE SEARCH
SERVICES CONSTITUTES PROFESSIONAL OR
SPECIALIZED SERVICES; AND AUTHORIZING
EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between HEIDRICK AND STRUGGLES, INC. and this Board, to furnish executive search services with respect to the recruitment of a Director of Public Relations, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from HEIDRICK AND STRUGGLES, INC. without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board a contract for such services and that HEIDRICK AND STRUGGLES, INC. be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$30,000 in fees and \$10,000 in expenses and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SA

RESOLUTION NO. 31825

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SHULMAN & CAMERON FOR EXECUTIVE SEARCH SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between SHULMAN & CAMERON and this Board, to furnish executive search services with respect to the recruitment of a Director of Human Resources, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from SHULMAN & CAMERON without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board a contract for such services and that SHULMAN & CAMERON be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$35,000 in fees and \$15,000 in expenses and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31826

RESOLUTION ADOPTING THE RESTATED
DEFERRED COMPENSATION PLAN OF THE
PORT OF OAKLAND.

WHEREAS, by Resolution No. 23645 adopted by the Board of Port Commissioners on January 5, 1977, the Port of Oakland established a Deferred Compensation Plan (the "Plan"); and

WHEREAS, it is necessary and desirable at this time to amend said Plan through the adoption of the Restated Deferred Compensation Plan of the Port of Oakland (the "Restated Plan") presented by the Port Attorney in order to comply with changes in federal tax law, in particular Sections 401 and 457 of the Internal Revenue Code of 1986, as amended; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby approves the adoption of the Restated Plan in substantially the form presented by the Port Attorney and hereby authorizes and directs the Port Attorney to place said Restated Plan in final form on file with the Secretary of the Board.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31827

RESOLUTION EXTENDING PERIOD OF BUILDING
PERMIT APPLICATION FOR THE LEARNER
COMPANY.

RESOLVED that the Board of Port Commissioners hereby amends that building permit application previously approved by this Board (Port Resolution No. 31153) at its regularly scheduled meeting on February 7, 1989 by extending for 365 days the time within which the applicant must commence construction of the proposed improvements all in accordance with Port of Oakland Agenda Sheet, Item No. Properties-7S, dated February 20, 1990.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31828

**RESOLUTION AUTHORIZING PAYMENT OF COST
OF REPAIR AND RESTORATION OF PREMISES AT
384 EMBARCADERO WEST AND 160 FRANKLIN
STREET, OAKLAND, CALIFORNIA.**

WHEREAS, the Port has recently exercised options to terminate two office leases dated July 14, 1986, from Shigenori Iyama and Mary Iyama covering portions of premises at 384 Embarcadero West and 160 Franklin Street, Oakland, California; and

WHEREAS, pursuant to said leases the Port is required to repair and restore certain portions of the premises to pre-lease conditions; and

WHEREAS, said repair and restoration work has been completed on behalf of the lessor at a total cost of \$22,972.67; now, therefore, be it

RESOLVED that the Executive Director be and he is hereby authorized and directed to issue payment for such repair and restoration work to Shigenori Iyama and Mary Iyama in the sum of \$22,972.67.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPK

RESOLUTION NO. 31829

**RESOLUTION APPROVING A CHANGE IN
THE STRUCTURE OF THE PORT OF
OAKLAND DEFERRED COMPENSATION PLAN
ADVISORY COMMITTEE.**

RESOLVED that Port Resolution No. 30859 shall be and the same is amended to read as follows:

"RESOLVED that the Advisory Committee established and appointed to administer the Deferred Compensation Plan of the Port of Oakland shall be composed of the following Port personnel or their designated representatives: the Chief Executive Officer and Executive Director, Port Attorney, Chief Financial Officer, and the Director of Administration/Human Resources, with the Port Attorney as an ex officio member thereof."

FURTHER RESOLVED that the Chief Financial Officer is instructed to charge the Port's outside auditors to review and report on the Port's (Sec. 457) Deferred Compensation Plan's activity during the course of its annual audit of the financial statements of the Port; and

FURTHER RESOLVED that this resolution shall take effect immediately.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31830

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments
are hereby approved:

RALPH GIN, Port Principal Engineer, Salary Grade 14,
Rate \$5865, effective February 21, 1990;
and

CAROLYN FRAZIER, Youth Aide, Class "BB", effective
February 21, 1990.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

SRA

RESOLUTION NO. 31831

RESOLUTION ASSIGNING ROBERT MIDDLETON
TO SALARY RATE WITHIN SALARY GRADE 12.

RESOLVED that ROBERT MIDDLETON, Media Relations Representative, is hereby assigned to salary rate \$4262 within salary grade 12 effective February 20, 1990.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

SPR
RESOLUTION NO. 31832

RESOLUTION CONCERNING CERTAIN LEAVES OF ABSENCE.

RESOLVED that leaves of absence for the following employees, with or without pay, for the reasons and times respectively shown, be and the same hereby are approved or ratified as the case may be:

SUE LEUNG, Youth Aide, Class "L", without pay, except for any portion of said leave covered by paid sick leave, for maternity leave, for a period of ninety nine (99) working days, commencing November 14, 1989;

BRENDA C. ENG, Relief Airport Custodian, without pay, except for any portion of said leave covered by paid sick leave, for maternity leave, for a period of one hundred sixty five (165) working days, commencing January 13, 1990;

and be it

FURTHER RESOLVED that ROBERT L. WINN, be and he is hereby granted a leave of absence from his classified position of Airport Operations Supervisor to accept appointment to the exempt position of Manager, General Aviation, effective January 8, 1990.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31833

RESOLUTION FINDING AND DETERMINING THAT
A PROPOSED AGREEMENT WITH JAMES W.
SHEPHERD FOR COMPUTER CONSULTING
SERVICES CONSTITUTES PROFESSIONAL OR
SPECIALIZED SERVICES; AND AUTHORIZING
EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between JAMES W. SHEPHERD and this Board, to furnish consulting services with respect to computer training for Port employees, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from JAMES W. SHEPHERD without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that JAMES W. SHEPHERD, be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$37,500 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SAA

RESOLUTION NO. 31834

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH DOUGLAS WARING FOR ACCOUNTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") has previously authorized an Agreement with DOUGLAS WARING, an individual, to furnish professional accounting services and such Agreement was entered into on November 27, 1989; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director to approve additional accounting work under said Agreement for additional compensation, in accordance with Agenda Sheet Item No. Operations-7S; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between DOUGLAS WARING, an individual, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from DOUGLAS WARING without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for services and that DOUGLAS WARING be compensated for such services at his normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum additional compensation which can be made under said Agreement shall not exceed \$25,000, unless additional work, up to an additional cost not to exceed \$10,000, is approved in writing by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SA

RESOLUTION NO. 31835

RESOLUTION FINDING CERTAIN ACCOUNTS RECEIVABLE
TO BE UNCOLLECTIBLE AND AUTHORIZING THE CHIEF
FINANCIAL OFFICER TO WRITE OFF THE SAME FROM
THE BOOKS OF THE PORT.

WHEREAS, there are certain accounts receivable on the books of the Port of Oakland which, by reason of being disputed and without sufficient proof to sustain them, or by reason of the fact that the debtor is financially unable to pay, or for other reasons, are uncollectible, and it has been recommended by the Port Attorney and the Chief Financial Officer that said accounts be written off the books of the Port of Oakland; now, therefore, be it

RESOLVED that upon the recommendation of the Port Attorney and the Chief Financial Officer, the various accounts receivable hereinafter set forth are hereby found and determined to be uncollectible, and the Chief Financial Officer, is hereby authorized and directed to write off from the books of the Port of Oakland the following accounts receivable:

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
300	Aircraft Service Int'l.	\$12,576.38
301	Aircraft Service Int'l.	1,974.86
416	Airways Aviation	369.88
570	AMR	618.49
915	Kyle D. Atkinson	4,062.67
1071	Bay Area Cab Company	5,607.69
1074	Bart	34,542.98
1544	Luis A. Buitrago	1,165.56
1923	Champlin Aviation	2,881.00
1959	Myron Chirichigno	555.50
2170	Container MKG, Inc.	(51.07)
2190	Coarse Air Int'l.	142.52
2491	Derby Flying Club	907.00
2527	John Diffenderfer	1,982.44
2560	Dobbs Airline Services	(124.78)
2830	Edgewater Investors	486.97
2847	Hyatt Corporation	12.57
2940	Engineered Modular	71,131.11
2995	Executive Air Charter	5,382.00
3118	Paragon Restaurant	(2,400.81)
3259	Frontier Airlines	23,437.97
3299	G.A.C.C. Express	1,837.73
3319	Gangplank Restaurant	265.00
3364	Leslie Gay	16.20
3369	Gelco/Pony Express	150.00
3518	Golden State Diesel	1,743.15
3643	Lee. S. Gurke	(1,970.00)
4016	Tonia Martin	6,108.12
4178	I & S Trucking	3,964.65

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
4229	T J International	1,102.69
4340	Jal Vue Window Corp.	26,691.14
4359	Manuel Jardin	5,732.52
4675	Chieng Cheung Khow	1,063.59
4820	Larkspur Development	(59.00)
4845	Darrell Leamon	587.00
4899	Liquid Gold Oil Corp.	4,669.91
5884	North Star Aviation	6,513.37
6249	Joseph Ouellette	438.00
6520	Packaging Group	916.75
6623	People Express	(180.77)
6625	People Express	(4,736.98)
6635	Edward Pereira	681.88
6659	Joseph Petrakis	80.00
6835	Power Pac	1,305.27
6908	Jack Provine	(150.00)
6798	Skyworld Airlines	13,079.16
7430	Donald F. Schultz	13.00
7683	Sierra Mountain Airways	7,264.77
7742	Skystar Intl. Inc.	944.97
7744	Skystar Intl. Inc.	419.67
8191	Lloyd Stewart	2,656.00
8229	Glen Storek	1,208.70
8282	Sunworld Airlines	97,933.56
8342	Clyde Teague	18.57
8960	Valacal Company	1,163.21
8961	Valacal Company	1,299.88
9105	Wells Fargo Security	(1,340.70)
9125	Westair Airlines	(17.09)
9156	Western Airlines	(279.52)
9345	Ken Wilkinson	2,482.00
9372	Don Wilson Yacht Sales	29,807.92
9373	Don Wilson Yacht Sales	1,425.68
9383	Windships	4,117.17
9485	Yellow Cab of East Bay	28,966.39
160000	Jack Cochrane	751.25
252800	W. J. Fowler	231.50
290287	Holidair Airways, Ltd.	2,743.82
628000	Alberto Perez	935.00
880000	Allen Turner	561.00
921000	Richard Wiederin	216.50
930000	Windships	<u>3,230.80</u>
		<u>\$421,864.36</u>

and be it

FURTHER RESOLVED that notwithstanding the cancellation of said account, the Port Attorney shall hereafter take such action as may be appropriate to effect the collection thereof.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31836

RESOLUTION GRANTING WESTERN FEDERAL
SAVINGS AND LOAN ASSOCIATION PERMISSION
TO PERFORM CERTAIN WORK.

RESOLVED that the application submitted by the WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION, a federal savings and loan association, for permission to perform certain work at its leased premises, located at 2000 Embarcadero, Suite 201, Oakland, California, said work consisting of the repair of building foundation and the reinforcement of shear wall, at an estimated cost to said applicant of \$5,000.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31837

SRA

**RESOLUTION RATIFYING AND APPROVING ACE'S
EXECUTIVE AIR CHARTER'S PERFORMANCE OF
CERTAIN WORK.**

RESOLVED that the application submitted by ACE'S EXECUTIVE AIR CHARTER, for permission to perform certain work at its leased premises, located at 9351 Earhart Road, Oakland, California, said work consisting of demolition of a non-bearing wall and installation of a suspended ceiling system and light fixtures including associated electrical and HVAC work, at an estimated cost to said applicant of \$24,780.00, hereby is ratified and approved conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds for said work.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31838

SPH

**RESOLUTION GRANTING SEA-LAND SERVICE
INC. PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by SEA-LAND SERVICE, INC., a corporation, for permission to perform certain work at its leased premises, located at 1425 Maritime Street, Oakland, California, said work consisting of repair by exterior block cells by filling the cracked block cells with grout and epoxy and matching exterior finish to existing finish and color, at an estimated cost to said applicant of \$4,000.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31839

RESOLUTION ESTABLISHING TEMPORARY DAILY
MAXIMUM PARKING RATE IN THE LONG TERM
AND OVERFLOW PUBLIC AUTOMOBILE PARKING
FACILITIES AT METROPOLITAN OAKLAND
INTERNATIONAL AIRPORT.

RESOLVED that the daily maximum parking rate for vehicles using the Long Term Parking area and the Overflow Parking area in the Port's public parking facilities at Metropolitan Oakland International Airport are hereby increased to the sums of \$6.00 per day and \$4.00 per day, respectively, for the period commencing March 1, 1990 to and including March 6, 1990.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31840

SA

**RESOLUTION SETTLING RENTAL DISPUTE WITH
KAISERAIR, INC., AND AUTHORIZING
EXECUTION OF SETTLEMENT AGREEMENT.**

WHEREAS, KAISERAIR, INC., a corporation, (hereinafter "KaiserAir"), has been a Port tenant since 1961 and occupies Building L-310 (Hangar 3) and Building L-410 (Hangar 4), and a portion of Building L-710 (Hangar 7) on the North Airport for its corporate jet operations; and

WHEREAS, KaiserAir and the Port disagree about the amount of rent KaiserAir should have paid to the Port after February 28, 1987 and KaiserAir has now agreed to an adjustment of the rent for the period from March 1, 1987 to February 28, 1989 in accordance with the percentage changes in the Consumer Price Index as specified in Port of Oakland Agenda Sheet, Item No. Airport-2, dated February 20, 1990, and pay to the Port the total of \$8,731.08 to resolve the parties' disagreement; and

WHEREAS, this Board does find that it is in the best interest of the Port to compromise and settle said dispute upon said basis; now, therefore, be it

RESOLVED, that the Port Attorney be and he hereby is authorized to settle said dispute on the basis of KaiserAir's payment of \$8,731.08 to the Port and the Port Attorney is hereby authorized to execute any and all necessary agreements to effect this settlement.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31841

RESOLUTION ACCEPTING AMENDMENT TO GRANT
OFFER OF THE UNITED STATES OF AMERICA AND
AUTHORIZING EXECUTION OF AMENDMENT NO. 2
TO GRANT AGREEMENT WITH THE FEDERAL
AVIATION ADMINISTRATION UNDER PROJECT NO.
3-06-0170-10, CONTRACT NO. DTFA08-90-C-
30417.

WHEREAS, the Federal Aviation Administration submitted to the Board of Port Commissioners of the City of Oakland Amendment No. 2 to Grant Agreement under Project No. 3-06-0170-10 Contract No. DTFA08-90-C-30417, whereby the United States of America would amend the scope of the project to reconstruct: Taxiway 1 (approximately 75' x 4,000'), damaged portion of Taxiways 6 and 7 service road and overrun areas (approximately 500,000 square feet) and holding apron (approximately 125,000 square feet) including fillet between Taxiway 7 and Runway 11-29, shoulders, safety area, marking, drainage, lighting and miscellaneous electrical items; and

WHEREAS, the members of the Board of Port Commissioners know the full content of the offer contained in said amendment; and

WHEREAS, a full, true and correct copy of the amendment is attached hereto and by this reference made a part hereof; and

WHEREAS, it is the desire of this Board to approve acceptance of the said Grant Amendment offer; now, therefore, be it

RESOLVED that the Board of Port Commissioners of the City of Oakland does hereby approve acceptance of said Grant Amendment offer.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31842

SJA

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE PORT TO CONTRACT FOR RECONSTRUCTION OF THE FINAL 1,500 FEET OF EARTHQUAKE DAMAGED RUNWAY 11-29 AND TAXIWAYS 1, 6 AND 7, OVERRUN AREAS AND HOLDING APRON WITHOUT COMPETITIVE BIDDING AND APPROVING A CHANGE ORDER CONTRACT WITH O. C. JONES AND SONS FOR SAID RECONSTRUCTION WORK.

WHEREAS, the October 17, 1989, Loma Prieta earthquake caused substantial damage to Port owned facilities at the Metropolitan Oakland International Airport, including damage to approximately 3,000 feet of the westerly end of Runway 11-29 and damage to related taxiways, overrun areas and holding apron; and

WHEREAS, following partial repairs of the damage to Runway 11-29, presently 8,500 feet of its 10,000 feet length are currently usable, which impairs the efficient operation of the Airport and has limited aircraft operations which require more than 8,500 feet of runway; and

WHEREAS, upcoming air passenger services increases this spring will further compound the problems due to increased traffic; and

WHEREAS, in view of the foregoing circumstances, the Chief Engineer has negotiated with O. C. Jones and Sons a change order to its contract with the Port for Construction of Asphalt Concrete Overlay and Modification of Approach Lighting Structure, Runway 11-29, South Field, Metropolitan Oakland International Airport, A.I.P. 3-06-0170-091 ("Original Contract"), in order to reconstruct the final 1,500 feet of the damaged runway and taxiways, overrun areas and holding apron; now, therefore be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interests of the Port to contract for reconstruction of the final 1,500 feet of earthquake damaged Runway 11-29 and related taxiways, overrun areas and holding apron without competitive bidding by agreed change order to the Original Control contract with O. C. Jones and Sons as described in Agenda Sheet Item No. Airport-5S, February 20, 1990 ("Acceptance of FAA Grant Amendment No. 2 to AIR-10 and Issuance of Change Order to Provide Additional Runway Length on Runway 11-29, MOIA"); and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes the Chief Engineer's execution of such a change order between the Port and O. C. Jones and Sons.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31843

SP

RESOLUTION ACKNOWLEDGING TIDEWATER PROPERTIES' EXERCISE OF OPTION TO ENTER INTO LEASE WITH THE PORT AND, SUBJECT TO SATISFACTION OF CERTAIN CONDITIONS, EXTENDING OPTION PERIOD, APPROVING MODIFICATIONS TO DEVELOPMENT DOCUMENTS AND APPROVING AND AUTHORIZING EXECUTION OF LEASE AND AFFIRMATIVE ACTION AGREEMENT.

RESOLVED, that the Board of Port Commissioners hereby acknowledges that TIDEWATER PROPERTIES, a joint venture of GUILLTONE PROPERTIES, LTD., a California limited partnership, and OAKLAND BUSINESS DEVELOPMENT CORPORATION, a California non-profit public benefit corporation, ("Optionee") by letter dated January 30, 1990, from John L. Guillory to Hank Kammermeier has sought to exercise Optionee's option to enter into a lease with the Port which was granted by the October 28, 1986, Lease Option Agreement, as amended, between the Port and Optionee; and be it

FURTHER RESOLVED, that subject to the satisfaction of the conditions hereafter set forth in this Resolution, the Board of Port Commissioners hereby (1) extends the Option Period under the Lease Option Agreement to and including February 20, 1990, (2) waives the requirement under Section 4 of the Lease Option Agreement that Optionee submit to the Port evidence of builders' risk insurance in order to exercise the option, (3) accepts the Statement of Ownership dated August 1, 1989, which Optionee through John Guillory has certified as true and correct, as compliance with Section 3.2.5(b) of the Lease Option Agreement and (4) in accordance with Section 4 of the May 22, 1989, Port of Oakland Minority, Women And Small Business Trust Fund Agreement between the Port and the Oakland Business Development Corporation (the "Trust Agreement") approves the modification to the Trustee's distributions previously provided in the Tidewater Properties Joint Venture Agreement which modification is required by the financing document listed as item 3A (page 2) in the January 30, 1990, letter from John L. Guillory to Hank Kammermeier, provided that in no event shall Trustee's distributions as set forth in the Joint Venture Agreement be reduced by more than 5%; and be it

FURTHER RESOLVED, that after satisfaction of the conditions hereafter set forth in this Resolution, the Board of Port Commissioners hereby authorizes the Port's Chief Executive Officer and Executive Director and the Port's Secretary for and on behalf of the Port to sign and acknowledge the Lease and sign the Affirmative Action Agreement; and be it

FURTHER RESOLVED, that the foregoing extension of the Option Period, waiver of the said requirement for builders' risk insurance, acceptance of the Statement of Ownership, approval of the modification to Trustee's distributions under the Joint Venture Agreement and authorization to sign the Lease and Affirmative Action Agreement each are conditioned upon and shall be effective only if the Port's Director of Properties determines in writing not later than March 20, 1990, that (1) the financing documents submitted by Optionee to the Port with the January 30, 1990, letter from John L. Guillory require no change in the Lease, Affirmative Action Agreement or Trust Agreement, and no reduction in Trustee's distributions under the Joint Venture Agreement except as expressly approved by the foregoing provisions of this Resolution and (2) the Construction Loan Commitment has been accepted by Optionee within the time required by the said commitment, as said commitment may have been extended.

At an adjourned regular meeting held February 20, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31844

SA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH J. WARREN AND ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between J. WARREN AND ASSOCIATES and this Board, to furnish engineering design consulting services with respect to the design of an aircraft apron and associated taxi lane as part of a new air cargo site at the Metropolitan Oakland International Airport, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from J. WARREN AND ASSOCIATES without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that J. WARREN AND ASSOCIATES be compensated for such as set forth in said Agreement provided that the maximum compensation which can be made under said Agreement is \$231,000.00 unless additional work, up to an additional cost not to exceed \$75,000.00, is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31845

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH VBN CORPORATION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between VBN CORPORATION and this Board, to furnish architectural and structural engineering services with respect to the design and construction of baggage office additions to the Baggage Claim Area at Building M-101 at the Metropolitan Oakland International Airport, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from VBN CORPORATION without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that VBN CORPORATION be compensated for such services as set forth in said Agreement provided that the maximum compensation which can be made under said Agreement is \$45,500.00 unless additional work, up to an additional cost not to exceed \$13,000.00, is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31846

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF SHORELINE IMPROVEMENTS, 1755 EMBARCADERO, INNER HARBOR, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Construction of Shoreline Improvements, 1755 Embarcadero, Inner Harbor, Oakland, California, be and the same hereby are approved; and be it

FURTHER RESOLVED that a sum for liquidated damages be set in the amount of \$600.00 per calendar day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sum is based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to April 4, 1990, the date set for receiving said bids.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31847

RESOLUTION GRANTING WESTERN FEDERAL
SAVINGS AND LOAN ASSOCIATION PERMISSION
TO PERFORM CERTAIN WORK.

RESOLVED that the application submitted by the WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION, a federal savings and loan association, for permission to perform certain work at its leased premises, located at 2000 Embarcadero, Suite 201, Oakland, California, at an estimated cost to said applicant of \$185,000.00, hereby is approved and permission to perform the following work is hereby granted:

- a) Construction of interior partitions, stairs and suspended acoustical ceilings;
- b) Installation of folding partition in conference room and a bar sink in kitchen and miscellaneous cabinetry;
- c) Installation of a power/communications system and a fire sprinkler system;
- d) Finishes to include carpeting throughout the office/work areas, vinyl composition tile and new paint throughout the office; and
- e) Associated HVAC work.

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31848

SPH

RESOLUTION APPROVING BUILDING STANDARDS FOR TENANT IMPROVEMENTS AND SPACE PLANS FOR PORTIONS OF BUILDING SUBJECT TO GROUND LEASE BY PORT TO CAMMEBY'S AIRPORT EXECUTIVE ASSOCIATES.

RESOLVED, that, in accordance with Port Ordinance No. 2083, as amended, and subject to the conditions and limitations under said ordinance, the Board of Port Commissioners hereby approves those certain Building Standards for tenant improvements and those certain Space Plans, which are referred to in Board of Port Commissioners Agenda Sheet Item No. Properties-8S (March 6, 1990), for the building (known as the Oakland Executive Center) constructed in the Oakland Airport Business Park under the Lease between the Port and Cammeby's Airport Executive Associates.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31849

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A GUARANTY BY THE PORT OF A \$200,000 SECURITY PACIFIC NATIONAL BANK LINE OF CREDIT ISSUED TO OAKLAND PORTSIDE ASSOCIATES.

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to execute for and on behalf of the Port a guaranty of a \$200,000 line of credit issued by Security Pacific National Bank ("Bank") to Oakland Portside Associates, a California limited partnership ("OPA") of which the Port is a general partner, provided that any call upon such guaranty shall be treated in the same manner as a draw upon a letter of credit or guaranty pursuant to Section 4.04(b) of that certain Amended and Restated Limited Partnership Agreement for Oakland Portside Associates, a California Limited Partnership, dated as of February 23, 1988, and that Portside Properties, a California limited partnership, execute a similar guaranty in favor of Bank, provided further that said guaranty before execution shall be approved by the Port Attorney.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31850

**RESOLUTION REJECTING CLAIM OF DIAN
GONZALEZ.**

WHEREAS, Dian Gonzalez, on the 31st day of January, 1990, presented her claim against the Board of Port Commissioners of the City of Oakland for damages in the sum of \$30,000.00 for personal injuries sustained as a result of a fall in Jack London Square, Oakland, California; and

WHEREAS, this Board breached no duty owed to Claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such claim be and it is hereby rejected.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31851

22A

RESOLUTION AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENT WITH JOAN LAMPHIER DOING BUSINESS AS LAMPHIER AND ASSOCIATES.

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and JOAN LAMPHIER, an individual, doing business under the firm name and style of LAMPHIER AND ASSOCIATES, dated the 1st day of December 1989, for an area of 590 square feet in Building No. F-201, located at 77 Jack London Square, Suite K, Oakland, California, for a term of one year, expiring on the 30th day of November 1990, at a monthly rent of Six Hundred Seventy-Eight and 50/100 Dollars (\$678.50); and be it

FURTHER RESOLVED, that said agreement shall be upon a form of license agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31852

RESOLUTION APPROVING AND AUTHORIZING
FILING OF A COMPLAINT AGAINST VICTOR
BACIGALUPI & ASSOCIATES.

IDA

WHEREAS, pursuant to the provisions of a License and Concession Agreement dated November 1, 1977 and a First Supplemental Agreement dated August 5, 1980, VICTOR BACIGALUPI & ASSOCIATES was granted the exclusive license to install and maintain advertising display facilities in the public areas of passenger terminal buildings, Buildings M-101, M-102, M-103, L-606 and other buildings as designated by the Airport Manager of the Metropolitan Oakland International Airport in the City of Oakland; and

WHEREAS, VICTOR BACIGALUPI & ASSOCIATES has breached the terms of said Agreements by failing and refusing to provide the Port with excess rental payments for the month of August, 1988, and from October, 1988 continuing through February 1989, additional excess rents for the months of January, 1988 through November 1988, and interests on gross receipts for the months of April, 1989 continuing through February, 1990 as required by the provisions of said agreements; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Port Attorney to file and prosecute a complaint against VICTOR BACIGALUPI & ASSOCIATES for collection of rents and for damages, losses, interest, costs and attorneys' fees incurred by the Port arising out of VICTOR BACIGALUPI & ASSOCIATES' breach of its contract with the Port.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31853

SPA

**RESOLUTION AUTHORIZING TERMINATION
OF TENANCY WITH GREAT ATLANTIC
LOBSTER COMPANY.**

WHEREAS, GREAT ATLANTIC LOBSTER COMPANY, a corporation, is a tenant in possession of certain property located in Port Building No. J-321, northerly of the westerly production of Diesel Street, an area of approximately 5,782 square feet of first floor interior space and possesses nonexclusive rights to use area adjacent to the premises together with the rights to maintain a salt water line to the estuary for the operation of an office and warehouse, all pursuant to the provisions of a Lease dated September 20, 1983, a License and Concession Agreement dated March 15, 1983 and a First Supplemental Agreement dated September 23, 1988; and

WHEREAS, GREAT ATLANTIC LOBSTER COMPANY, refuses to provide the Port with past due rents and delinquency fees for the months beginning with August, 1989 and continuing through March, 1990; now therefore, be it

RESOLVED that the Port Attorney be and he hereby is authorized to take all steps necessary, including institution of legal proceedings, to terminate the tenancy of GREAT ATLANTIC LOBSTER COMPANY and to collect all amount due and owing the Port pursuant to the terms of said agreements.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31854

ADA

**RESOLUTION AUTHORIZING EXECUTION OF
PARKING MANAGEMENT AGREEMENT WITH
THE PANSINI CORPORATION.**

RESOLVED, that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain Parking Management Agreement with THE PANSINI CORPORATION, a corporation, dated the 1st day of January, 1990, providing for the retention of the services of said THE PANSINI CORPORATION as "Operator" to manage and operate the Port's public parking facilities in Jack London Square for a term of two (2) years commencing January 1, 1990 and subject to options of the Port to extend said term for two (2) additional periods of one (1) year each on thirty (30) days' prior written notice, for an annual Management Fee of \$95,844.00 payable in equal monthly installments subject to increase to the sum of \$119,844.00 in the event the Port requires Operator to manage the valet parking service at Jack London Square and, in addition thereto, reimbursement for certain expenses as set forth in said Agreement, and that such Parking Management Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31855

**RESOLUTION DETERMINING THAT THE
PETITION FOR FORMAL RECOGNITION
FILED BY INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL 1245
PROPOSES AN APPROPRIATE UNIT OF
REPRESENTATION.**

WHEREAS, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO ("IBEW") Local 1245 has filed with the Port a petition for its formal recognition for purposes of meeting and conferring in good faith as the majority representative of certain Port employees pursuant to Section 9a of Port Ordinance No. 1688; and

WHEREAS, said petition by IBEW Local 1245 proposes for such representation the certain supervisory/administrative classifications of employees of the Port in the Port's Engineering Division; and

WHEREAS, the criteria by which the Port shall determine whether a proposed unit is appropriate are set forth in Section 10a of said Port Ordinance No. 1688; and

WHEREAS, the classifications within the Engineering Division proposed by said petition and the assignments performed by these classifications and the nature of many of their duties indicate a community of interest separate from existing formally recognized units; now, therefore, be it

RESOLVED that this Board does hereby determine that the classifications proposed in the said petition for formal recognition filed by IBEW Local 1245 consisting of: Electrical/Mechanical Inspector, Chief of Field Party, Port Construction Administrator, Administrative Analyst II (Engineering Division) Port Senior Building Maintenance Engineer, Port Maintenance Foreman, Port Utilities Foreman, Utilities Supervisor, Janitor Foreperson (Engineering Division) and Principal Engineering Assistant, comprise an appropriate unit of representation for Port employees; and be it

FURTHER RESOLVED that the Secretary of the Board is hereby authorized and directed to give notice of such petition to the appropriate Port employees in the classifications included in the proposed Engineering Supervisory/Administrative Unit in accordance with Section 9a(2) of Port Ordinance No. 1688.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31856

SM
**RESOLUTION TERMINATING APPOINTMENT OF
FAYE B. HARRIS, YOUTH AIDE, CLASS "A-1".**

RESOLVED that the appointment of FAYE B. HARRIS, to the position of Youth Aide, Class "A-1", be and the same hereby is terminated, effective March 14, 1990, for the reason of the termination of the temporary assignment of duties for said employee's position.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

171

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31857

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved:

JOHN GLOVER, Director of Port Planning, Salary Grade 15, Rate \$7070, effective March 7, 1990;

ISABEL GRANADOS, Secretary to the Chief Executive Officer/Executive Director, Salary Grade 8, Rate \$3334, effective March 7, 1990;

LINDA-JEAN ARCHAMBAULT, Assistant Port Environmental Planner, Salary Grade 9, Rate \$3000, effective March 7, 1990;

ELIZABETH D. FRANCO, Marine Billing & Traffic Assistant, effective March 7, 1990;

JON SHIU, Youth Aide, Class "AA", effective March 7, 1990, not to exceed 90 days;

KUO-CHU HUA, Manager of Management Information Systems, Salary Grade 13, Rate \$5834, effective March 26, 1990; and

PATRICIA MURPHY, Assistant Port Environmental Planner, Salary Grade 9, Rate \$3083, effective April 3, 1990.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31858

JAA

**RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR
INSTALLATION OF OFFICE WORK STATION SYSTEMS IN THE NEW
PORT OFFICE BUILDING, JACK LONDON SQUARE, OAKLAND,
CALIFORNIA.**

WHEREAS by Resolution No. 31406 adopted by the Board of Port Commissioners on June 20, 1989, the Board selected OFFICE WORKS, INC., a California corporation, as work station installation contractor for the new Port office work station system at a total cost not to exceed \$125,000.00 subject to an additional \$25,000.00 as approved by the Executive Director; and

WHEREAS by Resolution No. 31762 adopted by the Board on December 19, 1989 the Board approved additional funding for said installation services for a maximum compensation not to exceed \$200,000.00; and

WHEREAS an additional \$25,000 is required to complete the dismantling of the existing work stations at 66 Jack London Square and to provide for continuing support of the Port offices for an interim period until the turn-over is completed from construction to operations; now, therefore, be it

RESOLVED that the Board does hereby authorize and approve funding for additional work under the contract with OFFICEWORKS, INC. up to a total additional cost not to exceed \$25,000.00.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31859

SBA

**RESOLUTION AUTHORIZING EXECUTION OF
SUSPENSION AGREEMENT WITH PASHA
PROPERTIES, INC.**

RESOLVED that the Chief Executive Officer and Executive Director be and he hereby is authorized to execute and the Secretary to attest that certain Suspension Agreement dated March 6, 1990, with PASHA PROPERTIES, INC., a corporation ("Pasha"), amending that certain Management Agreement dated July 5, 1989, between the Port and Pasha, Federal Maritime Commission Agreement No. 224-200274, to provide for suspension of the term of the Agreement until the terminal facility can berth vessels and use wharf facilities and suspension of Pasha's compensation payments for the period of the term suspension plus three (3) months.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31860

RESOLUTION AUTHORIZING EXECUTION OF
SUPPLEMENTAL AGREEMENT NO. 22 TO
OAKLAND ARMY BASE LEASE WITH THE
SECRETARY OF THE ARMY.

RESOLVED, that the Chief Executive Officer and Executive Director be and he hereby is authorized to execute, for and on behalf of this Board, that certain Supplemental Agreement No. 22 dated March 6, 1990 (being the date of execution on behalf of this Board), amending Lease No. DACA05-1-78-575 dated June 20, 1978 (being the date of execution on behalf of this Board) with the SECRETARY OF THE ARMY, as Lessee, providing for extension of the time to May 1, 1992 during which the Port may exercise its option to renew the Lease, extension of the Lease term on a month to month basis not to extend beyond July 31, 1992 and reduction of rental paid by the Port by ninety-five percent (95%) during restoration of the leased premises as the result of earthquake damage.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31861

224
RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF FLOWAGE FEE SETTLEMENT AGREEMENT WITH
AMERIFLIGHT, INC.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director (the "Executive Director") to execute for and on behalf of the Board a Settlement Agreement with AMERIFLIGHT, INC., a Nevada corporation, providing for satisfaction of disputed claims by the Port of Oakland pertaining to unpaid back flowage fees which have accrued from October, 1986 continuing through December 1987 in the amount of \$86,000.00 plus applicable late fees, if any, for the performance by AMERIFLIGHT, INC. of certain improvements to its facilities by June 30, 1991, including construction of a hangar facade and upgrading of lighting and heating systems at a total cost of approximately \$100,000, with all of such costs to be paid by AMERIFLIGHT, INC. and subject to the Port's prior approval of plans and specification therefor.

At a regular meeting held March 6, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Sweeney - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31862

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE PORT TO REPAIR CONTAINER CRANES X-421, X-422 AND X-423 AT SEVENTH STREET TERMINAL WITHOUT COMPETITIVE BIDDING, AND RATIFYING AND APPROVING ACTION TAKEN TO MAKE SUCH REPAIRS.

WHEREAS, as the result of the October 17, 1989, Loma Prieta earthquake, the Port's container cranes X-421, X-422 and X-423 at Seventh Street Terminal, were extensively damaged but such damage was only uncovered after extensive testing; and

WHEREAS, prior to discovery of such damage to the cranes, the Port contracted with Mitsui O.S.K. Line ("MOL") to operate the terminal and MOL has scheduled its first vessel arrival for April 17, 1990, but the necessary repairs to the cranes to be used in connection with MOL vessels cannot be completed in time to receive the cranes if they are accomplished pursuant to competitive bidding because accomplishing repairs by competitive bidding would take months; and

WHEREAS, in view of the foregoing the Port's Chief Engineer took actions as described in Agenda Sheet Item No. Marine Terminals-1 to accomplish the crane repairs on an emergency basis;

RESOLVED, that the Board of Port Commissioners hereby determines that performance of the said crane repair work without competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED, that the Board of Port Commissioners hereby ratifies and approves the said actions taken by the Chief Engineer to accomplish such repairs on an emergency basis.

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31863

DR
SA

RESOLUTION AWARDING CONTRACT TO SMITH-RICE COMPANY, FOR MAINTENANCE DREDGING OF BERTHS 35, 36, 67, 68 AND BERTH 26 AREA, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for maintenance dredging of Berths 35, 36, 67, 68 and Berth 26 Area, Oakland, California, be and the same hereby is awarded to SMITH-RICE COMPANY, a California corporation, as the lower responsible bidder, in accordance with the terms of its bid received March 7, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of One Hundred Eighteen Thousand Four Hundred Four and 00/100 DOLLARS (\$118,404.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31864

**RESOLUTION RELATING TO THE EFFECTIVE
DATE OF NEW SALARY RATES ASSIGNMENTS
UNDER THE PORT PAY FOR PERFORMANCE
PROGRAM.**

WHEREAS, this Board has determined that the next series of salary adjustments for employees in the Port Pay for Performance Program should be effective March 31, 1990; and

WHEREAS, Port Management is presently completing Pay for Performance salary reviews for said employees to assist the Board in finalizing said salary determinations; and

WHEREAS, said salary reviews and this Board's consideration thereof will not be completed in time to adopt a resolution assigning specific revised salary rates for said employees by March 31, 1990; and

WHEREAS, this Board intends to consider said Pay for Performance salary reviews in making its determinations as to said employee salaries and further intends to make said salary adjustments effective in accordance with its previously stated practice on March 31, 1990; now, therefore, be it

RESOLVED that the salary adjustments for employees included in the Port Pay for Performance Program are intended to be adjusted effective March 31, 1990; and be it

FURTHER RESOLVED that the salary adjustments for employees of the Port included in said Pay for Performance Program which are approved by this Board following its consideration of the current salary adjustment reviews prepared for the Board will be effective retroactive to March 31, 1990.

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31865

**RESOLUTION AUTHORIZING EXECUTION OF
SEVENTH SUPPLEMENTAL AGREEMENT WITH
STEVEDORING SERVICES OF AMERICA.**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain Seventh Supplemental Agreement dated March 27, 1990, with STEVEDORING SERVICES OF AMERICA, a corporation ("SSA"), amending that certain Management Agreement dated August 21, 1984, between the Port and SSA, Federal Maritime Commission Agreement No. 224-010642, to provide for the further extension of the term of the Agreement to April 30, 1990 or until commencement of the term of a new Management Agreement between the Port and SSA and for the continued increase in the basic compensation to SSA for its services in managing, operating and soliciting cargo for the assigned premises during the period of the extended term to ten percent (10%) of the gross wharfage and terminal tariff revenues which accrue for users of the assigned premises.

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31866

**RESOLUTION AMENDING THE LIST OF DESIGNATED
EMPLOYEES UNDER THE PORT'S CONFLICT OF
INTEREST CODE**

RESOLVED, that the Board of Port Commissioners hereby determines that the new positions of Port employment created after the adoption of Port Ordinance No. 2392 (An Ordinance Adopting A Conflict of Interest Code of the Board of Port Commissioners of the City of Oakland) on August 4, 1981, which shall be designated positions within the meaning of Port Ordinance No. 2392, are contained among the positions listed on the "Designated Positions Appendix 'A-1'" attached to this resolution and by this reference incorporated herein, and all of the designated positions within the meaning of Port Ordinance No. 2392 are contained in Appendix "A" to said ordinance and said attachment to this resolution.

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

DESIGNATED POSITIONS

APPENDIX "A-1"

Airport Manager
Airport Operations Manager
Assistant Chief Engineer
Assistant Port Attorney I
Assistant Port Attorney II
Aviation Division Finance Manager
Chief Building Maintenance Engineer
Chief Executive Officer and Executive Director
Chief Financial Officer
Chief Wharfinger
Commercial Representative I
Commercial Representative II
Commercial Representative III
Commercial Representative IV
Commercial Representative V
Data Processing Manager
Deputy Port Attorney I
Deputy Port Attorney II
Deputy Port Attorney III
Deputy Port Attorney IV
Director of Administration/Human Resources
Director of Aviation
Director of Commercial Real Estate
Director of Engineering
Director of Maritime Activities
Director of Port Planning
Director of Public Affairs
Director of Research
Executive Director, Port Planning and Development
Executive Director, Transportation Services
General Manager, Marine Terminal Department
Manager of Airport Properties
Manager of Financial Planning and Analysis
Manager, Air Traffic Development Department
Manager, Analysis and Special Projects
Manager, Cargo Marketing Department
Manager, General Aviation
Manager, Marine and Intermodal Services
Manager, Marine Marketing
Manager, Marine Operations
Manager of Management Information Systems
Manager, Purchasing Department
Manager, Special Projects Port Attorney's Office
Manager, Traffic Management & Customer Services Department
Marine Commercial Representative III
Marine Commercial Representative IV
Marine Commercial Representative V
Media Relations Representative
Member, Board of Port Commissioners
Office Services Manager
Personnel Manager, Recruitment & Examinations
Port Attorney
Port Controller
Port Environmental Manager
Port Equal Opportunity Manager
Port Field Auditor
Port Field Representative
Port Maintenance & Construction Supervisor
Port Permits and Graphics Supervisor
Port Planning Supervisor
Port Principal Electrical Mechanical Engineer
Port Principal Engineer
Port Supervising Electrical Mechanical Engineer

Risk Manager
Secretary of the Board
Senior Commercial Representative
Special Assistant to the Executive Director, Class "A"
Special Assistant to the Executive Director, Class "AA"
Special Assistant to the Executive Director, Class "D"
Special Assistant to the Executive Director for Trade Relations
Supervising Civil Engineer
Supervising Transportation Planner
Traffic Representative & Tariff Analyst III
Traffic Representative & Tariff Analyst IV
Utilities Supervisor

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SA

RESOLUTION NO. 31867

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENTS.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **THE WATERFRONT ASSOCIATION**, a California nonprofit mutual benefit corporation, dated the 1st day of September 1989, for an area of 400 square feet located at 77 Jack London Square, Oakland, California, for a term of one year, expiring on the 31st day of August 1990, at a monthly rent of **Three Hundred and 00/100 Dollars (\$300.00)**; and be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **THE WATERFRONT ASSOCIATION**, a California nonprofit mutual benefit corporation, dated the 1st day of October 1989, for an area of 430 square feet located at 66 Jack London Square, Oakland, California, for a term of one year, expiring on the 30th day of September 1990, at a monthly rent of **Four Hundred Thirty and 00/100 Dollars (\$430.00)**; and be it

FURTHER RESOLVED, that said agreements shall be upon a form of license agreement customarily used for such purposes, and said agreements shall be approved by the Port Attorney.

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31868

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH J. W.
SILVEIRA AND BARBARA O. SILVEIRA.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **J. W. SILVEIRA AND BARBARA O. SILVEIRA**, as joint tenants, dated the 1st day of October 1989, for an area of 125,012 square feet of land and water area herein referred to as Parcel A, and 24,375 square feet of water area herein referred to as Parcel B, all located westerly of the foot of Fifth Avenue, Oakland, California, for a term of one year, expiring on the 30th day of September 1990, at a monthly rental of **Three Thousand Eight Hundred Eighty-Six and 45/100 Dollars (\$3,886.45)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of license agreement customarily used for such purpose, and said agreement shall be approved by the Port Attorney.

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31869

**AN RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF A FOURTH SUPPLEMENTAL
AGREEMENT WITH SIERRA ACADEMY OF
AERONAUTICS, INC.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Port a Fourth Supplemental Agreement dated August 1, 1989, with **Sierra Academy of Aeronautics, Inc.**, a corporation, amending the February 1, 1985 License and Concession Agreement between the Port and Licensee, by the deletion in Paragraph 1 thereof of 33,218 square feet of apron area located at Building L-230 and modifying the monthly rental to **Three Thousand Seven Hundred Ninety-Four and 85/100 Dollars (\$3,794.85)**.

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31870

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR EARTHQUAKE DAMAGE REPAIR OF CONCRETE WHARVES, BERTHS 36, 37, 38 AND WESTERLY PORTION OF BERTH 35, SEVENTH STREET TERMINAL.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for EARTHQUAKE DAMAGE REPAIR OF CONCRETE WHARVES, BERTHS 36, 37, 38 AND WESTERLY PORTION OF BERTH 35, SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

<u>Portion of Work</u>	<u>Time for Completion in Calendar Days after Contract Becomes Effective</u>	<u>Liquidated Damages</u>
708 LF of Berths 35 and 36	150 days (Base Bid) 165 days (Base Bid + Bid Alternate)	\$1,500/cal. day
750 LF of Berth 38	195 days (Base Bid) 210 days (Base Bid + Bid Alternate)	\$1,500/cal. day
1048 LF of Berths 36 and 37	330 days (Base Bid) 345 days (Base Bid + Bid Alternate)	\$1,000/cal. day

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to April 18, 1990, the date set for receiving said bids.

At an adjourned regular meeting held March 27, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31871

SPA

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR REFURBISHING OF HANGAR DOORS AND ASSOCIATED WORK, BUILDING M-110, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for REFURBISHING OF HANGAR DOORS AND ASSOCIATED WORK, BUILDING M-110, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, be and the same hereby are approved; and be it

FURTHER RESOLVED that a sum for liquidated damages be set in the amount of \$300.00 per calendar day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sum is based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to May 23, 1990, the date set for receiving said bids.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayces: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31872

SA

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INTERIOR LANDSCAPING AND LANDSCAPE MAINTENANCE, BLDG. M-103, TERMINAL I, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for INTERIOR LANDSCAPING AND LANDSCAPE MAINTENANCE, BLDG. M-103, TERMINAL I, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, be and the same hereby are approved; and be it

FURTHER RESOLVED that a sum for liquidated damages be set in the amount of \$300.00 per calendar day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sum is based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to May 23, 1990, the date set for receiving said bids.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31873

JPH

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR REPAIR OF EARTHQUAKE DAMAGE TO TAXIWAYS 1, 7, AND RUNWAY 11-29, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for REPAIR OF EARTHQUAKE DAMAGE TO TAXIWAYS 1, 7, AND RUNWAY 11-29, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

<u>Portion of Work</u>	<u>Time for Completion</u>	<u>Liquidated Damages</u>
Phase I (Taxiway 1)	55 cal. days after work begins on site	\$1,000/cal. day
Phase II (Taxiway 7, Safety areas, service corridor and storm drainage)	3 cal. days immediately following completion of Phase I	\$1,000/cal. day
Phase III (Safety areas, storm drainage, and service corridor)	7 cal. days immediately following completion of Phase II	\$1,000/cal. day
Phase IV (Runway 11-29, Safety areas, and portion of Taxiway 1)	5 cal. days immediately following completion of Phase III	\$1,000/cal. day
	All contract work-90 cal. days.	\$1,000/cal. day
	The end of the scheduled closure each day (7:30 AM-5:00 PM) of Phases II, III, IV.	\$1,500 for each five minute period beyond the daily scheduled re-opening time

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to May 16, 1990, the date set for receiving said bids.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31874

SAA

**RESOLUTION REJECTING BIDS FOR MODIFICATION
OF FIRST FLOOR RESTROOMS AT GRIDLINE 29,
TERMINAL I, BUILDING M-103, FOR HANDICAP
ACCESS, SOUTH FIELD, METROPOLITAN OAKLAND
INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.**

RESOLVED that all the bids received by the Board on February 7, 1990, for MODIFICATION OF FIRST FLOOR RESTROOMS AT GRIDLINE 29, TERMINAL I, BUILDING M-103, FOR HANDICAP ACCESS, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL, OAKLAND, CALIFORNIA, shall be and the same are hereby rejected; and be it

FURTHER RESOLVED that the bid bonds accompanying said bids shall be returned to the respective bidders; and be it

FURTHER RESOLVED that the Executive Director be and he is hereby authorized to negotiate and execute a contract for the performing of said work, at a cost not to exceed \$21,409.55, and provided that the contract shall be approved as to form and legality by the Port Attorney.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

AA

RESOLUTION NO. 31875

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE PORT TO ACCOMPLISH CONSTRUCTION OF BAGGAGE OFFICE ADDITIONS TO THE BAGGAGE CLAIM AREA AT BUILDING M-101, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A CONTRACT FOR SUCH CONSTRUCTION OR THE CHIEF ENGINEER TO ISSUE A CHANGE ORDER BASED ON RECEIPT OF INFORMAL BIDS.

WHEREAS, due to recently announced expansion of airline service and anticipated increased passenger service at Metropolitan Oakland International Airport it has become necessary to construct office additions to the baggage claim area at Building M-101, Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, in order to respond to the airlines' concern that they cannot adequately serve passengers' needs without the additional baggage office space and their request that the additional space be available during the busy summer travel period; and

WHEREAS, in order to expeditiously accommodate the expanded airline service and increased passenger needs, it is necessary to construct said baggage office additions as soon as possible; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby determines that performance of the said construction work without competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes either the Chief Executive Officer on behalf of the Board to enter into a contract or the Chief Engineer to issue a change order for the construction of additions to the baggage claim area at Building M-101 Metropolitan Oakland International Airport, Oakland, California based upon receipt of informal bids.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31876

SPT

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE PORT TO PERFORM REPAIRS TO THE PAVEMENT AT THE FORMER EMPLOYEE PARKING LOT, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT THEREFOR.

WHEREAS, the parking lot at the corner of John Glenn Drive and Alan Shepard Way at South Airport was used for Metropolitan Oakland International Airport and tenant employee parking until November 1989 when due to increased need for public parking at the Airport, the lot was converted to public parking; and

WHEREAS, the employee parking was relocated to an adjacent paved area near the United Airlines Hangar, Building M-110, and because of the increased walking distance, large passenger vans that travel down one aisle of the lot have to be used to transport employees to and from the terminal buildings; and

WHEREAS, the former employee parking lot was originally constructed as an overflow lot with very light pavement suitable for autos and the intensive use of the lot by the large vans have caused the pavement in a section of the lot to break up prematurely requiring closure of the section for public parking; and

WHEREAS, the Aviation Division anticipates increased passenger activity in April and has requested that the damaged section of the lot be repaired by April 16, 1990; and

WHEREAS, in order to complete the repairs by April 16, 1990, it is necessary to dispense with normal bidding procedures and solicit bids by informal quotations to repair the damaged pavement, the estimated cost of which is approximately \$45,000.00; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interests of the Port to perform the repairs to the parking lot without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer hereby authorized for and on behalf of the Board to negotiate and execute a contract as described in Port of Oakland Agenda Sheet Item No. Airport Aviation-11S (April 3, 1990), provided that the total payment for said repairs shall not exceed \$45,000.00.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31877

SPK

**RESOLUTION AUTHORIZING SUBSTITUTION OF
PAINTING SUBCONTRACTOR FOR CONSTRUCTION
OF PARKING STRUCTURE ON LOT 10, JACK
LONDON SQUARE, OAKLAND, CALIFORNIA.**

WHEREAS, VALVERDE AND SONS PAINTING, the painting subcontractor listed in the bid by Perini Corporation, a Massachusetts Corporation, for CONSTRUCTION OF PARKING STRUCTURE ON LOT 10, JACK LONDON SQUARE, OAKLAND, CALIFORNIA, after having had a reasonable opportunity to do so, cannot meet its contractual obligations due to serious illness and financial hardship, said contractual obligations being based on the terms, conditions, plans and specifications for the project involved and which obligations have been presented to the subcontractor by Perini; and

WHEREAS, Perini has requested that the Port consent to the substitution of Sunshine Painting, Inc., a California corporation, as the painting subcontractor; and

WHEREAS, the Port has given to Valverde and Sons Painting, the written notice of said request for substitution in the form and manner specified in California Government Code Section 4107, and Valverde and Sons Painting has filed no objections to the requested substitution but has stated that it does not object to the requested substitution and has released its subcontract agreement with Perini; now, therefore be it

RESOLVED that this Board of Port Commissioners hereby consents to this substitution of Sunshine Painting, Inc., as painting subcontractor in the place of the listed painting Valverde and Sons Painting.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31878

**RESOLUTION CONSENTING TO ASSIGNMENT OF LEASE
FROM ORO SPANISH BROADCASTING, INC. TO KOFY,
INC.**

WHEREAS, the Port and **ORO SPANISH BROADCASTING, INC.** entered into a certain Lease dated the 20th day of October, 1987, for the occupancy of 12.75 acres of water and land on the north side of the Bay Bridge toll plaza, as a radio transmitter site for a radio station, for a ten (10) year term commencing on the 1st day of January 1987; and

WHEREAS, **ORO SPANISH BROADCASTING, INC.** has requested the consent of this Board to the assignment of said Lease to **KOFY, INC.**; now, therefore, be it

RESOLVED that consent is hereby granted **ORO SPANISH BROADCASTING, INC.**, to assign said Lease to **KOFY, INC.**; and be it

FURTHER RESOLVED that such consent is granted upon the express condition that said **KOFY, INC.** shall assume all the obligations and liabilities of said **ORO SPANISH BROADCASTING, INC.**, under said Lease from the date of assignment forward and that said **ORO SPANISH BROADCASTING, INC.** is not hereby released from any obligation or liability under said Lease; and be it

FURTHER RESOLVED that this consent to assignment is expressly conditioned upon the Port's receipt of copies of the final document evidencing said assignment in a form satisfactory to the Port.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31879

JAA

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT
REGARDING PETROLEUM CONTAMINATION AT 295
HEGENBERGER ROAD, OAKLAND AIRPORT BUSINESS PARK,
OAKLAND, CALIFORNIA.**

WHEREAS, on the 1st day of September 1964, the City of Oakland, acting by and through its Board of Port Commissioners, entered into a fifty-year Lease with Edward W. Engs, Jr., for approximately 2.892 acres of land in the Oakland Airport Business Park, recorded on the 9th day of October 1964, in Reel 1335, Image 830 Official Records of Alameda County, California; and

WHEREAS, on the 15th day of August 1978, by Resolution No. 24811, said Lease was assigned with the consent and approval of this Board from Edward Engs, Jr., to Eleanor Engs Hilken and Roy D. Hansen; and

WHEREAS, the estate of Roy D. Hansen by court order transferred its one-half interest in the Lease to Edward H. Peterson as Trustee; and

WHEREAS, on December 1, 1987, by Port Resolution No. 30427, said leasehold interest of Roy D. Hansen was assigned with the consent and approval of this Board from the Trustee to Barbara Bell Peterson and Phyllis Bell Carmichael, beneficiaries under the trust; and

WHEREAS, the Port on April 18, 1989, adopted Port Resolution No. 31294 consenting to the sublease of the premises to Rollins Leasing Corporation, a Delaware corporation ("Rollins"), subject to each and all of the terms and conditions of that certain lease between the Port and Hilken, Peterson and Carmichael, to be used for the display and sale of trucks, truck parts and equipment, the servicing and repair of trucks, office space in connection therewith and for other uses incidental thereto; and

WHEREAS, in October 1988, Lessees discovered contaminated soil on the leased premises near the northwest boundary line of the property occupied by the Shell Oil Station ("Shell") which is adjacent to the leased premises; and

WHEREAS, the Port has received a request from Lessees to execute an agreement among Shell, Lessees, the Port and Rollins, regarding petroleum contamination and remediation activities on the Port property located at 295 Hegenberger Road, Oakland, California; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer to execute for and on behalf of the Board an agreement with the Lessees, Rollins and Shell concerning investigation and remediation activities on the subject premises in accordance with Port of Oakland Agenda Sheet Item No. Properties-10S, April 3, 1990, and such agreement shall be on a form to be approved by the Port Attorney.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31880

RESOLUTION AUTHORIZING EXECUTION OF
CONTRACT FOR SALE OF CONTAINER CRANES
WITH AMERICAN PRESIDENT LINES, LTD.

RESOLVED that the Chief Executive Officer and Executive Director be and he is hereby authorized to execute and the Secretary to attest that certain Contract for Sale of Container Cranes, dated April 3, 1990, with AMERICAN PRESIDENT LINES, LTD., a corporation, as Buyer, covering the transfer and delivery to Buyer of two (2) Alliance Container Cranes, Port Cranes Nos. X-441 and X-442, including spreaders, located at Buyer's assigned Middle Harbor Terminal premises at 1395 Middle Harbor Road, for the purchase price of \$830,000.00.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31881

**RESOLUTION AUTHORIZING EXECUTION OF
SEVENTH SUPPLEMENTAL AGREEMENT WITH
AMERICAN PRESIDENT LINES, LTD.**

RESOLVED that the President of the Board is hereby authorized to execute and the Secretary to attest that certain Seventh Supplemental Agreement dated the 3rd day of April, 1990 amending that certain Preferential Assignment Agreement and that certain Lease, each dated the 7th day of March, 1973, between the CITY OF OAKLAND, a municipal corporation, acting by and through this Board, and AMERICAN PRESIDENT LINES, LTD., a corporation, ("APL") as successor in interest to UNITED STATES LINES, INC., as Assignee and Lessee, Federal Maritime Commission Agreement Nos. 224-002758 and 224-002758C, respectively, to insure the continued availability of adequate crane capacity on the assigned premises and APL's adjacent assigned premises following removal of Cranes Nos. X-441 and X-442 by APL by providing for advance notice to the Port in the event APL moves to other Port premises and additional options in the Port to purchase APL's owned container cranes and in addition to modify the provisions of the Agreement and/or Lease concerning secondary use revenues and the parties respective obligations for maintenance and repair of the assigned and/or leased premises, dredging and access to the premises.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31882

SPW
RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE PORT TO PROVIDE SITE IMPROVEMENTS ON FIVE ACRES OF PROPERTY ADJOINING THE MIDDLE HARBOR TERMINAL TO FACILITATE REPAIR OF EARTHQUAKE DAMAGE OF THE CONTAINER YARD PAVEMENT AT MIDDLE HARBOR TERMINAL WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO CONTRACTS FOR SUCH WORK.

WHEREAS, as the result of the October 17, 1989, Loma Prieta earthquake, approximately 18 acres of pavement and utilities in the container yard at the Middle Harbor Terminal were extensively damaged so as severely to limit the use and operations of the yard; and

WHEREAS, it is necessary as quickly as possible to repair said yard in order to provide necessary maritime transportation services and site improvements on five acres of adjoining property are necessary to permit the present tenant to continue its maritime activities during the repair of the yard and such site improvements cannot be made promptly to fit into the construction schedule for earthquake repairs at the Middle Harbor Terminal if they are accomplished pursuant to competitive bidding; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby determines that performance of the said site improvements without competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED, that the Board of Port Commissioners hereby authorizes the Executive Director on behalf of the Board without competitive bidding to negotiate and enter into contracts for said site improvements, all as specified in Agenda Sheet Item No. Marine Terminals-2, dated April 3, 1990 ("Approval to Dispense with Formal Bids for Site Improvements on the Former Sherex Property").

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31883

**RESOLUTION APPROVING AND AUTHORIZING ISSUANCE
OF CHANGE ORDER IN CONTRACT WITH SEAWORKS,
INC. FOR CONSTRUCTION OF SHORELINE PUBLIC
ACCESS AND GUEST BERTHING AT THE BOATEL, JACK
LONDON SQUARE, OAKLAND, CALIFORNIA.**

SAT

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the issuance to **SEAWORKS, INC.** ("Seaworks") of a change order to the contract with **SEAWORKS** for Construction of Shoreline Public Access and Guest Berthing at the Boatel, Jack London Square, Oakland, California, in accordance with Board of Port Commissioners Agenda Sheet Item No. Marine Terminals-3, April 3, 1990.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31884

SA

RESOLUTION AWARDING CONTRACT TO GALLAGHER & BURK, INC., FOR CONSTRUCTION OF SEVENTH STREET STORAGE YARD, SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for construction of Seventh Street Storage Yard, Seventh Street Terminal, Oakland, California, be and the same hereby is awarded to GALLAGHER & BURK, INC., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received February 21, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of One Hundred Twenty-Nine Thousand Nine Hundred Twelve and 50/100 DOLLARS (\$129,912.50) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31885

LA

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR EARTHQUAKE DAMAGE REPAIR OF BUILDING E-221, MIDDLE HARBOR TERMINAL, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for EARTHQUAKE DAMAGE REPAIR OF BUILDING E-221, MIDDLE HARBOR TERMINAL, OAKLAND, CALIFORNIA, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

<u>Portion of Work</u>	<u>Time for Completion Calendar Days after Contract Becomes Effective</u>	<u>Liquidated Damages</u>
Third Level	37 days	\$500/cal. day
Mezzanine Level between column line 7 and 9	82 days	\$300/cal. day
Ground Level and all other contract work	127 days	\$300/cal. day

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to May 23, 1990, the date set for receiving said bids.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31886

**RESOLUTION AUTHORIZING EXECUTION OF
SECOND SUPPLEMENTAL AGREEMENT WITH
HANJIN SHIPPING COMPANY, LTD.**

RESOLVED that the Chief Executive Officer and Executive Director be and he hereby is authorized to execute and the Secretary to attest that certain Second Supplemental Agreement dated April 3, 1990, with HANJIN SHIPPING COMPANY, LTD., as User, amending that certain Terminal Use Agreement dated July 17, 1984, between the Port and User, as successor to KOREA SHIPPING CORPORATION, LTD., Federal Maritime Commission Agreement No. 221-010631, to extend the term of the Agreement to December 31, 1990 subject to earlier termination in the event the parties enter into a new agreement covering use of another facility.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31887

**RESOLUTION AUTHORIZING EXECUTION OF SIXTH
SUPPLEMENTAL AGREEMENT WITH INTERNATIONAL
TRANSPORTATION SERVICES, INC.**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain Sixth Supplemental Agreement dated November 21, 1989, with INTERNATIONAL TRANSPORTATION SERVICES, INC., a corporation, as Assignee, amending that certain Nonexclusive Preferential Assignment Agreement dated June 17, 1986, between the Port and Assignee, Federal Maritime Commission Agreement No. 224-010974, to provide for the use of alternative Port facilities by long term volume secondary users and the continued application of Assignee's tariff retention level for such use in the event such use is necessitated by berthing conflicts at the assigned premises.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31888

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH F. E. JORDAN ASSOCIATES, INC. CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **F. E. JORDAN ASSOCIATES, INC.** and this Board, to furnish engineering consulting services in connection with the repair of earthquake damage at Berths 32 and 33, Matson Terminal, as set forth in Agenda Sheet Item Marine Terminals-10S, April 3, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **F. E. JORDAN ASSOCIATES, INC.** without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **F. E. JORDAN ASSOCIATES, INC.**, be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses; provided that the maximum compensation which can be made under said Agreement is \$376,000 unless additional work, up to an additional cost not to exceed \$115,000 is approved by the Executive Director; provided further that should the option under said Agreement be exercised the Executive Director may approve such additional work at a cost not to exceed \$16,000; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 31889

AM

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED FOURTH SUPPLEMENTAL AGREEMENT WITH
ROBINSON MILLS & WILLIAMS FOR CONSULTING
SERVICES CONSTITUTES PROFESSIONAL OR SPECIAL-
IZED SERVICES; AND AUTHORIZING EXECUTION OF
SAID SUPPLEMENTAL AGREEMENT.**

WHEREAS, by Resolution No. 30194, adopted by the Board of Port Commissioners (the "Board") on July 7, 1987, the Board approved the execution of an Agreement with **ROBINSON MILLS & WILLIAMS**, a California corporation, for architectural services for the Port office spaces in the new Port Building; and

WHEREAS, by Resolution No. 31335 adopted by the Board on May 23, 1989, the Board approved the execution of a First Supplemental Agreement, by Resolution No. 31473 adopted by the Board on August 1, 1989, the Board approved the execution of a Second Supplemental Agreement and by Resolution No. 31610 adopted by the Board on October 10, 1989, the Board approved the execution of a Third Supplemental Agreement; and

WHEREAS, it is desirable at this time to enter into a Fourth Supplemental Agreement to provide for the acquisition, installation and framing of new and pre-existing art in the new Port Building in accordance with Board Agenda Sheet Item No. Operations-1, dated April 3, 1990; now, therefore, be it

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Fourth Supplemental Agreement between **ROBINSON MILLS & WILLIAMS**, a California corporation and this Board, to furnish additional services as set forth in Agenda Sheet Item No. Operations-1, dated April 3, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **ROBINSON MILLS & WILLIAMS** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute for and on behalf of the Board a Fourth Supplemental Agreement for such additional services and that **ROBINSON MILLS & WILLIAMS** be compensated for such services at an additional maximum compensation of

One Hundred Seventy-Two Thousand and 00/100 Dollars (\$172,000.00), that ROBINSON MILLS & WILLIAMS' subcontractor, JUDY KAY AND ASSOCIATES, be directly reimbursed for such expenditures, and provided that the Fourth Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 31890

SAH

RESOLUTION AUTHORIZING THE ISSUANCE OF PORT OF OAKLAND REVENUE BONDS 1990 SERIES D IN THE APPROXIMATE AMOUNT OF \$32,900,000 AND CERTAIN OTHER ACTIONS.

WHEREAS, the Board of Port Commissioners of the City of Oakland (the "Board" or the "Port") is authorized by Section 706(24) (formerly Section 606(24)) of the Charter of the City of Oakland to provide for financing of Port facilities through the issuance and sale of debt instruments payable exclusively from revenues, other funds and property of the Port; and

WHEREAS, Ordinance No. 2858, adopted by the Board on February 21, 1989 (the "Procedural Ordinance"), provides that the Bonds shall be issued and sold in such manner and upon such terms and conditions, and contain such provisions and covenants, as the Board shall fix and establish; and

WHEREAS, the Board has heretofore issued \$35,000,000 of its 1957 Revenue Bonds, Series Q (the "1957 Series Q Bonds"); and

WHEREAS, the Board has determined that it is in the best interests of the Port to provide for the refunding of the outstanding Series Q Bonds through the issuance of its Revenue Bonds, 1990 Series D (the "Series D Bonds"); and

WHEREAS, there has been presented to this Board a form of a Fifth Supplemental Trust Indenture (the "Fifth Supplement") between the Board and Security Pacific National Bank, as trustee (the "Trustee"); and

WHEREAS, this Resolution, together with the Trust Indenture dated as of April 1, 1989 (the "Trust Indenture") between the Board and the Trustee and the Fifth Supplement collectively constitute a Resolution of Issue within the meaning of the Procedural Ordinance; and

WHEREAS, there has been presented to this Board a form of a Purchase Contract (the "Purchase Contract") between Grigsby Brandford Powell Inc. (the "Underwriter"), and the Board with respect to the purchase and sale of the Series D Bonds; and

WHEREAS, there has been presented to this Board a form of an Escrow Agreement (the "Escrow Agreement") among the Board and Bank of America National Trust and Savings Association, as escrow agent and fiscal agent (the "Escrow Agent"), relating to the refunding of the Series Q Bonds; and

WHEREAS, there has been presented to this Board a form of Preliminary Official Statement relating to the issuance of the Series D Bonds; and

WHEREAS, such documents appear to be in appropriate form and the terms are satisfactory to the Board, and the Board has determined that it is in the best interest of the Port to provide for the refunding of the Series Q Bonds through the issuance of the Series D Bonds; now, therefore, be it

RESOLVED by the Board of Port Commissioners of the City of Oakland, as follows:

1. Issuance of Series D Bonds; Terms of Series D Bonds.

For the purpose of effecting substantial debt service savings for the Port by refunding the Series Q Bonds, the Board hereby authorizes the issuance of its Revenue Bonds, 1990 Series D, in the aggregate principal amount of not exceeding \$32,900,000.

The Series D Bonds shall bear interest at such rates with respect to the various maturities such that the true interest cost for such series of Bonds does not exceed 8% per annum. The true interest cost shall be that rate which, when used in computing the present worth of all payments of principal and interest to be paid on the Series D Bonds (compounded on November 1, 1990 and semiannually thereafter), produces an amount equal to the purchase price of the Series D Bonds taking into account any original issue discount, underwriter's fees and any and all costs of issuance of the Series D Bonds.

Execution and delivery of the Fifth Supplement containing the maturities, the principal amounts and the interest rates, within the parameters set forth in this Resolution, shall constitute conclusive evidence of the Board's approval of such maturities, principal amounts and rates.

2. Pledge to Secure the Series D Bonds. The Board hereby approves the pledge to secure the Series D Bonds as set forth in the Trust Indenture and the Fifth Supplement.

3. Forms of Series D Bonds. The Series D Bonds and the Trustee's Certificate of Authentication to appear thereon shall be in substantially the form set forth in Exhibit A to the Fifth Supplement with necessary or appropriate variations, omissions and insertions as permitted or required by the Trust Indenture or the Fifth Supplement or as appropriate to adequately reflect the terms of such Series D Bonds and the obligation represented thereby.

4. Execution of Series D Bonds. Each of the Series D Bonds shall be executed by the President or the Vice President of the Board and the seal imprinted or impressed on the Series D Bonds and attested by the Secretary of the Board. Any of such signatures may be placed manually on the Series D Bonds or may be by facsimile and the seal may be impressed or printed on the Bonds and any facsimile signature shall be of the same force and effect as if such signature were manually placed on such Series D Bonds.

5. Approval of Documents; Authorization for Execution. The form, terms and provisions of the Fifth Supplement and the Escrow Agreement (collectively, the "Documents") are in all respects approved, and the President and the Chief Executive Officer and Executive Director (the "Executive Director") of the Board, any one or more thereof, are hereby authorized, empowered and directed to execute, acknowledge and deliver each of the Documents including counterparts thereof, in the name and on behalf of the Board. The Documents, as executed and delivered, shall be in substantially the forms now before this meeting and hereby approved, or with such changes therein as shall be approved by the officer or officers of the Board executing the same and the Port Attorney; the execution thereof shall constitute conclusive

evidence of the Board's approval of any and all changes or revisions therein from the forms of the Documents now before this meeting; and from and after the execution and delivery of the Documents, the officers, agents and employees of the Board are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Documents.

6. Preliminary Official Statement. The distribution by the Underwriter of the Preliminary Official Statement in connection with the offering and sale of the Series D Bonds in substantially the form of the draft thereof presented at this meeting, with such changes therein as shall be approved by the President or the Executive Director, is hereby authorized and approved.

7. Official Statement. Prior to the delivery of the Series D Bonds, the Port shall provide for the preparation, publication, execution and delivery of an Official Statement relating to the Series D Bonds in substantially the form of the draft preliminary official statement presented to this meeting. The President and the Executive Director, either or both of them, are hereby authorized and directed to execute and deliver the final Official Statement in the name and on behalf of the Board. The execution thereof shall constitute conclusive evidence of the Board's approval of any and all changes or revisions therein from the form of the Preliminary Official Statement now before this meeting. The Underwriter, as previously selected by the Board, is hereby authorized to distribute the Official Statement in final form.

8. Sale of Series D Bonds. The Board hereby authorizes the sale of the Series D Bonds through a private, negotiated sale to the Underwriter. The Executive Director and the Chief Financial Officer jointly are authorized to approve the final terms of the sale of the Series D Bonds subject to the terms, conditions and restrictions set forth in this Resolution. The Series D Bonds, if sold to the Underwriter, shall be sold subject to payment by the Port of an underwriter's fee as set forth in the Purchase Contract, not to exceed 0.50% of the aggregate principal amount of Series D Bonds, and subject to the terms and conditions set forth in the Purchase Contract. The form, terms and provisions of the Purchase Contract now before this Board are in all respects approved and the Executive Director and the Chief Financial Officer are hereby authorized and empowered to execute and deliver the Purchase Contract, including counterparts thereof, in the name and on behalf of the Board. The Purchase Contract, as executed and delivered, shall be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall be approved by the officer executing the same and by the Port Attorney; the execution thereof shall constitute conclusive evidence of the Board's approval of any and all changes or revisions therein from the form of the Purchase Contract now before this meeting; and from and after the execution and delivery of the Purchase Contract, the officers, agents and employees of the Board or the Port are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Contract.

9. Trustee. The Board hereby appoints Security Pacific National Bank as Trustee under the terms of the Fifth Supplement.

10. Additional Authorization. The President, and Vice President of the Board, the Executive Director and the Chief Financial Officer and all officers, agents and employees of the Board or the Port, for and on behalf of the Board, be and they hereby are authorized and directed to do any and all things

necessary to effect the execution and delivery of the Series D Bonds, the Documents, the Preliminary and final Official Statements and the Purchase Contract and to carry out the terms thereof. The President, the Vice President, the Executive Director, the Chief Financial Officer and all other officers, agents and other employees of the Board or the Port are further authorized and directed, for and on behalf of the Board, to execute all papers, documents, certificates and other instruments that may be required in order to carry out the authority conferred by this Resolution and by the Trust Indenture and the Fifth Supplement or to evidence the same authority and its exercise. The foregoing authorization includes, but is in no way limited to, the execution by the President, the Vice President, the Executive Director, the Chief Financial Officer and the delivery of the Tax Agreement as required by the Fifth Supplement for the purpose of complying with the rebate requirements of the Internal Revenue code of 1986, as amended, documents required by the Depository Trust Company in connection with the Book-Entry Bonds, any insurance policy for the Series D Bonds and any Reserve Fund Insurance Policy (as defined in the Fifth Supplement) required to fund a reserve fund for the Series D Bonds.

11. Costs of Issuance. The Chief Financial Officer is hereby authorized to pay for any and all costs of issuance for the Series D Bonds, including any payment to the underwriter, provided that the aggregate amount of such costs shall not exceed \$750,000.

12. Severability: The provisions of this Resolution are hereby declared to be severable and, if any section, phrase or provisions shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

13. Effective Date. The effective date of this Resolution shall be the date of its adoption.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31891

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GRIGSBY BRANDFORD POWELL INC. CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **GRIGSBY BRANDFORD POWELL INC.** and this Board, to serve as managing underwriter for the Port's Revenue Bonds, 1990 Series D will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **GRIGSBY BRANDFORD POWELL INC.** without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **GRIGSBY BRANDFORD POWELL INC.**, be compensated for such services as set forth in the Bond Purchase Contract, between the Board and said underwriter approved by the Board on the same date as this Resolution, provided that no management fee may be charged and provided further that all reimbursable expenses, including underwriter's counsel, shall not exceed \$85,000.00, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31892

RESOLUTION CONCERNING CERTAIN TRAVEL.

RESOLVED that President Brady; Commissioners Lockhart and Wasserman; Special Representative to the Port, Frank Ogawa; the Chief Executive Officer; and the Secretary of the Board, be and they are hereby authorized to proceed to Tokyo, Japan; Seoul, Korea; Taiwan; and Hong Kong, B.C.C., on or about April 16 - 29, 1990, for trade promotion purposes and calls on shipping and air lines; and be it

FURTHER RESOLVED that Vice President Ward Allen; Commissioner Ortiz; the Executive Director, Transportation Services; and the Manager, Cargo Marketing, be and they are hereby authorized to proceed to Shanghai; Beijing; Hong Kong; and Tokyo, Japan, on or about May 10 - 24, 1990, to attend the Pan Pacific Ports Seminar V, and associated travel for trade promotion purposes; and be it

FURTHER RESOLVED that the foregoing named persons shall be allowed reasonable expenses in connection therewith upon presentation of claims therefor.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31893

RESOLUTION AUTHORIZING THE PUBLICATION OF NOTICE OF A PUBLIC HEARING PURSUANT TO THE REQUIREMENTS OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 (TEFRA) REGARDING THE ISSUANCE OF THE PORT OF OAKLAND REVENUE BONDS, 1990 SERIES D.

WHEREAS, the Board of Port Commissioners of the City of Oakland proposes to issue its Revenue Bonds, 1990 Series D (the "Series D Bonds"), in an aggregate principal amount not to exceed \$32,900,000 for the purpose of refunding its 1957 Revenue Bonds, Series Q; and

WHEREAS, in order to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board wishes to authorize publication in the Oakland Tribune of a Notice of Public Hearing in substantially the form of Exhibit "A" hereto; now, therefore, be it

RESOLVED, by the Board of Port Commissioners of the City of Oakland, as follows: The Board of Port Commissioners hereby authorizes and directs the Secretary of the Board to provide for the publication of the Notice of Public Hearing in the Oakland Tribune regarding issuance of said Series D Bonds on or before April 4, 1990, or as otherwise directed by the Port Attorney, in substantially the form of Exhibit "A"; and be it

FURTHER RESOLVED that said public hearing shall be conducted by the Chief Executive Officer, the Secretary or Assistant Secretary to the Board, the Chief Financial Officer or the Director of Port Planning.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

EXHIBIT "A"

NOTICE OF PUBLIC HEARING
BY THE BOARD OF PORT COMMISSIONERS
OF THE
CITY OF OAKLAND, CALIFORNIA

NOTICE IS HEREBY GIVEN by the Board of Port Commissioners of the City of Oakland, California of a public hearing to be held at 1:00 p.m. on April 18, 1990, at the Board Room, 530 Water Street, Oakland, California, regarding the advisability of the proposed issuance of Revenue Bonds, 1990 Series D (the "Bonds"), in an aggregate dollar amount estimated not to exceed \$32,900,000. The Bonds are being issued as a part of the Board's plan to finance and refinance certain of its airport dock and wharf facilities more fully described below. The proceeds of the Bonds are to be used to refund the outstanding principal amount of the Board's Port of Oakland 1957 Revenue Bonds Series Q (the "Prior Bonds").

The proceeds of the Prior Bonds were used to pay or reimburse the cost of acquisition, construction, reconstruction, improvement and modification of Port owned pavements, utilities, buildings, yards, dikes, wharves, crane systems, roads, railroad tracks, terminals, runways, taxiways, ramps, aprons, shelters, stations, sheds, pilings, equipment, loading docks, fender systems and other related repairs at one or more of the following general locations within the Port Area: Howard Terminal at 1 Market Street, Outer Harbor Public Container Terminal at 1195 Maritime Street, Seventh Street Terminal at 5190 Seventh Street, North Airport at Earhart Road, South Airport at Airport Drive (including the Airport Business Park and Distribution Center). The owner of the financed facilities is the Port of Oakland.

The hearing will serve as a forum to provide a reasonable opportunity for interested individuals to express their views, both orally and in writing, on the proposed issuance of the Bonds and the location and nature of the facilities to be financed or refinanced with proceeds of the Bonds.

Oakland, California, the 4th day of April, 1990.

CHRISTOPHER C. MARSHALL
Secretary, Board of Port Commissioners

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31894

**RESOLUTION REJECTING CLAIM OF WALTER
HOGUE.**

WHEREAS, Walter Hogue, on the 7th day of March, 1990, presented his claim against the Board of Port Commissioners of the City of Oakland for damages in an unspecified sum for personal injuries sustained as a result of being struck by a vehicle in the parking lot on the terminal grounds of Berth 35, Oakland, California; and

WHEREAS, this Board breached no duty owed to claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such claim be and it is hereby rejected.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31895

SPH

**RESOLUTION ASSIGNING EMPLOYEES TO SALARY
RATES WITHIN SALARY GRADES 5 THROUGH 20
OF PORT ORDINANCE NO. 867 IN CONNECTION
WITH THE PORT PAY FOR PERFORMANCE PROGRAM.**

RESOLVED that the following designated Port employees each of whom are shown by identification numbers, as contained in the list of employees in the Port Pay for Performance Program which list is on file with the Chief Executive Officer and Executive Director, are hereby assigned to the specific salary rates within the salary grades assigned to their respective positions as hereinafter set forth:

1. 5,197	45. 4,421	89. 4,365	133. 3,694
2. 6,166	46. 4,643	90. 4,274	134. 3,893
3. 3,399	47. 4,271	91. 3,893	135. 2,658
4. 4,192	49. 4,274	92. 3,876	136. 6,166
5. 3,222	50. 3,798	93. 3,487	137. 2,364
6. 5,815	51. 9,613	94. 4,176	138. 3,825
7. 4,707	52. 4,227	95. 3,399	139. 3,708
8. 4,713	53. 4,176	96. 4,248	140. 4,176
9. 3,156	54. 5,796	97. 4,150	141. 6,895
10. 5,550	55. 4,244	99. 3,395	142. 2,580
11. 2,998	56. 6,101	100. 2,433	144. 4,666
12. 4,271	57. 4,906	101. 3,714	145. 3,751
13. 4,864	58. 4,210	102. 3,354	146. 4,248
14. 12,017	59. 5,230	103. 5,248	147. 4,712
15. 4,655	60. 3,625	105. 3,327	148. 2,984
16. 4,206	61. 4,176	106. 4,248	149. 5,223
17. 4,190	63. 3,327	107. 4,267	150. 2,497
18. 4,263	64. 5,197	108. 3,662	151. 3,825
20. 2,396	65. 5,713	109. 2,778	152. 2,658
21. 6,166	66. 5,829	110. 4,901	153. 2,656
23. 4,210	67. 3,989	111. 3,102	154. 4,731
24. 3,989	68. 2,403	112. 4,248	155. 5,259
25. 9,613	69. 4,176	113. 3,744	156. 3,606
26. 3,953	70. 6,970	114. 3,921	157. 2,899
27. 3,322	71. 3,428	115. 5,208	158. 6,926
28. 3,763	72. 2,396	116. 4,712	159. 2,969
29. 3,327	73. 3,893	117. 3,921	160. 5,827
30. 6,166	74. 4,713	118. 3,708	161. 3,848
31. 5,205	75. 3,306	119. 4,429	162. 6,997
32. 4,176	76. 2,656	120. 4,267	163. 4,731
33. 4,259	77. 4,244	121. 3,782	164. 2,369
34. 4,274	78. 5,052	122. 4,289	165. 3,726
35. 4,736	79. 4,267	123. 4,248	166. 4,411
36. 3,259	80. 4,263	124. 2,485	167. 4,150
37. 6,608	81. 4,176	125. 6,976	168. 2,658
38. 3,325	82. 2,415	126. 2,969	169. 3,905
39. 3,371	83. 6,313	127. 4,267	170. 2,656
40. 9,034	84. 2,751	128. 4,267	171. 2,682
41. 4,289	85. 4,402	129. 4,259	172. 3,663
42. 4,284	86. 8,608	130. 3,799	173. 3,730
43. 6,843	87. 3,766	131. 4,643	174. 2,682
44. 5,210	88. 4,898	132. 3,750	

and be it

FURTHER RESOLVED that the salary rate assignments hereinabove set forth shall be effective retroactive to March 31, 1990 in accordance with the provisions of Port Resolution No. 31864, providing for the retroactive effect of certain new salary rate assignments under the Port Pay for Performance Program; and be it

FURTHER RESOLVED that the implementation of the hereinabove stated salary rate assignments for those employees in the Engineering Supervisory/Administrative Unit shall be delayed until after the Representation Election for said Unit to be conducted by the State of California Mediation/Conciliation Service on April 5, 1990.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31896

RESOLUTION RATIFYING RETENTION OF SPECIAL
COUNSEL AND PROVIDING ADDITIONAL BUDGET
ALLOCATION FOR SAID SERVICES.

WHEREAS, that certain action entitled Barbara
Andress v. Port Of Oakland, et al, is now pending in Alameda
County Superior Court as Case No. 632266-9; and

WHEREAS, by Resolution No. 30777 adopted June 21,
1988, the Board authorized the Port Attorney to retain as
special counsel in defense of said action the Law Offices of
Edwin J. Wilson, Jr.; now, therefore, be it

RESOLVED that all actions of the Port Attorney in
retaining The Law Offices of Edwin J. Wilson, Jr., as special
counsel in defense of said action be and the same is hereby
ratified, confirmed and approved; and be it

FURTHER RESOLVED in order to provide compensation
for the services and reimbursable expenses of special counsel,
the sum of \$150,000.00 is hereby added to the Port Attorney's
budget allocation for contractual services for the fiscal year
ending June 30, 1990.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31897

SA

RESOLUTION DESIGNATING ADDITIONAL AUTHORIZED BOARD REPRESENTATIVES UNDER THE TRUST INDENTURE DATED AS OF APRIL 1, 1989 BY AND BETWEEN THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND AND SECURITY PACIFIC NATIONAL BANK AND APPOINTING AN ADDITIONAL DESIGNATED REPRESENTATIVE UNDER THE PORT'S COMMERCIAL PAPER PROGRAM AND THE THIRD SUPPLEMENTAL TRUST INDENTURE.

WHEREAS, the Board of Port Commissioners of the City of Oakland (the "Board") is a party to the Trust Indenture dated as of April 1, 1989 (the "Indenture") between the Board and Security Pacific National Bank, as Trustee (the "Trustee"), as amended and supplemented by four Supplemental Trust Indentures between the Board and the Trustee;

WHEREAS, the Chief Executive Officer and Executive Director and the Chief Financial Officer of the Board have been designated as Authorized Board Representatives under the Indenture, and the Director of Engineering has been designated as an Authorized Board Representative by Resolution of the Board in accordance with the provisions of the Indenture, to perform certain duties and deliver certain certificates as set forth therein;

WHEREAS, the Indenture specifically permits the Board to designate such other officer or employee of the Board or other person as Authorized Board Representatives under the Indenture;

WHEREAS, the Board desires to designate James J. O'Brien, Executive Director, Transportation Services and Eileen M. Daly, Executive Director of Port Planning and Development, as Authorized Board Representatives under the Indenture; and

WHEREAS, under the Port's Commercial Paper Program, the Board has appointed pursuant to Resolution No. 31582 adopted by the Board on September 19, 1989, the Chief Financial Officer of the Port, or in the event of his absence or unavailability, the Chief Port Accountant and the Port Accounting Supervisor responsible for debt management, to serve as Designated Representatives to execute Issuance Requests pursuant to the provisions of the Third Supplemental Trust Indenture dated as of September 1, 1989 between the Board and the Trustee (the "Third Supplement") and to undertake the

duties set forth in said Third Supplement and related documents to the Commercial Paper Program (as set forth in Resolution No. 31582); and

WHEREAS, the Board desires to appoint the Controller of the Port as an additional Designated Representative under the Commercial Paper Program; now, therefore, be it

RESOLVED, by the Board of Port Commissioners of the City of Oakland as follows:

1. Designation of Additional Authorized Board Representatives. The Board hereby designated James J. O'Brien, Executive Director, Transportation Services and Eileen M. Daly, Executive Director of Port Planning and Development as Authorized Board Representatives under the Indenture to perform those duties and deliver those certificates as set forth therein and in documents related thereto.

2. Appointment of Additional Designated Representative. The Board hereby appoints the Controller of the Port, in the event of the absence or unavailability of the Chief Financial Officer of the Port to serve as an additional Designated Representative of the Board under the terms of the Third Supplement. The additional Designated Representative shall be authorized and is hereby directed to perform those duties and set forth in Resolution No. 31582.

3. Delivery of Notice to Trustee. The Chief Financial Officer of the Board is hereby authorized, empowered and directed to deliver to the Trustee a written notice stating that the above persons have been designated as Authorized Board Representatives and Designated Representative.

4. Effective Date. The effective date of the Resolution shall be the date of its adoption.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31898

**RESOLUTION AUTHORIZING THE PORT ATTORNEY TO
RETAIN KUTAK ROCK & CAMPBELL AS SPECIAL COUN-
SEL.**

RESOLVED that the Board of Port Commissioners, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, hereby authorizes the Port Attorney to retain the law firm of Kutak Rock & Campbell as Bond Counsel, Disclosure Counsel and Tax Counsel to render expert assistance to the Port Attorney in connection with the proposed authorization and issuance of the Port of Oakland Revenue Bonds, 1990 Series D, (the "Bonds") in one or more series, and ongoing tax assistance in connection with the Port's Revenue Bonds; and be it

FURTHER RESOLVED that said expert assistance consisting of all legal services required of Bond Counsel, Disclosure Counsel and Tax Counsel in connection with the authorization and issuance of said Bonds and ongoing tax assistance, shall be provided and compensated for based upon an hourly rate to respective maximums of \$80,000 for Bond Counsel with expenses not to exceed an additional \$15,000; \$20,000 for Disclosure Counsel and \$20,000 as Tax Counsel; and be it

FURTHER RESOLVED that compensation and reimbursement for said expert assistance shall be paid by the Port of Oakland, as approved by the Port Attorney.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31899

SAA

**RESOLUTION AMENDING THE BY-LAWS AND
ADMINISTRATIVE RULES OF THE BOARD
OF PORT COMMISSIONERS RELATING TO
RATIFICATION OF APPOINTMENTS.**

RESOLVED that Article III of the By-Laws and Administrative Rules of the Board of Port Commissioners shall be and the same is hereby amended by adding thereto Section 9 as follows:

"9. Appointments of employees to Port positions implemented initially by the CEO pursuant to Article XII, Section 1 hereof or by the Port Attorney pursuant to Article XIII, Section 1 hereof shall appear on the Board calendar for ratification on a monthly basis by a report from the CEO setting forth the appointee's name, effective date of appointment, classification title and salary rate assignment."

and be it

FURTHER RESOLVED that Article XII, Section 1 of the By-Laws and Administrative Rules of the Board of Port Commissioners shall be and the same is hereby amended to add thereto the following:

"The CEO may implement interim appointments of employees to existing Port positions for all positions below Division Head level, subject to ratification by the Board in accordance with Article III, Section 9 hereof."

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31900

**RESOLUTION AUTHORIZING EXECUTION OF
SUPPLEMENTAL AGREEMENT WITH MAERSK
PACIFIC, LTD.**

RESOLVED that the President of the Board be and he hereby is authorized to execute and the Secretary to attest that certain Supplemental Agreement dated January 17, 1990, with MAERSK PACIFIC, LTD., a corporation ("Assignee"), amending that certain Nonexclusive Containership Terminal Preferential Assignment Agreement dated December 15, 1987, between the Port and Assignee, Federal Maritime Commission Agreement No. 224-200087, to provide for construction and use of an additional container crane owned by Maersk Container Service Company, Inc., an affiliate of Assignee, on the Assigned Premises and a Port option to purchase the crane upon termination of the Agreement and to make certain other procedural amendments to the provisions of the Agreement relating to extensions of the Agreement.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31901

RESOLUTION GRANTING ROLLINS LEASING CORPORATION PERMISSION TO PERFORM CERTAIN WORK.

RESOLVED that the application submitted by **ROLLINS LEASING CORPORATION**, a Delaware corporation, for permission to install two (2) signs at its subleased premises consisting of: (1) one three-piece module wall sign mounted on the left side of the east elevation; and (2) a double faced monument sign measuring 3' x 8' with a 1' brick base to be erected in the front center of the east elevation, at an estimated cost to said applicant of \$2,840.00, at its subleased premises located at 295 Hegenberger Road in the Airport Business Park, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31902

**RESOLUTION GRANTING AMERICAN AIRLINES
PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **AMERICAN AIRLINES**, a California corporation, for permission to perform certain work consisting of cutting a 4' x 4' opening in the existing concrete wall in order to facilitate future conveyor expansion at its licensed premises located at Terminal I, No. 1 Airport Drive, Metropolitan Oakland International Airport, at an estimated cost to said applicant of \$5,000.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31903

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

GERALD W. VAUGHT, Port Controller, Salary Grade 14, Rate \$6667, effective March 12, 1990;

ANGIE L. ZIGENIS, Administrative Secretary, effective March 19, 1990;

PEGGY FOLEY, Youth Aide, Class "BB-1", effective March 19, 1990, not to exceed ninety days;

VIVIAN M. VALENZUELA, Youth Aide, Class "A", effective April 2, 1990, not to exceed ninety days;

NEIL WERNER, Port Environmental Compliance Supervisor, Salary Grade 11, Rate \$4720, effective April 4, 1990;

LORETTA MEYER, Port Environmental Assessment Supervisor, Salary Grade 11, Rate \$4190, effective April 4, 1990;

GARY LIM, Assistant Civil Engineer, effective April 4, 1990;

MARIE TSO, Port Personnel Analyst, Salary Grade 9, Rate \$3225, effective April 4, 1990;

LARRY MONTOYA, Semi-Skilled Laborer, effective April 4, 1990;

SYRELL SAPOZNICK, Commercial Representative I, Salary Grade 5, Rate \$2314, effective April 4, 1990, not to exceed six months;

JOANN BERRY, Intermediate Typist Clerk, Rate "b",
effective April 4, 1990;

IRIS NELSON, Youth Aide, Class "A-1", effective April
4, 1990, not to exceed ninety days;

NANCY BROWN, Youth Aide, Class "B-1", effective April
4, 1990, not to exceed ninety days;

CHRISTA COLLINS, Youth Aide, Class "C", effective
April 4, 1990, not to exceed ninety days.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31904

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MILLER CONSULTING GROUP FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **MILLER CONSULTING GROUP** and this Board, to furnish consulting services with respect to the Port's intermodal program will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **MILLER CONSULTING GROUP** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **MILLER CONSULTING GROUP** be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$30,000, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31905

~~SPK~~
RESOLUTION AUTHORIZING THE RETENTION OF GILBERT C. BERKELEY, JR., OF MCCUTCHEN, DOYLE, BROWN & ENERSEN TO ASSIST IN REVIEWING CERTAIN REAL ESTATE TRANSACTIONS.

RESOLVED that the Board of Port Commissioners hereby approves the appointment and employment of Gilbert C. Berkeley, Jr., of McCutchen, Doyle, Brown & Enersen, as Special Counsel, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with review of real estate transactions in Jack London Square involving Oakland Portside Associates, including Oakland Portside Associates partnership matters; and be it

FURTHER RESOLVED, that compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel shall be made from time-to-time as approved by the Port Attorney.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen and President Brady - 6

Noes: None

Absent: Commissioner Wasserman - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31906

SAA

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF FIRST AMENDMENT TO POWER SALE AGREEMENT BETWEEN PACIFIC GAS AND ELECTRIC COMPANY AND THE PORT OF OAKLAND (CONTRACT FOR ELECTRIC SERVICE) FOR METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.

RESOLVED that the Board of Port Commissioners of the City of Oakland hereby approves and authorizes the Chief Executive Officer and Executive Director to execute for and on behalf of the Board that certain First Amendment to Power Sale Agreement between Pacific Gas and Electric Company and the Port of Oakland (Contract for Electric Service) on file with the Secretary of the Board stamped received April 3, 1990, or an agreement containing substantially the same terms and conditions thereof; and be it

FURTHER RESOLVED that the Port Attorney and/or the Chief Executive Officer and Executive Director, are each hereby authorized to execute such other documents and to take such other steps as may be appropriate to secure the Federal Energy Regulatory Commission's ("FERC") approval of said Agreement and otherwise to make said Agreement fully effective.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31907

200

RESOLUTION CONSENTING TO ASSIGNMENT OF LEASE OPTION AGREEMENT WITH EAST BAY GROUP TO EAST BAY HOTEL, L.P., ACKNOWLEDGING EXERCISE OF LEASE OPTION BY EAST BAY HOTEL, L.P., AND APPROVING AND AUTHORIZING EXECUTION OF LEASE, AFFIRMATIVE ACTION AGREEMENT AND DISBURSEMENT AGREEMENT.

RESOLVED that the Board of Port Commissioners hereby consents to the assignment by **EAST BAY GROUP**, a California general partnership ("EBG") to **EAST BAY HOTEL, L.P.**, a California limited partnership ("EBH"), of EBG's rights under that certain Lease Option Agreement dated August 18, 1987, as amended ("Option Agreement"), between EBG, as Optionee, and the Port, as Optionor; and be it

FURTHER RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director ("CEO") and/or the Executive Director, Port Planning and Development ("Executive Director"), for and on behalf of the Board, to execute an agreement among the Port, EBH and a suitable building services disbursement firm providing for EBH's deposit of not less than \$1,000,000 in a fund which may be used solely for payment to cover labor and material for construction of improvements on the lease premises, provided, that such agreement shall be acceptable to the CEO or Executive Director and the Port Attorney at their sole discretion, and further provided, that if such an agreement is executed by the Port as well as EBH and the building services disbursement firm, the Board hereby accepts such agreement in lieu of and in full satisfaction of the requirements for improvement security under Section 8 of the Lease; and be it

FURTHER RESOLVED, that the Board of Port Commissioners, subject to the execution of the aforesaid agreement among the Port, EBH and a building services disbursement firm or to satisfaction of Section 8 of the Lease, by May 3, 1990, hereby acknowledges EBH's execution of the option under the Option Agreement and authorizes the CEO or Executive Director for and on behalf of the Board to sign the Lease and Affirmative Action Agreement and to sign such other documents, consents and approvals consistent with the Lease and related to project financing by EBH which they or either of them determine appropriate from time to time.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 31908

Jde

**RESOLUTION APPROVING OF EXERCISE OF
OPTION BY AND AUTHORIZING EXECUTION OF
LEASE WITH MARRIOTT CORPORATION.**

RESOLVED that the Board of Port Commissioners hereby approves of **MARRIOTT CORPORATION'S** ("Marriott") exercise of the lease option pursuant to the November 15, 1988, Lease Option Agreement between the Port, as Optionor, and Marriott, as Optionee, and authorizes the Chief Executive Officer and Executive Director ("CEO"), or the Executive Director, Port Planning and Development ("Executive Director"), to execute a Lease with Marriott in accordance with said Lease Option Agreement, provided that said approval and said authorization are hereby subject to the following listed revisions to the Lease and to the prior satisfaction of each of the following on or before expiration of the Option Period as defined in the Lease Option Agreement:

1. The description of the Property in the Lease (Exhibits "A" and "B" to the Lease) shall be revised to include within the approximately 4.25 acres presently within the description only approximately 4.11 acres, and said description shall be acceptable to the CEO or Executive Director at his/her sole discretion;
2. Marriott shall have properly completed and signed and submitted to the Port an appropriate County of Alameda Preliminary Change of Ownership Report, and shall have submitted to the Port a signed statement of the value of the lease together with acceptable payment based thereon for county transfer tax;
3. Marriott shall have submitted to the Port evidence of liability insurance and builder's risk insurance required by the Lease and acceptable at the sole discretion of the CEO or Executive Director;
4. Marriott shall have submitted to the Port the security deposit required by the Lease;
5. Marriott shall have submitted to the Port the security concerning improvements required by the Lease which shall be acceptable at the sole discretion of the CEO or Executive Director; and
6. Marriott shall have submitted to the Port the original and four copies each of the Lease and Affirmative Action Agreement, containing all of the provisions and conditions specified in the Lease Option Agreement, and containing no other provisions or conditions, save and except only such changes as are specifically permitted or required by this resolution or which are clerical, typographical or make no substantive change to the Lease and Affirmative Action Agreement as determined solely by the Port Attorney; and be it

FURTHER RESOLVED, that the Board of Port Commissioners hereby approves of a further revision to the Lease granting to Marriott a rent credit of \$213,600.00 in exchange for Marriott's obligation to remediate toxic contamination on the Property, provided, that such revision shall be acceptable in the sole discretion of the CEO or Executive Director and shall not, as determined by the Port Attorney, otherwise relieve Marriott of any obligation which Marriott currently has under the Lease incorporated into the Lease Option Agreement; and be it

FURTHER RESOLVED, that the CEO and/or Executive Director are hereby authorized to execute on behalf of the Port such documents approved by the Port Attorney which are necessary to dedicate portions of the Lease Property for public access purposes in accordance with the permit issued by the San Francisco Bay Conservation and Development Commission.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31909

SAT

RESOLUTION REJECTING BID OF EEE CONSTRUCTION CO. AND AWARDING CONTRACT TO AMBO ENGINEERING, INC., FOR PUBLIC ACCESS IMPROVEMENTS, EMBARCADERO COVE MARINA, CENTRAL BASIN, OAKLAND, CALIFORNIA.

RESOLVED that the Board of Port Commissioners, upon the basis of the facts set forth in Agenda Sheet Item No. Properties - 6S and the facts presented to the Board at its April 3, 1990 meeting, hereby rejects the bid of EEE CONSTRUCTION CO. for Public Access Improvements, Embarcadero Cove Marina, Central Basin, Oakland, California and the bid security accompanying said bid shall be returned to the proper person; and be it

FURTHER RESOLVED that this Board does hereby find and determine that AMBO ENGINEERING, Inc. is the lowest responsible remaining bidder for said contract for Public Access Improvements, Embarcadero Cove Marina, Central Basin, Oakland, California; and be it

FURTHER RESOLVED that the contract for Public Access Improvements, Embarcadero Cove Marina, Central Basin, Oakland, California, be and the same hereby is awarded to AMBO ENGINEERING, INC. as the lowest responsible bidder, in accordance with the terms of its bid received March 7, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of \$14,250.00 shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31910

**RESOLUTION RATIFYING AND APPROVING
EXECUTION OF AGREEMENT WITH THE CITY
OF ALAMEDA FOR FERRY SERVICE**

SPH

RESOLVED, that the Board of Port Commissioners hereby ratifies and approves execution by the Chief Executive Officer and Executive Director for and on behalf of the Board of the Agreement between the Port and the City of Alameda, providing for the continuation of ferry service between, on the one hand, Jack London Square and the City of Alameda and, on the other hand, San Francisco, as further described in Agenda Sheet Item No. Properties - 8S, dated April 3, 1990, and entitled "Recommendation to Ratify and Approve Agreement with City of Alameda for Ferry Service".

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31911

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF AMENDMENT TO LEASES
WITH OAKLAND PORTSIDE ASSOCIATES
(SIGNS AND ADVERTISING DISPLAYS)**

PA

RESOLVED, that subject to prior review and approval of the specific language of amendment by the Executive Director, Port Planning and Development and the Port Attorney, the Board of Port Commissioners hereby approves and authorizes execution of written agreements amending the existing leases between the Port and OAKLAND PORTSIDE ASSOCIATES, a California limited partnership ("OPA") to provide for revisions regarding signs and advertising as generally described in Agenda Sheet Item No. Properties - 9S, entitled "Oakland Portside Associates Ground Leases -- Amendment of OPA Leases Controlling Merchants Signs and Advertising".

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

JPC

RESOLUTION NO. 31912

RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF A LEASE WITH THE UNITED STATES OF
AMERICA.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to execute and the Secretary to attest for and on behalf of the Board that certain Lease on file with the Secretary of the Board between the Port, as lessee, and the UNITED STATES OF AMERICA, acting by and through the Department of the Navy, as lessor, or a lease containing substantially the same terms and conditions, covering approximately 3.4580 acres situated southwest-erly of the intersection of Ferry Street and 7th Street adjacent to the Naval Supply Center in the Port's Middle Harbor area, to be used by the Port for purposes consistent with the Stipulation of Settlement filed February 3, 1986, in United States of America v. 11.037 Acres of Land, United States District Court for the Northern District of California, C 83-4605-JPV and otherwise upon the terms and conditions set forth in said Lease.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31913

625
RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTERESTS OF THE PORT TO PERFORM
REPAIRS TO THE RAILROAD TRACK LEADING TO BERTH
40, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE
BIDDING, AND AUTHORIZING NEGOTIATION AND
EXECUTION OF A CONTRACT THEREFOR.

WHEREAS, Chevron Corporation has informed the Port that it wishes to use Berth 40, Seventh Street Terminal, to transfer heavy lift items destined for its Richmond refinery from ship to rail using railroad tracks leading to the facility at Berth 40, which tracks were damaged by the earthquake; and

WHEREAS, in order to be able to use Berth 40 for the proposed operation, earthquake damage to the railroad track serving Berth 40 must be repaired and Chevron has requested that the necessary track repairs be completed as soon as possible and has agreed to reimburse the Port for repair costs which are estimated to cost \$20,000; and

WHEREAS, in order to meet Chevron's schedule, it is necessary to dispense with formal bidding procedures and accomplish the work through a contract based on informal quotations; and

WHEREAS, work to be performed consists of emergency repairs of earthquake caused damage as required to restore rail service to Berth 40 constitutes emergency repairs exempt from requirements of the California Environmental Quality Act under Section 15269 and covered by pending BCDC permits; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby determines that performance of the said construction work without competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED, that the Board of Port Commissioners hereby authorizes the Chief Executive Officer on behalf of the Board to enter into a contract for the repair of railroad tracks leading to Berth 40, Oakland, California based upon receipt of informal bids.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31914

WS
RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A PURCHASE ORDER CONTRACT FOR THE DEMOLITION OF PORT BUILDING H-227, 9TH AVENUE TERMINAL AT THE INNER HARBOR

WHEREAS, it desired at this time to demolish Port Building H-227, 9th Avenue Terminal, Inner Harbor, consisting of a 15,000 sf single story metal frame open building with a built-up tar and gravel roof located at the 9th Avenue Terminal facility being used as a covered storage area, which is more than 40 years old and was damaged during the October 17, 1989 earthquake creating a hazard to the tenant using the facility; and

WHEREAS, the building was reviewed by the Port and FEMA following the earthquake and a Damage Survey Report (DSR 54629) was prepared by FEMA and concurred with by the Port in the amount of \$39,270; and

WHEREAS, if the structure is demolished the Port is entitled to 90% of the concurred-with amount, these funds can be applied to an alternate project and it has been determined by staff that repairing and maintaining the shed is uneconomical and that the funds received from FEMA can be better used on an alternate project; and

WHEREAS, this project was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, and the project was determined to be Categorically Exempt as per Section 15269 for emergency-related projects, and no further environmental review is necessary; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby authorizes the Chief Executive Officer on behalf of the Board to enter into a purchase order contract for the demolition of Building H-227, 9th Avenue Terminal, Oakland, California, based on receipt of informed bids.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31915

AK

RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF AGREEMENT WITH OAKLAND
PORTSIDE ASSOCIATES FOR REIMBURSEMENT OF
COST OF PORT TENANT IMPROVEMENTS IN
EXCESS OF TWENTY FIVE DOLLARS PER SQUARE
FOOT.

WHEREAS, the Board of Port Commissioners on June 20, 1989, passed Port Resolution No. 31402 approving and authorizing execution of an agreement with OAKLAND PORTSIDE ASSOCIATES, a California limited partnership ("OPA"), providing for the Port's reimbursement to OPA on a monthly basis of the costs of tenant improvements of Port subleased space in the new Port office building on Site A, Jack London Square, which exceed \$25.00 per square foot up to an approximate amount of \$3,200,000; and

WHEREAS, as described in Agenda Sheet Item No. Operations-2, dated April 3, 1990, the actual costs of such tenant improvements which exceed \$25.00 per square foot are approximately \$1,760,000 more than the \$3,200,000 contemplated on June 20, 1989; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Port's Chief Executive Officer and Executive Director for and on behalf of the Port to execute an agreement with OAKLAND PORTSIDE ASSOCIATES, a California limited partnership ("OPA"), which provides that for the costs of tenant improvements of Port subleased space in the new Port office building on Site A, Jack London Square, which exceed \$25.00 per square foot (approximately \$4,960,000), the Port shall reimburse OPA on a monthly basis as costs are incurred in lieu of such excess costs being included in the computation of rent under the April 9, 1987, sublease agreement between the Port and OPA.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Abstained: Commissioner Ward Allen - 1

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31916

RESOLUTION RATIFYING RETENTION OF SPECIAL
COUNSEL AND RATIFYING AGREEMENT FOR SAID
SERVICES.

WHEREAS, that certain action entitled Puritan Insurance Company v. Port Of Oakland is pending in the United States District Court for the Northern District of California as Case No. C890033FMS; and

WHEREAS, the Port Attorney has retained as special counsel in defense of said action the Law Offices of Farella, Braun and Martel; now, therefore, be it

RESOLVED that all actions of the Port Attorney in retaining the Law Offices of Farella, Braun and Martel as special counsel in defense of said action be and the same are hereby ratified, confirmed and approved; and be it

FURTHER RESOLVED that the Port Attorney is hereby authorized to execute for and on behalf of the Board a contract for such further services and that the Law Offices of Farella, Braun and Martel be compensated for such further services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said contract is \$35,000.00.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen and President Brady - 6

Noes: None

Absent: Commissioner Wasserman - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SJA

RESOLUTION NO. 31917

**RESOLUTION OF CONDOLENCE UPON THE PASSING
OF ALFRED BRYANT RENTON "HARRY" BRIDGES.**

WHEREAS, Alfred Bryant Renton "Harry" Bridges did in 1934 found the International Longshoremen's and Warehousemen's Union and for 53 years thereafter serve as its President; and

WHEREAS, Harry Bridges did throughout his career as a labor official advance the cause of fair, safe and ethical work practices at West Coast ports, thereby setting precedents for the rest of the nation and the world; and

WHEREAS, Harry Bridges through his foresight and leadership negotiated in 1960 the Mechanization & Modernization Agreement which made possible the adoption of cargo container technology by the shipping industry; and

WHEREAS, Harry Bridges was an early and ardent advocate of civil rights and the rights of women in the workplace, and an opponent of the proliferation of nuclear arms; now, therefore, be it

RESOLVED that the profound condolences of this Board be expressed on the passing of Harry Bridges on March 30, 1990; and be it

FURTHER RESOLVED that the meeting of the Board of Port Commissioners of the City of Oakland held on April 3, 1990 is hereby adjourned in honor of and out of respect to the memory of the late Harry Bridges.

At a regular meeting held April 3, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen and President Brady - 6

Noes: None

Absent: Commissioner Wasserman - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31918

SBA

APPROVAL OF A FINANCIAL GUARANTY AGREEMENT WITH
MUNICIPAL BOND INVESTORS ASSURANCE CORPORATION IN
CONNECTION WITH PORT OF OAKLAND REVENUE BONDS, 1990
SERIES D.

WHEREAS, the Board of Port Commissioners of the City of Oakland (the "Board") has previously authorized the sale, issuance and delivery of its Port of Oakland Revenue Bonds, 1990 Series D which are to be issued in the original principal amount of \$30,360,000 (the "Bonds"); and

WHEREAS, the debt service reserve fund created for the Bonds is to be funded with a credit instrument instead of cash; and

WHEREAS, there has been presented to the Board a form of a Financial Guaranty Agreement to be dated as of April 15, 1990 (the "Agreement") and to be entered into by and between Municipal Bond Investors Assurance Corporation (the "Insurer") and the Board and under which the Insurer will agree to issue its surety bond pursuant to which the Insurer will advance funds in an amount not to exceed \$3,036,936.44 to be used to pay principal of and interest on the Bonds if the Board fails to make such payments and under which the Board agrees to repay such advances together with interest; and

WHEREAS, such Agreement shall constitute a means of funding the Series D Reserve Fund, and any payments due from the Board under the Agreement shall be reserve fund payments incurred in connection with the Series D Bonds; now, therefore, be it

RESOLVED by the Board of Port Commissioners of the City of Oakland, as follows:

1. **Approval of Agreement.** The forms and terms of the Agreement are in all respects approved, and the obligations to be incurred thereby, including the obligation to repay any amounts drawn under the Agreement and to pay interest thereon are in all respects approved, and the President of the Board of Port Commissioners and the Chief Executive Officer, any one or more thereof, are hereby authorized, empowered and directed to execute, acknowledge and deliver the Agreement, including counterparts of the Agreement, in the name and on behalf of the Board. The obligations incurred under such Agreement shall be reserve fund obligations with respect to the Bonds. The Agreement as executed and delivered shall be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall be approved by the officer or officers of the Board executing the same and the Port Attorney; the execution thereof shall constitute conclusive evidence of the Board's approval of any and all changes or revisions therein from the forms of the Agreement now before this meeting.

2. Incorporation of Financial Guaranty Agreement and Insurance Provisions. The Board has previously authorized the execution and delivery of various documents related to the Bonds, including a Fifth Supplemental Trust Indenture to be dated April 15, 1990 (the "Fifth Supplement") which sets forth the terms of the Bonds. Such authorization and approval is hereby reaffirmed and the Board recognizes, authorizes and approves the incorporation into such Fifth Supplement of such provisions as are appropriate to accommodate the use of the Agreement as a Reserve Fund. The Board hereby approves the use of the Agreement with respect to the Bonds and the incorporation of provisions relating to the Agreement into the Fifth Supplement and such other documents as are appropriate and hereby provides that execution of the Fifth Supplement, as provided by Resolution No. 31890, shall be conclusive evidence of the Board's approval of such provisions.

3. Effective Date. The effective date of this Resolution shall be the date of its adoption.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31919

SRA

RESOLUTION GRANTING FORMAL RECOGNITION TO
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 1245, AFL-CIO, AS MAJORITY
REPRESENTATIVE OF THE ENGINEERING
SUPERVISORY/ADMINISTRATIVE UNIT.

WHEREAS, the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 1245, AFL-CIO ("IBEW") petitioned this Board for formal recognition under the Meyers-Miliias-Brown Act as majority representative of the Engineering Supervisory/Administrative Unit in accordance with the provisions of Port Ordinance No. 1688; and

WHEREAS, this Board has heretofore determined that the said Engineering Supervisory/Administrative Unit is an appropriate unit by adoption of Resolution No. 31855 on March 6, 1990; and

WHEREAS, said IBEW, has received a majority of the valid votes cast in a secret ballot election conducted by the State of California Mediation/Conciliation Service in accordance with said Port Ordinance No. 1688 on April 5, 1990 to determine whether an organization shall be granted formal recognition as majority representative of said Engineering Supervisory/Administrative Unit; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby grant formal recognition to the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 1245, AFL-CIO, as majority representative of the Engineering Supervisory/Administrative Unit of Port employees to meet and confer in good faith under the Meyers-Miliias-Brown Act in accordance with the provisions of Section 9a of Port Ordinance No. 1688.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Nocs: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31920

SJA

**RESOLUTION DECLARING CRANES UNDER LEASE AND
PREFERENTIAL ASSIGNMENT AGREEMENT OBSOLETE AND
NONFUNCTIONAL FOR INTENDED PURPOSES; AUTHORIZING
AMERICAN PRESIDENT LINES TO TAKE ALL
ACTION NECESSARY TO REMOVE AND DISPOSE OF
CRANES.**

WHEREAS, the Board has entered into a Lease and Preferential Assignment Agreement dated as of January 6, 1971 (the "Lease") with Seatrain Terminals of California, Inc. ("Seatrain"); and

WHEREAS, American President Lines ("APL") has assumed Seatrain's obligations and duties under the Lease; and

WHEREAS, a portion of the property being leased to APL by the Board under the Lease consists of certain Cranes (as such term is defined in the Lease); and

WHEREAS, APL has delivered a letter dated March 20, 1990 (the "Letter") to the Board declaring that the Cranes have become and are currently obsolete and nonfunctional for the purposes for which the Cranes are intended under the Lease, and requesting the Board to authorize removal of the Cranes by APL from the Property (as such term is defined in the Lease); and

WHEREAS, the Lease provides that neither the Board nor APL shall have the obligation to replace the cranes if they become obsolete or nonfunctional during the term of the Lease; now, therefore, be it

RESOLVED by the Board of Port Commissioners of the City of Oakland as follows:

1. The Board hereby finds and determines that the Cranes have become and are currently obsolete and nonfunctional for the purposes for which the Cranes are intended to be used under the Lease.

2. In reliance upon the acknowledgment of APL under the Letter of their obligation to continue to make all payments due under the Lease and otherwise perform all of its duties under the Lease in accordance therewith, the Board hereby authorizes the removal of the Cranes from the Property by APL.

3. The President, the Vice President of the Board, the Secretary, the Chief Executive Officer and Executive Director and the Chief Financial Officer and all officers, agents and employees of the Board or the Port of Oakland, for and on behalf of the Board, be and they hereby are authorized and directed to do any and all things necessary to assist APL to remove or cause the removal of the Cranes from the Property and to dispose of the Cranes.

4. The provisions of this Resolution are hereby declared to be severable and, if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

5. The effective date of this Resolution shall be the date of its adoption.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31921

**RESOLUTION AUTHORIZING TERMINATION OF TENANCY
OF HELICOPTERS UNLIMITED, INC.**

JPA

WHEREAS, HELICOPTERS UNLIMITED, INC., currently is a tenant in possession of an area of 8,440 square feet in Building L-118, 59,494 square feet of adjoining apron and 3,850 square feet of paved parking located at the Metropolitan Oakland International Airport, Oakland, California pursuant to the provisions of the License and Concession Agreement dated April 1, 1988; and

WHEREAS, HELICOPTERS UNLIMITED, INC., has failed and refused to provide the Port rental payments for the months of December, 1989 through April, 1990, balance due on a performance deposit, utility payments and deposits for ID badges, as required by the provisions of its License and Concession Agreement; now, therefore, be it

RESOLVED, that the Port Attorney be and he hereby is authorized to take all steps necessary, including institution of legal proceedings, to terminate the tenancy of Helicopters Unlimited, Inc.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Nocs: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31922

**RESOLUTION REJECTING CLAIM OF JANIS
VANGUNDY**

WHEREAS, Janis Vangundy, on the 2nd day of April, 1990, presented her claim against the Board of Port Commissioners of the City of Oakland for damages in an unstated amount within the jurisdiction of the Superior Court as a result of a fall in the terminal building at Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, this Board breached no duty owed to claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such claim be and it is hereby rejected.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31923

**RESOLUTION GRANTING AMERICAN AIRLINES, INC.
PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **AMERICAN AIRLINES**, a corporation, for permission to perform certain work at its leased premises, located at M-101, Metropolitan Oakland International Airport, Oakland, California, at an estimated cost to said applicant of \$40,000.00, hereby is approved and permission to perform the following work is hereby granted:

- a) The construction of a 4" thick x 19' long x 4' wide reinforced concrete slab to be located on the apron side of the terminal building approximately 9' from the face of the existing terminal building wall, including concrete foundations for the six 4" square steel posts;
- b) The construction of a 22' x 28' x 11' high canopy frame covered with corrugated sheet metal, all of which will be painted to match the color of the existing terminal building;
- c) The installation of a gutter and a down spout on the south side of the canopy; and
- d) The installation of four 4' high steel bollards

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Nocs: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31924

[Handwritten initials]

RESOLUTION AWARDING CONTRACT TO DUTRA CONSTRUCTION CO., INC., FOR CONSTRUCTION OF SHORELINE IMPROVEMENT, 1755 EMBARCADERO, INNER HARBOR, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for construction of shoreline improvement, 1755 Embarcadero, Inner Harbor, Oakland, California, be and the same hereby is awarded to DUTRA CONSTRUCTION CO., INC., a California corporation, as the lower responsible bidder, in accordance with the terms of its bid received April 4, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Twenty-Three Thousand Eight Hundred Thirty-Four and 98/100 DOLLARS (\$23,834.98) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31925

**RESOLUTION GRANTING WESTERN FEDERAL SAVINGS
AND LOAN ASSOCIATION PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by the **WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION**, a federal savings and loan association, for permission to perform certain work at its leased premises located at 2000 Embarcadero, Suite 302, Oakland, California, at an estimated cost to said applicant of \$80,000.00, hereby is approved and permission to perform the following work is hereby granted:

- a) Construction of ceiling high partitions;
- b) Installation of suspended acoustical ceiling;
- c) Installation of a fire sprinkler system and electrical fixtures;
- d) Finishes to include carpeting throughout the office/work areas, tile and new paint throughout the suite; and
- e) Associated HVAC and electrical work.

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SRA

RESOLUTION NO. 31926

**RESOLUTION APPROVING CERTAIN ACTIONS
REGARDING AGREEMENT WITH THE CITY OF
ALAMEDA FOR FERRY SERVICE.**

WHEREAS, the Board of Port Commissioners (the "Board") at its regularly scheduled meeting of April 3, 1990 authorized the Chief Executive Officer and Executive Director to execute on behalf for and on behalf of the Board an Agreement between the Port and the City of Alameda which provides for the continuation of ferry service between Jack London Square, the City of Alameda and San Francisco as evidenced by Resolution No. 31910; now, therefore, be it

RESOLVED, that the Board hereby approves of the following actions concerning that certain Agreement between the Port and the City of Alameda:

1. Approval of an Agreement with the City of Alameda to employ a contract employee who will act as a ferry coordinator and to match the City of Alameda's contribution for the remuneration of the contract employee;
2. Provision for a management committee giving each party to the Agreement an equal voice in all decisions regarding the ferry service; and
3. Increasing the Port's commitment for the initial subsidy to a firm \$60,000

all actions as further described in Agenda Sheet Item No. Properties-7S, dated May 1, 1990, and entitled "Approval to fund Ferry Coordinator position."

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31927

RESOLUTION AUTHORIZING EXECUTION OF CERTAIN LICENSE AND CONCESSION AGREEMENTS.

SRA

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **HEZGHIA BENSADIGH**, an individual doing business under the firm name and style of **JAL-VUE CORPORATION**, dated the 1st day of September 1989, for an area of 17,750 square feet located in Building No. H-101, 8,400 square feet in Building No. H-104, and 20,000 square feet of open area, Oakland, California, for a term of one year, expiring on the 31st day of August 1990, at a monthly rent of **Five Thousand Five Hundred Ninety-One and 00/100 Dollars (\$5,591.00)**; and be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **CHONG CAREY**, an individual doing business under the firm name and style of **GANGPLANK RESTAURANT**, dated the 1st day of November 1989, for an area of 576 square feet located in Building No. P-108, Oakland, California, for a term of one year, expiring on the 31st day of October 1990, at a monthly rent of **Two Hundred Ninety-Five and 12/100 Dollars (\$295.12)**; and be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **L. S. B. LEAKEY FOUNDATION**, a nonprofit public foundation, dated the 1st day of April 1990, for an area of 984 square feet located in Building No. F-201, located at 77 Jack London Square, Suite M, Oakland, California, for a term of one year, expiring on the 31st day of March 1991, at a monthly rent of **One Thousand One Hundred Thirty-One and 60/100 Dollars (\$1,131.60)**; and be it

FURTHER RESOLVED, that said agreements shall be upon a form of license agreement customarily used for such purposes, and said agreements shall be approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31928

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PERFORM CERTAIN PUBLIC WORK WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING THE PERFORMANCE THEREOF.

(Purchase and installation of replacement compressor motor for the chiller system at Terminals I and II, Metropolitan Oakland International Airport, Oakland, California)

RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interest of the Port to purchase a replacement compressor motor for the existing Trane chiller system at Terminals I and II, Metropolitan Oakland International Airport, Oakland, California, and provide for its installation, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director be and he is hereby authorized and directed to provide for said purchase and installation from Pacific Coast Trane Service as original equipment manufacturer at the approximate cost of \$60,000.00.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31929

SPK

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTERESTS OF THE PORT TO LEASE AN
AUTOMATED NOISE MONITORING SYSTEM FROM BRUEL &
KJAER INSTRUMENTS WITHOUT COMPETITIVE BIDDING
AND AUTHORIZING THE LEASE THEREOF.**

WHEREAS, in order to commence continuous aircraft noise monitoring at the Metropolitan Oakland International Airport by summer 1990 for the reasons specified in Agenda Sheet Item No. Airport-2 it is necessary for the Port to lease an automated noise monitoring system; and

WHEREAS, the Port's lease of the automated noise monitoring system without formal competitive bidding and from Bruel & Kjaer Instruments would be in the best interests of the Port because the technology offered by Bruel & Kjaer Instruments is the only one possessing features and capabilities required for effective management of the Airport's noise control and abatement program; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the Port's lease of an automated noise monitoring system from Bruel & Kjaer Instruments at a rental of approximately \$10,000 per month and a one-time installation cost of \$25,000.00 without formal competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized for and on behalf of this Board to negotiate and enter into said lease, subject to approval of the Port Attorney, without formal competitive bidding.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SA

RESOLUTION NO. 31930

**RESOLUTION ESTABLISHING TEMPORARY JETWAY
GROUND POWER RATES AT THE AIRPORT TERMINAL
BUILDINGS AT METROPOLITAN OAKLAND
INTERNATIONAL AIRPORT.**

RESOLVED that the ground power rates for the period commencing May 1, 1990 to and including June 5, 1990, or upon earlier final adoption of a Port Ordinance amending Section 10.13 of Port Ordinance No. 1149, for Airline Operators who use the second level jetway gates at the Metropolitan Oakland International Airport Terminal Buildings and who use 400HZ ground power associated with said jetways shall be for each month for the use of said ground power the Airline Operators' proportional share of the sum of the following: (1) capital costs in the amount of \$12,970.00 per month; (2) maintenance costs in the amount of \$6,325.00 per month; and (3) the total month's electrical charges for said ground power units in an estimated monthly amount of \$6,625.00. Each said Airline Operator's proportionate share of said total sum shall be determined by the total gross landing weight of said Airline's aircraft at the Airport for said month in proportion to the total gross landing weights of the aircraft at the Airport for said month of all Airline Operators using said second level jetway ground power.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31931

RESOLUTION REJECTING ALL BIDS FOR UPGRADING FLAME DETECTOR DEVICES AND CONTROLS FOR UNDER AIRCRAFT WING FOAM MONITOR AND FIRE PROTECTION SYSTEM AT GEORGE P. MILLER AVIATION HANGAR, BUILDING M-110, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL BIDS; AND DIRECTING RETURN OF BID BOND TO BIDDERS.

WHEREAS, three bids were received on March 21, 1990, for Upgrading Flame Detector Devices and Controls for Under Aircraft Wing Foam Monitor and Fire Protection System at George P. Miller Aviation Hangar, Building M-110, South Field, Metropolitan Oakland International Airport, Oakland, California. The engineer's estimate for the work is \$300,000.00; and

WHEREAS, each of the three bidders Wormald Fire Systems, Inc., Union Electric Construction Inc., and C.A. Sabah & Company, have been reviewed by the Port's Legal Department and it has been determined that they do not comply with new requirements of the State law regarding bidding documents and are, therefore, invalid; now, therefore, be it

RESOLVED that all three bids be determined to be invalid due to improper contractor's license and non-compliance with the State law regarding bidding documents; that all three bids be rejected; and that bid securities be returned to the respective bidders and that the Chief Executive Officer be authorized to obtain informal quotes and execute a contract for the subject work.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31932

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CATHODIC PROTECTION SYSTEM FOR PUMPHOUSES 1, 2, 4 AND 6, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **CATHODIC PROTECTION SYSTEM FOR PUMPHOUSES 1, 2, 4 AND 6, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA**, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the amount of \$300.00 per day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption or other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to May 23, 1990, the date set for receiving said bids.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SRH

RESOLUTION NO. 31933

RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER FOR CONSTRUCTION OF HYDRANT FUELING SYSTEM EXTENSION FOR BUILDING M-103 EXPANSION, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the Board of Port Commissioners hereby approves the issuance to **Underground Construction Co., Inc.**, of a change order under the contract for **CONSTRUCTION OF HYDRANT FUELING SYSTEM EXTENSION FOR BUILDING M-103 EXPANSION, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA**, for the additional work involved in further hydrostatic testing to allow resolution of pressure retention problems encountered during the course of performance of the work, all in accordance with the Board of Port Commissioners agenda sheet item no. Airport-7S, May 1, 1990.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31934

SAA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH McLAREN ENVIRONMENTAL ENGINEERING FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **McLAREN ENVIRONMENTAL ENGINEERING** and this Board, to furnish environmental consulting services in connection with the assessment and Phase I audit of the 19-acre site, North Field, Metropolitan Oakland International Airport, Oakland, California, as set forth in Agenda Sheet Item Airport - 9S, May 1, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **McLAREN ENVIRONMENTAL ENGINEERING**, without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **McLAREN ENVIRONMENTAL ENGINEERING**, be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses; provided that the maximum compensation which can be made under said Agreement is \$10,000 unless the Executive Director determines, based upon recommendation of the Director of Port Planning, that a Phase II audit of said site is necessary, in which case the Executive Director is authorized to amend the scope of said Agreement to include a Phase II audit and to increase the maximum compensation, including expenses, payable under said Agreement as amended by \$70,000; is approved by the Executive Director; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31935

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO PURCHASE
CERTAIN AIRPORT SECURITY AND SAFETY EQUIPMENT
WITHOUT COMPETITIVE BIDDING.**

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to purchase 5 Exit Conveyers (6' 6") with conveyor belts and 2 Sentries AT Walk Through Metal Detectors, all without competitive bidding for use in Terminals I and II, Metropolitan Oakland International Airport, Oakland, California; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby approve the selection of Astrophysics Research Corporation as the provider of said equipment; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby authorize the Executive Director to provide for the purchase and installation of said equipment at the cost of approximately \$19,799.00 as described in agenda sheet no. Airport-10S (May 1, 1990).

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

SA

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31936

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO PURCHASE
SEAT COVERINGS AND PROVIDE FOR THE INSTAL-
LATION IN TERMINAL II WITHOUT COMPETITIVE
BIDDING.**

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to purchase seat coverings and provide for the installation in Terminal II, Metropolitan Oakland International Airport, Oakland, California, without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby approve the selection of Maharam Fabrics as the supplier of 1,000 yards of custom Yvonne 100% Trevira Polyester fabric and of Kay Chesterfield to provide for the fabrication and installation of said seat coverings in Terminal II; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby authorize the Executive Director to provide for said purchase, fabrication, and installation of said seat coverings at a total combined cost of approximately \$97,059.00 as described on agenda sheet Airport-11S (May 1, 1990).

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31937

JDC

**RESOLUTION MODIFYING RETAIL MERCHANDISING PLAN
IN JACK LONDON SQUARE LEASES AND GRANTING C.
R. GIBB AND THE BOATEL PERMISSION TO PERFORM
CERTAIN WORK.**

WHEREAS, the Port, as Lessor, and **THE BOATEL, INC.**, a California corporation, as Lessee, entered into a Lease dated April 9, 1987, as amended, which provides in Section 3.1.2.2 that a certain area of the Premises shall be used only for the type of specific uses identified in the Retail Merchandising Plan attached as Exhibit "C" to the Lease, that the Port upon Lessee's request may modify the Retail Merchandising Plan, and that the Port may otherwise modify the Retail Merchandising Plan but shall first give to Lessee at least 30 days' written notice of the proposed modification and the reasons therefor; and

WHEREAS, **C. R. GIBB**, an individual, and **THE BOATEL**, a California limited partnership, as tenants in common ("**Gibb/Boatel**"), are presently Lessees under the Lease pursuant to assignments approved by the Port, and **Gibb/Boatel** have requested that the Port modify the Retail Merchandising Plan to allow Lessees to reduce the area of the Premises required to be used for retail purposes under the Retail Merchandising Plan to approximately 2,925 square feet and to use portions of the Premises required under the Retail Merchandising Plan to be used for retail purposes to be used instead as part of a proposed restaurant, bar and lounge facility planned by **Gibb/Boatel** for the Premises; and

WHEREAS, the Port, as Lessor, and **OAKLAND PORTSIDE ASSOCIATES**, a California limited partnership ("**OPA**"), as Lessee, have entered into several Leases, each of which Leases also contains a Section 3.1.2.2 and Exhibit "C" providing substantially the same as Section 3.1.2.2 and Exhibit "C" respectively to the Port's Lease with **C. R. GIBB** and **THE BOATEL**; and

WHEREAS, as more fully discussed in Agenda Sheet Item No. Properties-1 ("**Report and Action On Proposed Changes By Gibb/Boatel and OPA To Jack London Square Retail Merchandising Plan, And Gibb/Boatel Building Permit Application**"), **OPA** has not opposed the modification of the Retail Merchandising Plan which would delete Shop #20 from the Retail Merchandising Plan applicable to the **Gibb/Boatel** premises, but repeatedly has referred to the change as already having occurred and has expressed opposition only to the change from retail to restaurant related use of the triangular corner area at the northeastern corner of the **Gibb/Boatel** premises (shown on Attachment #3 to Agenda Sheet Item No. Properties-1); and

WHEREAS, the Port over the past several months has discussed with representatives of **OPA**, including **PORTSIDE PROPERTIES**, the modification to the Retail Merchandising Plan requested by **C. R. GIBB** and **THE BOATEL**, and on February 2, 1990, the Port gave to **OPA** formal written notice of the proposed modification to the Retail Merchandising Plan and the reasons therefor; and

WHEREAS, following presentations to the Board at its March 27, 1990, meeting by interested parties (including Port staff, Glenn Isaacson and C.R. Gibb) on Gibb/Boatel's proposed modifications to the Retail Merchandising Plan the Port retained the services of Keyser Marston Associates, Inc. to investigate the matter and submit a report thereon, and Keyser Marston submitted to the Port its report dated April 26, 1990, which this Board has reviewed and considered together with Agenda Sheet Item No. Properties-1; now, therefore, be it

RESOLVED that in accordance with the request by Gibb/Boatel the Retail Merchandising Plan contained in all Port Leases of Jack London Square property, including Leases between the Port and Gibb/Boatel and between the Port and OPA, is hereby modified to provide that the Gibb/Boatel lease premises subject to the Retail Merchandising Plan (referred to in the Retail Merchandising Plan as "Boatel Expansion") is revised to include only the areas shown on Attachment #3 of Agenda Sheet Item No. Properties-1 as "Retail", provided, that only the specific type of retail use for each of the four retail shop areas which is shown in the existing Port-approved Retail Merchandising Plan for the Boatel Expansion (contained in the August 16, 1988 First Supplemental Agreement to the Port-Gibb/Boatel lease) shall be permitted and, provided further, that the modification to the Retail Merchandising Plan involving the triangular corner area on the northeast corner of the Gibb/Boatel lease premises shall not be effective and Gibb/Boatel shall make no improvements or other physical or use changes to the triangular corner area for purposes of using the area for other than the retail use specified in said First Supplemental Agreement, unless and until Gibb/Boatel and the Port enter into a mutually agreeable written amendment to the Port-Gibb/Boatel Lease providing (1) for Gibb/Boatel to construct, install and maintain from time to time consistent with the then current Retail Merchandising Plan as adopted by the Port a fully-functional retail display window on the frontage of the area and (2) for establishing the design elements for the retail display window which include, in the sole discretion of the Port, a depth of retail display space of up to 48 inches and which in the sole discretion of the Port may include the use of a window treatment which extends beyond the existing planned face of the building; and be it

FURTHER RESOLVED that Gibb/Boatel shall be and hereby are granted a permit, subject to the conditions specified herein, for the following work on applicants' leased premises in Jack London Square, in accordance with Agenda Sheet Item No. Properties-1, provided that Gibb/Boatel shall make no improvement or other physical or use changes to the northeast triangular corner area of the lease premises as shown on Attachment #3 to Agenda Sheet Item No. Properties-1 unless and until Gibb/Boatel enter into the mutually agreeable written amendment described above to the Port-Gibb/Boatel lease:

- a) Construction of new interior partitions to create four individual retail spaces on the north side of the ground floor;
- b) Installation of a complete kitchen with a bar area to accommodate 91 seats;
- c) Installation of a dining room with the capacity to accommodate 122 seats;
- d) Installation of two meeting (Banquet) rooms with the capacity to accommodate 65 guests in each room;
- e) Construction of storage rooms, restrooms, trash area, freezer/cooler enclosure, employee restroom and an office;
- f) Installation of suspended ceiling system with light fixtures;
- g) Construction of a bar and a dining room entry door facing Jack London Square Plaza;
- h) Installation of wall and floor coverings; and
- i) Associated electrical and mechanical improvements; and be it

FURTHER RESOLVED, that the permit hereby granted shall be subject to the conditions that (a) the applicants obtain all other required permits for the proposed work prior to the commencement of any work covered by this resolution and (b) the applicants secure additional permits from the Port for any other work on the subject premises; and be it

FURTHER RESOLVED, that the Board of Port Commissioners hereby declares that no change to the Retail Merchandising Plan may occur or be effective except pursuant to a duly adopted resolution or ordinance of the Board which expressly refers to the Retail Merchandising Plan and the particular changes being made to that plan, and the Board hereby directs Port Staff to provide copies of this resolution to OPA and Gibb/Boatel.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31938

SRA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO PURCHASE
ELECTRICAL EQUIPMENT FOR 115,000 VOLT
TRANSMISSION LINE AND SUBSTATION AT OUTER
HARBOR ON THE OPEN MARKET WITHOUT COMPETITIVE
BIDDING AND AUTHORIZING PROCUREMENT OF SAME.**

WHEREAS, the lead time needed to procure certain substation and power line equipment for commissioning of a new crane at Seventh Street Terminal is too long to allow procurement and installation of the equipment using normal bidding procedures; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interest of the Port to purchase such substation and power line equipment as set forth in Agenda Sheet Item No. Marine Terminals - 1, dated May 1, 1990, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") be and he is hereby authorized to purchase said equipment on the open market by purchase order contract based upon receipt of informal bids therefore, at an estimated cost of \$815,000, provided that the contract for same shall be on a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31939

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, DECLARING THE INTENTION OF THE BOARD TO ISSUE BONDS IN AN AMOUNT PRESENTLY ESTIMATED NOT TO EXCEED \$53,000,000 TO FINANCE THE REHABILITATION, ACQUISITION AND CONSTRUCTION OF MARINE TERMINAL, WHARFS AND RELATED IMPROVEMENTS TO BE OWNED BY THE PORT OF OAKLAND.

WHEREAS, the City of Oakland (the "City"), State of California, is a chartered city duly organized and existing under and pursuant to the provisions of the Constitution of the State of California and the Charter of the City (the "Charter"); and

WHEREAS, the Board of Port Commissioners of the City of Oakland (the "Board") is a duly constituted department of the City and has exclusive control, management, supervision and jurisdiction of the Port Department of the City, the Port of Oakland and the Port Area of the City, and is the governing body of said Port Department, Port of Oakland and Port Area, all as provided for and defined in Article VII of the Charter; and

WHEREAS, the Board intends to issue and sell its Bonds (the "Obligations") pursuant to Article VII of the Charter for the purpose of providing the financing for the rehabilitation, acquisition and installation of wharfs, container cranes, gate complex, operations and office buildings, dredging, container yard and electrical/mechanical and related improvements (the "Project") to be located at Port of Oakland Seventh Street Terminal Area, 5190 Seventh Street, at Berths 35, 37 and 38, which Project will be owned by the Port; and

WHEREAS, in order to provide for the continued economic development and viability of the Port, and necessary and desirable capital improvements, additions, betterments, replacements, renewal and construction of Port facilities, the Board wishes to declare its intention to authorize an issue of the Obligations of the Board for the purpose of providing all or a portion of the cost of acquiring and constructing the Project upon such terms and conditions as may be determined by the Board; now, therefore, be it

RESOLVED by the Board of Port Commissioners of the City of Oakland:

Section 1. Declaration of Intent: That it does hereby declare its intention to authorize the issuance of Obligations of the Board under and in accordance with the Charter of the City, in such amounts, but not to exceed \$53,000,000, and upon such terms and conditions as may be determined by the Board, for the purpose of providing all or a portion of the cost of rehabilitation, acquiring and constructing the Project to be located within the City, the issuance of the Obligations to be authorized by a

resolution of the Board at a meeting to be held for such purpose, and upon the approval of the Port's legal counsel and delivery at the closing of such Obligations of an approving legal opinion of bond counsel to the Port.

Section 2. Repeal of Inconsistent Resolutions: All other resolutions of the Board, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 3. Effective Date of Resolution: This Resolution shall take effect from and after its passage and approval.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayca: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Nocsa: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31940

SPK
**RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE
OFFICER TO APPROVE PAYMENT OF CERTAIN
EARTHQUAKE COSTS.**

RESOLVED that the Chief Executive Officer or his designee is hereby authorized to approve payment of earthquake-related costs of the type identified in Agenda Sheet Item No. MT-5, May 1, 1990, in aggregate amount not to exceed \$1,000,000, subject to finalization of documentation approved by the Port Attorney required to support such payments.

At a regular meeting held May 1, 1990

Passed by the following vote:

**Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5**

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31941

SPH
**RESOLUTION APPROVING PLANS AND
SPECIFICATIONS FOR APL CONTAINER YARD
EARTHQUAKE REPAIR, MIDDLE HARBOR
TERMINAL, OAKLAND, CALIFORNIA, AND
CALLING FOR BIDS THEREFOR.**

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **APL Container Yard Earthquake Repair, Middle Harbor Terminal, Oakland, California**, be and the same hereby are approved; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor, not less than ten (10) calendar days prior to May 23, 1990, the date set for receiving said bids.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31942

SPK

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
EARTHQUAKE DAMAGE REPAIR OF CONCRETE WHARVES
PHASE II, BERTHS 32 AND 33 MATSON TERMINAL,
OAKLAND, CALIFORNIA, AND CALLING FOR BIDS
THEREFOR.**

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **Earthquake Damage Repair of Concrete Wharves Phase II Berths 32 and 33 Matson Terminal, Oakland, California**, be and the same hereby are approved; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor, not less than ten (10) calendar days prior to May 23, 1990, the date set for receiving said bids.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Nocs: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31943

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTERESTS OF THE PORT TO CONTRACT
FOR MAINTENANCE DREDGING OF BERTHS 24, 25, 32,
33 AND 37 WITHOUT COMPETITIVE BIDDING AND
APPROVING A CHANGE ORDER CONTRACT WITH SMITH-
RICE COMPANY FOR SAID WORK.**

WHEREAS, Port tenants using Berths 24, 25, 32, 33 and 37 have recently notified the Port that vessels are touching bottom when tied up at the berths; now, therefore be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interests of the Port to contract for Maintenance Dredging of Berths 24, 25, 32, 33 and 37 without competitive bidding by agreed change order to the contract with Smith-Rice Company for Maintenance Dredging Berths 35, 36, 67, 68 And Berth 26 Areas, Oakland, California; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes the Chief Engineer's execution of such a change order between the Port and Smith-Rice Company in the approximate amount of \$110,000.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31944

**RESOLUTION APPROVING ISSUANCE OF CHANGE
ORDER FOR CONTRACT WITH O.C. JONES AND
SONS FOR CONSTRUCTION OF EARTHQUAKE
REPAIRS TO BERTH 35 PAVEMENT**

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the issuance to O.C. JONES AND SONS, of a change order under the contract for Construction Of Yard Improvements, Berth 26, Outer Harbor Terminal, Oakland, California, for the additional work involved in construction of earthquake repairs to Berth 35 pavement, in a sum of \$47,155.01.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31945

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH LIFTECH CONSULTANTS, INC. FOR STRUCTURAL ENGINEERING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Board of Port Commissioners (the "Board") has previously authorized an Agreement with **LIFTECH CONSULTANTS, INC.**, to furnish structural engineering consulting services with respect to two cranes at the Seventh Street Terminal; and

WHEREAS, it is desirable at this time to further amend said Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item, Marine Terminals - 9S, May 1, 1990, and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **LIFTECH CONSULTANTS, INC.** and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine 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 Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for services and that **LIFTECH CONSULTANTS, INC.** be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum total compensation which can be made under said amended Agreement shall not exceed \$245,000, provided that the Executive Director may approve in writing a total additional amount not to exceed \$60,000 and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Aycs: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31946

ADA

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED AGREEMENT WITH GEOMATRIX CONSUL-
TANTS, INC. FOR GEOTECHNICAL ENGINEERING
SERVICES CONSTITUTES PROFESSIONAL OR
SPECIALIZED SERVICES; AND AUTHORIZING
EXECUTION OF SAID AGREEMENT.**

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **GEOMATRIX CONSULTANTS, INC.**, and this Board, to furnish geotechnical engineering services in connection with the repair of earthquake damage at the fill containment dike and storage yard at the Seventh Street Terminal Complex, as set forth in Agenda Sheet Item Marine Terminals-10S, May 1, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **GEOMATRIX CONSULTANTS, INC.**, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **GEOMATRIX CONSULTANTS, INC.**, be compensated for such services and costs of miscellaneous reimbursable expenses as set forth in said Agreement, provided that the maximum compensation which can be made under said Agreement is \$239,500, unless additional work, up to an additional cost not to exceed \$80,000 is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31947

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR REPLACEMENT OF DOUBLE VALVE ASSEMBLIES IN
VICINITY OF NINTH AVENUE TERMINAL, OAKLAND,
CALIFORNIA; AND CALLING FOR BIDS THEREFOR.**

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **REPLACEMENT OF DOUBLE CHECK VALVE ASSEMBLIES IN VICINITY OF NINTH AVENUE TERMINAL, OAKLAND, CALIFORNIA,** be and the same hereby are approved; and be it

FURTHER RESOLVED that the valves are being replaced to comply with EBMUD requirements; and be it

FURTHER RESOLVED that the project is categorically exempt from CEQA requirements under the Port's CEQA guidelines; and be it

FURTHER RESOLVED that the sums for liquidated damages be set in the amount of \$300.00 per day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption or other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to May 23, 1990, the date set for receiving said bids.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31948

SPH

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED AGREEMENT WITH CYGNA ENERGY SYSTEMS
FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES
PROFESSIONAL OR SPECIALIZED SERVICES;
AND AUTHORIZING EXECUTION OF SAID AGREEMENT.**

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **CYGNA ENERGY SYSTEMS** and this Board, to furnish consulting services in connection with an environmental assessment as set forth in Agenda Sheet Item Marine Terminals-12S, May 1, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **CYGNA ENERGY SYSTEMS**, without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **CYGNA ENERGY SYSTEMS** be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses; provided that the maximum compensation which can be made under said Agreement is \$120,000 unless additional work, up to an additional cost not to exceed \$30,000 is approved by the Executive Director; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31949

CPA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH SAI ENGINEERS, INC. FOR ELECTRICAL ENGINEERING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 31784, the Board of Port Commissioners (the "Board") authorized an Agreement with **SAI ENGINEERS, INC.**, a California corporation, to furnish electrical engineering consulting services with respect to the construction of a Port electrical substation and 12KV feeder system; and

WHEREAS, it is desirable at this time to further amend said Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item, Marine Terminals - 13S, May 1, 1990, and additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **SAI ENGINEERS, INC.**, a California corporation, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **SAI ENGINEERS, INC.**, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for services and that **SAI ENGINEERS, INC.** be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum total compensation which can be made under said amended Agreement shall not exceed \$254,450, provided that the Executive Director may approve in writing an additional maximum amount not to exceed \$77,000 for additional work, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Aycs: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SA

RESOLUTION NO. 31950

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH TETRA TECH FOR ENVIRONMENTAL SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of March 14, 1990 with **TETRA TECH**, a Delaware corporation, to furnish certain environmental consulting services; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item MT-14S, dated May 1, 1990, to provide for additional compensation for such work; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **TETRA TECH**, a Delaware corporation, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **TETRA TECH** without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such additional services and that **TETRA TECH** be compensated for such services at an additional maximum compensation of \$15,000.00, unless additional work, up to an additional cost not to exceed \$9,000.00 is approved by the Executive Director, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31951

SAA
**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED AGREEMENT WITH DELOITTE & TOUCHE
FOR AUDIT SERVICES CONSTITUTES PROFESSIONAL
OR SPECIALIZED SERVICES; AND AUTHORIZING
EXECUTION OF SAID AGREEMENT.**

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **DELOITTE & TOUCHE** and this Board, to furnish consulting services with respect to the audit of the Port's financial statements and a limited scope audit of the Deferred Compensation Plan ("Plan") financial statements will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **DELOITTE & TOUCHE** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **DELOITTE & TOUCHE**, be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$95,000.00 for the Port audit and \$7,000.00 for the Plan audit and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31952

SRA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NORDHAV, INC., DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **NORDHAV, INC., DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING** and this Board, to furnish consulting services in connection with environmental consulting work, as set forth in Agenda Sheet Item O-2, dated May 1, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **NORDHAV, INC., DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING**, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **NORDHAV, INC. DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING** be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$75,000.00 unless an extension of said Agreement for one year is authorized by the Executive Director, in which case additional work, up to an additional cost not to exceed \$75,000.00, may be approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31953

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

PHILLIPPA STEPHENS, Youth Aide, Class "AA", effective January 1, 1990;

JANICE MARSH-JONES, Administrative Assistant to the Port Attorney, Salary Grade 8, Rate \$2883, effective April 30, 1990;

ALTHEA E. ROBERTS, Legal Secretary II, Salary Grade 7, Rate \$2579, effective April 30, 1990;

VICTORIA HAVEN, Port Accounting Manager, Salary Grade 11, Rate \$4365, effective May 2, 1990;

STEVEN M. GREGORY, Assistant Port Transportation Planner, Salary Grade 9, Rate \$3334, effective May 2, 1990;

LOWELL HORAN, Senior Electrical/Mechanical Technician, Rate "b", effective May 2, 1990;

MADONNA MEDEIROS, Traffic Representative and Tariff Analyst II, Salary Grade 8, Rate \$2959, effective May 2, 1990;

OSHANA RAMES, Assistant Civil Engineer (Part-time), effective May 2, 1990, not to exceed ninety days;

CLARA GARZON, Youth Aide, Class "AA", effective May 2, 1990, not to exceed ninety days;

CAROLYN MARSH, Youth Aide, Class "A-1",
effective May 2, 1990;

TANYA BEASLEY, Youth Aide, Class "B",
effective May 2, 1990, not to exceed
ninety days; and

OLIVIER FLEWELLEN, Port Accounting Manager,
Salary Grade 11, Rate \$4167, effective
May 21, 1990.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31954

RESOLUTION AMENDING RESOLUTION NO. 31903.

RESOLVED that that portion of Resolution No. 31903 adopted by this Board on April 3, 1990, be and the same hereby is amended to read as follows:

"VIVIAN M. VALENZUELA, Engineering Intern, effective April 2, 1990;..."

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31955

RESOLUTION CONCERNING CERTAIN LEAVES OF ABSENCE.

RESOLVED that leaves of absence for the following employees, with or without pay, for the reasons and times respectively shown, be and the same hereby are approved or ratified as the case may be:

HENRY P. INOCENCIO, Port Equipment Service Worker, without pay, for medical reasons, for a period of one hundred forty five (145) working days, commencing April 17, 1990;

RITA THOMAS, Intermediate Typist Clerk, without pay, for personal reasons, for a period of eighty five (85) working days, commencing April 23, 1990;

and be it

FURTHER RESOLVED that **VICTORIA A. HAVEN**, be and she is hereby granted a leave of absence from her classified position of Port Accounting Supervisor to accept appointment to the exempt position of Port Accounting Manager, effective May 1, 1990.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31956

SPAA

**RESOLUTION AUTHORIZING EXECUTION OF LEASE
EXTENSION AGREEMENT WITH YUSEN KOGYO
KABUSHIKI KAISHA FOR FAR EAST OFFICE.**

RESOLVED that the President of this Board be and he is hereby authorized to execute and the Secretary to attest that certain Lease Extension Agreement between YUSEN KOGYO KABUSHIKI KAISHA and the Port of Oakland dated May 1, 1990, covering 43.41 square meters of office space in the Yusen Building in Tokyo, Japan, for use by the Port's Director, Far East, for a term commencing April 1, 1990, to and including March 31, 1992, at a rental of 587,673 Yen per month, upon the terms and conditions specified in said Lease Extension Agreement.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31957

SRA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO PURCHASE
COLOR ELECTROSTATIC PLOTTER, SERVER,
ACCESSORIES, START-UP KIT AND MAINTENANCE
SERVICE FROM AVCOM SYSTEMS, INC. WITHOUT
COMPETITIVE BIDDING, AND AUTHORIZING
PROCUREMENT OF SAME.**

WHEREAS, the Port has a requirement to purchase one color electrostatic plotter for network mapping, including installation, connections, server, start-up kit and maintenance service as described on Board of Port Commissioners Agenda Sheet Item No. Operations - 8S dated May 1, 1990; and

WHEREAS, an extensive product evaluation of comparable equipment has revealed that Calcomp Model 58436 color electrostatic plotter and a Compac 386 server best meet the Port's requirements; and

WHEREAS, the aforementioned equipment is available from **AVCOM SYSTEMS, INC.**, a California corporation, at a price which is \$13,721 below the list price; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interest of the Port to purchase one (1) Calcomp Model 58436 color electrostatic plotter, one Compac 386 server, installation of same, connections and start-up kit without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") be and he is hereby authorized to purchase said equipment from **AVCOM SYSTEMS, INC.** for a total price not to exceed \$58,469.00; and be it

FURTHER RESOLVED that the Executive Director is authorized to provide for maintenance of same by purchase order contract at existing hourly rates not to exceed \$7,000 for the 12 months following purchase and installation of same; and be it

FURTHER RESOLVED that additional equipment may be purchased at a total cost not to exceed \$11,700 in additional costs subject to the approval of the Executive Director and provided further that the contract for same shall be on a form approved by the Port Attorney.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney
and President Brady - 5

Noes: None

Absent: Commissioners Ward Allen and Wasserman - 2

JCC

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31958

**RESOLUTION AUTHORIZING NEGOTIATIONS FOR
TRANSFER OF CERTAIN REAL PROPERTY IN THE
OAKLAND AIRPORT BUSINESS PARK**

RESOLVED that the Chief Executive Officer and Executive Director and staff hereby are authorized to negotiate with the GVD group (Gerald Vance Dicker of GVD Investments and John Morris of Morris Management) for the sale of the approximately 22-acre Oakland Street site in the Oakland Airport Business Park to the GVD group, provided, that the Port shall not incur any obligation to the GVD group or to any other person or entity regarding the sale or use of the property or compensation or reimbursement of any person or entity for any matter whatsoever, including without limitation costs or expenses incurred during the negotiation process, except in accordance with the express terms of a duly adopted and effective future Port resolution or ordinance.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Lockhart, Sweeney, Wasserman
and President Brady - 4

Noes: None

Absent: Commissioners Higgins, Ortiz and Ward Allen - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31959

SPA

RESOLUTION APPROVING THE GRANT OF RIGHT OF ENTRY FROM THE PORT TO THE UNITED STATES NAVY FOR CONSTRUCTION OF A TRANSMISSION LINE AND AUTHORIZING THE EXECUTIVE DIRECTOR OF PORT PLANNING AND DEVELOPMENT TO EXECUTE ONE OR MORE RIGHTS OF ENTRY GRANTED BY THE UNITED STATES NAVY TO THE PORT.

RESOLVED, that the Board of Port Commissioners hereby authorizes the grant of a right of entry to the United States Navy for the upland portion of Port property for an area generally parallel to the north side of Seventh Street from the westerly line of Maritime Street to the Bay; subject to the conditions (i) that the Navy grant to the Port the necessary rights of way for construction of the Port's new 115KV power line and (ii) that economic terms for the acquisition of such rights of way are finalized; and be it

FURTHER RESOLVED that the Executive Director of Port Planning and Development is hereby authorized to execute on behalf of the Port the rights of entry granted by the Navy to the Port for construction of the Port's 115KV power line and rights of entry granted by the Port to the Navy related to such construction.

At a regular meeting held May 1, 1990

Passed by the following vote:

Ayes: Commissioners Lockhart, Sweeney, Wasserman
and President Brady - 4

Noes: None

Absent: Commissioners Higgins, Ortiz and Ward Allen - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31960

**RESOLUTION APPOINTING DIRECTOR
OF MARITIME ACTIVITIES.**

RESOLVED that **WILLIAM STEVENS** be and he hereby is appointed to the position of Director of Maritime Activities, Grade 16, Rate \$8750, effective June 4, 1990.

At an adjourned regular meeting held May 15, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney, Wasserman
and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31961

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH LEON A. FARLEY ASSOCIATES FOR EXECUTIVE SEARCH SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Board of Port Commissioners by Resolution No. 31195, adopted on March 7, 1989 has previously authorized an Agreement with **LEON A. FARLEY ASSOCIATES**, a California corporation, to furnish professional executive search services and such Agreement was entered into on March 7, 1989; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Chief Executive Officer and Executive Director ("Executive Director") to approve additional work and compensation under said Agreement; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **LEON A. FARLEY ASSOCIATES** and this Board will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for services and that **LEON A. FARLEY ASSOCIATES** be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum additional compensation which can be made under said First Supplemental Agreement shall not exceed \$8,000, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held May 15, 1990

Passed by the following vote:

Aycs: Commissioners Higgins, Lockhart, Sweeney, Wasserman
and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31962

**RESOLUTION ADJUSTING MONTHLY
COMPENSATION OF KAZUMI NAGAO.**

WHEREAS, Paragraph 3(a) of the Agreement between the Port and KAZUMI NAGAO covering his services as the Port's Director, Far East, provides that his monthly compensation shall be subject to review and adjustment on the 1st day of April, 1990; and

WHEREAS, said compensation has been reviewed and has been determined to be subject to adjustment to the sum of One Million Three Hundred Seventy-Three Thousand Six Hundred Thirty Yen (Y 1,373,630) per month commencing the 1st day of April, 1990; now, therefore, be it

RESOLVED, that in accordance with Paragraph 3(a) of that certain Agreement dated the 1st day of April, 1983, between the Port and KAZUMI NAGAO, his total fee and full compensation, including bonus, pursuant to said Paragraph 3(a) shall be and the same is hereby adjusted to the sum of One Million Three Hundred Seventy-Three Thousand Six Hundred Thirty Yen (Y 1,373,630) per month commencing the 1st day of April, 1990.

At an adjourned regular meeting held May 15, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney, Wasserman
and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31963

**RESOLUTION GRANTING TRANSBAY CONTAINER
TERMINAL PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **TRANSBAY CONTAINER TERMINAL**, a subsidiary of ITS, for permission to perform certain work at its assigned premises located at Berths 25 and 26, Oakland, California, at an estimated cost to said applicant of \$230,000.00, hereby is approved and permission to perform the following work is hereby granted:

- a) Construction of four truck scale pits and the installation of four scales;
- b) Construction of two 63' x 80' x 15' high steel canopies with steel columns, anchor plates and reinforced concrete pier foundations;
- c) Construction of four 5" thick 5'-6" x 16' reinforced concrete booth slabs;
- d) Installation of four 5'-6" x 16" prefabricated office modules to be located adjacent to the in and outbound truck lanes;
- e) Installation of 8" diameter x 4' high steel bollards;
- f) Installation of two 30" diameter convex mirrors; and
- g) Other related work including the installation of fire sprinklers, storm drains, asphaltic concrete paving, electrical and communications systems and striping.

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At an adjourned regular meeting held May 15, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney, Wasserman
and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31964

PK
RESOLUTION APPOINTING JOSEPH WONG TO THE
POSITION OF SUPERVISING CIVIL ENGINEER.

RESOLVED that the appointment of JOSEPH WONG to
the position of Supervising Civil Engineer, Rate "c",
effective May 21, 1990 be and the same hereby is
approved.

At an adjourned regular meeting held May 15, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney, Wasserman
and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31965

**RESOLUTION APPOINTING DIRECTOR
OF PUBLIC RELATIONS.**

SRA

RESOLVED that THOMAS GWYNN be and he hereby is appointed to the position of Director of Public Relations, Grade 16, Rate \$8750, effective June 1, 1990.

At an adjourned regular meeting held May 15, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney, Wasserman
and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31966

RESOLUTION APPOINTING DIRECTOR
OF HUMAN RESOURCES.

RESOLVED that ANTHONY S. VERDREAM be and he hereby is appointed to the position of Director of Human Resources, Grade 16, Rate \$8750, effective June 18, 1990.

At an adjourned regular meeting held May 15, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney, Wasserman
and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31967

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENTS.**

SPH

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **THE HERTZ CORPORATION**, a corporation, dated the 1st day of June 1989, for an area of 8,004 square feet of land situated near Building No. L-510 at the North Airport, Metropolitan Oakland International Airport, Oakland, California, for a term of one year, expiring on the 31st day of May 1990, at a monthly rent of **Four Hundred Eighty and 24/100 Dollars (\$480.24)**; and be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **ATHENS BAKERY, INC.**, a California corporation, dated the 15th day of March 1990, for an area of 10,280 square feet located near Embarcadero West and Diesel Streets, Oakland, California, for a term of one year, expiring on the 31st day of March 1991, at a monthly rent of **Three Hundred Eight and 40/100 Dollars (\$308.40)**; and be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **SCANFREIGHT, INC.**, a New York corporation, dated the 1st day of May 1990, for an area of 1,065 square feet in Building No. F-201, located at 77 Jack London Square, Suite L, Oakland, California, for a term of one year, expiring on the 30th day of April 1991, at a monthly rental of **One Thousand Two Hundred Twenty and 00/100 Dollars (\$1,220.00)**; and be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board an Agreement to Renew License and Concession Agreement between the Port and **PACIFIC BELL**, a California corporation, dated the 1st day of January 1, 1990, for an area of approximately 2,500 square feet of land located in the Port area, Oakland, California, for a term of one year, expiring on the 31st day of December 1990, at a monthly rental of **Two Hundred Ninety-Five and 80/100 Dollars (\$295.80)**; and be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **PATRICK MEDIA GROUP, INC.**, a Delaware corporation, dated the 1st day of August 1988, for an area located in the vicinity of Doolittle Drive and Swan Way, Oakland, California, for a term of one year, expiring on the 31st day of July 1989, at a monthly rental of **Eighty-Three and 33/100 Dollars (\$83.33)**; and be it

FURTHER RESOLVED, that said agreements shall be upon a form of agreement customarily used for such purposes, and said agreements shall be approved by the Port Attorney.

At an adjourned regular meeting held May 24, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney,
Wasserman and Vice President Ward Allen - 5

Nocs: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31968

SJA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH DELOITTE & TOUCHE FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **DELOITTE & TOUCHE** and this Board to furnish consulting services with respect to the evaluation of a computerized parking lot revenue control system will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **DELOITTE & TOUCHE** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **DELOITTE & TOUCHE**, be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$40,000 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held May 24, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney,
Wasserman and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPH

RESOLUTION NO. 31969

RESOLUTION AWARDING CONTRACT TO KULCHIN-CONDON & ASSOC., INC., A CALIFORNIA CORPORATION, FOR EARTHQUAKE DAMAGE REPAIR OF CONCRETE WHARVES, BERTHS 36, 37 AND 38, AND WESTERLY PORTION OF BERTH 35, SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA, INCLUDING ALTERNATE A; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract to Earthquake Damage Repair of Concrete Wharves, Berths 36, 37 and 38, and Westerly Portion of Berth 35, Seventh Street Terminal, Oakland, California, Including Alternate A, be and the same hereby is awarded to Kulchin-Condon & Assoc., Inc., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received April 18, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Four Million Eight Hundred Ninety-Three Thousand Nine Hundred Seventy and 85/100 DOLLARS (\$4,893,970.85) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held May 24, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney,
Wasserman and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31970

**RESOLUTION CONDITIONALLY GRANTING RESTAURANTS
UNLIMITED PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **RESTAURANTS UNLIMITED**, a Washington corporation, for permission to perform certain work at its leased premises located at 70 Jack London Square, Oakland, California, at an estimated cost to said applicant of \$425,000.00, hereby is approved and permission to perform the following work is hereby granted:

A. Demolition Permit Application:

1. Demolition and removal of certain existing interior walls, ceiling and floor coverings, fixtures, roof cupola, exterior entrance doors, certain windows, electrical wiring, HVAC system and removal of existing "Grotto" signage; and

B. Building Permit Application:

1. A building permit application for construction of certain improvements including the complete remodeling of the building interior, as well as minor exterior improvements, consisting of the following:
 - a. Construction of new interior partitions to create a new kitchen area, employee locker and restrooms, several kitchen manager offices, food and liquor storage rooms, public restrooms, mechanical room and walk-in cooler and freezer room;
 - b. Construction of new roof framing with suspended ceiling decorative columns, stud shear walls, including various other structural elements;
 - c. Construction of raised floor dining area with handicap access ramp and metal handrails;
 - d. Installation of a completely new kitchen and a new bar area to accommodate 95 seats;
 - e. Installation of a dining room with the capacity to accommodate 188 seats;
 - f. Installation of a new wall, ceiling and floor coverings and automatic sprinklers including lighting and associated electrical and mechanical improvements;
 - g. Construction of a new roof cupola over the roof structure to house the exhaust hoods and mechanical equipment;
 - h. Construction of an exterior wooden lattice canopy over the entrance walkway and the installation of a new pair of entrance doors;

- i. Replacement of all existing glazing with insulated glazing; and
- j. Installation of several stone veneered planter boxes with plants and irrigation system.

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon: (1) applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project; (2) applicant's modification of certain details and providing structural calculations sufficient to assure the Chief Engineer that the existing wharf is adequate to support the new and relocated loads of the remodeled building prior to issuance of the building permit; (3) applicant's submission of complete electrical and mechanical plans and specifications to the Port for review prior to the installation of any electrical and mechanical equipment; and (4) applicant must obtain all other necessary permits for approvals for the proposed improvements prior to commencement of work.

At an adjourned regular meeting held May 24, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Sweeney,
Wasserman and Vice President Ward Allen - 5

Noes: None

Absent: Commissioner Ortiz and President Brady - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31971

**RESOLUTION ADOPTING AMENDMENTS TO THE RESTATED
DEFERRED COMPENSATION PLAN OF THE PORT OF
OAKLAND.**

WHEREAS, by Resolution No. 31825 adopted by the Board of Port Commissioners (the "Board") on February 20, 1990, the Board adopted the Restated Deferred Compensation Plan of the Port of Oakland (the "Plan"); and

WHEREAS, it is necessary and desirable at this time to amend said Plan through the adoption of certain amendments presented by the Port Attorney; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby approves the adoption of the amendments to the Plan in substantially the form presented by the Port Attorney and hereby authorizes and directs the Port Attorney to place said Plan as amended in final form on file with the Secretary of the Board.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31972

RESOLUTION AWARDING CONTRACT TO LES MCDONALD CONSTRUCTION CO., A CALIFORNIA CORPORATION, FOR REPAIR OF EARTHQUAKE DAMAGE TO TAXIWAYS AND RUNWAY 11-29, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, A.I.P. 3-06-0170-10; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract to repair of earthquake damage to Taxiways and Runway 11-29, Metropolitan Oakland International Airport, Oakland, California, A.I.P. 3-06-0170-10, be and the same hereby is awarded to Les McDonald Construction Co., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received May 16, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of One Million Two hundred Seventy-Nine Thousand Three Hundred Forty-Two and 00/100 DOLLARS (\$1,279,342.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

**Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6**

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31973

**RESOLUTION REJECTING CLAIM OF JOYCE
M. BRYANT**

WHEREAS, Joyce M. Bryant on the 4th day of May, 1990, presented her claim against the Board of Port Commissioners of the City of Oakland for damages in the sum of \$100,000.00 for personal injuries sustained as a result of a fall in the Oakland Airport Parking Lot, Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, this Board breached no duty owed to claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such claim be and it is hereby rejected.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 31974

SRA

RESOLUTION APPROVING AND AUTHORIZING ISSUANCE OF CHANGE ORDER IN CONTRACT WITH ARNTZ BUILDERS, INC. FOR EXTENSION OF SECOND FLOOR ADDITION TO BUILDING M-103, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT (A.I.P. 3-06-0170-02, 3-06-0170-08).

RESOLVED that the Board of Port Commissioners hereby approves and authorizes issuance to ARNTZ BUILDERS, INC., ("Contractor") of a change order to the contract with Contractor for Extension of Second Floor Addition to Building M-103, South Field, Metropolitan Oakland International Airport (A.I.P. 3-06-0170-02, 3-06-0170-08) to provide for construction of a window wall between Columns 12 and 13 on the second floor of Building M-103 as set forth in Port of Oakland Agenda Sheet, Item No. Airport-12S, dated June 5, 1990, at an additional cost of \$74,630.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Ward Allen - 1

SAT

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31975

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR THE INSTALLATION OF NEW ELECTRICAL SERVICE TO BUILDING L-812, NORTH AIRPORT, WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A CONTRACT OR THE CHIEF ENGINEER TO ISSUE A CHANGE ORDER FOR SUCH WORK BASED ON RECEIPT OF INFORMAL BIDS.

WHEREAS, the U.S. Postal Service ("USPS"), a tenant of a portion of Building L-812 at the North Airport under a lease dated July 28, 1988 and First Amendment to Lease dated October 14, 1988, has requested additional electrical power for their operations by the latter part of July 1990; and

WHEREAS, to accommodate the operational needs of USPS it is necessary to commence work for the Installation of New Electrical Service to Building L-812 as soon as possible; and

WHEREAS, the work could be performed most efficiently by issuance of a change order to an existing contract with any one of a number of qualified contractors who presently have construction contracts with the Port; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to contract for the above described work without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director (the "Executive Director") on behalf of the Board to enter into a contract to accomplish the installation of new electrical service to Building L-812, or the Chief Engineer to accomplish same by issuing a change order, accompanied by appropriate surety and insurance, to a contractor presently doing work for the Port based upon the receipt of informal bids from contractors identified on Port of Oakland Agenda Sheet, Item No. Airport-19S, dated June 5, 1990, at an estimated cost of \$47,250.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPT

RESOLUTION NO. 31976

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR THE REPAIR OF EARTHQUAKE DAMAGED ELECTRICAL CONDUITS, HOWARD TERMINAL, WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A CONTRACT OR THE CHIEF ENGINEER TO ISSUE A CHANGE ORDER FOR SAME BASED ON RECEIPT OF INFORMAL BIDS.

WHEREAS, recent exploratory excavation at Howard Terminal to investigate the condition of the underground conduit and cable system used for providing power revealed that several conduits were broken and cable insulation damaged during the October 17, 1989 earthquake; and

WHEREAS, the cables and conduits were reviewed by the Port and FEMA and a Damage Survey Report was prepared by FEMA and concurred with by the Port; and

WHEREAS, there is a need to repair the damaged cables and conduits as soon as possible because the damaged cables and conduit may result in a power outage at any time rendering the cranes immobile and impeding tenant operations and the large excavated open area is a continuing safety concern; and

WHEREAS, the work could be performed most efficiently by issuance of a change order to an existing contract with any one of a number of qualified contractors who presently have construction contracts with the Port; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to contract for the above described work without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director (the "Executive Director") on behalf of the Board to enter into a contract to accomplish the repair of earthquake damaged electrical conduits at Howard Terminal, or the Chief Engineer to accomplish same by issuing a change order, accompanied by appropriate surety and insurance, to a contractor presently doing work for the Port based upon the receipt of informal bids from contractors identified on Port of Oakland Agenda Sheet, Item No. Marine Terminals-2, dated June 5, 1990, at an estimated cost of \$75,000.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31977

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO CONTRACT
FOR THE DISPOSAL, REPLACEMENT AND RECLASSIFI-
CATION OF PCB AND PCB CONTAMINATED TRANS-
FORMERS WITHOUT COMPETITIVE BIDDING AND
AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO
CONTRACT IN THE OPEN MARKET FOR SUCH WORK.**

WHEREAS, the Environmental Protection Agency has prohibiting the use of PCB transformers with secondary voltages at or above 480 volts in or near commercial building beyond October 1, 1990; and

WHEREAS, the Port has certain such PCB transformers, some which need to be taken out of service, some which need to be replaced with non-PCB transformers and others which are in service but need to be cleaned, recharged with non-PCB material and reclassified to non-PCB status; and

WHEREAS, specifications have been prepared to perform the above described work, as further set forth in Port of Oakland Agenda Sheet, Item No. Operations - 6S, dated June 5, 1990; and

WHEREAS, there is a need to complete said work on a priority basis to comply with requirements of the Environmental Protection Agency; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to contract for the above described work without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized for and on behalf of the Board to contract for said work in the open market based upon the receipt of informal bids, at an estimated cost of \$120,000.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31978

SP

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO ENTER INTO A CONTRACT WITH DELTA AIRLINES, INC. TO UPGRADE ITS TICKET COUNTER IN AIR TERMINAL I, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT FORMAL COMPETITIVE BIDDING; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE SAID CONTRACT.

WHEREAS, DELTA AIRLINES, INC., a corporation, is a Port tenant at Metropolitan Oakland, International Airport, Oakland, California, located in Terminal I; and

WHEREAS, DELTA AIRLINES, INC. is desirous of renovating its ticket counters in Terminal I consistent with the Port's design specifications planned for Terminal I renovation to better serve anticipated increased passenger traffic; and

WHEREAS, DELTA AIRLINES, INC. has proposed to upgrade the ticket counters to the latest Port ticket counter design standards, the same design as used in Terminal II and specified for the renovation and upgrading of the Terminal I ticket area at a cost of approximately \$50,000.00; and

WHEREAS, the Port cannot provide the latest design style ticket counters for **DELTA AIRLINES, INC.** within the tenant's established time requirements and **DELTA AIRLINES, INC.** has agreed with the Port to obtain and install the counters on a cost reimbursement basis; now, therefore, be it

RESOLVED that the Board of Port Commissioners of the City of Oakland does hereby find and determine that it is in the best interest of the Port to enter into a contract with **DELTA AIRLINES, INC.** to upgrade its ticket counter in Air Terminal I, Metropolitan Oakland International Airport, Oakland, California, on a cost reimbursement basis, without formal competitive bidding; and be it

FURTHER RESOLVED that the Executive Director be and he hereby is authorized to negotiate and execute said contract on a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

SPK

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION NO. 31979
RESOLUTION GRANTING UNITED AIRLINES, INC.
PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **UNITED AIRLINES, INC.**, a Delaware corporation, for permission to perform certain work at its leased premises located at Port Building No. M-101, Metropolitan Oakland International Airport, Oakland, California, at an estimated cost to said applicant of \$50,000.00, hereby is approved and permission is hereby granted to perform the following work:

- a) Demolition and removal of certain interior nonbearing walls and doors and construction of new wall partitions;
- b) Installation of doors, suspended ceiling and light fixtures; and
- c) Associated mechanical and electrical work; and be it

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon: (1) the applicant's compliance with all of the terms and conditions of its agreements with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project; (2) the applicant's submission of complete electrical and mechanical plans and specifications to the Port for review prior to the installation of any electrical and mechanical equipment; and (3) the applicant must obtain all other necessary permits for approvals for the proposed improvements prior to commencement of work.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31980

SPH

**RESOLUTION APPROVING AND AUTHORIZING RENTAL
CREDIT TO UNITED PARCEL SERVICE, INC.**

WHEREAS, UNITED PARCEL SERVICE, INC., a corporation, is a Port tenant occupying portions of Port Building M-106/M-112 (Air Cargo Building), Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, the Port is required to provide maintenance and repairs for the roof and exterior walls of said building, and such maintenance and repairs are required at the total estimated cost of \$46,986.00; and

WHEREAS, UNITED PARCEL SERVICE, INC. has proposed to undertake said maintenance and repairs at its own expense in return for a rental credit in said amount; now, therefore, be it

RESOLVED that the Board of Port Commissioners of the City of Oakland does hereby authorize and approve a rental credit to **UNITED PARCEL SERVICE, INC.,** a corporation, in the sum of \$46,986.00.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Aycs: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31981

SPA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTERESTS OF THE PORT TO PURCHASE
TWO CRASH-FIRE-RESCUE VEHICLES FROM THE PORT
OF NEW YORK WITHOUT COMPETITIVE BIDDING AND
AUTHORIZING NEGOTIATION AND EXECUTION OF A
CONTRACT THEREFOR.**

WHEREAS, the Port of New York has secondhand Chubb Pathfinder crash-fire-rescue vehicles for sale at a fraction of their original cost; and

WHEREAS, the Port has two Pathfinder vehicles of the same type in use at this time; and

WHEREAS, the vehicles in use at this time must periodically be taken out of service for maintenance, at which time that safety equipment at the Airport is available only at the minimal acceptable level; and

WHEREAS, the acquisition of two more used Pathfinders would lengthen the useful life of the Pathfinders now in the Port's possession and enable the Airport to maintain an acceptable level of emergency equipment operating at all times; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby determines that the purchase of said emergency equipment without competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes the Chief Executive Officer on behalf of the Board to negotiate for the purchase of, and enter into a contract to purchase two crash-fire-rescue vehicles from the Port of New York.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31982



RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA), FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of March 1, 1988 with **ENVIRONMENTAL SCIENCE ASSOCIATES ("ESA")**, a California corporation, to furnish consulting services in connection with the preparation of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS); and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-10S, dated June 5, 1990; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **ESA**, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **ESA** without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such additional services and that **ESA** be compensated for such services at an additional maximum compensation of \$210,000, unless additional work, up to an additional cost not to exceed \$60,000 is approved by the Executive Director, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SJA

RESOLUTION NO. 31983

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH H. K. GILFORD, A.I.A., AN INDIVIDUAL, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of April 28, 1989 with H.K. GILFORD, A.I.A., an individual, to furnish architectural design services for certain projects at the Metropolitan Oakland International Airport; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. A-11S, dated June 5, 1990, and to provide for additional compensation for such work; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between H. K. GILFORD, A.I.A. and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from H.K. GILFORD, A.I.A. without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such additional services and that H.K. GILFORD, A.I.A. be compensated for all services rendered under said Agreement, as amended, at a maximum compensation of \$44,800, unless additional work, cost not to exceed \$10,000, is approved by the Executive Director, and that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31984



RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER AND EXECUTIVE DIRECTOR TO FILE PREAPPLICATION WITH THE FEDERAL AVIATION ADMINISTRATION UNDER THE AIRPORT IMPROVEMENT PROGRAM, AIP-12.

RESOLVED that the Board of Port Commissioners hereby authorizes and directs the Chief Executive Officer and Executive Director to file with the FEDERAL AVIATION ADMINISTRATION an Airport Improvement Program (AIP-12) preapplication for a grant offer for fiscal year 1991 to fund the following projects:

1. New Runway Supporting Taxiways and Holding Aprons;
2. Terminal Facilities Expansion;
3. Automated Airport Noise Monitoring System;
4. Taxiway Reconstruction Program;
5. Construction of Bypass Taxiway/Holding Apron Expansion at 29 end of Runway 11-29;
6. Renovation of Ticketing Building (M-101);
7. Airport Roadway Improvements;
8. New Aircraft Rescue Fire Fighting Vehicle;
9. Renovation of Aircraft Rescue Fire Fighting Facility (M-104);
10. New Aircraft Rescue Fire Fighting Facility;
11. Renovation and Expansion of Federal Inspection Services Facility (M-114); and
12. New Federal Inspection Services Facility.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31985

SPH

RESOLUTION AWARDING CONTRACT TO ASPEN CONSTRUCTION OF CALIFORNIA, INC., FOR CATHODIC PROTECTION SYSTEM FOR PUMPHOUSES 1, 2, 4, AND 6, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract to cathodic protection system for pumphouses 1, 2, 4, and 6, Metropolitan Oakland International Airport, Oakland, California, be and the same hereby is awarded to ASPEN CONSTRUCTION OF CALIFORNIA, INC., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received May 23, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Fifteen Thousand Six Hundred Fifty and 00/100 DOLLARS (\$15,650.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31986

RESOLUTION AWARDING CONTRACT TO METAL BUILDING ALTERATION COMPANY A DIVISION OF ZIVKO CORPORATION, INC., FOR REFURBISHING OF HANGAR DOORS AND ASSOCIATED WORK, BUILDING M-110, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract to refurbishing of hangar doors and associated work, Building M-110, South Field, Metropolitan Oakland International Airport, Oakland, California, be and the same hereby is awarded to METAL BUILDING ALTERATION COMPANY A DIVISION OF ZIVKO CORPORATION, INC., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received May 23, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of One Hundred Twelve Thousand Two Hundred Forty-Five and 50/100 DOLLARS (\$112,245.50) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31987

JEN

RESOLUTION AWARDING CONTRACT TO J.R.'S LANDSCAPING, FOR INTERIOR LANDSCAPING AND LANDSCAPE MAINTENANCE, BUILDING M-103, TERMINAL I, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract to interior landscaping and landscape maintenance, Building M-103, Terminal I, South Field, Metropolitan Oakland International Airport, Oakland, California, be and the same hereby is awarded to J.R.'S LANDSCAPING, a sole proprietorship, as the lowest responsible bidder, in accordance with the terms of its bid received May 23, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Twenty-Three Thousand Two Hundred Eighty and 00/100 DOLLARS (\$23,280.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

FURTHER RESOLVED that the Executive Director or his assign is hereby authorized to contract for second year maintenance during the second year if the Port and contractor mutually agree to continue the contract beyond the end of the first year, for the price listed on the bid for Additional Maintenance Work; and be it

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

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

**Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6**

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31988



RESOLUTION APPROVING REQUEST BY OAKLAND FUEL FACILITIES CORPORATION TO SUBSTITUTE NEW THIRD PARTY SERVICE PROVIDER UNDER AGREEMENT FOR OPERATION AND MAINTENANCE OF AVIATION FUEL STORAGE FACILITY, HYDRANT FUELING SYSTEM AND SERVICE AND MAINTENANCE OF AVIATION REFUELERS AND SERVICERS.

RESOLVED that in accordance with Paragraph 3.1 of that certain Agreement for Operation and Maintenance of Aviation Fuel Storage Facility, Hydrant Fueling System and Service and Maintenance of Aviation Refuelers and Servicers with OAKLAND FUEL FACILITIES CORPORATION dated October 27, 1989 covering their operation and maintenance of the fueling facilities therein described, the Port hereby approves the request of said OAKLAND FUEL FACILITIES CORPORATION to substitute DYNAIR FUELING INC. as its third party service provider in place of HUDSON AVIATION SERVICES - OAKLAND INC., the initial third party service provider under said Agreement.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31989

**RESOLUTION CERTIFYING REVIEW AND CONSIDERATION
OF ADDENDUM THREE TO THE SUPPLEMENTAL FINAL
ENVIRONMENTAL IMPACT REPORT CENTRAL PROJECT
AREA, MAKING CERTAIN FINDINGS AND DETER-
MINATIONS IN CONNECTION THEREWITH, APPROVING
AND AUTHORIZING CONSTRUCTION OF A FERRY DOCK
AND ANCILLARY IMPROVEMENTS AT THE FOOT OF
ALICE STREET.**

WHEREAS, the Board of Port Commissioners on March 1, 1983, adopted Port Resolution No. 27670 whereby it certified that it had reviewed and considered the information contained in the documents entitled "Jack London Square Project Development Plans-Draft Environmental Impact Reports, November 1982" and "Jack London Square Project Development Plans - Final Environmental Impact Reports, January 1983" (both of said documents are hereinafter collectively referred to as the "original FEIRS") and that the Original FEIRS had been completed in compliance with applicable law; and

WHEREAS, the Original FEIRS covered three separate proposed projects located respectively on "Site A," "Site B" and the "Central Project Area," and the Board by Port Resolution No. 27670 found and determined that approval of such projects would have certain potential significant effects on the environment and therefore the Board adopted certain changes or alterations in the projects, and found and determined that certain other changes and alterations within the responsibility and jurisdiction of the City of Oakland and not within the concurrent jurisdiction of the Port should be adopted by the City of Oakland, which changes or alterations would mitigate or avoid the potential significant effects on the environmental; and

WHEREAS, the Board in Port Resolution No. 27670 then approved the three separate projects described in said FEIRS and in that certain document entitled "Jack London Square Summary Project Development Plan" dated February 1983; and

WHEREAS, the Port prepared and on October 1, 1984 circulated for public review and comment a document entitled "Supplemental E.I.R. To The 'Central Area' Jack London Square Project Development Plan Final Environmental Impact Report" dated September 1984, and thereafter prepared a document entitled "Supplemental Final E.I.R. To The Central Area Jack London Square Project Development Plan Final Environmental Impact Report" dated December 1984 (hereinafter said two documents are referred to collectively as the "the Central Area Supplemental FEIR"); and

WHEREAS, the Port in Resolution No. 28723 certified its review and consideration of the two documents collectively referred to as "The Central Area Supplemental FEIR"; and

WHEREAS, the Port in Resolution No. 30578 certified its review and consideration of Addendum to the Central Area Supplemental FEIR dated February 24, 1988; and

WHEREAS, the Port in Resolution No. 30765 certified its review and consideration of Addendum Two to the Central Area Supplemental FEIR, dated June 7, 1988; and

WHEREAS, the Port has now prepared an "Addendum Three to the 1984 Supplemental Final Environmental Impact Report--Central Area Project--Jack London Square," dated May 30, 1990; now, therefore, be it

RESOLVED that the Board does hereby certify that it has reviewed and considered the information contained in the "Addendum Three to the Supplemental Final Environmental Impact Report--Central Area Project--Jack London Square", and based upon such review and consideration the Board hereby finds and determines that the modified project now proposed for the Central Area Project is similar to that project described in "the Central Area Supplemental FEIR" dated December 1984, and that the Board's approval of or undertaking the project will involve no new significant environmental impacts not covered in "the Central Area Supplemental FEIR" and no impacts previously identified in said FEIR will be aggravated by this development, but will generate to a lesser degree the environmental impacts of the Central Area Project described in the Supplemental Final E.I.R. To The Central Area Jack London Square Project Development Plan Final Environmental Impact Report; and be it

FURTHER RESOLVED that the Chief Executive Officer and staff are authorized to proceed with all matters necessary to construct a ferry dock and ancillary improvements at the foot of Alice Street, subject to the procedural requirements of Ordinance No. 1606.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31990

**RESOLUTION CONDITIONALLY GRANTING UNITED
PARCEL SERVICE PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by **UNITED PARCEL SERVICE ("UPS")**, an Ohio corporation, for permission to perform certain work at its leased premises located at 8400 Pardee Drive, Oakland, California, at an estimated cost to said applicant of \$180,000.00, hereby is approved and permission is hereby granted to perform the following work:

A. One Story High Structure consisting of:

1. A wood frame building on concrete slab on grade rather than concrete tilt-up panels;
2. The footprint of the proposed structure would be larger by approximately 670 square feet than the previous submittal for a total of approximately 3,048 square feet;
3. The building would contain a customer drop-off and pick-up counter and a rest room facility;
4. A conference room, a nurse and examination room and some small offices; and
5. The exterior of the building would have a plaster finish as previously proposed and the building would match the tan color and the dark brown accent stripes of the existing main building.

B. Associated Site Work consisting of:

1. Relocation of four existing 15 foot high pine trees to make room for the construction of the proposed building, three trees would be replanted on the west side and one on the east side of the building; and
2. Forty-four parking stalls would be designated for customer parking within the present UPS employee parking area; and be it

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon: (1) the applicant's compliance with all of the terms and conditions of its agreements with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project; (2) the applicant's submission of complete electrical and mechanical plans and specifications to the Port for review prior to the installation of any electrical and mechanical equipment; and (3) the applicant must obtain all other necessary permits for approvals for the proposed improvements prior to commencement of work.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31991

PA

RESOLUTION AWARDING CONTRACT TO VALENTINE CORPORATION, FOR EARTHQUAKE DAMAGE REPAIR OF CONCRETE WHARVES, PHASE II, BERTHS 32 AND 33, MATSON TERMINAL, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for earthquake damage repair of concrete wharves, Phase II, Berths 32 and 33, Matson Terminal, Oakland, California, be and the same hereby is awarded to VALENTINE CORPORATION, a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received May 23, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of One Hundred Sixty-Nine Thousand One Hundred Eighty-Four and 50/100 DOLLARS (\$169,184.50) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31992

RESOLUTION AWARDING CONTRACT TO MCGUIRE AND HESTER, FOR REPLACEMENT OF DOUBLE CHECK VALVE ASSEMBLIES IN VICINITY OF NINTH AVENUE TERMINAL, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDER.

RESOLVED that the contract for replacement of double check valve assemblies in vicinity of Ninth Avenue Terminal, Oakland, California, be and the same hereby is awarded to MCGUIRE AND HESTER, a California corporation, as the lower responsible bidder, in accordance with the terms of its bid received May 23, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Thirty Thousand Five Hundred Eighty and 50/100 DOLLARS (\$30,580.50) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

FURTHER RESOLVED that the other bid received for said contract be and they hereby are rejected and the bid bonds accompanying said bid shall be returned to the proper person.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31993

RAK

RESOLUTION AWARDING CONTRACT TO RAMLOR CONSTRUCTION, FOR EARTHQUAKE DAMAGE REPAIR OF BUILDING E-221, MIDDLE HARBOR TERMINAL, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract to earthquake damage repair of Building E-221, Middle Harbor Terminal, Oakland, California, be and the same hereby is awarded to RAMLOR CONSTRUCTION, a sole proprietorship, as the lowest responsible bidder, in accordance with the terms of its bid received May 23, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Two Hundred Five Thousand and 00/100 DOLLARS (\$205,000.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31994

RESOLUTION AWARDING CONTRACT TO O.C. JONES AND SONS, FOR APL CONTAINER YARD EARTHQUAKE REPAIR, MIDDLE HARBOR TERMINAL, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for APL container yard earthquake repair, Middle Harbor Terminal, Oakland, California, be and the same hereby is awarded to O.C. JONES AND SONS, a partnership, as the lowest responsible bidder, in accordance with the terms of its bid received May 23, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Six Hundred Ninety-Eight Thousand Two Hundred Seventy-Seven and 50/100 DOLLARS (\$698,277.50) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31995

JEN

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH MARINE INSPECTION SERVICES, INC., ALSO KNOWN AS AMTECH, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of September 29, 1988 with **MARINE INSPECTION SERVICES, INC., also known as AMTECH**, a New Jersey corporation, to furnish inspection and testing services; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. MT-9S, dated June 5, 1990; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **MARINE INSPECTION SERVICES, INC., also known as AMTECH**, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **MARINE INSPECTION SERVICES, INC., also known as AMTECH**, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such additional services and that **MARINE INSPECTION SERVICES, INC., also known as AMTECH**, be compensated for such services at an additional maximum compensation of \$322,000, unless additional work, up to an additional cost not to exceed \$80,000 is approved by the Executive Director, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31996

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH TOWILL, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of May 20, 1988 with **TOWILL, INC.**, a California corporation, to furnish hydrographic consultation services; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve extension of services as set forth in Agenda Sheet Item No. MT-11S, dated June 5, 1990; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **TOWILL, INC.**, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **TOWILL, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such extension of professional services for one year with an option to extend an additional year without increase in the maximum fee limit and that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31997

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH SEA SURVEYOR, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of April 20, 1988 with **SEA SURVEYOR, INC.**, a California corporation, to furnish hydrographic survey consultation services; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve extension of services as set forth in Agenda Sheet Item No. MT-12S, dated June 5, 1990; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **SEA SURVEYOR, INC.** and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **SEA SURVEYOR, INC.**, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such extension of professional services for one year without increase in the maximum fee limit and that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayces: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31998

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH LYNN M. SUTER & ASSOCIATES, FOR LEGISLATIVE REPRESENTATION SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of October 1, 1988 with LYNN M. SUTER, an individual, doing business as LYNN M. SUTER & ASSOCIATES, to furnish legislative representation services to the Port of Oakland; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve extension of services as set forth in Agenda Sheet Item No. O-1, dated June 5, 1990; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between LYNN M. SUTER, an individual, doing business as LYNN M. SUTER & ASSOCIATES, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from LYNN M. SUTER, an individual, doing business as LYNN M. SUTER & ASSOCIATES, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such extension of professional services retroactive to September 30, 1989 and continuing to December 31, 1990, with compensation to be \$5,667 per month as well as costs of reimbursable expenses, provided that the effective compensation (including expenses) for each twelve month period shall not exceed \$76,080, and provided further that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 31999

**RESOLUTION APPROVING A PLAN ADMINISTRATION
AGREEMENT WITH GREAT WESTERN BANK FOR THE PORT
OF OAKLAND DEFERRED COMPENSATION PLAN.**

WHEREAS, the Port has established a Deferred Compensation Plan (the "Plan") and it is necessary and desirable to enter into an administration agreement for the Plan; and

WHEREAS, **GREAT WESTERN BANK**, a federal savings bank ("Great Western") has served as Plan Administrator for the Port for the past five years and has submitted a proposal to continue to serve as Plan administrator for an additional five years commencing July 1, 1990, subject to termination by the Port on ninety days notice; and

WHEREAS, the Plan administration agreement will also contain investment options for Plan funds, subject to change by the Deferred Compensation Advisory Committee; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **GREAT WESTERN** and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **GREAT WESTERN** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute a Plan administration agreement with **GREAT WESTERN**, the final agreement to be in form as approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32000

SPK

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH BROUWER & JANACHOWSKI FOR INVESTMENT ADVISORY SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **BROUWER & JANACHOWSKI** and this Board to furnish consulting services with respect to the investment advisory services to the Deferred Compensation Advisory Committee as set forth in Agenda Sheet Item No. 0-3, June 5, 1990, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **BROUWER & JANACHOWSKI** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **BROUWER & JANACHOWSKI** be compensated for such services as well as miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$40,000 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32001

JGM

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

CYNTHIA BYRD, Senior Typist Clerk, Rate "c", effective February 15, 1990;

EVANGELINE GELLA, Secretary to the Executive Director, Port Planning and Development, Salary Grade 8, Rate \$2883, effective May 21, 1990;

CORNEL HAMMONS, Marine Statistics Clerk, effective May 25, 1990;

JAMES A. GARDNER, Airport Terminal Services Manager, Salary Grade 12, Rate \$4508, effective June 6, 1990;

WING K. LAU, Port Electrical/Mechanical Engineer, Rate "b", effective June 6, 1990;

THANKAPPAN NARAYANAN, Port Electrical/Mechanical Engineer, Rate "b", effective June 6, 1990;

ALMA BROWN, Port Computer Operator, Rate "c", effective June 6, 1990;

PRIMA FORTUNA, Intermediate Typist Clerk, effective June 6, 1990;

KELVIN DAVIS, Engineering Intern, effective June 6, 1990;

SANTANA JIMENEZ, Engineering Intern, effective
June 6, 1990;

GAYLA HAYS-SANCHEZ, Administrative Secretary,
effective June 18, 1990;

ANTHONY DOCTO, Engineering Intern, effective
June 25, 1990; and

FREDDIE ITURRIRIA, Engineering Intern, effec-
tive June 25, 1990.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Nocs: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32002

JEN

**RESOLUTION AMENDING RESOLUTION NO. 31903
CONCERNING CERTAIN APPOINTMENTS.**

RESOLVED that that portion of Resolution No. 31903 relating to the appointment of PEGGY FOLEY, adopted by this Board on April 3, 1990, is hereby amended to read as follows:

"PEGGY FOLEY, Youth Aide, Class "BB-1", effective March 19, 1990, for a term not to exceed one year;..."

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6


Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32003

**RESOLUTION TERMINATING APPOINTMENT
OF JACQUELINE MARTIN.**



RESOLVED that the appointment of Jacqueline Martin to the position of Duplicating Equipment Operator, be and the same hereby is terminated, effective June 6, 1990 for the reason that her present disability permanently precludes or is likely to preclude her from engaging in the duties of her position as Duplicating Equipment Operator.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32004

**RESOLUTION TERMINATING APPOINTMENTS
OF CERTAIN YOUTH AIDE POSITIONS.**

JEN

RESOLVED that the following appointments are hereby terminated for the reason that their duration of employment exceeds the limitations on maximum terms of employment set forth in Article 10A of the Memorandum of Understanding between the Port and United Public Employees, Local 790, AFL-CIO, covering the Youth Aide Unit:

CELESTIN GUSTAVE, Youth Aide, Class "B", effective June 21, 1990;

PAMELA KAIN, Youth Aide, Class "B-1", effective June 6, 1990;

MEGUMI YUNEDA, Youth Aide, Class "C-1", effective June 6, 1990;

JUDE K. BEST, Youth Aide, Class "B", effective June 21, 1990; and

THOMAS HUTCHINS, Youth Aide, Class "C", effective June 6, 1990.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32005

RESOLUTION CONCERNING CERTAIN LEAVES OF ABSENCE.

Jen

RESOLVED that leaves of absence for the following employees, with or without pay, for the reasons and times respectively shown, be and the same hereby are approved or ratified as the case may be:

JOSIE GANS, Custodian, without pay, for medical reasons, for a period of forty six (46) working days, commencing April 28, 1990;

MARIE JOHNSTON, Intermediate Typist Clerk, without pay, except for any portion of said leave covered by paid sick leave, for maternity leave, for a period of one hundred thirty (130) working days, commencing June 8, 1990; and be it

FURTHER RESOLVED that **EVANGELINE GELLA** be and she is hereby granted a leave of absence from her classified Civil Service position of Senior Secretary, to accept appointment to the exempt position of Secretary to the Executive Director, Port Planning and Development, effective May 21, 1990.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32006

SRA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH QUALITY ASSURANCE, INC., DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF CONSOLIDATED ENGINEERING LABORATORIES, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of June 14, 1988 with **QUALITY ASSURANCE, INC., doing business under the firm name and style of CONSOLIDATED ENGINEERING LABORATORIES**, a California corporation, to furnish materials testing services; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve extension of services as set forth in Agenda Sheet Item No. O-7S, dated June 5, 1990; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **QUALITY ASSURANCE, INC., doing business under the firm name and style of CONSOLIDATED ENGINEERING**, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **QUALITY ASSURANCE, INC., doing business under the firm name and style of CONSOLIDATED ENGINEERING** without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such extension of professional services for six months without increase in the maximum fee limit and that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney, Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

ADU
**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32007

**RESOLUTION GRANTING WESTERN FEDERAL SAVINGS
AND LOAN ASSOCIATION PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by **WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION**, a federal savings and loan association, for permission to perform certain work at its leased premises located at 2000 Embarcadero, Suite 201, Oakland, California, at an estimated cost to said applicant of \$5,000.00, hereby is approved and permission is hereby granted to perform work consisting of repair of building foundation and reinforcement of shear wall of the building; and be it

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32008

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH PACIFIC
PLAZA HOTELS, INC.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **PACIFIC PLAZA HOTELS, INC.**, a California corporation, dated the 1st day of August 1989, for an area of 8,000 square feet in Building No. H-110, located at 280 Sixth Avenue, Oakland, California, for a term of one year, expiring on the 31st day of July 1990, at a monthly rent of **One Thousand Three Hundred Fifty and 00/100 Dollars (\$1,350.00)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreements shall be approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32009

SA
**RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER
FOR CONTRACT FOR PROVIDING AND INSTALLING
TELEPHONE EQUIPMENT FOR THE PORT OFFICES,
OAKLAND, CALIFORNIA.**

RESOLVED that the Board of Port Commissioners hereby approves the issuance to **TOTALCOM SOLUTIONS, INC.** of a change order under the contract dated June 28, 1989, for providing and installing telephone equipment for Port offices, Oakland, California, in the sum of \$112,989.00 for providing and installing two additional telecommunications consoles, provided that such change order is on a form approved by the Port Attorney.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

[Handwritten mark]

**RESOLUTION NO. 32010
RESOLUTION INSTRUCTING PORT STAFF REGARDING
RATES AND TERMS TO BE NEGOTIATED WITH EXISTING
OR PROSPECTIVE LICENSEES OF CERTAIN PORT
PROPERTIES.**

RESOLVED, that in accordance with Article III, Section 6 of the By Laws and Administrative Rules of the Board of Port Commissioners this Board does hereby direct the Chief Executive Officer and Executive Director and other involved Port staff members to proceed with negotiations with existing or prospective tenants for License and Concession Agreements for terms of one (1) year or less on the properties listed on Exhibit "A", attached hereto and by reference made a part hereof, in accordance with the instructions of the Board in its closed session on June 5, 1990 convened pursuant to Section 54956.8 of the Government Code.

At an adjourned regular meeting held June 5, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Ward Allen - 1

Renewal of Existing License and Concession Agreements

Jal Vue Window Corp., Port Buildings H-101,
H-104 and vacant industrial land, 295 6th Avenue

San Francisco-Oakland TV, Port Building H-108

Pacific Plaza Hotels, Inc., Port Building H-110
and F-206

United Beverage, Inc., Port Building F-229

West Coast Marine Trailers, Inc. Port Building
K-102

Bayside Boat and Breakfast, Port Building F-206

Waterfront Association, Port Buildings F-201
and F-107

Scanfreight, Inc., Port Building F-201

Joan Lamphier, Port Building F-201

L.S.B. Leakey Foundation, Port Building F-201

D. Wayne Smith dba Audology & Speech Services,
Port Building F-201

S. & S. Medical Systems, Inc., Port Building
F-201

Neptune Society, Port Building F-201

Chong Carey dba Gangplank Restaurant, Port
Building P-108

Lan Bui dba Seabreeze Cafe, Port Building H-113

Carol Brookman dba Heinolds, Port Building F-203

Marconi, Inc., Port Building F-206

Ottavio Guidi, Milvano Orsi, and Lorenzo Picchi,
Port Building F-206

Athens Bakery, Inc., vacant land adjacent to
Port Building J-321 on Embarcadero

G.A.C.C. Express, Inc., vacant land at
10 5th Avenue

United Parcel Service (Valacal), vacant land on
Pardee at Swan Way

Pacific Bell, vacant land on Wharf Street

One Eleven Broadway Assoc., portion of Port
Parking Lot 12

EXHIBIT "A"

V.I.P./Summit Marine Center, vacant land at
1285 Embarcadero

Stouffer Restaurant Co., water area in
Jack London Square

J. W. and Barbara Silveira, water area at
the foot of 5th Avenue

John Baker, water area at foot of 5th Avenue

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPK

**RESOLUTION NO. 32011
RESOLUTION AUTHORIZING EXECUTION OF
A LICENSE AND CONCESSION AGREEMENT
WITH SENTINEL CREMATION SOCIETIES,
INC.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **SENTINEL CREMATION SOCIETIES, INC.**, a Delaware corporation, dated the 1st day of November 1989, for an area of 448 square feet in Building No. F-201, located at 77 Jack London Square, Oakland, California, for a term of one year, expiring on the 31st day of October 1991, at a monthly rent of **Six Hundred Forty-Nine and 60/100 Dollars (\$649.60)**.

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreements shall be approved by the Port Attorney.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32012

RESOLUTION APPROVING AND AUTHORIZING ACQUISITION OF EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF NOISE REMOTE MONITORING TERMINALS.

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director ("CEO") to acquire up to ten easements for the installation and maintenance of noise remote monitoring terminals, for use in connection with a noise monitoring system for the Metropolitan Oakland International Airport, at various locations in the City of Alameda and the City of San Leandro and at a cost to the Port (except payment for electricity) not to exceed the CEO's purchase authority under Port Ordinance No. 1606, provided, that each easement shall be approved as to form and legality by the Port Attorney.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32013

SRA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTERESTS OF THE PORT TO PERFORM
ASBESTOS ABATEMENT OF DUCT INSULATION IN
BUILDINGS L-710 AND L-810 AT THE METROPOLITAN
OAKLAND INTERNATIONAL AIRPORT, WITHOUT
COMPETITIVE BIDDING, AND AUTHORIZING
NEGOTIATION AND EXECUTION OF A CONTRACT
THEREFOR.**

WHEREAS, Tetra Tech, an environmental consultant to the Port, has reported that certain duct insulation in Buildings L-710 and L-810 (Hangars 7 and 8) at the Metropolitan Oakland International Airport contains asbestos-contaminated material in a condition presenting an immediate potential health hazard, and has further recommended that such material be immediately removed; and

WHEREAS, in order to remedy such potential health hazard, it is necessary to dispense with formal bidding procedures and accomplish the work through a contract based on informal quotations; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby determines that performance of the said construction work without competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED, that the Board of Port Commissioners hereby authorizes the Chief Executive Officer on behalf of the Board to enter into a contract for the asbestos abatement of duct insulation in Buildings L-710 and L-810 at the Metropolitan Oakland International Airport based upon receipt of informal bids.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:


Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32014

 **RESOLUTION MAKING APPROPRIATIONS OF CERTAIN MONEYS TO PROVIDE FOR CERTAIN EXPENDITURES PROPOSED TO BE MADE BY THE ESTIMATED BUDGET OF THE PORT OF OAKLAND FOR THE FISCAL YEAR 1990-1991.**

WHEREAS, the Chief Executive Officer and Executive Director has submitted to this Board a proposed estimate of budget expenditures presenting a financial plan for conducting the affairs of the Port of Oakland for the fiscal year commencing July 1, 1990 and ending June 30, 1991; and

WHEREAS, it is necessary to make appropriations to provide for payment of operating and other expenses and interest expense and debt service on Port of Oakland bonds and certificates for the period commencing July 1, 1990 and ending June 30, 1991; now, therefore, be it

RESOLVED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. This resolution shall be known as "The Appropriation Resolution of the Port of Oakland for the Fiscal Year 1990-1991."

Section 2. There are hereby appropriated for the purposes of operating and other expenses, interest expense and debt retirement for the fiscal year commencing July 1, 1990, the following sums of money, to the respective purposes designated, it being resolved that such appropriations are made as follows:

(1) Appropriations are hereby made for the purposes of meeting the cost of salaries and wages paid officers and employees of the Port of Oakland; the cost of supplies, materials, light, power, water, transportation, insurance, inspection, communication, Port promotion, maintenance of outlay and other necessary expenses of operation and maintenance of the Port of Oakland in such amounts as are designated in the column entitled "Appropriation" and set forth opposite the designations "Operating Expense" and "Other Expense."

(2) Appropriations are hereby made for the purposes of meeting the cost of interest expense and debt retirement of the Port of Oakland in such amounts as are designated in the column entitled "Appropriation" and set forth opposite the designations "Interest Expense" and "Debt Retirement."

(3) All of the appropriations herein provided for are made out of the Port Revenue Fund.

Said appropriations are in the following amounts,
to wit:

	<u>Appropriation</u>
Operating Expense.....	\$50,249,300.00
Other Expense.....	1,492,600.00
Loss on OPA Investment.....	3,600,000.00
Interest Expense.....	22,783,300.00
Debt Retirement.....	5,630,700.00
	<hr/>
Total Expenditures....	\$83,755,900.00
	<hr/>

The funds available to the Port to service the
budgeted expenditures consist of the following:

	<u>Funds Available</u>
Total estimated revenue, fiscal year 1990-1991.....	\$90,020,300.00
	<hr/>

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32015

APK

**RESOLUTION PROVIDING FOR THE PAYMENT OF
GENERAL SERVICES TO BE PROVIDED BY THE CITY
TO THE PORT DURING THE 1990-1991 FISCAL
YEAR, AND MAKING CERTAIN DETERMINATIONS IN
CONNECTION THEREWITH AND APPROVING AND
AUTHORIZING EXECUTION OF A SUPPLEMENTAL
AGREEMENT TO MEMORANDUM OF UNDERSTANDING
WITH CITY OF OAKLAND.**

RESOLVED that the Board of Port Commissioners, subject to execution of the Supplemental Agreement hereinafter described, does hereby agree to pay the City of Oakland \$1,194,000.00 which is the cost of the general City services to be provided to the Port by the City during the 1990-1991 fiscal year, said payments to be made from any funds available in the Port Revenue Fund, subject and subordinate to all payments required by clauses Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth of Section 717(3) (formerly Section 617(3)) of the Charter of the City of Oakland (being substantially identical to clauses Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth of Section 222(3) of the Charter of the City of Oakland in effect prior to the effective date of the Charter in effect upon the date of adoption of this resolution); and subject and subordinate to all payments required by Paragraphs 1, 2, 3 and 4(a) of Section 5.06 of Resolution No. 10378 adopted by the Board of Port Commissioners of January 21, 1957; and subject and subordinate to all payments required for the principal of and interest on or otherwise to secure all revenue bonds issued under the following resolutions: Resolution No. 17411 adopted February 6, 1967, as amended, Resolution No. 17513 adopted March 20, 1967, and Resolution No. 17800 adopted July 17, 1967; and subject and subordinate to all payments, if any, required to secure Port of Oakland 1971 Certificates issued under Resolution No. 20496 of the Board adopted on July 14, 1971; and subject and subordinate to all payments required for the principal of or interest on or otherwise to secure the Port of Oakland Small Craft Harbor Revenue Bonds issued under the following Resolutions:

Resolution No. 23351 adopted August 4, 1976,
Resolution No. 24094 adopted August 3, 1977,
Resolution No. 24741 adopted July 11, 1978,
Resolution No. 25177 adopted January 23, 1979,
Resolution No. 26471 adopted March 17, 1981,
Resolution No. 26599 adopted June 9, 1981,
Resolution No. 26676 adopted July 7, 1981,
Resolution No. 27196 adopted June 8, 1982, and
Resolution No. 28064 adopted September 20, 1983;

and subject and subordinate to all payments required for the principal of or interest on or otherwise to secure the Port of Oakland Revenue Bonds, 1989 Series A, B and C, Port of Oakland Revenue Bonds, 1990 Series D, the Port of Oakland Tax-Exempt Commercial Paper Program, and any and all other obligations of the Board issued or to be issued pursuant to the Trust Indenture, dated as of April 1, 1989, between the Board and Security Pacific National Bank, as Trustee thereunder; all such payments during said fiscal year to be made in accordance with clause Ninth of said Section 617(3) of said Charter; and be it

FURTHER RESOLVED that this Board does hereby determine that surplus moneys sufficient to make the payments hereinabove specified exist in said Port Revenue Fund which are not needed for the purposes stated in clauses First through Eighth of said Section 617(3) of said Charter; and be it

FURTHER RESOLVED that this Board hereby approves and authorizes the Chief Executive Officer and Executive Director to sign and the Secretary to attest a Supplemental Agreement between the Port and the City of Oakland, which amends the July 1, 1983, Memorandum of Understanding between the Port and the City, and which provides for the payments hereinabove specified to be made by the Port to the City and for the Port's payments to the City for certain special services to be provided by the City to the Port, and be it

FURTHER RESOLVED that the action taken by this resolution is for one (1) year only, namely, the fiscal year commencing July 1, 1990, and ending June 30, 1991, and does not constitute a commitment by the Board with respect to any other or later fiscal year.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SJA

**RESOLUTION NO. 32016
RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF AMENDMENT TO AGREEMENT
WITH TETRA TECH, INC.**

RESOLVED, that the Board hereby approves and authorizes the Chief Executive Officer and Executive Director or the Executive Director, Port Planning and Development to execute for and on behalf of the Board an amendment to the Agreement between the Port and **TETRA TECH, INC.**, a Delaware corporation, dated September 21, 1989, to increase the maximum annual authorized compensation from \$200,000.00 to \$250,000.00, provided, that said amendment shall be approved as to form and legality by the Port Attorney.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32017

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

PHILLIPPA STEPHENS, Administrative Secretary, effective June 27, 1990;

KAREN ALVERSON, Senior Secretary, Rate "b", effective June 27, 1990;

TERRELL BREWER, Youth Aide, Class "C", effective July 2, 1990;

DOUGLAS GRAY, Youth Aide, Class "C", effective July 2, 1990;

JOHN LEE, Youth Aide, Class "C", effective July 2, 1990;

KWASI MOSES, Youth Aide, Class "C", effective July 2, 1990;

PAUL RODRIQUEZ, Youth Aide, Class "C", effective July 2, 1990;

CHRISTOPHER RUTLEDGE, Youth Aide, Class "C", effective July 2, 1990;

and be it

FURTHER RESOLVED that the provisional appointments not to exceed one hundred twenty (120) calendar days of RAYMOND REINOSA and JACK COCHRANE each to the position of Equipment Systems Engineer, Rate "c", effective June 12, 1990 and June 20, 1990, respectively, be and the same hereby are ratified.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Nocs: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 32018

RESOLUTION AMENDING RESOLUTIONS NOS. 31857, 31903
AND 31953 CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that portions of Resolutions Nos. 31857, 31903 and 31953 relating to the appointments of JON SHIU, IRIS NELSON, CHRISTA COLLINS and CLARA GARZON are hereby amended to read as follows:

"JON SHIU, Youth Aide, Class "AA", effective March 7, 1990, for a term not to exceed one year;..."

"IRIS NELSON, Youth Aide, Class "A-1", effective April 4, 1990, for a term not to exceed one year;..."

"CHRISTA COLLINS, Youth Aide Class "C", effective April 4, 1990, for a term not to exceed one year. . .",

"CLARA GARZON, Youth Aide, Class "AA", effective May 2, 1990, for a term not to exceed one year;..."

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32019

**RESOLUTION APPROVING JOB SPECIFICATIONS
FOR CERTAIN POSITIONS.**

Jan

RESOLVED that this Board, pursuant to the provisions of Rule 3 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the job specifications for the positions of: Equipment Systems Superintendent, dated July 3, 1990; Port Computer Operator, dated May 23, 1990; Port Senior Computer Operator, dated May 23, 1990; Port Reprographics Equipment Operator, dated March 29, 1990; Airport Personnel/Administrative Services Officer, dated April 11, 1990; Port Auditor I, dated January 22, 1990; Port Auditor II, dated January 22, 1990; Port Programmer/Analyst, dated January 22, 1990; Port Associate Programmer Analyst, dated January 22, 1990; and Port Senior Programmer Analyst, dated January 22, 1990.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32020

SA

**RESOLUTION CERTIFYING REVIEW AND CONSIDERATION
OF INITIAL STUDY AND NEGATIVE DECLARATION,
MAKING FINDINGS RELATED THERETO, APPROVING
NEGATIVE DECLARATION AND APPROVING IMPLEMENTA-
TION OF BIOREMEDIATION PROJECT**

RESOLVED that the Port having prepared an Initial Study and Negative Declaration for the project entitled "Bioremediation Site, Langley and Doolittle," this Board does hereby certify that it has reviewed and considered the information contained in said Initial Study and Declaration and in the public responses thereto and the Port's comments to said responses, and this Board hereby finds and determines on the basis thereof that there is no substantial evidence that the proposed bioremediation project will have a significant effect on the environment and this Board therefore approves said Negative Declaration; and be it

FURTHER RESOLVED that the Board hereby approves implementation of the bioremediation project as described in said Initial Study and Negative Declaration.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32021

**RESOLUTION AUTHORIZING NEGOTIATION OF
CONTRIBUTION AGREEMENT WITH MONSANTO COMPANY
AND/OR AUTHORIZING FILING OF A LAWSUIT AGAINST
MONSANTO COMPANY**

WHEREAS, the Port site adjacent to the bridge at Government Island at Embarcadero Cove has been fenced-off and temporarily covered in response to an order from State health officials who have determined that toxic waste exists on the site; and

WHEREAS, **MONSANTO COMPANY**, a Delaware corporation, has also been named in the State order by virtue of the fact that it owned the company which spilled toxic waste during the time that company leased the property from the Port and has failed to provide the Port with any monetary contribution toward the cleanup of said property; now, therefore, be it

RESOLVED that the Port Attorney be and he hereby is authorized to institute legal proceedings against **MONSANTO** unless an agreement with **MONSANTO** for contribution is reached before the time limit has passed for filing a lawsuit on nonstatutory grounds.

At an adjourned regular meeting held June 26, 1990

Passed by the following vote:

Ayes: Commissioners Higgins, Lockhart, Ortiz, Sweeney,
Ward Allen, Wasserman and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32022

SAT

RESOLUTION AMENDING RESOLUTION NO. 32014
APPROPRIATING CERTAIN MONEYS TO PROVIDE FOR
THE EXPENDITURES PROPOSED TO BE MADE BY THE
ESTIMATED BUDGET OF THE PORT OF OAKLAND FOR
THE FISCAL YEAR 1990-1991.

WHEREAS, the Chief Executive Officer and Executive Director has submitted to this Board a revised estimate of budget expenditures presenting a financial plan for conducting the affairs of the Port of Oakland for the fiscal year commencing July 1, 1990 and ending June 30, 1991; and

WHEREAS, the Board of Port Commissioners desires to provide for the payment to the City of Oakland of interest on delayed reimbursement of debt service previously paid by the City for general obligation bonds which benefitted the Port, said payment to be allocated in the sum of \$4,945,980.57 for the fiscal year 1989-90, and in the sum of \$4,945,980.57 for the fiscal year 1990-91, each allocation to be paid from surplus for the respective fiscal year; now, therefore, be it

RESOLVED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. That portion of Section 2, Subsection (3) of Port Resolution No. 32014 adopted by this Board on June 26, 1990 known as The Appropriation Resolution of the Port of Oakland for the Fiscal Year 1990-1991, which presently reads as follows:

"Said appropriations are in the following amounts, to wit:

	<u>Appropriation</u>
Operating Expense.....	\$50,249,300.00
Other Expense.....	1,492,600.00
Loss on OPA Investment.....	3,600,000.00
Interest Expense.....	22,783,300.00
Debt Retirement.....	5,630,700.00
Total Expenditures....	<u>\$83,755,900.00"</u>

shall be and the same is hereby amended to read as follows:

"Said appropriations are in the following amounts, to wit:

	<u>Appropriation</u>
Operating Expense.....	\$50,249,300.00
Other Expense.....	1,492,600.00
Loss on OPA Investment.....	3,600,000.00
Interest Expense.....	22,783,300.00
Debt Retirement.....	5,630,700.00
Reimbursement to the City for General Obligation Bonds.....	9,891,961.14
Total Expenditures....	<u>\$93,647,861.14"</u>

At an adjourned regular meeting held July 6, 1990

Passed by the following vote:

Ayes: Commissioners Lockhart, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Higgins - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32023

SPA

REIMBURSEMENT OF INTEREST ON PREVIOUS DEBT SERVICE PAID BY THE CITY OF OAKLAND ON CITY OF OAKLAND GENERAL OBLIGATION BONDS, AND MAKING CERTAIN DETERMINATIONS IN CONNECTION THEREWITH AND APPROVING AND AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT TO MEMORANDUM OF UNDERSTANDING WITH CITY OF OAKLAND.

RESOLVED that the Board of Port Commissioners, subject to execution of the Supplemental Agreement hereinafter described, does hereby agree to reimburse the City of Oakland \$4,945,980.57 for fiscal year 1989-90 and \$4,945,980.57 for fiscal year 1990-91 as interest on the previous debt service paid by the City of Oakland on City of Oakland general obligation bonds which benefitted the Port, said payments to be made from any funds available in the Port Revenue Fund, subject and subordinate to all payments required by clauses Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth of Section 717(3) (formerly Section 617(3)) of the Charter of the City of Oakland (being substantially identical to clauses Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth of Section 222(3) of the Charter of the City of Oakland in effect prior to the effective date of the Charter in effect upon the date of adoption of this resolution); and subject and subordinate to all payments required by Paragraphs 1, 2, 3 and 4(a) of Section 5.06 of Resolution No. 10378 adopted by the Board of Port Commissioners of January 21, 1957; and subject and subordinate to all payments required for the principal of and interest on or otherwise to secure all revenue bonds issued under the following resolutions: Resolution No. 17411 adopted February 6, 1967, as amended, Resolution No. 17513 adopted March 20, 1967, and Resolution No. 17800 adopted July 17, 1967; and subject and subordinate to all payments, if any, required to secure Port of Oakland 1971 Certificates issued under Resolution No. 20496 of the Board adopted on July 14, 1971; and subject and subordinate to all payments required for the principal of or interest on or otherwise to secure the Port of Oakland Small Craft Harbor Revenue Bonds issued under the following Resolutions:

Resolution No. 23351 adopted August 4, 1976,
Resolution No. 24094 adopted August 3, 1977,
Resolution No. 24741 adopted July 11, 1978,
Resolution No. 25177 adopted January 23, 1979,
Resolution No. 26471 adopted March 17, 1981,
Resolution No. 26599 adopted June 9, 1981,
Resolution No. 26676 adopted July 7, 1981,

Resolution No. 27196 adopted June 8, 1982, and
Resolution No. 28064 adopted September 20, 1983;

and subject and subordinate to all payments required for the principal of or interest on or otherwise to secure the Port of Oakland Revenue Bonds, 1989 Series A, B and C, Port of Oakland Revenue Bonds, 1990 Series D, the Port of Oakland Tax-Exempt Commercial Paper Program, and any and all other obligations of the Board issued or to be issued pursuant to the Trust Indenture, dated as of April 1, 1989, between the Board and Security Pacific National Bank, as Trustee thereunder; all such payments during said fiscal year to be made in accordance with clause Ninth of said Section 617(3) of said Charter; and be it

FURTHER RESOLVED that such payments shall be made as follows: (1) \$4,945,980.57 shall be paid to the City upon execution of the Supplemental Agreement hereinafter described; and (2) the remaining \$4,945,980.57 shall be paid to the City after execution of the Supplemental Agreement and shall be paid in four (4) quarterly installments of \$1,236,495.14 each, on or before the last day of each quarterly period during the 1990-91 fiscal year; and be it

FURTHER RESOLVED that this Board does hereby determine that surplus moneys sufficient to make the payments hereinabove specified exist in said Port Revenue Fund which are not needed for the purposes stated in clauses First through Eighth of said Section 617(3) of said Charter; and be it

FURTHER RESOLVED that this Board hereby approves and authorizes the Chief Executive Officer and Executive Director to sign and the Secretary to attest a Supplemental Agreement between the Port and the City of Oakland, which amends the July 1, 1983, Memorandum of Understanding between the Port and the City, and which sets forth the City and Port's agreement inclusive of the interest payments authorized by this resolution that the total remaining unpaid interest owed to the City by the Port for the City of Oakland 1925 Harbor Improvement Bonds and the City of Oakland 1955 Airport Bonds is \$34,621,864.00, that such amount is a fixed sum on which no interest shall accrue and that, after making the interest payments authorized by this resolution, the Port will incorporate into the Port's future annual budgeting process the remainder of said interest amount, to be amortized over the next five fiscal years commencing with fiscal year 1991-92; and be it

FURTHER RESOLVED that none of the payments hereinabove specified shall be made unless and until the foregoing Supplemental Agreement has been executed by and on behalf of the Port and the City; and be it

FURTHER RESOLVED that the action taken by this resolution is for two (2) years only, namely, the fiscal years commencing July 1, 1989 and July 1, 1990, and ending June 30, 1990 and June 30, 1991 respectively, and does not constitute a commitment by the Board with respect to any other or later fiscal year.

At an adjourned regular meeting held July 6, 1990

Passed by the following vote:

Ayes: Commissioners Lockhart, Ortiz, Sweeney, Ward Allen,
Wasserman and President Brady - 6

Noes: None

Absent: Commissioner Higgins - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32025

SPK

RESOLUTION FIXING REVISED PERCENTAGE CONSIDERATION FOR AIRPORT RENTAL CAR LICENSE AND CONCESSION AGREEMENTS DURING MONTH TO MONTH HOLD OVER CONTINUATIONS THEREOF.

WHEREAS, AVIS RENT-A-CAR SYSTEM, INC. under License and Concession Agreement dated July 15, 1971, **BUDGET RENT-A-CAR CORPORATION** under License and Concession Agreement dated May 1, 1974, **DOLLAR RENT-A-CAR OF SAN FRANCISCO, INC.** under License and Concession Agreement dated November 1, 1974, **THE HERTZ CORPORATION** under License and Concession Agreement dated July 15, 1971 and **NATIONAL CAR RENTAL SYSTEM, INC.** under License and Concession Agreement dated July 15, 1971 are each continuing their automobile rental concessions at Metropolitan Oakland International Airport on month to month holdover basis following expiration of the original terms of said Agreements; and

WHEREAS, each of said Agreements provides that month to month hold over continuations of the Agreements shall be at payments and consideration fixed by the Port; and

WHEREAS, each of said Agreements provides for percentage consideration payments by the Licensees to the Port of an amount equal to ten percent (10%) of Licensees' gross automobile rental revenue and said percentage rental was reduced to eight and one half percent (8½%) and nine percent (9%) of Licensees' gross automobile rental revenue for periods commencing July 1, 1986, and July 1, 1989, respectively, by agreement of the Port and the respective Licensees; and

WHEREAS, the Port desires to fix the percentage consideration payable by said Licensees during the hold over continuation of said Agreements commencing September 1, 1990, at the nine and one half percent (9½%) of Licensees' gross automobile rental revenue; now, therefore, be it

RESOLVED that the percentage consideration to be paid by **AVIS RENT-A-CAR SYSTEM, INC.** under License and Concession Agreement dated July 15, 1971, **BUDGET RENT-A-CAR CORPORATION** under License and concession Agreement dated May 1, 1974, **DOLLAR-RENT-ACAR OF SAN FRANCISCO, INC.** under License and Concession Agreement dated November 1, 1974, **THE HERTZ CORPORATION** under License and Concession Agreement dated July 15, 1971 and **NATIONAL CAR RENTAL SYSTEM, INC.** under License and Concession Agreement dated July 15, 1971 during the month to month hold over continuation of said Agreements, commencing September 1, 1990, shall be and the same is hereby fixed by the Board at nine and one half percent (9½%) of each said Licensee's gross automobile rental revenue in accordance with the percentage consideration provisions of said Agreements; and be it

FURTHER RESOLVED that the Director of Aviation is hereby directed to give written notice to each of said Licensees of the percentage consideration fixed hereby.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32024

SP4

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF SETTLEMENT AGREEMENT WITH PORTSIDE
PROPERTIES AND OTHER PARTIES PROVIDING FOR
TERMINATION OF PORTSIDE PROPERTIES'
PARTNERSHIP INTERESTS IN OAKLAND PORTSIDE
ASSOCIATES AND PROVIDING FOR COMPLETE AND
PERMANENT RESOLUTION OF RIGHTS AND OBLIGATIONS
OF ALL PARTIES REGARDING DEVELOPMENT IN JACK
LONDON SQUARE.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to execute for and on behalf of the Board that certain Settlement Agreement on file with the Secretary of the Board, or a Settlement Agreement containing substantially the same provisions and conditions as said Settlement Agreement on file with the Secretary, by and among the **PORT, PORTSIDE PROPERTIES**, a California limited partnership ("Portside"), **OAKLAND PORTSIDE ASSOCIATES**, a California limited partnership ("OPA"), **GIADMIN, INC.**, a California corporation ("Giadmin"), **URBAN CENTRE DEVELOPMENT, LTD., INC.**, a California corporation ("UCD"), **TRI**, a California corporation ("TRI"), **E. GLENN ISAACSON**, an individual, **ROBERT J. CAREY**, an individual, **MALCOLM STROUD**, an individual, **ART SCOTT**, an individual **THE WATERFRONT ASSOCIATION**, a California nonprofit corporation, ("The Waterfront Association") and **PORT OF OAKLAND PUBLIC BENEFIT CORPORATION**, a non-profit public benefit corporation ("Port-PBC"), said Settlement Agreement providing, among other things, for Portside's transfer of all its general partner interest in OPA to the Port, for Portside's transfer of all its limited partner interest in OPA to Port-PBC, for Portside's withdrawal from OPA, for termination of various agreements and relationships between OPA and Giadmin, between OPA and UCD and/or TRI and between The Waterfront Association and Giadmin, for new agreements between OPA and Giadmin and between The Waterfront Association and Giadmin, and for various releases and indemnities among the parties with respect to Jack London Square development; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director and/or Executive Director, Port Planning and Development to execute for and on behalf of the Board as general partner in OPA that certain Interim Services Agreement between OPA and Giadmin, or an Interim Services Agreement containing substantially the same provisions and conditions as said Interim Services Agreement on file with the Secretary, provided, however, that this resolution does not constitute the Board's approval of any provision in said Interim Services Agreement which is inconsistent with the previous negotiations between Port Staff and Giadmin; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes and directs that the sum of \$100.00 be transferred from the Port to Port-PBC for Port-PBC's use in acquiring from Portside Portside's entire limited partner interest in (i) OPA and (ii) the profits, gains and losses of, and distributions from, OPA; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes the Chief Executive Officer and Executive Director for and on behalf of the Board to execute a new Amended and Restated Limited Partnership Agreement For Oakland Portside Associates, A California Limited Partnership, which revises the February 23, 1988 "Amended and Restated Limited Partnership Agreement for Oakland Portside Associates, a California Limited Partnership" ("original Partnership Agreement"), in order to reflect the withdrawal of Portside as a general and limited partner in OPA and the admission of Port-PBC as a limited partner in OPA and in order to provide for other appropriate changes to the original Partnership Agreement due to such withdrawal and admission and to assure the non-taxable status of the Port/Port-PBC partnership; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director and/or the Executive Director, Port Planning and Development and/or the Secretary of the Board to execute for and on behalf of the Board (including the Board's capacity as general partner in OPA) such agreements, statements and other documents related to the existing OPA construction loan from Bankers Trust Company, provided that the Port shall not undertake in any such agreements, statements or documents materially to increase the Port's liability with respect to the OPA construction loan from Bankers Trust Company; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director and/or the Executive Director, Port Planning and Development and/or the Secretary of the Board, to execute for and on behalf of the Board such other documents which are reasonably related to and consistent with consummation or implementation of the Settlement Agreement, the Interim Services Agreement or the amendment to the original Partnership Agreement; and be it

FURTHER RESOLVED that the Settlement Agreement, the Interim Services Agreement and the amendment to the original Partnership Agreement and all other documents to be executed for and on behalf of the Board as reasonably related to and consistent with consummation or implementation of the Settlement Agreement, the Interim Services Agreement or the original Partnership Agreement and all Port or OPA contract obligations to Bankers Trust Company shall be executed for and on behalf of the Board only after such documents have been approved by the Port Attorney.

4930PASet.Res.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32025

8124
RESOLUTION FIXING REVISED PERCENTAGE CONSIDERATION FOR AIRPORT RENTAL CAR LICENSE AND CONCESSION AGREEMENTS DURING MONTH TO MONTH HOLD OVER CONTINUATIONS THEREOF.

WHEREAS, AVIS RENT-A-CAR SYSTEM, INC. under License and Concession Agreement dated July 15, 1971, **BUDGET RENT-A-CAR CORPORATION** under License and Concession Agreement dated May 1, 1974, **DOLLAR RENT-A-CAR OF SAN FRANCISCO, INC.** under License and Concession Agreement dated November 1, 1974, **THE HERTZ CORPORATION** under License and Concession Agreement dated July 15, 1971 and **NATIONAL CAR RENTAL SYSTEM, INC.** under License and Concession Agreement dated July 15, 1971 are each continuing their automobile rental concessions at Metropolitan Oakland International Airport on month to month holdover basis following expiration of the original terms of said Agreements; and

WHEREAS, each of said Agreements provides that month to month hold over continuations of the Agreements shall be at payments and consideration fixed by the Port; and

WHEREAS, each of said Agreements provides for percentage consideration payments by the Licensees to the Port of an amount equal to ten percent (10%) of Licensees' gross automobile rental revenue and said percentage rental was reduced to eight and one half percent (8½%) and nine percent (9%) of Licensees' gross automobile rental revenue for periods commencing July 1, 1986, and July 1, 1989, respectively, by agreement of the Port and the respective Licensees; and

WHEREAS, the Port desires to fix the percentage consideration payable by said Licensees during the hold over continuation of said Agreements commencing September 1, 1990, at the nine and one half percent (9½%) of Licensees' gross automobile rental revenue; now, therefore, be it

RESOLVED that the percentage consideration to be paid by **AVIS RENT-A-CAR SYSTEM, INC.** under License and Concession Agreement dated July 15, 1971, **BUDGET RENT-A-CAR CORPORATION** under License and concession Agreement dated May 1, 1974, **DOLLAR-RENT-ACAR OF SAN FRANCISCO, INC.** under License and Concession Agreement dated November 1, 1974, **THE HERTZ CORPORATION** under License and Concession Agreement dated July 15, 1971 and **NATIONAL CAR RENTAL SYSTEM, INC.** under License and Concession Agreement dated July 15, 1971 during the month to month hold over continuation of said Agreements, commencing September 1, 1990, shall be and the same is hereby fixed by the Board at nine and one half percent (9½%) of each said Licensee's gross automobile rental revenue in accordance with the percentage consideration provisions of said Agreements; and be it

FURTHER RESOLVED that the Director of Aviation is hereby directed to give written notice to each of said Licensees of the percentage consideration fixed hereby.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32026

SA

**RESOLUTION APPROVING CONSENT TO LEASEHOLD
MORTGAGE BY CATERAIR INTERNATIONAL CORPORATION
AND AUTHORIZING EXECUTION OF CONSENT TO
LEASEHOLD MORTGAGE.**

WHEREAS, the Port, as Lessor, and CHEF'S ORCHID OAKLAND, INC., a New York corporation, as Lessee, entered into that certain Lease dated the 3rd day of September, 1968, for the occupancy by Lessee of certain real property containing 2.821 acres, more or less, at Metropolitan Oakland International Airport for a term of twenty (20) years commencing on the 1st day of November, 1970; and

WHEREAS, said Lease was initially assigned by CHEF'S ORCHID OAKLAND, INC., a New York corporation, to CHEF'S ORCHID OAKLAND, INC., a Delaware corporation, and thereafter through successive assignments has been assigned to CATERAIR INTERNATIONAL CORPORATION, a Delaware corporation, the Port having consented to such assignments subject to certain conditions; and

WHEREAS, CATERAIR INTERNATIONAL, INC. has requested the consent of the Port to mortgage its leasehold interest; now, therefore, be it

RESOLVED, that consent is hereby granted CATERAIR INTERNATIONAL, INC. to mortgage said leasehold, upon and subject to the express terms and conditions of said lease and CATERAIR INTERNATIONAL, INC. is not hereby released from any obligation or liability under said lease, nor are any additional obligations imposed on the Port; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director is hereby authorized to execute and the Secretary to attest to that Consent To Leasehold Mortgage evidencing the Port's consent to a leasehold mortgage by CATERAIR INTERNATIONAL, INC., dated July 12, 1990.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32027

SPH
**RESOLUTION APPROVING AND AUTHORIZING
TERMINATION OF AIRBART SERVICE BY BAY AREA BUS
SERVICE, INC. AND APPROVING AND AUTHORIZING
EXECUTION OF AN AGREEMENT WITH SAN FRANCISCO
BAY AREA RAPID TRANSIT DISTRICT FOR THE
ADMINISTRATION AND OPERATION OF SAID SERVICE
TO METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director (the "Executive Director") or his designee to terminate the ground transportation ("AirBART") service of Bay Area Bus Service, Inc., a corporation, between Terminal I and II, Metropolitan Oakland International Airport and the San Francisco Bay Area Rapid Transit District's (hereinafter "BART") Coliseum/Oakland Airport Station by giving to Bay Area Bus Service, Inc. 30 days written notice of termination; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes the Executive Director to execute for and on behalf of the Board a contract with BART for the administration and operation of said AirBART service upon terms and conditions consistent with Board of Port Commissioners Agenda Sheet Item No. Airport - 7S, dated July 12, 1990.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32028

LPA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH PIEDMONT REALTY ADVISOR'S INC. FOR FINANCIAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **PIEDMONT REALTY ADVISOR'S INC.** and this Board to furnish financial consulting services as set forth in Agenda Sheet Item No. P-2, July 12, 1990, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **PIEDMONT REALTY ADVISOR'S INC.**, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services subject to the termination provisions contained in said Agreement and that **PIEDMONT REALTY ADVISOR'S INC.** be compensated for such services as well as miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$360,000 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32029

RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO DISPENSE
WITH COMPETITIVE BIDS FOR THE DESIGN AND
CONSTRUCTION OF FERRY BERTHING FACILITIES AT
THE FOOT OF ALICE STREET AND AUTHORIZING
ACCOMPLISHMENT OF THE WORK BY NEGOTIATED
CONTRACT.

WHEREAS, by Resolution 31989, the Board of Port Commissioners approved the construction of a ferry dock and ancillary improvements at the foot of Alice Street subject to the procedural requirements of Port Ordinance No. 1606;

WHEREAS, there is a need to expedite the construction of the ferry berthing facilities to assess the effect of the new location of such facilities on patronage prior to the expiration of funding for such ferry services in March of 1991; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to contract for the design and construction of the ferry berthing facilities at the foot of Alice Street without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director (the "Executive Director") or his designee is hereby authorized for and on behalf of this Board to negotiate a contract on the open market for said work; and be it

FURTHER RESOLVED, that the Executive Director is hereby authorized for and on behalf of this Board to execute a contract for said work subject to the following conditions:

- 1) that the estimated cost for the design of said facilities shall be approximately \$15,000;
- 2) that the design work shall commence upon execution of the contract therefore;
- 3) that commencement of construction work shall be contingent upon the Board securing 100% funding for said work through a grant from CalTrans and approving the terms of said funding; and,

4) that the terms and conditions of the contract providing for the construction work shall be cancelable at the sole and exclusive option of the Board if the Board fails to secure and approve the funding for said work as set forth above, and be it

FURTHER RESOLVED, that said contract shall be approved as to form and legality by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SJA

**RESOLUTION NO. 32030
RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
AGREEMENTS TO RENEW LICENSE AND CONCESSION
AGREEMENTS FOR TERM OF ONE YEAR OR LESS.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board an Agreement to Renew License and Concession Agreement for Term of One Year or Less between the Port and **CAROL BROOKMAN**, doing business as Heinold's First and Last Chance, dated the 1st day of May 1990, for an area of 1,040 square feet in Port Building No. F-203, located at 56 Jack London Square, Oakland, California, for a term of one year, expiring on the 30th day of April 1991, at a monthly rent of **Eight Hundred Twenty and 00/100 Dollars (\$820.00)**; and be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board an Agreement to Renew License and Concession Agreement for Term of One Year or Less between the Port and **UNITED BEVERAGE, INC.**, a California corporation, dated the 1st day of May 1989, for an area of 16,180 square feet of warehouse space in Port Building No. F-229, located at 245 Second Street, Oakland, California, for a term of one year, expiring on the 30th day of April 1991, at a monthly rent of **Three Thousand Two Hundred Thirty-Six and 00/100 Dollars (\$3,236.00)**; and be it

FURTHER RESOLVED, that said agreements shall be upon a form of agreement customarily used for such purposes, and said agreements shall be approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

APA

**RESOLUTION NO. 32031
RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH PACIFIC
PLAZA HOTELS, INC.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **PACIFIC PLAZA HOTELS, INC.**, a California corporation, dated the 1st day of November 1989, for an area of 1,557 square foot portion of Building No. F-206, Oakland, California, for a term of one year, expiring on the 31st day of October 1990, at a monthly rent of **Three Hundred Fifteen and 40/100 Dollars (\$315.40)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

~~ADA~~

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32032

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A FIRST SUPPLEMENTAL AGREEMENT TO PRIVATE
ROAD ENCROACHMENT AGREEMENT WITH UNION PACIFIC
RAILROAD.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director (the "Executive Director") for and on behalf of this Board to execute that First Supplemental Agreement to the October 1, 1988 Private Road Encroachment Agreement between the Port and UNION PACIFIC RAILROAD, a Utah corporation, to reduce the size of the premises set forth thereunder.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32033

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED THIRD SUPPLEMENTAL AGREEMENT WITH MEC ANALYTICAL SYSTEMS FOR PREDREDGE ANALYSIS OF MATERIALS AT VARIOUS BERTHS CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID THIRD SUPPLEMENTAL AGREEMENT.

WHEREAS, pursuant to Board Resolution No. 30887, the Port and MEC ANALYTICAL SYSTEMS, a California corporation, entered into an Agreement dated as of September 14, 1988 ("Agreement") for predredge analysis of materials at various berths, and said Agreement was amended by a First Supplemental Agreement, dated April 28, 1989, pursuant to Resolution No. 31230 and further amended by a Second Supplemental Agreement dated as of October 30, 1989 pursuant to Resolution No. 31544; and

WHEREAS, it is desirable at this time to further amend said Agreement as amended, and to authorize the Executive Director of the Port to approve an extension of services and increase in compensation as set forth in Agenda Sheet Item No. MT-2, dated July 12, 1990; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the Third Supplemental Agreement between MEC ANALYTICAL SYSTEMS and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from MEC ANALYTICAL SYSTEMS, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute for and on behalf of the Board said Third Supplemental Agreement for an extension of professional services for twelve months with an increase in the maximum fee payable of \$300,000, and that the Third Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 32034

SPM
RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR RELOCATION OF LANDSIDE CRANE RAIL, CHARLES
P. HOWARD TERMINAL, OAKLAND, CALIFORNIA; AND
CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for RELOCATION OF LANDSIDE CRANE RAIL, CHARLES P. HOWARD TERMINAL, OAKLAND, CALIFORNIA, be and the same hereby are approved; and be it

FURTHER RESOLVED sums for liquidated damages be set in the following amounts:

<u>Portion of Work</u>	<u>Time Allowed For Completion</u>	<u>Liquidated Damages</u>
Shut down periods when any portion of crane rail is inoperable	8 Calendar Days	\$1,000/Calendar Day
Completion of all work	137 Calendar Days	\$1,000/Calendar Day

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the project is categorically exempt from the requirements of the California Environmental Quality Act, under the Port's CEQA guidelines; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to August 22, 1990, the date set for receiving said bids.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32035

SAK

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR PAINTING OF THREE CONTAINER CRANES (X-421,
X-422, AND X-423), BERTHS 36 AND 37, SEVENTH
STREET TERMINAL, OAKLAND, CALIFORNIA; AND
CALLING FOR BIDS THEREFOR.**

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **PAINTING OF THREE CONTAINER CRANES, (X-421, X-422, AND X-423), BERTHS 36 AND 37, SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA,** be and the same hereby are approved; and be it

FURTHER RESOLVED sums for liquidated damages be set in the following amounts:

<u>Portion of Work</u>	<u>Time for Completion in Calendar Days after Contract Becomes Effective</u>	<u>Liquidated Damages</u>
Painting on Crane X-423	60 Calendar Days	\$1,000/Cal. day
Painting on Crane X-422	75 Calendar Days	\$1,000/Cal. day
Painting on Crane X-421	90 Calendar Days	\$1,000/Cal. day

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the project is categorically exempt from the requirements of the California Environmental Quality Act, under the Port's CEQA guidelines; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to August 1, 1990, the date set for receiving said bids.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32036

SPA

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH
LIFTECH CONSULTANTS, INC. FOR STRUCTURAL
ENGINEERING CONSULTING SERVICES CONSTITUTES
PROFESSIONAL OR SPECIALIZED SERVICES; AND
AUTHORIZING EXECUTION OF SAID SECOND
SUPPLEMENTAL AGREEMENT.**

WHEREAS, by Resolution No. 31140, the Board of Port Commissioners authorized an Agreement with LIFTECH CONSULTANTS, INC., a California corporation, to furnish structural engineering consulting services for Port-owned container cranes and such Agreement was entered into on September 7, 1989; and

WHEREAS, due to the recent earthquake the Board approved by Resolution No. 31672 an amendment to said Agreement authorizing the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional structural engineering work under said Agreement to provide for the structural inspection and repair of cranes at several Port marine terminals; and

WHEREAS, additional engineering services were performed and more engineering services are needed; now, therefore, be it

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Second Supplemental Agreement between LIFTECH CONSULTANTS, INC., a California corporation, and this Board, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine 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 Executive Director is hereby authorized to execute for and on behalf of the Board said Second Supplemental Agreement for such services and that LIFTECH CONSULTANTS, INC. be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement shall not exceed \$125,000.00 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

AyCs: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

NoCs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32037

AA

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED AGREEMENT WITH KALDVEER ASSOCIATES
FOR GEOSCIENCE SERVICES CONSTITUTES
PROFESSIONAL OR SPECIALIZED SERVICES; AND
AUTHORIZING EXECUTION OF SAID AGREEMENT.**

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **KALDVEER ASSOCIATES**, and this Board, to furnish geoscience services in connection with study of earthquake damage at the fill containment dike and Matson's Berth 34 Ro-Ro facility at the Seventh Street Terminal Complex, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **KALDVEER ASSOCIATES**, without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **KALDVEER ASSOCIATES** be compensated for such services and costs of miscellaneous reimbursable expenses as set forth in said Agreement, provided that the maximum compensation which can be made under said Agreement is \$30,850.00, unless additional work, up to an additional cost not to exceed \$10,000.00 is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

JAH

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32038

**RESOLUTION AUTHORIZING EXECUTION OF
FIRST SUPPLEMENTAL AGREEMENT WITH
MITSUI O.S.K. LINES, LIMITED**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain First Supplemental Agreement dated July 12, 1990, with MITSUI O.S.K. LINES, LIMITED a Japanese corporation, ("Mitsui"), as Assignee, amending that certain Nonexclusive Preferential Assignment Agreement dated August 15, 1989, between the Port and Mitsui, Federal Maritime Commission Agreement No. 224-200287, to set forth therein a requirement relating to the filing with the Federal Maritime Commission of further amendment(s) thereto in the event of exercise of Assignee's option(s) to extend the term of the Agreement.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32039

**RESOLUTION AUTHORIZING EXECUTION OF
SIXTH SUPPLEMENTAL AGREEMENT WITH
STEVEDORING SERVICES OF AMERICA.**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain Sixth Supplemental Agreement dated the 12th day of July, 1990, with STEVEDORING SERVICES OF AMERICA a corporation, ("SSA"), amending that certain Management Agreement dated August 17, 1982, between the Port and SSA, as assignee of CRESCENT WHARF & WAREHOUSE COMPANY, a corporation, Federal Maritime Commission Agreement No. 224-004067, to identify certain reimbursement obligations of the Port to SSA for certain extraordinary costs incurred by SSA at the instance of the Port in the relocation by the Port of shipping lines from the Seventh Street Public Container Terminal to the assigned premises following the October 17, 1989 earthquake and temporary cessation of operations at the Seventh Street Public Container Terminal as the result of earthquake damage.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SRI

RESOLUTION NO. 32040

**RESOLUTION AUTHORIZING EXECUTION OF
TENTH SUPPLEMENTAL AGREEMENT WITH
MARINE TERMINALS CORPORATION**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain Tenth Supplemental Agreement dated July 12, 1990, with **MARINE TERMINALS CORPORATION**, a corporation, ("MTC"), amending that certain Management Agreement dated November 23, 1981, between the Port and MTC, Federal Maritime Commission Agreement No. 224-004008, to identify certain reimbursement obligations of the Port to MTC for certain extraordinary costs incurred by MTC at the instance of the Port in the relocation by the Port of shipping lines from the Seventh Street Public Container Terminal to other facilities following the October 17, 1989 earthquake and temporary cessation of operations at the Seventh Street Public Container Terminal as the result of earthquake damage.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32041

**RESOLUTION AUTHORIZING EXECUTION OF
EIGHTH SUPPLEMENTAL AGREEMENT WITH
MATSON TERMINALS, INC.**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain Eighth Supplemental Agreement dated the 12th day of July, 1990 amending that certain Marine Terminal Lease and Agreement dated the 2nd day of May, 1966 with **MATSON TERMINALS, INC.**, a corporation, as successor Lessee by assignment from **MATSON NAVIGATION COMPANY**, a corporation ("Matson"), Federal Maritime Commission Agreement No. 224-001953, to provide for (i) the performance of certain repair and maintenance work to Port improvements by Lessee, subject to reimbursement to Lessee for the cost thereof by the Port, (ii) the Port's performance of certain restoration necessitated by earthquake casualty damage, subject to reimbursement to the Port of a portion of the cost thereof by Lessee, and (iii) deletion of a 0.0054 acre area from the demised premises; and be it

FURTHER RESOLVED that the Port Attorney is hereby authorized and directed to record said Agreement.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32042

**RESOLUTION CONSENTING TO DESIGNATION OF SECONDARY
USE BY AMERICAN PRESIDENT LINES, LTD. TO POLYNESIA
LINE, LTD. AND APPROVING AMERICAN PRESIDENT LINES,
LTD. USE AGREEMENT WITH POLYNESIA LINE, LTD.**

RESOLVED, that this Board does hereby consent to the designation of secondary use by AMERICAN PRESIDENT LINES, LTD. (APL) to POLYNESIA LINE, LTD., of its preferentially assigned premises at Middle Harbor Terminal in accordance with the provisions of the Port's Preferential Assignment Agreement with APL dated March 7, 1973, Federal Maritime Commission Agreement No. 224-002758, and the Port's Lease and Preferential Assignment Agreement with APL dated January 6, 1971, Federal Maritime Commission Agreement No. 224-002480, and Preferential Assignment Agreement with APL dated February 23, 1972, Federal Maritime Commission Agreement No. 224-002605 as modified by that certain Assignment, Designation of Secondary Use and Consent Agreement dated the 11th day of December, 1974, Federal Maritime Commission Agreement No. 224-003038, as said Agreements have been further amended by various supplemental agreements thereto; and be it

FURTHER RESOLVED that said secondary use consented to hereby shall be subject to the applicable provisions of the said Lease and Preferential Assignment Agreement and Preferential Assignment Agreements hereinabove set forth, including but not limited to the hold harmless and liability insurance provisions thereof; and be it

FURTHER RESOLVED that the Port does hereby approve APL's Container Stevedoring and Terminal Services Agreement with POLYNESIA LINE, LTD. as regards the Line's commitment to use of the assigned premises as their regularly published Northern California port of call for a period of five (5) years.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32043

**RESOLUTION AUTHORIZING EXECUTION OF
FIRST SUPPLEMENTAL AGREEMENT WITH
ITALIA-d'AMICO LINE.**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain First Supplemental Agreement dated July 12, 1990, with ITALIA S.p.A. di NAVIGAZIONE, an Italian corporation and d'AMICO SOCIETA di NAVIGAZIONE per AZIONI, an Italian corporation, jointly and severally, operating as a joint service under the name of ITALIA-d'AMICO LINE, ("ITALIA-d'AMICO"), as User amending that certain Terminal Use Agreement dated September 5, 1989, between the Port and ITALIA-d'AMICO, Federal Maritime Commission Agreement No. 224-200290, to expand the designation of "assigned premises" to include other Port public container terminals to which User may transfer pursuant to the rights of the User or the Port set forth in Paragraph 1 of the Agreement to transfer User's operations and rights and obligations.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32044

SPH

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH TETRA TECH, INC. FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **TETRA TECH, INC.** and this Board to furnish environmental consulting services as set forth in Agenda Sheet Item No. O-2, July 12, 1990, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **TETRA TECH, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **TETRA TECH, INC.** be compensated for such services as well as miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$75,000 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32045

QPA

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PURCHASE COMPUTER SOFTWARE PROGRAMS FOR ADMINISTRATION OF THE PORT'S WORKERS' COMPENSATION AND LIABILITY INSURANCE PROGRAMS AND PROVIDE EMPLOYEE TRAINING THEREON WITHOUT COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE THEREOF FROM DAVID CORPORATION.

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to purchase from DAVID CORPORATION its CompPlus and P&CPlus Multi-User Systems software, database conversion service for existing Workers' Compensation database, modem for remote hookup, and provide for employee training thereon without competitive bidding; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby authorize the Executive Director to negotiate and purchase said equipment including employee training thereon at the total cost of approximately \$52,539.00 plus any applicable sales tax.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32046

**RESOLUTION AUTHORIZING SALE OF COMPUTER
GENERATED MAPS**

RESOLVED that the Director of Port Planning hereby is authorized and directed to implement the sale of copies of computer generated maps of the Port area produced by the Land Records Management System at a price not less than \$2,000.00 per map for a period of two (2) years and subject to all those terms and conditions contained in Agenda Sheet No. Operations-5 dated July 12, 1990.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32047

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

ADLIA HULLUM, Gardener I, effective June 24, 1990;

ROBERT BOYD, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

LEO CABREZA, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

MICHAEL COLLINS, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

RONALD EXCELL, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

DENNIS JACKSON, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

DENNIS JEFFERSON, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

DANIEL MANAOIS, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

MICHAEL MANTINO, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

RONALD MANN, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

REYNALDO MERCADO, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

FRANCISCO PADOJINO, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

ANGEL PARINAS, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

MANUEL PEREZ, Equipment Systems Engineer, Rate "e", effective July 13, 1990;

ANTON POKORNEY, Equipment Systems Engineer,
Rate "e", effective July 13, 1990;

MICHAEL RINGBOM, Equipment Systems Engineer,
Rate "e", effective July 13, 1990;

NOEL SANTOS, Equipment Systems Engineer, Rate
"e", effective July 13, 1990;

EDWARD SCHMUCKER, Equipment Systems Engineer,
Rate "e", effective July 13, 1990;

CHI-PING WANG, Equipment Systems Engineer,
Rate "e", effective July 13, 1990;

NOEL PINTO-CORREIA, Port Field Representative,
Salary Grade 9, Rate \$3225, effective
July 16, 1990;

TERRANCE JACKSON, Gardener I, effective July
18, 1990;

LEOPOLDO HERNANDEZ, Gardener I, effective July
18, 1990;

CECELIA REKAY, Senior Secretary, effective
July 23, 1990;

SUZANNE LUCAS, Senior Secretary, effective
July 23, 1990;

SABRINA DEL FAVERO, Senior Secretary, effec-
tive July 23, 1990;

CYNTHIA BYRD, Senior Secretary, Rate "b", ef-
fective July 23, 1990;

MERRIES BALANCIERE, Senior Secretary,
effective July 30, 1990;

and be it

FURTHER RESOLVED that the provisional
appointment of HARRY BRITTON to the position
of Equipment Systems Superintendent, Salary
Grade 12, Rate \$4794, effective July 13, 1990
for a period not to exceed 120 days, be and
the same hereby is ratified.

At an adjourned regular **meeting held** July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32048

**RESOLUTION AMENDING RESOLUTION NO. 31953
CONCERNING CERTAIN APPOINTMENTS.**

RESOLVED that that portion of Resolution No. 31953 relating to the appointment of TANYA BEASLEY, adopted by this Board on May 1, 1990, is hereby amended to read as follows:

"TANYA BEASLEY, Youth Aide, Class "B", effective May 2, 1990, for a term not to exceed one year;..."

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32049

**RESOLUTION APPROVING EXAMINATION
ANNOUNCEMENTS FOR THE POSITIONS
OF EQUIPMENT SYSTEMS ENGINEER AND
EQUIPMENT SYSTEMS SUPERINTENDENT.**

RESOLVED that this Board, pursuant to the provisions of Rule 4 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the examination announcements for the positions of Equipment Systems Engineer and Equipment Systems Superintendent each dated July 13, 1990.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32050

**RESOLUTION TERMINATING APPOINTMENT OF
JOHN M. WATKINS, YOUTH AIDE, CLASS "C".**

RESOLVED that the appointment of JOHN M. WATKINS to the position of Youth Aide, Class "C", is hereby terminated effective July 13, 1990 for the reason that his duration of employment exceeds the limitations on maximum terms of employment set forth in Article 10A of the Memorandum of Understanding between the Port and United Public Employees, Local 790, AFL-CIO, covering the Youth Aide Unit.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32051

**RESOLUTION APPROVING JOB SPECIFICATIONS FOR
THE POSITIONS OF EQUIPMENT SYSTEMS ENGINEER
AND PORT SENIOR FINANCIAL ANALYST.**

RESOLVED that this Board, pursuant to the provisions of Rule 3 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the job specifications for the positions of Equipment Systems Engineer dated September 19, 1989 and Port Senior Financial Analyst dated July 5, 1990.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32052

**RESOLUTION RATIFYING GRANTING LEAVE
OF ABSENCE TO GAIL JAMES, CUSTODIAN.**

RESOLVED that a leave of absence to **GAIL JAMES**, Custodian, without pay, for medical reasons, for a period of fifty (50) working days, commencing June 8, 1990, be and the same hereby is ratified.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32053

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH DOUGLAS WARING, AN INDIVIDUAL, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID SECOND SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of November 27, 1989, with **DOUGLAS WARING**, an individual, to furnish accounting services for the Accounting Department, and said Agreement was amended by a First Supplemental Agreement dated March 16, 1990, pursuant to Resolution No. 31834; and

WHEREAS, it is desirable at this time to further amend said Agreement and to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. O-6S, dated July 12, 1990, and to provide for additional compensation for such work; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the Second Supplemental Agreement between **DOUGLAS WARING** and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **DOUGLAS WARING** without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said Second Supplemental Agreement for such additional services and that **DOUGLAS WARING** be compensated for additional services rendered under said Agreement, as amended, at an additional maximum compensation of \$70,000, unless additional work, at a cost not to exceed \$15,000, is approved by the Executive Director, and that the Second Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32054

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GEORGE MUNSON FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **GEORGE MUNSON**, an individual, and this Board to furnish consulting services as set forth in Agenda Sheet Item No. O-7S, July 12, 1990, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **GEORGE MUNSON** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **GEORGE MUNSON** be compensated for such services for a total maximum compensation not to exceed \$30,000 unless additional work, cost not to exceed \$10,000, is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32055

~~2/1~~
**RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER
FOR CONTRACT WITH SEAWORKS, INC. FOR EXTRA
WORK FOR BERTH 37 AND PORTIONS OF BERTH 36
EARTHQUAKE REPAIR.**

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the issuance to SEAWORKS, INC., of a change order under the contract for Construction of Shoreline Public Access and Guest Berthing at the Boatel, Jack London Square, Oakland, California, for the additional work involved in construction of earthquake repairs to Berth 37 and portions of Berth 36, in a sum of \$174,654.23.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32056

**RESOLUTION APPROVING PLANS AND
SPECIFICATIONS FOR BERTH 35 YARD
IMPROVEMENTS, PHASE 2, SEVENTH
STREET TERMINAL.**

SPM

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Berth 35 Yard Improvements, Phase 2, Seventh Street Terminal, Oakland, California, be and the same are hereby approved; and be it

FURTHER RESOLVED that a sum for liquidated damages be set as follows:

<u>Phase</u>	<u>Time of Completion</u>	<u>Liquidated Damages</u>
A. Construct 180 parking stalls	47 calendar days after contract takes effect	\$1,000.00 per calendar day
B. Pavement markings on wharf	7 calendar days after site becomes available	\$1,000.00 per calendar day
C. All contract work	67 calendar days after contract takes effect	\$1,000.00 per calendar day

Each for failure to complete the entire work or any portion of the work for which a definite time is specified, and for sums based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection and disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to August 22, 1990, the date set for receiving bids.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32057

SAA

**RESOLUTION CERTIFYING REVIEW AND CONSIDERATION
OF INITIAL STUDY AND NEGATIVE DECLARATION,
MAKING FINDINGS RELATED THERETO, APPROVING
NEGATIVE DECLARATION AND APPROVING CONSTRUCTION
OF AIR CARGO APRON ADJACENT TO BUILDING
M-132.**

RESOLVED that the Port having prepared an Initial Study and Negative Declaration for the project entitled " Construction of Air Cargo Apron Adjacent To the Emery Worldwide Facility, Metropolitan Oakland International Airport", this Board does hereby certify that it has reviewed and considered the information contained in said Initial Study and Declaration and in the public responses thereto and the Port's comments to said responses, and this Board hereby finds and determines on the basis thereof that there is no substantial evidence that the proposed project will have a significant effect on the environment and this Board therefore approves said Negative Declaration; and be it

FURTHER RESOLVED that the Board hereby approves construction of the project as described in said Initial Study and Negative Declaration.

At an adjourned regular meeting held July 12, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32058

SAA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTERESTS OF THE PORT TO PURCHASE
EQUIPMENT FOR CUSTOMS AND AGRICULTURAL
INSPECTORS AT THE OAKLAND INTERNATIONAL
AIRPORT WITHOUT COMPETITIVE BIDDING AND
AUTHORIZING NEGOTIATION AND EXECUTION OF A
CONTRACT THEREFOR.**

WHEREAS, U.S. Customs as the lead agency for the Federal Inspection Service Agencies (FIS) informed the Port that it would no longer grant landing rights for international flights, other than military flights, at Oakland Airport until certain FIS facility requirements established last year were satisfied. Their judgment in this regard was based upon deficiency of the existing Airport inspection facility encountered during commercial international passenger inspection operations last year, and a measurement of the existing facility against current FIS guidelines; and

WHEREAS, improvements required at this time include the purchase and installation of a specially designed modular control center for use by Customs, a unique passenger automated data processing system known as IBIS with supporting cabinets for use by both Customs and Immigration, and a customized large x-ray machine with an inspection table for use by Agriculture. Most of this equipment is proprietary in nature and is obtainable from a single source; and

WHEREAS, actions necessary to complete the purchase and installation of these required improvements in the Airport's international arrival facility before the next winter vacation travel season begins in November can only be accomplished by accelerated purchase and installation arrangements, such as obtaining informal purchase order and installation contractual quotes, and possibly using change order to existing contracts; and

WHEREAS, installation of the proposed improvements was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, and the project was determined to be categorically exempt as per Section 15301 for existing structures, and no further environmental review is necessary; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby determines that the purchase of said equipment without competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes the Chief Executive Officer on behalf of the Board to enter into a purchase order contract for the purchase of a modular control center for use by Customs, an automated data processing system (IBIS) with cabinets, and a customized large x-ray machine with an inspection table for the Agriculture Department, not to exceed Two Hundred Seventy-Five Thousand and No/100 Dollars (\$275,000.00).

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32059

SRA

RESOLUTION AUTHORIZING AND APPROVING PAYMENT TO PERALTA COMMUNITY COLLEGE DISTRICT FOR RIGHT OF ENTRY TO CONNECT A PORT SEWER LINE TO THE PERALTA SEWER LINE AND MAINTAIN IT FOR FIFTY (50) YEARS.

WHEREAS, on September 10, 1968, the Port deeded 2.6 acres of land located on the North Airport to **PERALTA COMMUNITY COLLEGE DISTRICT (PERALTA)** for the construction of an aeronautical classroom and laboratory facility. The above Grant Deed provides that **PERALTA** may recover from the Port or any lessee or assignee of the Port who wishes to utilize the sanitary sewer system constructed by **PERALTA**, a portion of **PERALTA's** construction cost in accordance with a certain formula to be used in calculating appropriate payment to **PERALTA** for such connections; and

WHEREAS, the Port plans to provide new restroom facilities, connected to **PERALTA's** sanitary sewer system, to replace the existing facilities which are inadequate in size and do not comply with current handicap requirements; and

WHEREAS, **PERALTA** has agreed in principle to enter a Right of Entry Agreement for a term of fifty (50) years with the Port which would allow the Port to construct and maintain a sewer line to **PERALTA's** sanitary system subject to a payment by the Port of \$4,732.20 in accordance with the above-described formula; now, therefore, be it

RESOLVED that the Executive Director is hereby authorized to sign a Right of Entry Agreement with **PERALTA COMMUNITY COLLEGE DISTRICT** granting, for a sum not to exceed \$4,732.20, the right to construct and maintain a sanitary sewer connection to the **PERALTA** system for fifty (50) years.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32060

SRA

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF GRANT OF REVISED EASEMENT TO EAST BAY
MUNICIPAL UTILITY DISTRICT FOR ALAMEDA
RECLAMATION PROJECT.**

WHEREAS, the Board, on January 17, 1990, by Resolution No. 31792, approved granting to **EAST BAY MUNICIPAL UTILITY DISTRICT** a right-of way easement for the construction of a 12-inch reclaimed water pipeline from **EAST BAY MUNICIPAL UTILITY DISTRICT's** water reclamation facility in San Leandro to the City of Alameda Golf Course for the purpose of irrigating the golf course; and

WHEREAS, Staff subsequently obtained more favorable terms for the easement; now therefore be it

RESOLVED, that the Chief Executive Officer and the Secretary be and they are hereby authorized to execute a revised Grant of Easement Agreement granting to **EAST BAY MUNICIPAL UTILITY DISTRICT** the requested easement generally upon the terms and conditions described in Agenda Sheet Item No. Airport-13S, "SUBJECT: Grant of Revised Easement to EBMUD for Alameda Reclamation Project", dated August 7, 1990, and subject to approval as to form and legality by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32061

SPH

**RESOLUTION AUTHORIZING EXECUTION OF GRANT OF
EASEMENT TO EASEMENT PURCHASE AGREEMENT TO
EAST BAY MUNICIPAL UTILITY DISTRICT.**

RESOLVED, that the Board of Port Commissioners hereby authorizes the Chief Executive Officer, on behalf of the Board, to execute that certain Easement Purchase Agreement with **EAST BAY MUNICIPAL UTILITY DISTRICT** dated August 7, 1990, granting to said district the option to purchase an easement for a water pipeline across that certain real property ("the Easement Area") described in Exhibit "A" attached hereto and made a part hereof, and that said agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 36062

SPH

RESOLUTION AUTHORIZING EXECUTION AND GRANTING
TEMPORARY CONSTRUCTION EASEMENT AGREEMENT TO
EAST BAY MUNICIPAL UTILITY DISTRICT.

RESOLVED, that the Board of Port Commissioners hereby authorizes the Chief Executive Officer, on behalf of the Board, to execute that certain Temporary Construction Easement Agreement with EAST BAY MUNICIPAL UTILITY DISTRICT dated August 7, 1990, granting to said district a temporary easement for the use and storage of tools, machinery, materials and equipment incidental to the construction of a water pipeline, over and upon that certain real property described in Exhibit "A" attached hereto and made a part hereof, and that said agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SJA

RESOLUTION NO. 32063

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH F.E. JORDAN ASSOCIATES, INC., FOR GEOTECHNICAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 28942, adopted by the Board of Port Commissioners (the "Board") on April 16, 1985, the Board authorized an Agreement with F.E. JORDAN ASSOCIATES, INC., a California corporation, to furnish geotechnical engineering consulting services; and

WHEREAS, it is desirable at this time to amend said Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. MT-5S, dated August 7, 1990, and additional compensation for such work; now, therefore, be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from F.E. JORDAN ASSOCIATES, INC. without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for services and that F.E. JORDAN ASSOCIATES, INC. be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum additional compensation which can be made under said amended Agreement shall not exceed \$140,400, provided that the Executive Director may approve in writing an additional amount not to exceed \$150,000 for additional work, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32064

SPA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH GEOMATRIX CONSULTANTS, INC., FOR GEOTECHNICAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID SECOND SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 28904, adopted by the Board of Port Commissioners (the "Board") on March 19, 1985, the Board authorized an Agreement with **GEOMATRIX CONSULTANTS, INC.**, a California corporation, to furnish geotechnical engineering consulting services with respect to the design of the Seventh Street Wharf; and

WHEREAS, by Resolution No. 30738, adopted by the Board on May 17, 1988, the Board authorized the execution of a First Supplemental Agreement; and

WHEREAS, it is desirable at this time to further amend said Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. MT-6S, dated August 7, 1990, and additional compensation for such work; now, therefore, be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **GEOMATRIX CONSULTANTS, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said Second Supplemental Agreement for services and that **GEOMATRIX CONSULTANTS, INC.** be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum total compensation which can be made under said amended Agreement shall not exceed \$71,700, and provided that the Second Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SAA

RESOLUTION NO. 32065

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH EARTH METRICS INCORPORATED, FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 31439, adopted by the Board of Port Commissioners (the "Board") on July 18, 1989, the Board authorized an Agreement with EARTH METRICS INCORPORATED, a California corporation, to furnish environmental consulting services with respect to an environmental assessment of the Intermodal Interface Demonstration Project; and

WHEREAS, it is desirable at this time to amend said Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. MT-7S, dated August 7, 1990, and additional compensation for such work; now, therefore, be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from EARTH METRICS INCORPORATED without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for services and that EARTH METRICS INCORPORATED be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum additional compensation which can be made under said amended Agreement shall not exceed \$46,000, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SA

RESOLUTION NO. 32066

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH JORDAN WOODMAN DOBSON, FOR ENGINEERING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between JORDAN WOODMAN DOBSON and this Board to furnish engineering services in connection with the reconstruction of 20 acres of the Seventh Street Terminal Yard, as set forth in Agenda Sheet Item No. MT-8S, dated August 7, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from JORDAN WOODMAN DOBSON, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that JORDAN WOODMAN DOBSON be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$305,000, unless additional work, up to an additional cost not to exceed \$100,000 is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 32067

SPP

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR STRUCTURAL INSPECTION OF CRANES S/N 710 (X-411) AND S/N 711 (X-412), BERTHS 25 AND 26, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFORE.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for STRUCTURAL INSPECTION OF CRANES S/N 710 (X-411) AND S/N 711, (X-412), BERTHS 25 AND 26, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

<u>Scheduling of Work</u>	<u>Time Allowed</u>	<u>Liquidated Damages Per Calendar Day</u>
1. Completion of entire contract	180 Calendar Days after contract becomes effective	\$ 300.00
2. Crane not utilizable by Port tenant due to contractor's work on days not scheduled for inspection or repair work	Each Calendar Day*	\$3,000.00
3. Contractor does not begin critical weld repair of crack or defective weld or ceases repair during daylight hours before repair work is completed and causes cranes to be unavailable for use by the Port tenant	Each Calendar Day*	\$3,000.00
4. Crane not fully utilizable by the Port tenant within two hours after contractor has been notified by the engineer that crane must be utilized by the Port tenant	Each Calendar Day*	\$3,000.00

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities

*Each calendar day on this table means any day or part thereof that the crane is not available and capable of transporting containers onto or off ships.; and be it

FURTHER RESOLVED that the project is categorically exempt from the requirements of the California Environmental Quality Act, under the Port's CEQA guidelines; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to August 1, 1990, the date set for receiving said bids.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32068

SA

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PURCHASE U.S. BUREAU OF CENSUS WATERBORNE FOREIGN TRADE STATISTICS AND RELATED DATA AND SERVICES FROM TRADE INFORMATION PLANNING SYSTEMS, WITHOUT COMPETITIVE BIDDING; AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A ONE YEAR SUPPLEMENTAL CONTRACT FOR SAME; AND MAKING CERTAIN FURTHER FINDINGS IN CONNECTION THEREWITH.

RESOLVED, that the Board of Port Commissioners of the City of Oakland does hereby find and determine that it is in the best interest of the Port to enter into a one year supplemental contract for the purchase of U.S. Bureau of Census Waterborne Foreign Trade Statistics and related data and services as set forth in Agenda Sheet Item No. Marine Terminals 10S from **TRADE INFORMATION PLANNING SYSTEMS, INC.**, a Washington corporation, without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board a one year contract for same with **TRADE INFORMATION PLANNING SYSTEMS, INC.**, for a contract price not to exceed \$40,300.00 which shall include \$4,400 allocated for one-time costs for preparing special foreign trade statistics, provided that the contract shall be upon a form approved by the Port Attorney; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby find and determine that the execution of said contract is in the public interest because of economy and better performance.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SRA

RESOLUTION NO. 32069

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED THIRD SUPPLEMENTAL AGREEMENT WITH DIANE SANCHEZ, AN INDIVIDUAL, DOING BUSINESS AS SUNSET ASSOCIATES, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID THIRD SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 31175, adopted by the Board of Port Commissioners (the "Board") on February 21, 1989, the Board authorized an Agreement with DIANE W. SANCHEZ, an individual, doing business as SUNSET ASSOCIATES, to furnish consulting services to develop a salary administration program for the Port; and

WHEREAS, by Resolution No. 31633, adopted by the Board on October 10, 1989, the Board authorized the execution of a First Supplemental Agreement and by Resolution No. 31815 adopted by the Board on February 6, 1990, the Board authorized the execution of a Second Supplemental Agreement; and

WHEREAS, it is desirable at this time to further amend said Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. O-6S, dated August 7, 1990, and additional compensation for such work; now, therefore, be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from DIANE W. SANCHEZ, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said Third Supplemental Agreement for services and that DIANE W. SANCHEZ be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum total compensation which can be made under said amended Agreement shall not exceed \$25,000, and provided that the Third Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPA

RESOLUTION NO. 32070

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH NORMAN ROBERTS & ASSOCIATES, INC. FOR PERSONNEL RECRUITMENT CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") has previously authorized and executed an Agreement with NORMAN ROBERTS & ASSOCIATES, INC., to furnish personnel consulting services with respect to the recruitment of a Port Planning Manager, said Agreement being dated June 14, 1990, in an amount not to exceed \$15,000; and

WHEREAS, it is necessary and desirable at this time to amend said Agreement by a First Supplemental Agreement in order to increase the compensation payable thereunder for expanded recruitment services; now, therefore, be it

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between NORMAN ROBERTS & ASSOCIATES, INC. and this Board as set forth in Agenda Sheet Item No. O-8S, August 2, 1990, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from NORMAN ROBERTS & ASSOCIATES, INC., without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board a First Supplemental Agreement for such services and that NORMAN ROBERTS & ASSOCIATES, INC. be compensated for such services as set forth in said Agreement, as amended, as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement as amended is \$20,000 and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32071

SPH

**RESOLUTION DENYING APPLICATION OF ANDREW
GRMOJA FOR PERMISSION TO PRESENT LATE CLAIM.**

WHEREAS, ANDREW GRMOJA on the 13th day of July, 1990, presented his application for permission from the Board of Port Commissioners of the City of Oakland to present a late claim for personal injuries sustained as a result of a fall at 2225 7th Street, Oakland, California; and

WHEREAS, this Board breached no duty owed to claimant;
and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such application be and it is hereby denied.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPA

RESOLUTION NO. 32072

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH THE
WATERFRONT ASSOCIATION.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **THE WATERFRONT ASSOCIATION**, a California nonprofit mutual benefit corporation, dated the 1st day of March 1990, for an area of 240 square feet, commonly referred to as Rooms 537 and 539, and an area of 200 square feet, Room 531, located on the fifth floor of the Port of Oakland office building located at 530 Water Street, Oakland, California, for a term of one year, expiring on the 28th day of February 1991, at a monthly rent of **One and 00/100 Dollar (\$1.00)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32073

SJA

**RESOLUTION RATIFYING APPOINTMENT
OF MICHELE HEFFES TO THE POSITION
OF LEGAL ASSISTANT.**

RESOLVED that the appointment of MICHELE HEFFES to the position of Legal Assistant, Grade 9, Rate \$3225, effective August 6, 1990, be and the same hereby is ratified.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32074

**RESOLUTION GRANTING WESTERN FEDERAL SAVINGS
AND LOAN ASSOCIATION PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by **WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION**, a federal savings and loan association, for permission to perform certain work at its leased premises located at 2000 Embarcadero, Oakland, California, at an estimated cost to said applicant of \$5,000.00, hereby is approved and permission is hereby granted to perform work consisting of demolishing two ceiling high partitions and erecting one ceiling high partition including associated electrical and HVAC work; and be it

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its agreement with the Port of Oakland.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32075

**RESOLUTION AUTHORIZING EXECUTION OF
CERTAIN LICENSE AND CONCESSION
AGREEMENT WITH BENCO, INC.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **BENCO, INC.**, a Nevada corporation, dated the 1st day of June 1989, for an area of 1,281 square feet of office space, 12,648 square feet of hangar space, 3,230 square feet of shop space, located in Building L-310, 38,700 square feet of apron adjacent thereto, and 1,360 square feet of paved parking, for a term of one year, expiring on the 31st day of May 1990, at a monthly rent of **Five Thousand Two Hundred and 85/100 Dollars (\$5,200.85)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

JAH

RESOLUTION NO. 32076

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT
TO RENEW LICENSE AND CONCESSION AGREEMENT FOR
TERM OF ONE YEAR OR LESS WITH BENCO, INC.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **BENCO, INC.**, a Nevada corporation, dated the 1st day of June 1990, for an area of 1,281 square feet of office space, 12,648 square feet of hangar space, 3,230 square feet of shop space, located in Building L-310, 38,700 square feet of apron adjacent thereto, and 1,360 square feet of paved parking, for a term of one year, expiring on the 31st day of May 1991, at a monthly rent of **Five Thousand Four Hundred Nineteen and 34/100 Dollars (\$5,419.34)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney.

At a regular meeting held August 7, 1990

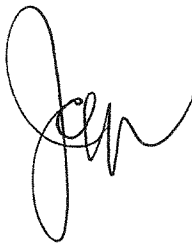
Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**



RESOLUTION NO. 32077

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH RICHARD
T. GRANT, JR. AND RANDALL L. GRANT.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **RICHARD T. GRANT, JR., AND RANDALL L. GRANT**, individuals doing business under the firm name and style of **GRANT ENGINEERING & MANUFACTURING**, dated the 1st day of September 1989, for an area of 3,000 square feet of paved parking, near Building No. L-812, located at the Metropolitan Oakland International Airport, Oakland, California, for a term of one year, expiring on the 31st day of August 1990, at a monthly rent of **One Hundred Fifty and 00/100 Dollars (\$150.00)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32078

SP4

**RESOLUTION CONSENTING TO SUBLICENSE BY
HELICOPTERS UNLIMITED, INC. TO AMERIJET
INTERNATIONAL, INC.**

RESOLVED that in accordance with the provision of Paragraph 22 of that certain License and Concession Agreement dated the 1st day of April 1988, between the Board of Port Commissioners (the "Board"), and **HELICOPTERS UNLIMITED, INC.**, a California corporation, as Licensee, the consent of this Board is hereby granted to said Licensee to sublicense a portion of the premises to **AMERIJET INTERNATIONAL, INC.**, a corporation, as set forth in Board of Port Commissioners Agenda Sheet Item No. Airport 9-S, dated August 7, 1990, at a monthly rental of \$2,040.00, provided, however, that in granting its consent to the sublicense, the Board does not waive or agree to modify any term or condition of said License and Concession Agreement, and provided further, that the sublicense shall in every respect be and remain at all times subordinate to the License and Concession Agreement between this Board and **HELICOPTERS UNLIMITED, INC.**

At a regular meeting held August 7, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32079

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A VALET PARKING OPERATING AGREEMENT WITH
SCOTT'S JACK LONDON SEAFOOD, INC. TO PROVIDE
VALET PARKING SERVICES WITHIN PHASE I, JACK
LONDON WATERFRONT AREA.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director (the "Executive Director") and/or Secretary to execute for and on behalf of the Board a Valet Parking Operating Agreement with SCOTT'S JACK LONDON SEAFOOD, INC., a California corporation, to provide valet parking services within Phase I, Jack London Waterfront area upon terms and conditions consistent with Board of Port Commissioners Agenda Sheet Item No. Properties - 1, dated August 7, 1990, and otherwise as approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32080

SPT

**RESOLUTION CONSENTING TO ASSIGNMENT OF
LEASEHOLD INTEREST FROM MARCONI, INC. TO EL
TORITO RESTAURANTS, INC.**

WHEREAS, the Port as Lessor and **MARCONI, INC.**, as Lessee, made and entered into that certain Lease dated the 1st day of September 1976, and recorded the 17th day of September 1976, in Reel 4529, Image 473, Official Records of Alameda County, California, as heretofore amended by that certain First Supplemental Agreement dated the 20th day of April 1977, that certain Second Supplemental Agreement dated the 1st day of June 1977, that certain Third Supplemental Agreement dated the 16th day of November 1977, that certain Fourth Supplemental Agreement dated the 11th day of September 1980, that certain Fifth Supplemental Agreement dated the 1st day of February 1983, that certain Sixth Supplemental Agreement dated the 6th day of September 1983, and that certain Seventh Supplemental Agreement dated the 3rd day of May 1988 (the "Lease"); and

WHEREAS, **MARCONI, INC.** has requested the consent of the Board of Port Commissioners (the "Board") to assign said Lease to **EL TORITO RESTAURANTS, INC.**, a Delaware Corporation; now, therefore, be it

RESOLVED that this Board does hereby consent to the assignment of **MARCONI, INC.**'s Lease to **EL TORITO RESTAURANTS, INC.**; and be it

FURTHER RESOLVED that this consent is granted upon the express condition that said **EL TORITO RESTAURANTS, INC.** shall assume all the obligation and liabilities of Lessee under said Lease and that **MARCONI, INC.** is not hereby released from any obligation or liability under said Lease; and be it

FURTHER RESOLVED that this consent to assignment is expressly conditioned upon the Port's receipt of copies of the final documents evidencing said assignment in a form satisfactory to the Port.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32081

**RESOLUTION AUTHORIZING EXECUTION OF RIGHT OF
ENTRY/INDEMNITY AGREEMENT WITH UNITED SENIORS
OF OAKLAND, OAKLAND COMMUNITY FUND AND
CARNIVAL TIME SHOWS.**

RESOLVED that the Board of Port Commissioners hereby authorizes the execution by the Executive Director of that certain Right of Entry/Indemnity Agreement dated August 7, 1990 between the Port of Oakland and United Seniors of Oakland, Oakland Community Fund and Carnival Time Shows (collectively "Permittee") which Agreement grants to the Permittee permission to enter upon certain Port property located at Oakport Street between Hassler Way and 66th Avenue from September 5, 1990, to September 20, 1990, for the purpose of conducting a carnival to raise funds for said Oakland Community Organizations and would require the Permittee to indemnify and hold the Port harmless and as otherwise specified in the Agreement, provided such Agreement is on a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32082

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH WEST
COAST MARINE TRAILERS, INC.**

S.P.H.

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board that certain Agreement to Renew License and Concession Agreement, dated the 1st day of June 1990, between the Port and **WEST COAST MARINE TRAILERS**, a California corporation, for an area of 12,200 square feet in Building No. K-102, situated on a one-acre site at 101 Hegenberger Road, Oakland, California, for a term of one year or less, expiring on the 31st day of May 1991, at a monthly rent of **Two Thousand Nine Hundred Forty-Six and 30/100 Dollar (\$2,946.30)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32083

SPH

RESOLUTION REJECTING ALL BIDS FOR PAINTING OF THREE CONTAINER CRANES (X-421, X-422, AND X-423), BERTHS 36 AND 37, SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA; DIRECTING RETURN OF BID BONDS TO BIDDERS; FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR THE SUBJECT SERVICES WITHOUT COMPETITIVE BIDDING; AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO OBTAIN INFORMAL QUOTES AND EXECUTE A CONTRACT ON THE OPEN MARKET FOR THE SUBJECT WORK; AND FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH.

WHEREAS, three bids were received on August 1, 1990, for painting of three container cranes (X-421, X-422, and X-423), Berths 36 and 37, Seventh Street Terminal, Oakland, California. The engineer's estimate for the work is \$600,000.00; and

WHEREAS, it is in the best interest of the Port to reject all bids; and

WHEREAS, painting of the cranes is urgently needed at this time while the weather is good and can now be made available to a painting contractor without interfering with the tenant's operations; now, therefore, be it

RESOLVED that all three bids be rejected; that bid securities be returned to the respective bidders; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interest of the Port to contract for the subject work without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director (the "Executive Director") be and is hereby authorized for and on behalf of the Board to obtain informal quotes and execute a contract for the subject work on the open market and to fix the amount of bonds to be provided in connection therewith.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32084

LPA

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

BARBARA CESANA, Senior Typist Clerk, effective July 30, 1990;

BOBBIE JONES, Senior Secretary, effective July 30, 1990;

SHIRLEE MILTON, Intermediate Typist Clerk, effective July 30, 1990;

KARL KUHLMANN, Supervising Civil Engineer, Rate "b", effective May 2, 1990;

LEONARD WHEELLOCK, Semi-Skilled Laborer, effective August 8, 1990;

CONNIE SILVER, Port Systems Analyst, Salary Grade 9, Rate \$4429, effective August 8, 1990;

ROBERT J. ANDREWS, Assistant Civil Engineer, Rate "c", effective August 8, 1990;

TERRY VOGL, Marine Commercial Representative III, Salary Grade 9, Rate \$3916, effective September 4, 1990;

and be it

FURTHER RESOLVED that the following appointments are hereby approved subject to and conditioned upon the certification from their medical examination of each said employee's medical eligibility for appointment:

CAROLYN ANDERSON, Airport Serviceman, Rate "b", effective July 1, 1990;

JULIE GRUNDLER, Airport Serviceman, Rate "b", effective July 1, 1990;

MARY VILLA, Airport Serviceman, Rate "b", effective July 1, 1990;

PAMELA WINN, Airport Serviceman, Rate "b", effective July 1, 1990;

TODD ANDERSON, Airport Serviceman, Rate "b", effective July 1, 1990;

DONALD BARDWELL, Airport Serviceman, Rate "b", effective July 1, 1990;

GEORGE BENTLEY, Airport Serviceman, Rate "b", effective July 1, 1990;

DARRELL CURRY, Airport Serviceman, Rate "b", effective July 1, 1990;

SERGIO ORTEGA, Airport Serviceman, Rate "b", effective July 1, 1990;

GARY PARRISH, Airport Serviceman, Rate "b", effective July 1, 1990;

JAMES TRICKEL, Airport Serviceman, Rate "b", effective July 1, 1990;

DARIN WHITE, Airport Serviceman, Rate "b", effective July 1, 1990; and

JOSE WONG, Airport Serviceman, Rate "b", effective July 1, 1990.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32085

SPA

**RESOLUTION AMENDING RESOLUTION NO. 32047
CONCERNING CERTAIN APPOINTMENTS.**

RESOLVED that that portion of Resolution No. 32047 relating to the appointment of SABRINA DEL FAVERO, adopted by this Board on July 12, 1990, is hereby amended to read as follows:

"SABRINA DEL FAVERO, Senior Secretary, Rate "b",
effective July 23, 1990;..."

and be it

FURTHER RESOLVED that that portion of Resolution No. 32047 relating to the appointment of LEOPOLDO HERNANDEZ to the position of Gardener I, effective July 18, 1990 be and the same hereby is rescinded.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32086

SAA
RESOLUTION AMENDING RESOLUTION NO. 32050
TERMINATING APPOINTMENT OF JOHN M. WATKINS,
YOUTH AIDE, CLASS "C".

RESOLVED that Resolution No. 32050 is hereby amended to read
as follows:

"RESOLUTION TERMINATING APPOINTMENT OF
JOHN M. WATKINS, YOUTH AIDE, CLASS "C".

RESOLVED that the appointment of JOHN M.
WATKINS to the position of Youth Aide, Class "C", is
hereby terminated effective July 20, 1990 for the reason
that his duration of employment exceeds the limitations
on maximum terms of employment set forth in Article 10A
of the Memorandum of Understanding between the Port and
United Public Employees, Local 790, AFL-CIO, covering the
Youth Aide Unit."

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32087

**RESOLUTION APPROVING EXAMINATION
ANNOUNCEMENTS FOR CERTAIN POSITIONS.**

SPH

RESOLVED that this Board, pursuant to the provisions of Rule 4 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the examination announcements for the positions of Port Senior Technical Support Analyst (Training/Standards/Procedures Specialty); Port Senior Technical Support Analyst (Telecommunications Technology Specialty); Port Senior Programmer/Analyst; Assistant Port Environmental Scientist; and Associate Port Transportation Planner each dated August 8, 1990.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32088

SAT
**RESOLUTION TERMINATING APPOINTMENTS
OF CERTAIN YOUTH AIDE POSITIONS.**

RESOLVED that the following appointments are hereby terminated for the reason that their duration of employment exceeds the limitations on maximum terms of employment set forth in Article 10A of the Memorandum of Understanding between the Port and United Public Employees, Local 790, AFL-CIO, covering the Youth Aide Unit:

MYRAHH OWENS-DAVIS, Youth Aide, Class "BB-1", effective August 8, 1990;

SUSANNA SMAIL, Youth Aide, Class "BB-1", effective August 16, 1990; and

DIANE WEST, Youth Aide, Class "BB-1", effective August 10, 1990.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32089

**RESOLUTION APPROVING JOB SPECIFICATION
FOR THE POSITION OF PORT LAND SURVEYOR.**

SPA

RESOLVED that this Board, pursuant to the provisions of Rule 3 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the job specification for the position of Port Land Surveyor, dated August 7, 1990.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32090

SP RESOLUTION CONCERNING CERTAIN LEAVES OF ABSENCE.

RESOLVED that an extension of leave of absence for **JOSIE GANS**, Custodian, without pay, for medical reasons, for a period of twenty three (23) working days, commencing July 4, 1990 be and the same hereby is ratified.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32091

APR

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH NORDHAV INC. DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, the Chief Executive Officer and Executive Director ("Executive Director") entered into an Agreement, dated as of April 4, 1989 with **NORDHAV INC.**, doing business as **BASELINE ENVIRONMENTAL CONSULTING**, a California corporation, to furnish underground storage tank services; and

WHEREAS, it is desirable at this time to amend said Agreement and to authorize the Executive Director of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. O-7S, dated August 7, 1990; now, therefore be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between **NORDHAV INC.**, doing business as **BASELINE ENVIRONMENTAL CONSULTING**, and this Board will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **NORDHAV INC.**, doing business as **BASELINE ENVIRONMENTAL CONSULTING**, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for such additional services and that **NORDHAV INC.**, doing business as **BASELINE ENVIRONMENTAL CONSULTING**, be compensated for such services at an additional maximum compensation of \$185,000, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPA

RESOLUTION NO. 32092

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH MARVIN
ACE DARRAH.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **MARVIN ACE DARRAH**, an individual, dated the 1st day of August 1989, for an area of 576 square feet of office space and 140 square feet of storage space, all located in Building L-142, Metropolitan Oakland International Airport, Oakland, California, for a term of one year, expiring on the 31st day of July 31, 1990, at a monthly rent of **Five Hundred Ninety-Nine and 30/100 Dollar (\$599.30)**; and be it

FURTHER RESOLVED, that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SA

RESOLUTION NO. 32093

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GEOMATRIX CONSULTANTS, INC. FOR GEOTECHNICAL ENGINEERING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between GEOMATRIX CONSULTANTS, INC., a California corporation, and this Board to furnish geotechnical engineering services in connection with the repair of earthquake damage to Runway 11/29 at the Metropolitan Oakland International Airport, as set forth in Agenda Sheet Item No. A-14S, dated August 7, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from GEOMATRIX CONSULTANTS, INC. without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that GEOMATRIX CONSULTANTS, INC. be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$185,000, unless additional work, up to an additional cost not to exceed \$25,000 is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32094

SJA

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED AGREEMENT WITH HARDING LAWSON
ASSOCIATES (HLA) FOR ENVIRONMENTAL CONSULTING
SERVICES CONSTITUTES PROFESSIONAL OR
SPECIALIZED SERVICES; AND AUTHORIZING
EXECUTION OF SAID AGREEMENT.**

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **HARDING LAWSON ASSOCIATES (HLA)** and this Board, to furnish environmental consulting services in connection with the environmental consulting work as set forth in Agenda Sheet Item MT-2, dated August 7, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine 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 Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **HARDING LAWSON ASSOCIATES** be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$507,000.00, unless additional work, up to an additional cost not to exceed \$170,000.00, may be approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32095

SAA

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF INTERIM SERVICES AGREEMENT WITH GIADMIN INC. AND SETTLEMENT AGREEMENT WITH PORTSIDE PROPERTIES AND OTHER PARTIES PROVIDING FOR TERMINATION OF PORTSIDE PROPERTIES' PARTNERSHIP INTERESTS IN OAKLAND PORTSIDE ASSOCIATES, AND AUTHORIZING THE PORT'S CHIEF EXECUTIVE OFFICER TO ACT ON BEHALF OF THE PORT AS GENERAL PARTNER IN OAKLAND PORTSIDE ASSOCIATES AND TO MAKE CERTAIN CAPITAL CONTRIBUTIONS TO OAKLAND PORTSIDE ASSOCIATES.

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to execute for and on behalf of the Board that certain Settlement Agreement placed on file with the Secretary of the Board for the Board's meeting this date, or a Settlement Agreement containing substantially the same provisions and conditions as said Settlement Agreement, by and among the **PORT, PORTSIDE PROPERTIES**, a California limited partnership ("Portside"), **OAKLAND PORTSIDE ASSOCIATES**, a California limited partnership ("OPA"), **GIADMIN, INC.**, a California corporation ("Giadmin"), **URBAN CENTRE DEVELOPMENT, LTD., INC.**, a California corporation ("UCD"), **TRI**, a California corporation ("TRI"), **E. GLENN ISAACSON**, an individual, **ROBERT J. CAREY**, an individual, **MALCOLM STROUD**, an individual, **ART SCOTT**, an individual, **THE WATERFRONT ASSOCIATION**, a California nonprofit corporation, ("The Waterfront Association") and **PORT OF OAKLAND PUBLIC BENEFIT CORPORATION**, a non-profit public benefit corporation ("Port-PBC"), said Settlement Agreement providing, among other things, for Portside's transfer of all its general partner interest in OPA to the Port, for Portside's transfer of all its limited partner interest in OPA to Port-PBC, for Portside's withdrawal from OPA, for termination of various agreements and relationships between OPA and Giadmin, between OPA and UCD and/or TRI and between The Waterfront Association and Giadmin, and for various releases and indemnities among the parties with respect to Jack London Square development; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to execute for and on behalf of the Board as general partner in OPA that certain Interim Services Agreement between OPA and Giadmin placed on file with the Secretary of the Board for the Board's meeting this date, or an Interim Services Agreement containing substantially the same provisions and conditions as said Interim Services Agreement; and be it

FURTHER RESOLVED that after execution of the said Settlement Agreement, the Chief Executive Officer and Executive Director is hereby authorized for and on behalf of the Port, as general partner in OPA, to cause OPA to take such actions and enter into such agreements (1) which (a) OPA through the OPA Executive Committee was authorized under the OPA partnership agreement to take and enter into and (b) the Board had authorized the Port's representatives on the Executive Committee to approve without further action by the Board; provided, however, that for purposes

of this item (b) the Board hereby approves the current OPA budget as approved in the December 11, 1989, letter from Bankers Trust Company to Susan Taymor-Luria of Giadmin Inc. and/or (2) which are necessary to carry out and/or pay for the obligations of OPA arising out of contracts and agreements previously entered into; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to make capital contributions to OPA equal to not more than the Port's 75% share of the total amount of outstanding and unpaid bills to OPA for services provided by third parties to OPA in connection with OPA's proposed leasing of space under the Parking Structure A Retail Lease with the Port; and be it

FURTHER RESOLVED that this Resolution is intended to be supplementary to Port Resolution No. 32024 and is not intended to supersede said Resolution or revoke any authorization granted therein.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**


RESOLUTION NO. 32096

**RESOLUTION AUTHORIZING EXECUTION OF
AGREEMENT WITH SOUTHERN PACIFIC
TRANSPORTATION COMPANY.**

RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute for and on behalf of this Board that certain Agreement dated the 7th day of August, 1990 with Southern Pacific Transportation Company ("Railroad") providing for the Port's payment of Railroad's cost and expense of its provision of engineering inspection, flagging and the like in connection with the Port's construction of a pedestrian crossing overpass over Railroad's mainline tracks on Embarcadero in Jack London Square and that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32097

**RESOLUTION ADJUSTING MINIMUM AND MAXIMUM
ANNUAL COMPENSATION PAYABLE UNDER
PREFERENTIAL ASSIGNMENT AGREEMENT WITH
AMERICAN PRESIDENT LINES, LTD.**

Jen

WHEREAS, that certain Preferential Assignment Agreement made and entered into by this Board with UNITED STATES LINES, INC., a Delaware corporation, dated the 7th day of March, 1973, as amended, Federal Maritime Commission Agreement No. 224-002758, provides for the increase of the minimum and maximum annual compensation every five (5) years during the term of the agreement; and

WHEREAS, said Agreement has heretofore been assigned with the consent of the Port from UNITED STATES LINES, INC. to AMERICAN PRESIDENT LINES, LTD. ("APL"); and

WHEREAS, said Agreement provides that the increased minimum and maximum annual compensation shall be based upon the percentage rate of return being realized by the Port with respect to other agreements to which it is a party and based upon the increase in the fair market value of the land only; and

WHEREAS, the third of said compensation increases for said assigned premises is to be effective as of the 1st day of June, 1990 but implemented only after the filing of this resolution with the Federal Maritime Commission and effectiveness of this resolution pursuant to Section 6 of the Shipping Act of 1984 as a modification to Agreement No. 224-002758; and

WHEREAS, the Port has determined that the prevailing percentage rate of return being realized by the Port with respect to other agreements to which it is a party is ten percent (10%) per annum and that the fair market value of the land encompassed within said assigned premises is \$8.50 per square foot; and

WHEREAS, the increased minimum compensation for said assigned premises resulting from said rate of return and fair market value is the sum of \$2,061,989.00 per annum and the increased maximum compensation resulting from said factors is the sum of \$2,305,530.00 per annum; and

WHEREAS, the Port has advised said APL of said prevailing percentage rate of return and said minimum increase in the fair market value, the increased minimum and maximum annual compensation resulting therefrom and the review procedure relating thereto and said APL has concurred therein; now, therefore, be it

RESOLVED that in accordance with the provisions of Paragraph 5(a) of said Preferential Assignment Agreement, Federal Maritime Commission Agreement No. 224-002758, this Board does hereby fix and determine the increased minimum and maximum annual compensation to be effective as of the 1st day of June, 1990 but implemented only after the filing of this resolution with the Federal Maritime Commission and effectiveness of this resolution pursuant to Section 6 of the Shipping Act of 1984 as a modification to Agreement No. 224-002758, to be the respective sums of \$2,061,989.00 minimum annual compensation and \$2,305,530.00 maximum annual compensation based on a prevailing percentage rate of return of ten percent (10%) per annum and a fair market value of land only of \$8.50 per square foot, payable in equal monthly installments of \$192,127.50.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32098

JEN

**RESOLUTION ADJUSTING RENTAL PAYABLE UNDER
LEASE WITH AMERICAN PRESIDENT LINES, LTD.**

WHEREAS, that certain Lease made and entered into by this Board with UNITED STATES LINES, INC., a Delaware corporation, dated the 7th day of March, 1973, Federal Maritime Commission Agreement No. 224-002758-C, provides for the review and adjustment of the rental for the leased office premises at the end of each five (5) years of the term of said Lease; and

WHEREAS, said Lease has heretofore been assigned with the consent of the Port from UNITED STATES LINES, INC. to AMERICAN PRESIDENT LINES, LTD. ("APL"); and

WHEREAS, said Lease provides that the adjusted rental shall be based upon the sum of the same percentage per annum as is required by the Port of tenants of similar Port property of the fair market value of the land only upon the date of the said rental review; and

WHEREAS, the third of said rental adjustments for said premises is to be effective as of the 1st day of June, 1990 but implemented only after the filing of this resolution with the Federal Maritime Commission and effectiveness of this resolution pursuant to Section 6 of the Shipping Act of 1984 as a modification to Agreement No. 224-002758-C; and

WHEREAS, the Port has determined that the percentage per annum as is required by the Port of tenants of similar Port property as of the effective date of said rental adjustment is ten percent (10%) per annum and that the fair market value of the land only within said leased office premises is \$8.50 per square foot; and

WHEREAS, the adjusted rental for said premises resulting from said factors is the sum of \$4,969.83 per month; and

WHEREAS, the Port has advised said APL of said prevailing percentage rate of return and said market value and the adjusted monthly rental resulting therefrom and said APL has concurred therein; now, therefore, be it

RESOLVED that in accordance with the provisions of Paragraph 4 of said Lease, Federal Maritime Commission Agreement No. 224-002758-C this Board does hereby fix and determine the adjusted rental for said leased office premises, to be effective as of the 1st day of June, 1990 but implemented only after the filing of this resolution with the Federal Maritime Commission and effectiveness of this resolution pursuant to Section 6 of the Shipping Act of 1984 as a modification to Agreement No. 224-002758-C, to be the sum of \$4,969.83 per month based on a prevailing percentage rate of return of ten percent (10%) per annum and a land fair market value of \$8.50 per square foot.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32099

**RESOLUTION AUTHORIZING EXECUTION OF
EIGHTH SUPPLEMENTAL AGREEMENT WITH
AMERICAN PRESIDENT LINES, LTD.**

RESOLVED that the President of the Board is hereby authorized to execute and the Secretary to attest that certain Eighth Supplemental Agreement dated the 5th day of June, 1990 amending that certain Preferential Assignment Agreement dated the 7th day of March, 1973, between the CITY OF OAKLAND, a municipal corporation, acting by and through this Board, and AMERICAN PRESIDENT LINES, LTD., a corporation, ("APL") as successor in interest to UNITED STATES LINES, INC., as Assignee, Federal Maritime Commission Agreement No. 224-002758 to provide for the Port sharing equally with Assignee reimbursement fees received from Union Pacific Railroad for the use of certain rail access improvements to the Port Area the cost of which was contributed in part by the Port and Assignee.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32100

RA

RESOLUTION ACCEPTING AMENDMENT TO GRANT OFFER OF THE UNITED STATES OF AMERICA AND AUTHORIZING EXECUTION OF AMENDMENT NO. 3 TO GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION UNDER PROJECT NO. 3-06-0170-10, CONTRACT NO. DTFA08-90-C-30417.

WHEREAS, the Federal Aviation Administration submitted to the Board of Port Commissioners of the City of Oakland Amendment No. 3 to Grant Agreement under Project No. 3-06-0170-10 Contract No. DTFA08-90-C-30417, whereby the United States of America would amend Grant Agreement in the following particulars:

1. The airport development described on Page 1 of the Grant Agreement is deleted and substituted in lieu thereof the following:

Reconstruct Runway 11-29 (approximately 150' x 3,500') including porous friction course; Construct aircraft turnaround apron (200' x 350'); Reconstruct Taxiway 1 (approximately 75' x 4,000'), damaged portions of Taxiways 6 and 7, service road and overrun areas (approximately 500,000 SF) and holding apron (approximately 125,000 SF), including fillet between Taxiway 7 and Runway 11-29, shoulders, safety area, markings, drainage, lighting and miscellaneous electrical items; Reconstruct portions of the terminal apron, air cargo road, culverts, pumphouse No. 6, including miscellaneous electrical and drainage items.

2. The maximum obligation of the United States payables under the Grant on Page 2 of the Grant Agreement is changed from \$8,000,000.00 to \$5,500,000.00.

and

WHEREAS, the members of the Board of Port Commissioners know the full content of the offer contained in said amendment; and

WHEREAS, a full, true and correct copy of the amendment is attached hereto and by this reference made a part hereof; and

WHEREAS, it is the desire of this Board to approve acceptance of the said Grant Amendment offer; now, therefore, be it

RESOLVED that the Board of Port Commissioners of the City of Oakland does hereby approve acceptance of said Grant Amendment offer.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32101

SAH

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NORMAN ROBERTS & ASSOCIATES FOR PERSONNEL RECRUITMENT CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **NORMAN ROBERTS & ASSOCIATES, INC.** and this Board, to furnish personnel consulting services with respect to the recruitment of Manager of Financial Planning and Analysis, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **NORMAN ROBERTS & ASSOCIATES, INC.**, without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **NORMAN ROBERTS & ASSOCIATES, INC.** be compensated for such services as set forth in the Agreement, as well as costs of miscellaneous reimbursable expenses; provided that the maximum compensation which can be made under said Agreement is \$18,500; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32102

SPH

RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH O.C. JONES AND SONS FOR CONSTRUCTION OF ASPHALT CONCRETE OVERLAY AND MODIFICATION OF APPROACH LIGHT STRUCTURE, RUNWAY 11-29, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the issuance to O.C. JONES AND SONS, of a change order under the contract for Construction Of Asphalt Concrete Overlay and Modification of Approach Light Structure, Runway 11-29, Oakland, California, for the additional work involved in construction of additional runway length on Runway 11-29, in a sum of \$650,000.00.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32103

SPH

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR REPAIR OF CULVERT AND ROADWAY, AIR CARGO
ROAD, SOUTH FIELD, METROPOLITAN OAKLAND
INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA,
AND CALLING FOR BIDS THEREFOR.**

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Repair of Culvert and Roadway, Air Cargo Road, South Field, Metropolitan Oakland International Airport, Oakland, California, be and the same hereby are approved; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor, not less than ten (10) calendar days prior to September 19, 1990, the date set for receiving said bids.

At a regular meeting held August 7, 1990

Passed by the following vote:

**Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7**

Nocs: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32104

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR CONSTRUCTION OF AIR CARGO APRON ADJACENT
TO BUILDING M-132, SOUTH FIELD, METROPOLITAN
OAKLAND INTERNATIONAL AIRPORT, OAKLAND,
CALIFORNIA, A.I.P. 3-06-0170-11 AND CALLING
FOR BIDS THEREFOR.**

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Construction of Air Cargo Apron Adjacent To Building M-132, South Field, Metropolitan Oakland International Airport, Oakland, California, A.I.P. 3-06-0170-11, be and the same hereby are approved; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor, not less than ten (10) calendar days prior to August 22, 1990, the date set for receiving said bids.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SAH

RESOLUTION NO. 32105

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR FURNISHING SERVICE AND MAINTENANCE FOR VARIOUS ELEVATORS AND ESCALATORS AT BUILDINGS M-102 AND M-130 SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **Furnishing Service and Maintenance For Various Elevators and Escalators At Buildings M-102 and M-130 South Field, Metropolitan Oakland International Airport, Oakland, California,** be and the same hereby are approved; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor, not less than ten (10) calendar days prior to September 19, 1990, the date set for receiving said bids.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32106

**RESOLUTION AUTHORIZING AMENDMENT OF LEASE
WITH RESTAURANTS UNLIMITED, INC.**

RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute that certain Amendment of Lease with RESTAURANTS UNLIMITED, INC. ("RUI") dated the 7th day of August, 1990 amending that certain Lease between the Port and RUI, as successor by assignment with the consent of the Port of OAKLAND SEA FOOD GROTTTO, INC., dated the 14th day of July, 1964 to provide for the mortgage and grant of a security interest in RUI'S interest in the Lease and the demised premises and any sublease(s) under certain leasehold mortgages therein described and to add to said Lease certain mortgagee protection provisions and requirements with respect to said mortgages therein described, and that such Amendment of Lease shall be in a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SAH

RESOLUTION No. 32107

RESOLUTION CONSENTING TO ASSIGNMENT OF
LEASE WITH RESTAURANTS UNLIMITED, INC. TO
RUI ONE CORPORATION AND AUTHORIZING
EXECUTION OF LANDLORD'S CERTIFICATE.

WHEREAS, the Port, as Lessor, and OAKLAND SEA FOOD GROTTO, INC., a corporation, as Lessee, entered into that certain Lease dated the 14th day of July, 1964, for the occupancy by Lessee of certain real property containing 0.319 acres, more or less, at Jack London Square for a term of fifty (50) years commencing on the 1st day of August, 1964; and

WHEREAS, said Lease was thereafter assigned with the consent of this Board to RESTAURANTS UNLIMITED, INC., a Washington State Corporation ("RUI"); and

WHEREAS, said RUI has requested the consent of the Port to the assignment of said Lease to RUI ONE CORPORATION, a newly formed wholly owned subsidiary of RUI, as the result of the merger of RUI with another company with RUI as the surviving entity, which transaction will also result in the subletting of the demised premises by RUI ONE CORPORATION to RUI TWO CORPORATION, a wholly owned subsidiary of RUI ONE CORPORATION; now, therefore, be it

RESOLVED that consent is hereby granted RUI to assign said Lease to RUI ONE CORPORATION, with a further subletting of the premises to RUI TWO CORPORATION, upon and subject to the express condition that RUI ONE CORPORATION shall assume and perform all the obligations and liabilities of RUI under said Lease from and after the effective date of assignment and subject further to the express conditions that RUI is not released from any obligation or liability under said Lease by reason of said assignment; and

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute that certain Landlord's Certificate dated August 7, 1990 evidencing the Port's consent to said assignment by RUI and consenting to the hypothecation or the granting of liens or security interests by RUI or its above named subsidiaries in personal property located upon the premises, and that such Landlord's Certificate shall be in a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Ward Allen, Wilson and President Brady - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32108

SA

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED AGREEMENT WITH NORDHAV INC., DOING
BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING,
CONSTITUTES PROFESSIONAL OR SPECIALIZED SER-
VICES; AND AUTHORIZING EXECUTION OF SAID
AGREEMENT.**

RESOLVED, that the Board of Port Commissioners does hereby find and determine that a proposed Agreement between NORDHAV INC., doing business as BASELINE ENVIRONMENTAL CONSULTING ("Baseline") and this Board, to furnish consulting services in connection with a Phase II Site Assessment of the approximately 22-acre Oakport parcel in the Oakland Airport Business Park, generally in accordance with Baseline's August 7, 1990, letter proposal, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from NORDHAV INC., doing business as BASELINE ENVIRONMENTAL CONSULTING, without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that NORDHAV INC., doing business as BASELINE ENVIRONMENTAL CONSULTING, be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses; provided that the maximum compensation which can be made under said Agreement is \$38,000 unless additional work, up to an additional cost not to exceed \$50,000 is approved by the Executive Director; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Ortiz, Sweeney, Ward Allen,
Wilson and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32109

**RESOLUTION DECLARING ELECTION OF OFFICERS
OF THE BOARD OF PORT COMMISSIONERS.**

RESOLVED that after an election of officers of this Board held pursuant to its By-Laws, the following officers, to wit:

Carole Ward Allen	President
Thomas J. Sweeney	Vice President
Christopher C. Marshall	Secretary
Jasmine J. Lim	Assistant Secretary
Sharon L. Krippene	Assistant Secretary

hereby are declared to have been and are duly elected to serve in the capacities indicated, effective August 8, 1990, and until their successors are elected by the Board.

At a regular meeting held August 7, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Ortiz, Sweeney, Ward Allen, Wilson and President Brady - 6

Noes: None

Absent: Commissioner Lockhart - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32110

SRA

**RESOLUTION TERMINATING APPOINTMENT
OF JAMES J. O'BRIEN**

WHEREAS, JAMES J. O'BRIEN, one of the two principal assistants to the Chief Executive Officer and Executive Director and an employee at will of the Port of Oakland, exempt from the operation of the personnel system of the City established pursuant to the City Charter, and his appointment may be terminated at the pleasure of the Board and without the finding of any cause; and

WHEREAS, JAMES J. O'BRIEN, through his attorney was given notice in writing of the Chief Executive Officer and Executive Director's intention to recommend that the Board of Port Commissioners ("Board") at the August 7, 1990 Board meeting abolish the position of Executive Director, Transportation Services and terminate JAMES J. O'BRIEN as an employee of the Port, and that he would be provided an opportunity to be heard by the Board at that meeting; and

WHEREAS, JAMES J. O'BRIEN and his attorney availed themselves of the opportunity to be heard and appeared and made presentations at the August 7, 1990 meeting of the Board; and

WHEREAS, the Board has considered the recommendation of the Chief Executive Officer and Executive Director to abolish the position of Executive Director, Transportation Services and to terminate JAMES J. O'BRIEN as an employee of the Port of Oakland; now, therefore, be it

RESOLVED that the Board, having considered the recommendations of the Chief Executive Officer and Executive Director and the presentations by JAMES J. O'BRIEN and his attorney, determines that the appointment of JAMES J. O'BRIEN, to the position of Executive Director, Transportation Services, be and the same hereby is terminated, effective immediately, for the reason that the incumbent in the position serves at will, i.e., at the pleasure of the Board and, notwithstanding that such reason alone and by itself is sufficient to justify termination of his appointment, the Board also determines that termination of his appointment is justified for the separate, additional and independent reasons that his position entails an unnecessary management layer creating an

impediment to effective management of Port operations, his failure to communicate with the Chief Executive Officer and Executive Director contrary to instructions to him, his failure to be actively involved with the Port management team and the incompatibility of his management style with that of the Chief Executive Officer and Executive Director.

At an adjourned regular meeting held August 10, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney,
Wilson and President Ward Allen - 7

Noes: None

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32111

SP

RESOLUTION AWARDING CONTRACT TO OLIVER DE SILVA, INC., FOR CONSTRUCTION OF AIR CARGO APRON ADJACENT TO BUILDING M-132, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, A.I.P. 3-06-0170-11; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for construction of Air Cargo Apron adjacent to Building M-132, Metropolitan Oakland International Airport, Oakland, California, A.I.P. 3-06-0170-11, be and the same hereby is awarded to OLIVER DE SILVA, INC., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received August 22, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of One Million Fifty-Six Thousand Nine Hundred Seventeen and 00/100 DOLLARS (\$1,056,917.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32112

SBA

RESOLUTION AWARDING CONTRACT TO O.C. JONES AND SONS, FOR BERTH 35 YARD IMPROVEMENTS, PHASE 2, SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for Berth 35 yard improvements, Phase 2, Seventh Street Terminal, Oakland, California, be and the same hereby is awarded to O.C. JONES AND SONS, a partnership, as the lowest responsible bidder, in accordance with the terms of its bid received August 22, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of One Hundred Thirty-Eight Thousand Five Hundred Sixteen and 25/100 DOLLARS (\$138,516.25) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32113

SPH

RESOLUTION AWARDING CONTRACT TO INDUSTRIAL RAILWAY CO., FOR RELOCATION OF LANDSIDE CRANE RAIL, CHARLES P. HOWARD TERMINAL, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for relocation of landside crane rail, Charles P. Howard Terminal, Oakland, California, be and the same hereby is awarded to INDUSTRIAL RAILWAY CO., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received August 22, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Two Hundred Eighty-Six Thousand Three Hundred Twenty-Six and 50/100 DOLLARS (\$286,326.50) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32114

SPT

RESOLUTION REJECTING CLAIM OF RICK VANEK

WHEREAS, Rick Vanek, on the 13th day of August, 1990, presented his claim against the Board of Port Commissioners of the City of Oakland for damages in an unspecified sum within the jurisdiction of the Superior Court for personal injuries sustained while a passenger in a parking lot shuttle bus in the Oakland Airport parking lot, Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, this Board breached no duty owed to claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such claim be and it is hereby rejected.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32115

RESOLUTION REJECTING CLAIM OF MARIE ALCORN

WHEREAS, Marie Alcorn, on the 3rd day of August, 1990, presented her claim against the Board of Port Commissioners of the City of Oakland for damages in an unspecified amount for personal injuries sustained as a result of a fall in the jetway after exiting a flight in Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, this Board breached no duty owed to claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such claim be and it is hereby rejected.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32116

RESOLUTION REJECTING CLAIM OF CLAUDIA M. AYMERIC

WHEREAS, Claudia M. Aymeric, on the 13th day of August, 1990, presented her claim against the Board of Port Commissioners of the City of Oakland for damages in an unspecified amount for personal injuries sustained as a result of a fall in the terminal building at Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, this Board breached no duty owed to claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such claim be and it is hereby rejected.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32117

SJA

**RESOLUTION REJECTING CLAIM OF J.E.T. TECHNICAL
SERVICES, INC..**

WHEREAS, J.E.T. TECHNICAL SERVICES, INC. on the 23rd day of August, 1990, presented its claim against the Board of Port Commissioners of the City of Oakland for damages resulting from the Port's alleged breach of contract regarding the structural inspection of cranes X-421, X-422 and X-423, Seventh Street Terminal, Oakland, California, and to repair any defective welds that were found; and

WHEREAS, this Board breached no duty owed to claimant; and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such application be and it is hereby denied.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32118

**RESOLUTION GRANTING HERTZ RENT-A-CAR
CORPORATION PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by **HERTZ RENT-A-CAR CORPORATION**, a corporation, for permission to perform certain work at its leased premises, located at South Field, Metropolitan Oakland International Airport, Oakland, California, said work would include the construction of an 8'-0" x 9'-0" x 6" thick reinforced concrete pad at the south end of the Hertz Rent-A-Car parking lot across from Terminal II and the installation of a prefabricated 4'-0" x 6'-0" x approximately 8'-0" high attendant booth including associated electrical work, the booth would have 8" high vinyl letters reading "HERTZ", attached on all four sides of the fascia, at an estimated cost to said applicant of \$25,000.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Nocs: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32119

**RESOLUTION RELATING TO THE EFFECTIVE DATE OF
NEW SALARY RATE ASSIGNMENTS UNDER THE PORT PAY
FOR PERFORMANCE PROGRAM.**

WHEREAS, this Board has determined that the next series of salary adjustments for employees in the Port Pay for Performance Program should be effective September 29, 1990; and

WHEREAS, Port Management is presently completing Pay for Performance salary reviews for said employees to assist the Board in finalizing said salary determinations; and

WHEREAS, said salary reviews and this Board's consideration thereof will not be completed in time to adopt a resolution assigning specific revised salary rates for said employees by September 29, 1990; and

WHEREAS, this Board intends to consider said Pay for Performance salary reviews in making its determinations as to said employee salaries and further intends to make said salary adjustments effective in accordance with its previously stated practice on September 29, 1990; now, therefore, be it

RESOLVED that the salary adjustments for employees included in the Port Pay for Performance Program are intended to be adjusted effective September 29, 1990; and be it

FURTHER RESOLVED that the salary adjustments for employees of the Port included in said Pay for Performance Program which are approved by this Board following its consideration of the current salary adjustment reviews prepared for the Board will be effective retroactive to September 29, 1990.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32120

**RESOLUTION AMENDING RESOLUTION NO. 31966
CONCERNING APPOINTMENT OF DIRECTOR OF
HUMAN RESOURCES.**

RESOLVED that Resolution No. 31966 relating to the appointment of ANTHONY S. VERDREAM adopted by this Board on May 15, 1990, is hereby amended to change the effective date from June 18, 1990 to August 20, 1990.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Nocs: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32121

SP/A

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC RESTROOM FACILITY (L-928) AND IMPROVEMENTS AT SEWAGE EJECTOR STATION, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (CIP A1.0280.01); AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **CONSTRUCTION OF PUBLIC RESTROOM FACILITY (L-928) AND IMPROVEMENTS AT SEWAGE EJECTOR STATION, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA. (CIP) A1.0280.01**, be and the same hereby are approved; and be it

FURTHER RESOLVED that the project is categorically exempt from the requirements of the California Environmental Quality Act, under the Port's CEQA guidelines; and be it

FURTHER RESOLVED that the sums for liquidated damages be set in the amount of \$300.00 per day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to October 17, 1990, the date set for receiving said bids.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32122

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CITY OF OAKLAND OFFICE OF EMERGENCY SERVICES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **CITY OF OAKLAND OFFICE OF EMERGENCY SERVICES**, and this Board to furnish consulting services with respect to the comprehensive emergency management program, as set forth in Agenda Sheet Item No. O-1, September 4, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **CITY OF OAKLAND OFFICE OF EMERGENCY SERVICES**, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **CITY OF OAKLAND OFFICE OF EMERGENCY SERVICES** be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$22,500 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32123

SP

RESOLUTION ELIMINATING AN AUTHORIZED BOARD REPRESENTATIVE UNDER THE TRUST INDENTURE DATED AS OF APRIL 1, 1989 BY AND BETWEEN THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND AND SECURITY PACIFIC NATIONAL BANK AND APPOINTING ADDITIONAL DESIGNATED REPRESENTATIVES UNDER THE PORT'S COMMERCIAL PAPER PROGRAM AND THE THIRD SUPPLEMENTAL TRUST INDENTURE.

WHEREAS, the Board of Port Commissioners of the City of Oakland (the "Board") is a party to the Trust Indenture dated as of April 1, 1989 (the "Indenture") between the Board and Security Pacific National Bank, as Trustee (the "Trustee"), as amended and supplemented by four Supplemental Trust Indentures between the Board and the Trustee; and

WHEREAS, the Chief Executive Officer and Executive Director and the Chief Financial Officer of the Board have been designated as Authorized Board Representatives under the Indenture, and the Director of Engineering, the Executive Director, Transportation Services and Executive Director of Port Planning and Development have been designated as Authorized Board Representatives by Resolutions of the Board in accordance with the provisions of the Indenture, to perform certain duties and deliver certain certificates as set forth therein; and

WHEREAS, the position of Executive Director, Transportation Services no longer exists and it is desirable to delete the position of Executive Director, Transportation Services as an Authorized Board Representative; and

WHEREAS, under the Port's Commercial Paper Program, the Board has appointed pursuant to Resolution No. 31582 adopted by the Board on September 19, 1989 and Resolution No. 31897 adopted by the Board on April 3, 1990, the Chief Financial Officer of the Port, or in the event of his absence or unavailability, the Chief Port Accountant, the Port Accounting Supervisor responsible for debt management, and the Port Controller to serve as Designated Representatives to execute Issuance Requests pursuant to the provisions of the Third Supplemental Trust Indenture dated as of September 1, 1989 between the Board and the Trustee (the "Third Supplement") and to undertake the duties set forth in said Third Supplement and related documents to the Commercial Paper Program (as set forth in Resolution No. 31582); and

WHEREAS, the Board desires to appoint the two Port Accounting Managers of the Port and the Port Manager, Financial Planning and Analysis as additional Designated Representatives under the Commercial Paper Program and to remove the Chief Port Accountant and the Port Accounting Supervisor as Designated Representatives; now, therefore, be it

RESOLVED, by the Board of Port Commissioners of the City of Oakland as follows:

1. **Removal Authorized Board Representative.** The Board hereby removes the Executive Director, Transportation Services, as an Authorized Board Representative.

2. **Appointment of Additional Designated Representatives.** The Board hereby appoints the two Port Accounting Managers and the Port Manager, Financial Planning and Analysis in the event of the absence or unavailability of the Chief Financial Officer of the Port to serve as additional Designated Representatives of the Board under the terms of the Third Supplement. The additional Designated Representatives shall be authorized and are hereby directed to perform those duties as set forth in Resolution No. 31582. The Board hereby removes the Chief Port Accountant and the Port Accounting Supervisor as a Designated Representative.

3. **Delivery of Notice to Trustee.** The Chief Financial Officer of the Board is hereby authorized, empowered and directed to deliver to the Trustee a written notice stating that the above persons have been removed as an Authorized Board Representative and designated or removed as Designated Representatives.

4. **Effective Date.** The effective date of the Resolution shall be the date of its adoption.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32124

**RESOLUTION APPOINTING DIRECTORS OF
THE PORT OF OAKLAND PUBLIC BENEFIT
CORPORATION.**

SJA

WHEREAS, the Port of Oakland Public Benefit Corporation, a California non-profit public benefit improvement corporation incorporated on June 23, 1987 (the "Corporation") was authorized and established under the laws of the State of California and Resolution No. 30165 of the Board of Port Commissioners (the "Board") adopted on June 23, 1987, to render assistance to the Board relating to harbor and airport improvements and other economic activities in connection with Port properties; and

WHEREAS, pursuant to Resolution No. 31596 the Board most recently appointed seven directors of the Corporation for terms of one year and until successor directors are designated and qualified, in accordance with Sections 3.3 and 3.5 of the By-Laws of the Corporation; and

WHEREAS, Directors Higgins and Wasserman have submitted their resignations as directors of the Corporation; and

WHEREAS, it is therefore necessary and desirable at this time for the Board to designate successor directors of the Corporation for such individuals as required by Section 3.5 of the By-Laws of the Corporation; now, therefore, be it

RESOLVED that the Board does hereby appoint as directors of the Corporation the two persons recently appointed as Commissioners of this Board, namely:

Henry Chang, Jr.
Lionel J. Wilson

Said directors shall each serve a term of one year and until a successor director has been appointed.

At a regular meeting held September 4, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32125

SPH

**RESOLUTION AUTHORIZING EXECUTION OF
TERMINATION AGREEMENT WITH OAKLAND
SYNDICATE TRUST.**

RESOLVED that the President of the Board be and he is hereby authorized to execute and the Secretary to attest that certain Termination Agreement with OAKLAND SYNDICATE TRUST, C.A. FRITSINGER, TRUSTEE ("OAKLAND SYNDICATE TRUST"), dated the 4th day of September, 1990 terminating that certain Lease between the Port and said OAKLAND SYNDICATE TRUST, dated the 23rd day of May, 1966 and recorded on the 7th day of July, 1966, Reel 1801, Image 507, Official Records of Alameda County, California, upon the payment to said OAKLAND SYNDICATE TRUST OF \$237,000.00 subject to any payment deductions and other terms and conditions of said Termination Agreement and that such Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32126

SPH

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO ACCOMPLISH CONSTRUCTION OF PARKING LOT ADJACENT TO JOHN GLENN DRIVE, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A CONTRACT FOR SUCH CONSTRUCTION OR THE CHIEF ENGINEER TO ISSUE A CHANGE ORDER BASED ON RECEIPT OF INFORMAL BIDS.

WHEREAS, it is expected existing parking capabilities at the Metropolitan Oakland International Airport will be exceeded by the Thanksgiving and Christmas holiday period; and

WHEREAS, it has become necessary to construct a Parking Lot Adjacent To John Glenn Drive, South Field, Metropolitan Oakland International Airport, Oakland, California in time to meet projected parking demand; now, therefore, be it

RESOLVED that the Board of Port Commissioners finds and determines that it is in the best interests of the Port to accomplish construction of a Parking Lot Adjacent to John Glenn Drive, South Field, Metropolitan Oakland International Airport, Oakland, California without competitive bidding; and be it

FURTHER RESOLVED that this Board does hereby authorize the Executive Director to enter into a contract for such construction work or, in the alternative, to permit the Chief Engineer to issue a change order for such work based upon receipt of informal bids, at an approximate cost of \$500,000.00; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director (the "Executive Director") be and he is hereby authorized for and on behalf of this Board to immediately order or to authorize the immediate ordering of electrical equipment necessary to accomplish the work contemplated hereunder.

At a regular meeting held September 4, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32127

SP
RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH BURNS AND ROE SECURACOM, INC. FOR ENGINEERING CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **BURNS AND ROE SECURACOM, INC.** and this Board to furnish engineering consulting services with respect to the security engineering services as set forth in Agenda Sheet Item No. A-4, September 4, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **BURNS AND ROE SECURACOM, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **BURNS AND ROE SECURACOM, INC.** be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$134,000, provided that the Executive Director may approve in writing an additional cost not exceed \$40,000; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32128

2/21
RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH ROBERTS & ASSOCIATES, INC. FOR MARKETING CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **ROBERTS AND ASSOCIATES, INC.** and this Board to furnish marketing consulting services with respect to the passenger services marketing program, as set forth in Agenda Sheet Item No. A-11S, September 4, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **ROBERTS AND ASSOCIATES, INC.**, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **ROBERTS AND ASSOCIATES, INC.** be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$35,000 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32129

SAA
RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH KEISER AND ASSOCIATES FOR MARKETING CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **KEISER AND ASSOCIATES** and this Board to furnish marketing consulting services with respect to the air cargo marketing program, set forth in Agenda Sheet Item No. A-12S, September 4, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **KEISER AND ASSOCIATES**, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **KEISER AND ASSOCIATES**, be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$35,000 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayces: Commissioners Chang, Lockhart, Sweeney and President Ward Allen - 4

Noces: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32130

SPH

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO CONTRACT
FOR MAINTENANCE DREDGING OF OUTER HARBOR
CHANNEL, OAKLAND, CALIFORNIA, WITHOUT
COMPETITIVE BIDDING AND AUTHORIZING THE CHIEF
EXECUTIVE OFFICER TO ENTER INTO A CONTRACT FOR
SUCH DREDGING WORK OR THE CHIEF ENGINEER TO
ISSUE A CHANGE ORDER BASED ON RECEIPT OF
INFORMAL BIDS.**

WHEREAS, as of June 1990 the Corp. of Engineers (the "Corps") performed certain maintenance dredging work in the Outer Harbor Channel to a depth of -35 feet; and

WHEREAS, post-dredge soundings show that some areas are at or very close to minimum depth and are causing navigational problems for Maersk Line vessels; and

WHEREAS, it is necessary to perform additional maintenance dredging in the Outer Harbor Channel to minimize such navigational problem; and

WHEREAS, the Corp has agreed that the Port may use a permit obtained in 1986 to perform said dredging work and such additional work as described in Board of Port Commissioners Agenda Sheet Item No. Marine Terminals-1, dated September 4, 1990; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interests of the Port to accomplish said dredging of Outer Harbor Channel, Oakland, California, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director (the "Executive Director") be and he is hereby authorized for and on behalf of this Board to enter into a contract for said dredging work or, in the alternative, to permit the Chief Engineer to issue a change order for same based upon receipt of informal bids, at an approximate cost of \$70,000.00.

At a regular meeting held September 4, 1990

Passed by the following vote:

**Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4**

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32131

SAX

RESOLUTION CERTIFYING CONSIDERATION OF INITIAL STUDY AND NEGATIVE DECLARATION FOR IMPROVEMENTS AT BERTHS 35 AND 36, PORT OF OAKLAND OUTER HARBOR, FINDING NO SUBSTANTIAL EVIDENCE OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, APPROVING THE NEGATIVE DECLARATION AND APPROVING THE PROJECT.

RESOLVED that the Board of Port Commissioners hereby certifies that it has considered the Initial Study and proposed Negative Declaration, together with the public comments and the Port's responses thereto, for the project entitled "Improvements At Berths 35 and 36, Port of Oakland Outer Harbor" (said matters considered being hereinafter collectively referred to as the "Initial Study/Negative Declaration"); and be it

FURTHER RESOLVED that on the basis of the Initial Study/Negative Declaration the Board hereby finds that there is no substantial evidence that said project will have a significant effect on the environment; and be it

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

FURTHER RESOLVED that having approved the Negative Declaration the Board hereby approves the project.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32132

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF AN AGREEMENT WITH
PACIFIC GAS & ELECTRIC CO. ("PG&E").**

WHEREAS, on May 24, 1990, the Board awarded the contract for Earthquake Damage Repair of Concrete Wharves, Berths 36, 37, 38 and Westerly Portion of Berth 35, Seventh Street Terminal to Kulchin-Condon & Assoc., Inc.; and

WHEREAS, as part of the earthquake damage repair at Berth 38, the underground 12 KV circuit must be rerouted for installation of the stone columns; now, therefore, be it

RESOLVED that the Board finds and determines that it is in the best interest of the Port to have the underground 12 KV circuit rerouted for installation of stone columns connected with earthquake damage repair at Berth 38 performed by **PACIFIC GAS & ELECTRIC CO. ("PG&E")** without formal competitive bidding; and be it

RESOLVED, that the Board hereby approves and authorizes the Chief Executive Officer and Executive Director to execute for and on behalf of the Board an Agreement between the Port and **PG&E** to provide for the installation of the rerouted cables, and that **PG&E** be compensated in the amount of \$18,040, provided that said Agreement shall be approved as to form and legality by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32133

SRA

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED AGREEMENT WITH MILLER CONSULTING
GROUP FOR CONSULTING SERVICES CONSTITUTES
PROFESSIONAL OR SPECIALIZED SERVICES; AND
AUTHORIZING EXECUTION OF SAID AGREEMENT.**

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **MILLER CONSULTING GROUP** and this Board to furnish consulting services with respect to the Intermodal Study co-funded by Southern Pacific Transportation Company and Union Pacific Railroad, as set forth in Agenda Sheet Item No. MT-8S, September 4, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **MILLER CONSULTING GROUP** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **MILLER CONSULTING GROUP** be compensated on a time and materials basis for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$135,000, unless an additional cost not to exceed \$10,000 is approved by the Executive Director and that the Executive Director is authorized to enter into agreements with Southern Pacific Transportation Company and Union Pacific Railroad for reimbursement of Port expenses; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32134

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

SRA

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

NANCY BROWN, Intermediate Typist Clerk, effective August 20, 1990;

DOROTHY ABOUMRAD, Administrative Secretary, Rate "d", effective August 27, 1990;

BARRY BARRON, Manager, Information Technology, Salary Grade 12, Rate \$4990, effective September 5, 1990;

DONALD MORRISON, Utilities Supervisor, Salary Grade 12, Rate \$4518, effective September 5, 1990;

ROBERT GARDNER, Airport Personnel and Administrative Services Officer, Salary Grade 10, Rate \$3539, effective September 5, 1990;

JAY SANKEY, Port Senior Accountant, Salary Grade 9, Rate \$3500, effective September 5, 1990;

ALMA BROWN, Port Senior Computer Operator, Rate "b", effective September 5, 1990;

JEAN LAWRENCE, Port Computer Operator, Rate "c", effective September 5, 1990;

EDNA LIMA, Janitor Foreperson, Salary Grade 6, Rate \$2396, effective September 5, 1990;

JOSEPHINE CAMACHO, Port Personnel Clerk, Rate "c", effective September 5, 1990;

JON STARK, Port Reprographics Equipment Operator, Rate "b", effective September 5, 1990;

CHERRIE RIDEOUT, Account Clerk, effective September 5, 1990;

CAROLYN FRAZIER, Intermediate Typist Clerk, Rate "c", effective September 5, 1990;

PAMELA HURTS, Intermediate Typist Clerk, effective September 5, 1990;

CAROL CHU, Manager, Systems and Programming, Salary Grade 12, Rate \$5000, effective September 10, 1990;

SUE KANG, Account Clerk, effective September 11, 1990;

STEPHEN BLINN, Port Senior Accountant, Salary Grade 9, Rate \$3400, effective September 11, 1990;

GRACE MCGANN, Port Senior Accountant, Salary Grade 9, Rate \$3400, effective September 11, 1990;

MARY DAVIDSON, Port Staff Accountant I, Salary Grade 7, Rate \$2797, effective September 17, 1990;

ALBERT LUM, Port Staff Accountant I, Salary Grade 7, Rate \$2750, effective September 17, 1990;

STANLEY TANAKA, Port Staff Accountant I, Salary Grade 7, Rate \$2700, effective September 17, 1990;

NARVELLA BERTHIA, Administrative Secretary, effective September 17, 1990;

JODY ZAITLIN, Associate Port Environmental Planner, Salary Grade 10, Rate \$4000, effective September 17, 1990; and

BRAD L. OLSON, Associate Port Environmental Planner, Salary Grade 10, Rate \$3708, effective September 18, 1990.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32135

SRA
RESOLUTION AMENDING RESOLUTION NO. 31903
CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that that portion of Resolution No. 31903 relating to the length of the appointment of SYRELL SAPOZNICK, adopted by this Board on April 3, 1990, be and the same hereby is extended through the duration of the USS Potomac Project as administered by the Port of Oakland.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32136

**RESOLUTION APPROVING JOB SPECIFICATION FOR THE
POSITION OF PRINCIPAL DRAFTING TECHNICIAN.**

SPH

RESOLVED that this Board, pursuant to the provisions of Rule 3 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the job specification for the position of Principal Drafting Technician, dated September 4, 1990.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32137

SRA
RESOLUTION APPROVING EXAMINATION ANNOUNCEMENTS
FOR THE POSITIONS OF PORT LAND SURVEYOR AND
SENIOR ENGINEERING ASSISTANT.

RESOLVED that this Board, pursuant to the provisions of Rule 4 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the examination announcements for the positions of Port Land Surveyor dated September 12, 1990 and Senior Engineering Assistant dated September 5, 1990.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32138

RESOLUTION CONCERNING CERTAIN LEAVES OF ABSENCE.

SPH

RESOLVED that leaves of absence or extensions thereof, for the following employees, with or without pay, for the reasons and times respectively shown, be and the same hereby are approved or ratified as the case may be:

MYONG SOP RHEE, Custodian, without pay, for medical reasons, for a period of twenty five (25) working days, commencing July 23, 1990;

DIANE LANGILL, Intermediate Typist Clerk, without pay, except for any portion of said leave covered by paid sick leave, for maternity leave, for a period of eighty (80) working days, commencing August 5, 1990;

RITA THOMAS, Intermediate Typist Clerk, without pay, for medical reasons, for a period of nineteen (19) working days, commencing August 22, 1990; and be it

FURTHER RESOLVED that NARVELLA BERTHIA be and she is hereby granted a leave of absence from her classified Civil Service position of Senior Secretary, to accept appointment to the exempt position of Administrative Secretary, effective September 17, 1990.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32139

SPA

**RESOLUTION TERMINATING APPOINTMENTS
OF CERTAIN YOUTH AIDE POSITIONS.**

RESOLVED that the appointments of VENETTA EDWARDS to the position of Youth Aide, Class "BB-1" and MARIA HO, to the position of Youth Aide, Class "A", are hereby terminated effective September 20, 1990 for the reason that their duration of employment exceeds the limitations on maximum terms of employment set forth in Article 10A of the Memorandum of Understanding between the Port and United Public Employees, Local 790, AFL-CIO, covering the Youth Aide Unit.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32140

SRA

**RESOLUTION FINDING THAT AN EXTREME EMERGENCY
EXISTED AND RATIFYING ACTION OF CHIEF
EXECUTIVE OFFICER AND EXECUTIVE DIRECTOR
PLACING OF HULL AND LIABILITY INSURANCE ON
U.S.S. POTOMAC.**

RESOLVED that there existed an extreme emergency such as required the Chief Executive Officer and Executive Director to bind renewal coverage of Hull and Liability Insurance on U.S.S. Potomac on or before September 1, 1990, and such action is hereby ratified in accordance with Section 5, Subsection "i" of Port Ordinance No. 1606 and Article XII, Section 9a of the ByLaws and Administrative Rules of the Board of Port Commissioners; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to procure a renewal policy for said Hull and Liability Insurance on the U.S.S. Potomac for the remainder of the Annual Period ending August 31, 1991 with Johnson & Higgins for an annual of \$54,000; now, therefore, be it

FURTHER RESOLVED that said renewal policy be on a form approved by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32141

SPH
RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH QUALITY ASSURANCE ENGINEERING LABORATORIES, DOING BUSINESS AS CONSOLIDATED ENGINEERING LABORATORIES, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between QUALITY ASSURANCE ENGINEERING LABORATORIES, doing business as CONSOLIDATED ENGINEERING LABORATORIES, and this Board to furnish consulting services with respect to the materials testing services, as set forth in Agenda Sheet Item No. O-8S, September 4, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from QUALITY ASSURANCE ENGINEERING LABORATORIES, doing business as CONSOLIDATED ENGINEERING LABORATORIES, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that QUALITY ASSURANCE ENGINEERING LABORATORIES, doing business as CONSOLIDATED ENGINEERING LABORATORIES, be compensated for such services at agreed upon billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$300,000, unless an extension of said Agreement for one year is authorized in writing by the Executive Director, in which case additional work up to an additional cost not to exceed \$100,000 may be approved by the Executive Director; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32142

**RESOLUTION TERMINATING APPOINTMENT
OF WANDA ALLEJE, LEGAL SECRETARY I.**

RESOLVED that the appointment of WANDA ALLEJE to the position of Legal Secretary I, be and the same hereby is terminated, effective September 5, 1990 for the reason of her abandonment of job as the result of her failure to report to work for a period of five (5) consecutive days without required notification in violation of Port work rules.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32143

SJA

RESOLUTION RATIFYING AND APPROVING EXECUTION OF INTERIM SERVICES AGREEMENT WITH GIADMIN INC. AND SETTLEMENT AGREEMENT WITH PORTSIDE PROPERTIES AND OTHER PARTIES PROVIDING FOR TERMINATION OF PORTSIDE PROPERTIES' PARTNERSHIP INTERESTS IN OAKLAND PORTSIDE ASSOCIATES, AND AUTHORIZING THE PORT'S CHIEF EXECUTIVE OFFICER TO ACT ON BEHALF OF THE PORT AS GENERAL PARTNER IN OAKLAND PORTSIDE ASSOCIATES.

RESOLVED, that the Board of Port Commissioners hereby ratifies and approves the Chief Executive Officer and Executive Director's execution for and on behalf of the Board of that certain Settlement Agreement dated as of August 17, 1990, on file with the Secretary of the Board, by and among the **PORT, PORTSIDE PROPERTIES**, a California limited partnership ("**Portside**"), **OAKLAND PORTSIDE ASSOCIATES**, a California limited partnership ("**OPA**"), **GIADMIN, INC.**, a California corporation ("**Giadmin**"), **URBAN CENTRE DEVELOPMENT, LTD., INC.**, a California corporation ("**UCD**"), **TRI**, a California corporation ("**TRI**"), **E. GLENN ISAACSON**, an individual, **ROBERT J. CAREY**, an individual, **MALCOLM STROUD**, an individual, **ART SCOTT**, an individual **THE WATERFRONT ASSOCIATION**, a California nonprofit corporation, ("**The Waterfront Association**") and **PORT OF OAKLAND PUBLIC BENEFIT CORPORATION**, a non-profit public benefit corporation ("**Port-PBC**"), said Settlement Agreement providing, among other things, for Portside's transfer of all its general partner interest in OPA to the Port, for Portside's transfer of all its limited partner interest in OPA to Port-PBC, for Portside's withdrawal from OPA, for termination of various agreements and relationships between OPA and Giadmin, between OPA and UCD and/or TRI and between The Waterfront Association and Giadmin, and for various releases and indemnities among the parties with respect to Jack London Square development; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby ratifies and approves the Chief Executive Officer and Executive Director's execution for and on behalf of the Board as general partner in OPA of that certain Interim Services Agreement dated as of August 17, 1990, on file with the Secretary of the Board, by and among OPA, Giadmin and The Waterfront Association; and be it

FURTHER RESOLVED that after execution of the said Settlement Agreement, the Chief Executive Officer and Executive Director is hereby authorized for and on behalf of the Port, as general partner in OPA, to cause OPA to take such actions and enter into such agreements (1) which (a) OPA through the OPA Executive Committee was authorized under the OPA partnership agreement to take and enter into an (b) the Board had authorized the Port's representatives on the Executive Committee to approve without further actio by the Board; provided, however, that for purposes of this item (b) the Board hereby approves the current OPA budget as approved in the December 11, 1989, letter from Bankers Trust Company to Susan Taymor-Luria of Giadmin Inc. and/or (2) which are necessary to carry out and/or pay for the obligations of OPA arising out of contracts and agreements previously entered into; provided, that the Chief Executive Officer and Executive Director may from time to time in writing delegate the foregoing authority in this **FURTHER RESOLVED** clause to one or more Port employees, subject to the Port Attorney's approval of the form and legality of such delegation;

FURTHER RESOLVED that this Resolution is intended to be supplementary to Port Resolution Nos. 32024 and 32095 and is not intended to supersede said Resolutions or revoke any authorization granted therein.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32144

**RESOLUTION APPROVING AND RATIFYING THE FILING OF
A COMPLAINT AGAINST INSURANCE COMPANY OF NORTH
AMERICA.**

RESOLVED that the Board of Port commissioners hereby approves and ratifies the Port Attorney's filing and prosecution of the complaint in The City of Oakland v. Insurance Company of North America, San Francisco Superior Court No. 923142, and the appointment and employment of **Farella, Braun & Martel** as Special Counsel, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with said litigation.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32145

**RESOLUTION AMENDING THE BY-LAWS AND
ADMINISTRATIVE RULES OF THE BOARD OF
PORT COMMISSIONERS.**

RESOLVED that the By-Laws and Administrative Rules of the Board of Port Commissioners shall be and hereby are amended by modifying Section 3 of Article IV thereof to provide as follows:

"3. Standing Committees of the Board shall be:

- a. Executive and External Affairs
- b. Aviation
- c. Maritime
- d. Planning and Development
- e. Finance and Audit
- f. Human Resources

The President shall make appointments to the standing committees."

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32146

SPH

**RESOLUTION AMENDING THE BY-LAWS AND
ADMINISTRATIVE RULES OF THE BOARD OF
PORT COMMISSIONERS.**

RESOLVED that the By-Laws and Administrative Rules of the Board of Port Commissioners shall be and hereby are amended by modifying Section 18 of Article XII thereof to provide as follows:

"18. In case of the absence or disability of the CEO, or when directed to do so by the CEO, the Executive Director, Port Planning and Development; the Director of Human Resources; or Chief Financial Officer shall act in the place and stead of the CEO and perform the duties of the CEO."

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SRL

RESOLUTION NO. 32147

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER AND EXECUTIVE DIRECTOR TO ACT AS AUTHORIZED AGENT OF THE PORT IN CONNECTION WITH APPLICATIONS ON BEHALF OF THE PORT FOR DISASTER RELIEF AND EMERGENCY ASSISTANCE WITH ALL APPROPRIATE FEDERAL, STATE AND LOCAL AGENCIES AND RATIFYING CERTAIN ACTIONS IN FURTHERANCE THEREOF.

WHEREAS, by Resolution No. 31638 adopted by the Board of Port Commissioners on October 24, 1989, the Board of Port Commissioners authorized any one or combination of Port employees occupying certain positions, including, but not limited to, the Chief Executive Officer and Executive Director, to submit applications and to take actions in furtherance thereof (including, without limitation, preparation and submission of a list of damaged facilities) for disaster relief and emergency assistance for and on behalf of the Board with all appropriate Federal, State and local agencies in connection with the October 17, 1989 earthquake, including, without limitation, an application to obtain Federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 10-707) and other related matters as set forth in said Resolution; and

WHEREAS, it is appropriate at this time to confirm that **NOLAN R. GIMPEL**, as the Chief Executive Officer and Executive Director of the Port, is authorized pursuant to Resolution No. 31638 to act as the Port's authorized agent in all matters referred to in said Resolution; now, therefore, be it

RESOLVED by the Board of Port Commissioners that Resolution No. 31638 is hereby ratified and confirmed; and be it

FURTHER RESOLVED that the Board of Port Commissioners authorizes **NOLAN R. GIMPEL**, Chief Executive Officer and Executive Director, to act as an authorized agent of the Board in all matters referred to in said Resolution No. 31638.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32148

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SUPPLEMENTAL AGREEMENT WITH TRA ARCHITECTURE, ENGINEERING, PLANNING, INTERIORS FOR A TERMINAL AREA DEVELOPMENT STUDY CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES AND MAY BE MADE WITHOUT COMPETITIVE BID, AND APPROVING AND AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT THEREFOR.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that a proposed agreement between TRA ARCHITECTURE, ENGINEERING, PLANNING, INTERIORS, a partnership ("TRA"), and the Port, whereby TRA would prepare for the Port a Terminal Area Development Study for Metropolitan Oakland International Airport, will constitute a contract for obtaining professional or specialized services and therefore may be made without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized for and on behalf of the Board to execute a supplemental agreement to that certain Agreement dated July 21, 1987, between the Port and TRA, as previously amended, providing for TRA to prepare a Terminal Area Development Study for Metropolitan Oakland International Airport, and providing for such other amendments to said July 21, 1987, Agreement as described in Agenda Sheet Item No. Airport-5 dated September 4, 1990, without further approval by the Board; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director shall be authorized to approve such additional work at such monetary limits as is described in Agenda Sheet Item No. Airport-5, dated September 4, 1990.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32149

Jan

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTERESTS OF THE PORT TO PURCHASE
CERTAIN BUS SHELTERS WITHOUT COMPETITIVE
BIDDING AND AUTHORIZING PROCUREMENT OF SAME IN
THE OPEN MARKET.**

WHEREAS, the substantial increase in passenger traffic at Metropolitan Oakland International Airport has required additional parking facilities and related services, including additional locations for passenger pickup for airport parking shuttle bus services; and

WHEREAS, there is now a requirement to purchase additional bus shelters for use in airport parking shuttle bus services;

WHEREAS, an extensive product evaluation of existing bus shelters manufactured by Ace Aluminum has revealed that such bus shelters best meet the Port's requirements; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby finds and determines that it is in the best interests of the Port to purchase nine (9) bus shelters as set forth on Board of Port Commissioners Agenda Sheet Item No. Airport-7S, dated September 4, 1990, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director be and he is hereby authorized for and on behalf of the Board to purchase said bus shelters on the open market for a total price of approximately \$29,039.00.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32150

SPK

RESOLUTION EXERCISING THE BOARD'S OPTION TO RENEW THAT CERTAIN AGREEMENT WITH OAKLAND FUEL FACILITIES CORPORATION FOR THE OPERATION AND MAINTENANCE OF THE PORT'S AVIATION FUEL STORAGE SERVICING SYSTEM AND EQUIPMENT AND AUTHORIZING, APPROVING AND RATIFYING NOTICE OF RENEWAL THEREOF FOR A SECOND ONE YEAR TERM.

WHEREAS, the Port of Oakland has entered into that certain Agreement for Operation and Maintenance of Aviation Fuel Storage Facility, Hydrant Fueling System and Service and Maintenance of Aviation Refuelers and Servicers with OAKLAND FUEL FACILITIES CORPORATION, a California nonprofit mutual benefit corporation, dated October 27, 1989; and

WHEREAS, the Board of Port Commissioners desires to renew said Agreement for a second one year term commencing October 1, 1990 and continuing through September 30, 1991; and

WHEREAS, said Agreement provides for renewal thereof at the Port's option; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interest of the Port to renew said Agreement for a second one year term commencing October 1, 1990 and continuing through September 30, 1991; and be it

FURTHER RESOLVED that this Board does hereby exercise its option to renew said Agreement for a second one year term commencing October 1, 1990 and continuing through September 30, 1991; and be it

FURTHER RESOLVED that this Board does hereby authorize, approve and ratify the Chief Executive Officer and Executive Director's (the "Executive Director") or his designee's Notice of Renewal of same to OAKLAND FUEL FACILITIES CORPORATION.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32151

SPA

**RESOLUTION APPROVING INCLUSION OF LANDS WITHIN
PORT AREA IN ENTERPRISE ZONE PRELIMINARY
APPLICATION TO BE SUBMITTED BY CITY OF
OAKLAND.**

RESOLVED that the Board of Port Commissioners of the City of Oakland, subject to the terms and conditions of this resolution, hereby approves and authorizes the Chief Executive Officer and Executive Director ("CEO"), on behalf of the Board, to have included in the Enterprise Zone preliminary application to be submitted to the State of California such portions of the lands within the Port Area as the CEO considers appropriate; and be it

FURTHER RESOLVED that the approval and authorization hereby granted applies only to the preliminary application, and is subject to the following terms and conditions:

1. No final application shall be submitted which includes land within the Port Area unless and until the Board of Port Commissioners first in its discretion approves of the final application by resolution; and

2. Notwithstanding the approval and authorization granted by this resolution, any action by the CEO, or any preliminary application submitted by the City of Oakland, the Board of Port Commissioners fully reserves its complete and exclusive power, and its duty for and on behalf of the City, with respect to control and jurisdiction in the Port Area and with respect to other activities in the Port Area as specified in the City Charter.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32152

SA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO PURCHASE
CERTAIN SURVEY EQUIPMENT, WITHOUT COMPETITIVE
BIDDING, AND AUTHORIZING PROCUREMENT OF SAME
ON THE OPEN MARKET.**

WHEREAS, the Engineering Department has a requirement to purchase survey equipment; and

WHEREAS, an extensive product evaluation of "total station" survey equipment has revealed that the Zeis Elta 2 Total Station system best meets the Port's requirements; and

WHEREAS, an authorized dealer of said equipment has agreed to credit seventy percent (70%) of the Port's rental payments for said equipment to the purchase price as set forth on Board of Port Commissioners Agenda Sheet Item No. Operations - 7S, dated September 4, 1990; now, therefore, be it

RESOLVED that the Board of Port Commissioners (the "Board") hereby finds and determines that it is in the best interest of the Port to purchase one Zeis Elta 2 Total Station system as set forth on the above described Board of Port Commissioners Agenda Sheet, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") be and he is hereby authorized for and on behalf of the Board to purchase said equipment on the open market for a total price not to exceed \$30,103.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Nocs: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32153

SPK

RESOLUTION FINDING CERTAIN ACCOUNTS RECEIVABLE
TO BE UNCOLLECTIBLE AND AUTHORIZING THE CHIEF
FINANCIAL OFFICER TO WRITE OFF THE SAME FROM
THE BOOKS OF THE PORT.

WHEREAS, there are certain accounts receivable on the books of the Port of Oakland which, by reason of being disputed and without sufficient proof to sustain them, or by reason of the fact that the debtor is financially unable to pay, or for other reasons, are uncollectible, and it has been recommended by the Port Attorney and the Chief Financial Officer that said accounts be written off the books of the Port of Oakland; now, therefore, be it

RESOLVED that, upon the recommendation of the Port Attorney and the Chief Financial Officer, the various accounts receivable hereinafter set forth are hereby found and determined to be uncollectible and the Chief Financial Officer is hereby authorized and directed to write off from the books of the Port of Oakland the following accounts receivable:

ACCOUNT NUMBER	NAME	AMOUNT
262	AIR AMERICA	3,755.07
741	ARAMCO	803.66
1450	BRANIFF INTL	410.97
1460	SANDRA BRISCA	388.80
2940	ENGINEERED MODULAR	6,443.68
3010	GORDON FATTA	(25.00)
3298	GKW, INC	10,599.20
4188	INDEPENDENT AIR	13,021.03
4379	J J SECURITY	(18.67)
4623	KAR DAN CONSTRUCTION	700.46
5115	MARK AIR	(179.55)
7183	RICH INTL	(575.20)
7821	ROBERT SMITH	883.50
8229	GLEN STOREK	690.80
8573	TRANSBAY CONTAINER	3,179.11
8578	TRANS INT AIR	900.00
9485	YELLOW CAB	8,444.79
80011	ARNTZ BUILDERS	(93.65)

<u>ACCOUNT NUMBER</u>	<u>NAME</u>	<u>AMOUNT</u>
130190	LAWNIE BOWERMAN	195.25
177899	CROWN AIR	16.46
730070	FRED REUST	25.00
855780	JOHN THIEL	32.00
	TOTAL	<u>\$ 49,597.71</u>

and be it

FURTHER RESOLVED that notwithstanding the cancellation of said accounts, the Port Attorney shall hereafter take such action as may be appropriate to effect the collection thereof.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32154

**RESOLUTION FINDING AND DETERMINING
THAT IT IS IN THE BEST INTEREST OF
THE PORT TO PERFORM MODIFICATIONS TO
THE PORT OFFICE BUILDING LAYOUT
WITHOUT COMPETITIVE BIDDING AND
AUTHORIZING PROCUREMENT OF THE SAME
IN THE OPEN MARKET.**

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to perform modifications to the Port office building layout in order to relocate all of the Chief Executive Officer's direct reports to the sixth (6th) floor; the same to consist of demolition and construction of walls, painting and relocation of electrical outlets and secretarial work stations based on cost estimates secured from architectural and construction firms without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer is hereby authorized for and on behalf of the Board to procure said modifications in the open market for an amount not to exceed \$200,000.00.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32155

SPH

RESOLUTION DETERMINING THAT THE NEED TO TAKE
ACTION ON AGENDA ITEM AROSE SUBSEQUENT TO THE
AGENDA BEING POSTED.

WHEREAS, an agenda for the Board's regular meeting of
September 4, 1990 was posted more than 72 hours before the
September 4, 1990 meeting; and

WHEREAS, prior posting of action on the item on said
September 4, 1990 agenda pertaining to acceptance of FEDERAL
AVIATION ADMINISTRATION Grant Offer under AIP Project NO. 3-06-
0170-11, Metropolitan Oakland International Airport could not be
accomplished because the said Grant Offer was only received from
the Federal Aviation Administration on the date of the Board
Meeting, September 4, 1990; and

WHEREAS, it is necessary to take prompt action on the
said agenda item because action on that item is interdependent on
action on another agenda item relating to award of a contract for
said project improvements which must be taken promptly; now,
therefore, be it

RESOLVED that the Board of Port Commissioners hereby
determines, in accordance with California Government Code Section
54954.2, subsection (b)(2), that the need to take action with
respect to acceptance of FEDERAL AVIATION ADMINISTRATION Grant
Offer under AIP Project No. 3-06-0170-11, Metropolitan Oakland
International Airport, arose subsequent to the agenda being posted
for the regular meeting of September 4, 1990.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and
President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32156

DPA

RESOLUTION ACCEPTING GRANT OFFER OF THE UNITED STATES OF AMERICA AND AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION UNDER PROJECT NO. 3-06-0170-11.

WHEREAS, the FEDERAL AVIATION ADMINISTRATION on August 30, 1990, transmitted to the Board of Port Commissioners of the City of Oakland, a Grant Offer to enter into a Grant Agreement whereby the UNITED STATES OF AMERICA would obligate itself in the maximum amount of \$4,266,753.00 to fund a project consisting of Installation of airport computerized access control system; Construction of airport terminal earthquake repairs; Construction of airport baggage claim expansion (20' x 40') oval carousel in a 3,000 S.F. prefabricated building; Construction of air cargo apron expansion access road (approximately 145,000 S.F.) including marking, lighting, drainage and fencing; Construction of Gate 26A improvements; Reconstruction of portion of Taxiway 1 (approximately 1,452' x 75') and Taxiway 5 (approximately 388' x 75') including marking and drainage, AIP Project No. 3-06-0170-11, Contract No. DTFA08-90-C-30440, Metropolitan Oakland International Airport, Oakland, California, under the terms and conditions set forth in said Grant Offer; and

WHEREAS, the members of the Board of Port Commissioners know the full content of the Offer to enter into said Grant Agreement; and

WHEREAS, a full, true and correct copy of said Offer to enter into said Grant Agreement is attached hereto and by this reference made a part hereof; and

WHEREAS, it is the desire of this Board to accept said Offer; now, therefore, be it

RESOLVED that the President of this Board is hereby authorized and directed to accept said Grant Offer and to execute the said Grant Agreement for and on behalf of said Board, and the Secretary is hereby authorized and directed to attest its execution.

At a regular meeting held September 4, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Sweeney and President Ward Allen - 4

Noes: None

Absent: Commissioners Brady, Ortiz and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32157

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF RIGHT OF ENTRY AGREEMENT WITH PERALTA
COMMUNITY COLLEGE DISTRICT.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary of the Board to execute for and on behalf of the Port that certain Right of Entry Agreement with and heretofore signed by **PERALTA COMMUNITY COLLEGE DISTRICT OF ALAMEDA COUNTY, STATE OF CALIFORNIA**, a public corporation, ("District") providing to the Port for a term of 50 years (commencing August 13, 1990) the right of constructing, installing, connecting and maintaining a sewer line to the District's sewer sump at the Metropolitan Oakland International Airport.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32158

SP

**RESOLUTION COMPROMISING AND SETTLING CLAIM OF
MARGARET CLINNICK AND AUTHORIZING EXECUTION OF
SETTLEMENT AGREEMENT.**

WHEREAS, Margaret Clinnick has pending an action numbered C89-04061 filed on September 29, 1989, against the Port of Oakland in Contra Costa County Superior Court, alleging injuries she sustained in a slip and fall in a pedestrian walkway in Jack London Square, Oakland, California, and seeking damages within the jurisdiction of the Superior Court; and

WHEREAS, a dispute has arisen between the Port and Margaret Clinnick as to the responsibility for said damages and the amount thereof; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the public interest to settle on a permanent basis all claims and disputes against the Port by Margaret Clinnick as set forth in action number C89-04061 now pending in Contra Costa County Superior Court; and be it

FURTHER RESOLVED that the Board of Port Commissioners does hereby approve that certain settlement agreement dated October 9, 1990, executed by Margaret Clinnick on file with the Secretary of the Board, and also authorizes the Port Attorney to take all necessary steps to implement said settlement agreement.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32159

**RESOLUTION APPROVING AND AUTHORIZING PAYMENT
OF LEGAL SERVICES IN CONNECTION WITH
SETTLEMENT AGREEMENT.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the payment by the Port of the bill dated August 22, 1990, in the amount of \$36,495.29 issued by Milbank, Tweed, Hadley & McCloy to Portside Properties for professional services and disbursements in connection with the August 17, 1990, Settlement Agreement among the Port, Portside Properties and other parties.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32160

**RESOLUTION APPROVING AND AUTHORIZING DEBT
SERVICE PAYMENTS TO BANKERS TRUST COMPANY.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director at his discretion to contribute to Oakland Portside Associates, a California limited partnership ("OPA"), on behalf of the Port as general partner such money as may be necessary from time to time to pay debt service on the Bankers Trust Company loan to OPA.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32161

**RESOLUTION RECOGNIZING THE CYPRESS
EARTHQUAKE MEMORIAL WEEK**

WHEREAS, October 17, 1990 marks the first anniversary of the Loma Prieta Earthquake, which created massive destruction in West Oakland, major damage to the downtown area of the city, and significant destruction and disruption throughout the Bay Area; and

WHEREAS, while a tragic loss of lives occurred from the collapse of the Cypress Freeway, this tragedy also identified new heroes and created a new sense of unity for this West Oakland community; and

WHEREAS, out of this unity emerged the Citizens Emergency Relief Team, know as CERT, which immediately began to plan the rebirth of their community and to bring their neighborhood back to its glory of old; and

WHEREAS, October 17, 1990 has been declared to memorialize the tragedy that occurred last year, and to celebrate the rebirth of a community and the beginning of its renaissance; and

WHEREAS, at 5:04 p.m. on October 17, 1990 Mandela Parkway will be the site for prayers and song, for remembrance of those who lost their lives and those who risked their lives to save others, and for the new found strength in this community; and

WHEREAS, October 20, 1990 will end the mourning for the past and will mark a new beginning, exemplified by the 1st Annual National Mandela Parkway Barbecue Festival; now therefore be it

RESOLVED that the Oakland Board of Port Commissioners and the Port family, share in the unity, spirit, pride and renaissance of this historic West Oakland community and join CERT in celebrating the Cypress Earthquake Memorial Week, October 15 - 20, 1990.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32162

**RESOLUTION AUTHORIZING EXECUTION OF A FIRST
SUPPLEMENTAL AGREEMENT WITH MARVIN ACE DARRAH.**

WHEREAS, by Resolution No. 32092, adopted by the Board of Port Commissioners (the "Board") on August 7, 1990, the Board authorized a License and Concession Agreement with **MARVIN ACE DARRAH**, an individual, for an area of 576 square feet of office space and 140 square feet of storage space, located in Building L-142, Metropolitan Oakland International Airport, Oakland, California, for a term of one year, expiring on the 31st day of July 1990; now, therefore, be it

RESOLVED that the Secretary of the Board of Port Commissioners is authorized to execute for and on behalf of the Board said First Supplemental Agreement for an additional 480 square feet of office space located in Building L-142, for an increase in the monthly rate to \$1,007.30 and an increase in performance deposit to \$3,000; now, therefore, be it

FURTHER RESOLVED, that said agreement shall be upon a form of First Supplemental agreement customarily used for such purposes, and said agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32163

**RESOLUTION AUTHORIZING EXECUTION OF CERTAIN
LICENSE AND CONCESSION AGREEMENT WITH ACE'S
EXECUTIVE AIR CHARTER CORPORATION.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Secretary to execute for and on behalf of the Board a License and Concession Agreement between the Port and **ACE'S EXECUTIVE AIR CHARTER CORPORATION**, a California corporation, dated the 1st day of August 1990, for an area of 1,056 square feet of office space and 140 square feet of storage space, all located in Building No. L-142, Metropolitan Oakland International Airport, Oakland, California, for a term of one year, expiring on the 31st day of July 31, 1991, at a monthly rent of Three Thousand One Hundred Twenty-Nine and 00/100 Dollars (\$3,129.00); and be it

FURTHER RESOLVED that said agreement shall be upon a form of agreement customarily used for such purposes, and said agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32164

**RESOLUTION AUTHORIZING EXECUTION OF ALLOCATION
AND SETTLEMENT AGREEMENT WITH MONSANTO
COMPANY, A DELAWARE CORPORATION.**

WHEREAS, the Port and **MONSANTO COMPANY**, a Delaware Corporation, were named by the California Department of Health Services as Respondents in Remedial Action Order number HSA87/88002RA, dated July 9, 1987, for conditions alleged to exist at the Port site adjacent to the bridge at Government Island at Embarcadero Cove, Oakland, California; and

WHEREAS, by Resolution No. 32021, adopted on June 26, 1990, the Board authorized the Port Attorney to negotiate a contribution agreement with **MONSANTO COMPANY**; now, therefore, be it

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer to execute, for and on behalf of the Board, that certain Allocation and Settlement Agreement with **MONSANTO COMPANY**, adopted October 9, 1990, and that said agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32165

SAH
**RESOLUTION RELATING TO THE PROPOSED JOINT PORT
OF OAKLAND - UNITED STATES NAVY 115 KV
TRANSMISSION LINE.**

WHEREAS, the City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners and the United States of America, acting through the Department of the Navy ("Navy") have been planning since 1988 for a joint project to construct, install, operate, maintain, repair and replace a 115KV overhead transmission line from PG&E's Substation "C" at Second and Castro Streets in the City of Oakland to new electrical substations to be constructed on the property of the Naval Supply Center, Oakland, California and the Navy's project is identified as P-069, entitled Electrical Power System Improvements, Naval Public Works Center, San Francisco Bay; and

WHEREAS, since January 1990, the Navy's authority to proceed with said project was terminated by the Department of Defense through the imposition of a moratorium on military construction; and

WHEREAS, the Port must take positive alternative action to provide critically required electrical power to its facilities no later than November 23, 1990; now, therefore, be it

RESOLVED, that if the Navy is not authorized to participate in the joint construction of the said transmission line by November 23, 1990, the Port will provide electrical power for its facilities by other means.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32166

SK

RESOLUTION ASSIGNING EMPLOYEES TO SALARY RATES
WITHIN SALARY GRADES 5 THROUGH 20 OF PORT
ORDINANCE NO. 867 IN CONNECTION WITH THE PORT
PAY FOR PERFORMANCE PROGRAM.

RESOLVED that the following designated Port employees each of whom are shown by identification numbers, as contained in the list of employees in the Port Pay for Performance Program which list is on file with the Chief Executive Officer and Executive Director, are hereby assigned to the specific salary rates within the salary grades assigned to their respective positions as hereinafter set forth:

1.	4,540	43.	4,873	85.	4,610	127.	2,400
2.	4,275	44.	4,058	86.	4,322	128.	4,386
3.	3,477	45.	4,073	87.	5,115	129.	7,238
4.	4,525	46.	3,322	88.	3,063	130.	6,757
5.	11,112	47.	6,034	89.	5,208	131.	4,838
6.	8,960	48.	3,548	90.	3,370	132.	5,387
7.	4,322	49.	2,803	91.	5,308	133.	2,778
8.	2,778	50.	2,480	92.	8,960	134.	4,666
9.	9,998	51.	4,578	93.	4,333	135.	4,901
10.	4,503	52.	9,901	94.	5,884	136.	4,322
11.	3,658	53.	2,986	95.	9,350	137.	4,853
12.	2,500	54.	4,322	96.	4,818	138.	7,300
13.	3,231	55.	3,898	97.	4,666	139.	3,856
14.	2,984	56.	3,877	98.	4,322	140.	4,160
15.	3,960	57.	5,229	99.	5,747	141.	3,523
16.	3,983	58.	3,931	100.	3,467	142.	4,782
17.	3,937	59.	5,844	101.	2,709	143.	6,839
18.	6,079	60.	5,379	102.	4,925	144.	7,034
19.	3,879	61.	4,367	103.	5,443	145.	3,895
20.	4,391	62.	2,695	104.	4,421	146.	4,429
21.	5,223	63.	2,738	105.	4,429	147.	4,397
22.	6,382	64.	2,383	106.	3,105	148.	3,609
23.	2,776	65.	4,421	107.	3,059	149.	3,855
24.	3,681	66.	8,866	108.	4,054	150.	6,089
25.	3,074	67.	4,386	109.	7,242	151.	4,819
26.	7,763	68.	4,318	110.	4,322	152.	7,214
27.	4,343	69.	7,102	111.	4,397	153.	6,382
28.	7,014	70.	5,379	112.	4,425	154.	2,749
29.	6,028	71.	3,838	113.	4,854	155.	4,397
30.	4,316	72.	3,455	114.	3,319	156.	3,518
31.	6,382	73.	4,397	115.	3,211	157.	5,989
32.	6,382	74.	3,501	116.	3,896	158.	2,803
33.	5,392	75.	3,912	117.	2,572	159.	6,155
34.	2,903	76.	3,235	118.	5,083	160.	5,484
35.	3,074	77.	3,816	119.	3,821	161.	2,533
36.	3,370	78.	2,480	120.	4,455	162.	4,468
37.	4,322	79.	3,904	121.	3,720	163.	4,879
38.	3,443	80.	5,288	122.	4,387	164.	3,954
39.	3,819	81.	5,071	123.	4,216		
40.	3,606	82.	3,494	124.	4,072		
41.	4,902	83.	2,984	125.	2,749		
42.	3,875	84.	5,422	126.	4,964		

and be it

FURTHER RESOLVED that the salary rate assignments herein-
above set forth shall be effective retroactive to September 29,
1990 in accordance with the provisions of Port Resolution No.
32119, providing for the retroactive effect of certain new salary
rate assignments under the Port Pay for Performance Program.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32167

SA

**RESOLUTION AUTHORIZING AND ESTABLISHING
SEVERANCE COMPENSATION FOR JOSEPH DOWNING,
MARINE COMMERCIAL REPRESENTATIVE IV RELATING
TO CLOSURE OF THE PORT'S NEW YORK OFFICE.**

RESOLVED that this Board does hereby authorize and establish the sum of \$15,207.74 in payment to **JOSEPH DOWNING**, Marine Commercial Representative IV, as severance compensation in connection with his resignation effective September 18, 1990 from his employment with the Port as a result of the closure of the Port's regional office in New York City; and be it

FURTHER RESOLVED that the payment of said severance compensation shall be conditioned upon execution by said **JOSEPH DOWNING** of a General Release of the Port in a form approved by the Port Attorney.

At an adjourned regular meeting held **October 9, 1990**

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32168

PPA

RESOLUTION AWARDING CONTRACT TO MONTGOMERY ELEVATOR COMPANY, FOR FURNISHING SERVICE AND MAINTENANCE FOR VARIOUS ELEVATORS AND ESCALATORS AT BUILDING M-102 AND M-130, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, FOR THE PERIOD COMMENCING NOVEMBER 1, 1990 AND ENDING OCTOBER 31, 1993; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for Furnishing Service and Maintenance for Various Elevators and Escalators at Building M-102 and M-130, South Field, Metropolitan Oakland International Airport, Oakland, California, for the period commencing November 1, 1990 and ending October 31, 1993, be and the same hereby is awarded to MONTGOMERY ELEVATOR COMPANY, a Delaware corporation, as the lowest responsible bidder, in accordance with the terms of its bid received September 19, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Forty-Five Thousand One Hundred Eighty and 00/100 DOLLARS (\$45,180.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

**Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5**

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32169

SPA

RESOLUTION AWARDING CONTRACT TO SUPER-STRUCTURES, INC., FOR REPAIR OF CULVERT AND ROADWAY, AIR CARGO ROAD, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, A.I.P. 3-06-0170-10; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDER.

RESOLVED that the contract for Repair of Culvert and Roadway, Air Cargo Road, South Field, Metropolitan Oakland International Airport, Oakland, California, A.I.P. 3-06-0170-10, be and the same hereby is awarded to SUPERSTRUCTURES, INC., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received September 19, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Eighty-One Thousand Eight Hundred Seventy-Seven and 00/100 DOLLARS (\$81,877.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

FURTHER RESOLVED that the other bid received for said contract be and it hereby is rejected and the bid bonds accompanying said bid shall be returned to the proper person.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32170

DRH

**RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER
FOR CONTRACT WITH LES McDONALD CONSTRUCTION
COMPANY FOR DISPOSAL OF EXCESS ASPHALT
CONCRETE RUBBLE.**

WHEREAS, additional work was required by no fault of the contractor for repair of earthquake damage to taxiways; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the issuance to Les McDonald Construction Company of a change order under the contract for Repair Of Earthquake Damage To Taxiways 1, 7 And Runway 11-29, Metropolitan Oakland International Airport, Oakland, California (A.I.P. 3-06-0170-10), for the additional work involved in the disposal of 8,800 cubic yards of excess asphalt concrete rubble, in the sum of \$47,843.88.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32171

AA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO PROCURE
CERTAIN SEATING WITHOUT COMPETITIVE BIDDING
AND AUTHORIZING THE PERFORMANCE THEREOF.**

RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interest for the Port to procure Knoll Diffrient Seating and provide for its installation at the ticket counter and baggage areas in Terminal I, Metropolitan Oakland International Airport, Oakland, California, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director be and he hereby is authorized to negotiate the purchase from Wilson Office Group of said Knoll Diffrient Seating at the estimated fair market price of \$44,122.00; provided that said purchase agreement shall be on a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32172

**RESOLUTION APPROVING AND AUTHORIZING PLACEMENT
OF EARTHQUAKE INSURANCE FOR GEORGE P. MILLER
HANGAR.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Port's Risk Manager on behalf of the Board to place earthquake insurance, as described in Agenda Sheet Item No. A-16S, "Subject: George P. Miller Hangar Earthquake Insurance," dated October 9, 1990, to cover earthquake and flood insurance on real and personal property for the George P. Miller Hangar at the Metropolitan Oakland International Airport, Oakland, California, subject to reimbursement of premium costs by the lessee.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32173

**RESOLUTION GRANTING WESTERN FEDERAL SAVINGS
AND LOAN ASSOCIATION PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by the **WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION**, a federal savings and loan association, for permission to perform certain work at its leased premises, located at 2000 Embarcadero, Oakland, California, at an estimated cost to said applicant of \$500,000.00, hereby is approved and permission to perform seismic upgrade to their Cove IV Office Building is hereby granted:

1. Interior improvements would consist of the following:
 - a) Construction of two new shear walls, one in each wing;
 - b) Construction of steel friction piles at both ends of the shear walls and at the foot of steel columns; and
 - c) Construction of steel columns extending from roof to foundation, construction of several steel beams and reinforced bracings;
2. Exterior improvements would consist of the following:
 - a) Driving of sixteen 60 feet long steel friction piles along the front side of the building and ten 60 feet long steel friction piles on the back side of the structure,

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SAA

RESOLUTION NO. 32174

**RESOLUTION AUTHORIZING EXECUTION OF
ELEVENTH SUPPLEMENTAL AGREEMENT WITH
MARINE TERMINALS CORPORATION**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain Eleventh Supplemental Agreement dated October 9, 1990, with MARINE TERMINALS CORPORATION, a corporation, ("MTC"), amending that certain Management Agreement dated November 24, 1981, between the Port and MTC, Federal Maritime Commission Agreement No. 224-004008, to set forth the negotiated adjusted compensation factors to be applicable during the five (5) year option extended period of the term of the Management Agreement ending June 30, 1994.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32175

RESOLUTION AWARDING CONTRACT TO MARINE MAINTENANCE, INC., FOR STRUCTURAL INSPECTION OF CRANES S/N 710 (X-411) AND S/N 711 (X-412), BERTHS 25 AND 26, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for Structural Inspection of Cranes S/N 710 (X-411) and S/N 711 (X-412), Berths 25 and 26, Outer Harbor Terminal, Oakland, California, be and the same hereby is awarded to MARINE MAINTENANCE, INC., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received September 19, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Forty-One Thousand Three Hundred Fifty and 00/100 DOLLARS (\$41,350.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32176

SA

**RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER
FOR CONTRACT FOR EARTHQUAKE DAMAGE REPAIR OF
CONCRETE WHARVES, BERTHS 36, 37, 38, AND
WESTERLY PORTION OF BERTH 35, SEVENTH STREET
TERMINAL, OAKLAND, CALIFORNIA.**

RESOLVED that the Board of Port Commissioners hereby approves the issuance to Kulchin-Condon & Associates, Inc. of a change order under the contract for EARTHQUAKE DAMAGE REPAIR OF CONCRETE WHARVES, BERTHS 36, 37, 38, AND WESTERLY PORTION OF BERTH 35, SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA, for providing temporary power for the testing of two new Kocks container cranes and one existing Paceco container crane in the sum of \$60,000.00.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32177

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR RELOCATION OF CRANES X-421 AND X-422 FROM BERTHS 36 AND 37 TO BERTH 38 SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for RELOCATION OF CRANES X-421 AND X-422 FROM BERTHS 36 AND 37 TO BERTH 38 SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

	<u>Scheduling of Work</u>	<u>Time Allowed</u>	<u>Liquidated Damages Per Calendar Day</u>
1.	Completion of entire work of relocating two cranes (X-421 and X-422) including operational checks and touch-up painting	120 Calendar Days from the effective date of contract	\$3,000.00
2.	Completion of entire work of relocating two cranes (X-421 and X-422) excluding operation checks and touch-up paintings	13 Calendar Days during period of 12/22/90 to 01/03/91	\$7,000.00

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to October 30, 1990, the date set for receiving said bids.

At an adjourned regular meeting held **October 9, 1990**

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32178

JPA

RESOLUTION CONCERNING CERTAIN TRAVEL.

RESOLVED that the Director of Aviation be and he is hereby authorized to proceed to Vancouver, BC, October 11, 1990, to meet with corporate officials of International Air Terminals and ARM; and be it

FURTHER RESOLVED that the Director of Aviation be and he is hereby authorized to proceed to Amsterdam, November 2 - 10, 1990, to meet with KLM Royal Dutch Airlines' staff and other representatives of European carriers; and be it

FURTHER RESOLVED that the President of the Board, the Port Attorney, the Director of Engineering, the Director of Public and Governmental Affairs, and the Director of Maritime Activities, be and they are hereby authorized to proceed to Nassau, Bahamas, October 21 - 26, 1990, to attend the American Association of Port Authorities 79th Annual Convention; and be it

FURTHER RESOLVED that the foregoing named persons shall be allowed reasonable expenses in connection therewith upon presentation of claims therefor.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32179

**RESOLUTION AUTHORIZING THE PORT ATTORNEY TO
RETAIN O'MELVENY & MYERS AS SPECIAL TAX
COUNSEL FOR CERTAIN DEFERRED COMPENSATION
MATTERS FOR THE PORT OF OAKLAND.**

RESOLVED, that the Board of Port Commissioners hereby authorizes the Port Attorney to retain the law firm of O'Melveny & Myers as special tax counsel to the Port Attorney in connection with certain deferred compensation matters for the Port of Oakland at a cost not to exceed \$25,000.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32180

SA
**RESOLUTION GRANTING PERMIT TO UNITED STATES
NAVY TO EXTRACT SUBMERGED MATERIALS FROM THE
OUTER HARBOR IN ORDER TO LAY AN ELECTRICAL
SUBMARINE CABLE TO TREASURE ISLAND.**

RESOLVED, that the Board of Port Commissioners does hereby authorize a permit under Port Ordinance No. 1332, as amended, to the United States Navy for the extraction of submerged materials from the Outer Harbor in order to lay a 35 KV rated electrical submarine cable to improve the power supply at Treasure Island, subject to the following conditions: (i) the cable shall be laid at a depth at least eighty feet below MLLW, (ii) the cable shall retain the configuration and the slope identified in the site plans and details of NAVFAC Drawing No. 6342377, as modified by contractor's shop drawing Submittal No. 741, dated March 23, 1990, "Directional Drilling Procedure," submitted to the Port by the Navy, and (iii) such other conditions as may be required by the Executive Director, Port Planning and Development in order to protect the interests of the Port.

At an adjourned meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5
Noes: None
Abstained: Commissioner Wilson - 1
Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32181

**RESOLUTION GRANTING FEDERAL AVIATION
ADMINISTRATION PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by **FEDERAL AVIATION ADMINISTRATION**, for permission to perform certain work at its leased premises located at Metropolitan Oakland International Airport, Runway No. 29, Oakland, California, consisting of demolition of a 13' x 27' x 10' building/shed and concrete pad, at an estimated cost to said applicant of \$5,000.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland.

At an adjourned regulameeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
C Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32182

**RESOLUTION GRANTING FEDERAL AVIATION
ADMINISTRATION PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by **FEDERAL AVIATION ADMINISTRATION**, for permission to perform certain work at its leased premises located at Metropolitan Oakland International Airport, Runway No. 29, Oakland, California, consisting of construction of a 24' x 16' x 10' wood frame - aluminum siding building and installation of an ALSF II replacement system at an estimated cost to said applicant of \$50,000.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland and upon applicant's securing at no cost or expense to the Port all other permits (including any required permit from the U. S. Army Corps of Engineers regarding wetlands).

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32183

SPH
**RESOLUTION APPROVING RENTAL CREDIT TO UNITED
PARCEL SERVICE, INC.**

RESOLVED, that the Board of Port Commissioners hereby approves a rent credit to **UNITED PARCEL SERVICE, INC.** ("UPS"), with regard to the lease dated July 7, 1990, between the Port and UPS, for apron work, in accordance with the terms and conditions specified in Agenda Sheet Item No. Airport-11S.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32184

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF CERTAIN LICENSE AND CONCESSION
AGREEMENT WITH OAKLAND FLYERS, INC.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary to execute for and on behalf of the Board that certain proposed License and Concession Agreement with **OAKLAND FLYERS, INC.**, a California corporation, consisting of 20,317 square feet of apron located near Port Building No. L-310 at the Metropolitan Oakland International Airport, Oakland, California, on the terms as described in Agenda Sheet Item No. Airport-12S; and be it

FURTHER RESOLVED, that said proposed agreement shall be upon a form of license and concession agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney; and be it

FURTHER RESOLVED, that the Port shall not have or incur any obligation to the aforesaid proposed licensee unless and until a license and concession agreement is signed on behalf of the Port and approved by the Port Attorney, and this resolution shall not constitute any commitment on the part of the Port to sign any such license and concession agreement.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32185

**RESOLUTION APPROVING AND AUTHORIZING AMENDMENT
TO LEASE OF AUTOMATED NOISE MONITORING SYSTEM
WITH BRUEL & KJAER INSTRUMENTS.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to execute for and on behalf of this Board an amendment to the lease with Bruel & Kjaer Instrument for automated noise monitoring equipment (approved by Port Resolution No. 31929) to include an integrated communications recorder system as more particularly described in Agenda Sheet Item No. Airport-18S dated October 9, 1990, provided that said amendment shall be in a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PA

RESOLUTION NO. 32186

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF CERTAIN LICENSE AND CONCESSION
AGREEMENT WITH KENNETH GRAY.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary to execute for and on behalf of the Board that certain proposed License and Concession Agreement with **KENNETH GRAY**, an individual, doing business under the firm name and style of **AMERICAN FUMIGATION AND WAREHOUSING CO.**, consisting of 44,792 square feet of warehouse space and 4,455 square feet of second floor office space on a 61,740 square foot lot located in Port Building No. H-232, at 845 Embarcadero, Oakland, California, on the terms as described in Agenda Sheet Item No. Properties-5S;

FURTHER RESOLVED, that said proposed agreement shall be upon a form of license and concession agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney; and be it

FURTHER RESOLVED, that the Port shall not have or incur any obligation to the aforesaid proposed licensee unless and until a license and concession agreement is signed on behalf of the Port and approved by the Port Attorney, and this resolution shall not constitute any commitment on the part of the Port to sign any such license and concession agreement.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPK

RESOLUTION NO. 32187

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF CERTAIN LICENSE AND CONCESSION
AGREEMENT WITH CHILD ASSAULT PREVENTION
TRAINING CENTER OF NORTHERN CALIFORNIA.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary to execute for and on behalf of the Board that certain proposed License and Concession Agreement with **CHILD ASSAULT PREVENTION (CAP) TRAINING CENTER OF NORTHERN CALIFORNIA**, a non-profit organization, located on the first floor of Port Building No. F-215 in Jack London Square, Oakland, California, on the terms as described in Agenda Sheet Item No. Properties-6S; and

FURTHER RESOLVED, that said proposed agreement shall be upon a form of license and concession agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney; and be it

FURTHER RESOLVED, that the Port shall not have or incur any obligation to the aforesaid proposed licensee unless and until a license and concession agreement is signed on behalf of the Port and approved by the Port Attorney, and this resolution shall not constitute any commitment on the part of the Port to sign any such license and concession agreement.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32188

SPH

**RESOLUTION GRANTING WALLY MC DANIEL
PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **WALLY MC DANIEL**, an individual doing business under the firm name and style of **McDaniel's Christmas Trees**, for permission to perform certain work at its licensed premises located at the corner of Oakport Street and Hassler Way (Business Park), Oakland, California, consisting of installation of eight temporary plywood signs during the Christmas holidays, at an estimated cost to said applicant of \$1,600.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of his license and concession agreement with the Port of Oakland.

At an adjourned regular meeting held **October 9, 1990**

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32189

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF CERTAIN LICENSE AND CONCESSION
AGREEMENT WITH OAKLAND POLICE DEPARTMENT.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary to execute for and on behalf of the Board that certain proposed License and Concession Agreement with **OAKLAND POLICE DEPARTMENT**, a municipal corporation, consisting of 3,000 square feet of office space in Port Building No. F-201, located at 77 Jack London Square, Oakland, California, on the terms as described in Agenda Sheet Item No. Properties-8S;

FURTHER RESOLVED, that said proposed agreement shall be upon a form of license and concession agreement customarily used for such purposes, and said agreement shall be approved by the Port Attorney; and be it

FURTHER RESOLVED, that the Port shall not have or incur any obligation to the aforesaid proposed licensee unless and until a license and concession agreement is signed on behalf of the Port and approved by the Port Attorney, and this resolution shall not constitute any commitment on the part of the Port to sign any such license and concession agreement.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32190

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS
TO RENEW LICENSE AND CONCESSION AGREEMENT FOR
TERM OF ONE YEAR OR LESS.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary of the Board to execute for and on behalf of the Board those certain Agreements to Renew License and Concession Agreement for Term of One Year or Less, between the Port and the following Licensees: 111 Broadway Associates; The Waterfront Association (one agreement each for 66 Jack London Square and 77 Jack London Square); and D. Wayne Smith, all as described in Agenda Sheet Item No. Properties-10S, dated October 9, 1990; and be it

FURTHER RESOLVED, that said agreements shall be upon a form prepared and approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RA

RESOLUTION NO. 32191

**RESOLUTION AUTHORIZING EXECUTION OF
SEVENTH SUPPLEMENTAL AGREEMENT WITH
STEVEDORING SERVICES OF AMERICA.**

RESOLVED that the President of this Board be and he hereby is authorized to execute and the Secretary to attest that certain Seventh Supplemental Agreement dated the 9th day of October, 1990, with STEVEDORING SERVICES OF AMERICA a corporation, ("SSA"), amending that certain Management Agreement dated August 17, 1982, between the Port and SSA, as assignee of CRESCENT WHARF & WAREHOUSE COMPANY, a corporation, Federal Maritime Commission Agreement No. 224-004067, to delete from the premises covered by the Management Agreement the Berth 22 wharf, berth and container yard areas and Crane No. X-403, effective upon the date of assignment of said Berth 22 areas and crane to Sea Land Service, Inc.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32192

THIS NUMBER NOT USED.

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32193

SLA

**RESOLUTION AMENDING THE BY-LAWS AND
ADMINISTRATIVE RULES OF THE BOARD OF PORT
COMMISSIONERS RELATING TO DELEGATION OF
AUTHORITY.**

RESOLVED, that existing Sections 7, 8 and 9 of Article III of the By-Laws and Administrative Rules of the Board of Port Commissioners are hereby renumbered respectively as Sections 8, 9 and 10; and be it

FURTHER RESOLVED, that the By-Laws and Administrative Rules of the Board of Port Commissioners are amended by adding to Article III a new Section 7 reading as follows:

"Except as otherwise may be required by the City Charter, other applicable law or resolution or ordinance of the Board, whenever the Board has approved and authorized execution for and on behalf of the Board of any contract, agreement or lease, the CEO shall be authorized to execute, and the Secretary to attest, the document for and on behalf of the Board; provided, however, that 1) the CEO may from time to time delegate the foregoing authority in this Section to one or more Port employees, subject to the Port Attorney's approval of the form and legality of such delegation, and 2) upon approval of a License and Concession Agreement with a term of one year or less, the Director of Commercial Real Estate (as to non-airport agreements) and the Director of Aviation (as to airport agreements) also shall be authorized to execute such agreements for and on behalf of the Board.";

and be it

FURTHER RESOLVED, that Section 7a, Article XII of the By-Laws and the Administrative Rules of the Board of Port Commissioners is hereby amended to read as follows:

"a. The CEO shall have the authority, without the approval of the Board, to authorize, or to delegate authority to the Executive Director, Port Planning and

Development, the Director of Aviation (for Airport property) and/or the Director of Commercial Real Estate (for non-Airport property) to authorize, the temporary use or occupancy of Port property for periods of time not to exceed forty-five (45) days. In the event that there shall not be a regular meeting or an adjourned regular meeting of the Board during said forty-five (45) day period, such authority shall extend until such meeting of the Board. Subject to such limited extension by reason of the lack of a Board meeting, such temporary use or occupancy shall not be renewed or extended beyond forty-five (45) days without prior approval of the Board,"

and be it

FURTHER RESOLVED, that Section 6b, Article III of the By-Laws and Administrative Rules of the Board of Port Commissioners is hereby amended to read as follows:

"b. In the event a proposed License and Concession Agreement does not provide for rental in an amount equal to at least ninety percent (90%) of the Board specified target rate for said property or in the event no target rate has been specified by the Board for the property or additional terms are proposed for the License and Concession Agreement which require further consideration by the Board, the Agenda Sheet which includes the proposed License and Concession Agreement shall note that rental is not at least ninety percent (90%) of the target rate or the License and Concession Agreement as proposed was not considered previously by the Board in setting target rental."

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32194

**RESOLUTION GRANTING AMERICAN
AIRLINES PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by **AMERICAN AIRLINES**, a California corporation, for permission to perform certain work at its baggage service office, premises located at Terminal I, Metropolitan Oakland International Airport, Oakland, California, said work consisting of installation of a new partition, door, shelves, counter including minor electrical work at an estimated cost to said applicant of \$1,000.00, hereby is approved and permission to perform the work is hereby granted conditioned upon (1) the Port and applicant's execution of a right of entry agreement, and (2) the applicant's compliance with all of the terms and conditions of said agreement.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32195

SPA

**RESOLUTION AUTHORIZING EXECUTION OF A LICENSE
AND CONCESSION AGREEMENT WITH THE DANSBY
CORPORATION.**

RESOLVED that this Board does hereby authorize, approve and ratify the Chief Executive Officer and Executive Director's (the "Executive Director") execution of a license and concession agreement with the Dansby Corporation, a California corporation, for AirBART Shuttle service between the BART Oakland Coliseum Station and the Metropolitan Oakland International Airport for a term of 90 days or until the effective date of a management agreement therefore between the Port and BART and the effective date of an agreement between BART and an operator for the provision of said service but not to exceed one year and otherwise upon such terms and conditions as set forth in Board of Port Commissioners Agenda Sheet Item No. Airport - 17S, dated October 9, 1990, provided that said License and Concession Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

**Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5**

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32196

SPX

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO DISPENSE
WITH COMPETITIVE BIDS FOR THE DESIGN AND
CONSTRUCTION OF GATE IMPROVEMENTS AND
WAREHOUSE FOR SOUTHWEST AIRLINES, M.O.I.A. AND
AUTHORIZING ACCOMPLISHMENT OF THE WORK BY
NEGOTIATED CONTRACTS AND CHANGE ORDER.**

WHEREAS, Southwest Airlines, a corporation, is proposing major increases in its operations at Terminal II at Metropolitan Oakland International Airport and has proposed Oakland as the site for its new Regional Provisioning Warehouse facility and has requested that this building be in place by June 1, 1991; and

WHEREAS, Southwest Airlines is proposing a significant increase in daily flights commencing November 15, 1990, and a further significant increase in daily flights commencing June 1, 1991; and

WHEREAS, Terminal II is operating near full capacity and an existing ground level gate located at the west end of Terminal II will have to be improved as set forth in Board of Port Commissioners Agenda Item No. Airport - 1, dated October 9, 1990; and

WHEREAS, there is a need to expedite the aforementioned construction work to meet Southwest Airlines' proposed increased flight activity; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interest of the Port to contract for the design and construction of a holdroom, warehouse building and canopy over the exit stairway from Terminal II to the new holdroom, to furnish and install a passenger loading bridge and to construct and additional fuel lines and a fuel pit at Terminal II ; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director (the "Executive Director") or his designee is hereby authorized for and on behalf of this Board to negotiate one or more contracts on the open market for said work except as set forth below; and be it

FURTHER RESOLVED, that with respect to the construction of fuel lines and fuel pit at Terminal II, the Executive Director or his designee is hereby authorized for and on behalf of this Board to negotiate a change order to an existing contract for said work; and be it

FURTHER RESOLVED, that the Executive Director is hereby authorized for and on behalf of this Board to execute such contract or contracts for all of said work at an estimated cost of \$931,000; and be it

FURTHER RESOLVED, that said contract or contracts shall be approved as to form and legality by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32197

SP*
RESOLUTION AUTHORIZING EXTENSION OF THAT CERTAIN INDIVIDUAL COMMISSION AGREEMENT WITH AMERICAN TELEPHONE & TELEGRAPH COMMUNICATIONS, INC. AND APPROVING AND RATIFYING NOTICE THEREOF FOR A SECOND ONE-YEAR TERM.

WHEREAS, the Port of Oakland has entered into that certain Individual Commission Agreement with AMERICAN TELEPHONE & TELEGRAPH COMMUNICATIONS, INC. (AT&T), a corporation, with an execution date by the Port of March 26, 1989 and an execution date by AT&T of April 12, 1990; and

WHEREAS, the term of said Agreement is one year commencing November 21, 1989 and continuing to and including November 20, 1990; and

WHEREAS, the Board of Port Commissioners desires to extend said Agreement for a second one-year term commencing November 21, 1990 and continuing through November 20, 1991; and

WHEREAS, said Agreement provides for extension thereof by the Port giving written notice of same to AT&T; now, therefore, be it

RESOLVED that the Board of Port Commissioners does hereby find and determine that it is in the best interest of the Port to extend said Agreement for a second one-year term commencing November 21, 1990 and continuing through November 20, 1991; and, be it

FURTHER RESOLVED that this Board does hereby authorize, approve and ratify the Chief Executive Officer and Executive Director (the "Executive Director") or his designee for and on behalf of the Board to extend said Agreement for a second one-year term as set forth above by giving written notice of same to AT&T.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32198

**RESOLUTION AUTHORIZING EXECUTION OF AN
AGREEMENT WITH PACIFIC BELL.**

RESOLVED that the Board of Port Commissioners does hereby authorize negotiations for, and preparation of, an Agreement between **PACIFIC BELL**, a California corporation, and this Board, for Pacific Bell to pay a commission to the Port from revenues generated by pay telephones located at the Metropolitan Oakland International Airport ("Airport"), in accordance with the terms set forth in Board of Port Commissioners Agenda Sheet Item No. Airport - 3, dated October 9, 1990,; and be it

FURTHER RESOLVED that this Board does hereby authorize, the Chief Executive Officer and Executive Director (the "Executive Director") for and on behalf of this Board to execute such Agreement provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32199

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF CERTAIN LICENSE AND CONCESSION
AGREEMENTS.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary to execute for and on behalf of the Board those certain proposed License and Concession Agreements with:

BRENT HENNEFER, an individual, consisting of 189,000 square feet of land located at Oakport lot across from Oakland Coliseum, Oakland, California, on the terms as described in Agenda Sheet Item No. Properties-7S; and

WALLY MC DANIEL'S, an individual doing business under the firm name and style of **MC DANIEL'S CHRISTMAS TREES**, consisting of 189,000 square feet of land located at Oakport lot across from Oakland Coliseum, Oakland, California, on the terms as described in Agenda Sheet Item No. Properties-7S;

FURTHER RESOLVED, that said proposed agreements shall be upon a form of license and concession agreements customarily used for such purposes, and said agreements shall be approved by the Port Attorney; and be it

FURTHER RESOLVED, that the Port shall not have or incur any obligation to either of the aforesaid proposed licensees unless and until a license and concession agreement is signed on behalf of the Port and approved by the Port Attorney, and this resolution shall not constitute any commitment on the part of the Port to sign any such license and concession agreements.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32200

**RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER
FOR CONTRACT WITH GALLAGHER & BURK FOR SITE
IMPROVEMENTS TO THE FORMER SHEREX PROPERTY.**

RESOLVED, that the Board of Port Commissioners hereby ratifies and approves the issuance to **GALLAGHER & BURK**, of a change order under the contract for Site Improvements To The Former Sherex Property, Middle Harbor, Oakland, California, for the additional work involved in removing and disposing of bay mud and backfilling with imported material, in the estimated sum of \$130,000.

At an adjourned regular meeting held

October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 32201

SAH
RESOLUTION FINDING AND DETERMINING THAT CERTAIN MOTOR VEHICLES AND RELATED EQUIPMENT OWNED BY THE PORT ARE NO LONGER REQUIRED FOR PORT USE AND AUTHORIZING AND APPROVING THEIR SALE AT PUBLIC AUCTION OR PRIVATE SALE.

RESOLVED that the Board of Port Commissioners does hereby find and determine that twenty four (24) motor vehicles and related equipment owned by the Port are no longer required for Port use; and be it

FURTHER RESOLVED that this Board does hereby authorize and approve their sale by the Chief Executive Officer and Executive Director (the "Executive Director") for and on behalf of this Board at public action by an outside auction house or at private sale by written quotation, either or both as determined by the Executive Director.

At an adjourned regular meeting held

October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SBA

RESOLUTION NO. 32202

**RESOLUTION AUTHORIZING EXECUTION OF AN
AGREEMENT WITH RANDY AND CYNTHIA JOHNSON.**

RESOLVED that the Board of Port Commissioners does hereby authorize negotiations for, and preparation of, a License Agreement between **RANDY AND CYNTHIA JOHNSON** and this Board, for certain premises consisting of 5,782 square feet of warehouse space located at Port Building J-321 in the Union Point Basin area for a term of 90 days or until the effective date of a five year lease for same but not to exceed one year and otherwise upon such terms and conditions as set forth in Board of Port Commissioners Agenda Sheet Item No. Properties - 1, dated October 9, 1990,; and be it

FURTHER RESOLVED that this Board does hereby authorize, the Chief Executive Officer and Executive Director (the "Executive Director") for and on behalf of this Board to execute such Agreement provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5


Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32203

 **RESOLUTION AMENDING PORT RESOLUTION NO. 31799
APPROVING DESIGNATION BY CHIEF EXECUTIVE
OFFICER AND EXECUTIVE DIRECTOR OF OFFICERS AND
EMPLOYEES AUTHORIZED TO SIGN WARRANTS AND
OTHER DOCUMENTS.**

RESOLVED that Resolution No. 31799 adopted by this Board on February 6, 1990, be and the same is amended to read as follows:

"RESOLVED that the designation by the Chief Executive Officer and Executive Director pursuant to Port Ordinance No. 1276, of the officers and employees of this Board hereinafter named to sign warrants upon the funds hereinafter designated and to approve claims, demands and other similar documents, be and the same is hereby approved:

'1. Warrants upon the Port Revenue Fund and Port Construction Funds: Chief Executive Officer and Executive Director; Executive Director, Port Planning and Development; Director of Engineering; Director of Human Resources; Director of Maritime Activities; Director of Aviation; Director of Public Affairs; Chief Financial Officer; Port Controller; Manager of Financial Planning and Analysis; Port Accounting Manager; and Management Assistant in the Finance Division who will sign on behalf of the Port Controller; provided that any such warrant that exceeds the sum of \$14,999.99 shall require the signature of two of said officers or employees and provided further that any such warrant that exceeds the sum of \$14,999.99 shall require the signature of the Chief Executive Officer and Executive Director; Executive Director, Port Planning and Development; Director of Engineering; Director of Human Resources; Director of Engineering; Director of Maritime Activities; Director of Public Affairs; and Director of Aviation as one of the two signing officers or employees.

'2. Payroll distribution report and invoice vendor report: Initially by the Port Controller, or Chief Financial Officer or their authorized designee, with counter-signature by the Director of Human Resources or his authorized designee.

'3. Accounting documents maintained in the ordinary course of Port business such as journal vouchers, individual claim documents, petty cash vouchers and monthly reports to the Auditor-Controller: Chief Financial Officer or Port Controller or their authorized designee."

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32204

**RESOLUTION TERMINATING CERTAIN
PROVISIONAL APPOINTMENTS.**

RESOLVED that the provisional appointments of RAYMOND REINOSA and JACK COCHRANE each to the position of Equipment Systems Engineer are hereby terminated effective at the end of the work day on October 12, 1990.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32205

**RESOLUTION TERMINATING APPOINTMENTS
OF CERTAIN YOUTH AIDE POSITIONS.**

RESOLVED that the appointments of DOUGLAS GRAY, JOHN LEE, KWASI MOSES, PAUL RODRIQUEZ and CHRISTOPHER RUTLEDGE, each to the position of Youth Aide, Class "C" are hereby terminated effective at the end of the work day on October 12, 1990, for the reason that their duration of employment exceeds the limitations on maximum terms of employment set forth in Article 10A of the Memorandum of Understanding between the Port and United Public Employees, Local 790, AFL-CIO, covering the Youth Aide Unit.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32206

**RESOLUTION APPROVING EXAMINATION ANNOUNCEMENTS
FOR THE POSITIONS OF ASSISTANT CONTRACT
COMPLIANCE OFFICER, PORT PARKING AND TRAFFIC
CONTROL OFFICER AND PRINCIPAL DRAFTING
TECHNICIAN.**

RESOLVED that this Board, pursuant to the provisions of Rule 4 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the examination announcements for the positions of Assistant Contract Compliance Officer, Port Parking and Traffic Control Officer and Principal Drafting Technician each dated October 10, 1990.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32207

**RESOLUTION APPROVING JOB SPECIFICATIONS FOR
THE POSITIONS OF ASSISTANT CONTRACT COMPLIANCE
OFFICER, AIRPORT PUBLIC RELATIONS OFFICER AND
PORT PARKING AND TRAFFIC CONTROL OFFICER.**

RESOLVED that this Board, pursuant to the provisions of Rule 3 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the job specifications for the positions of Assistant Contract Compliance Officer, Airport Public Relations Officer and Port Parking and Traffic Control Officer, each dated October 9, 1990.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

**Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5**

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32208

**RESOLUTION GRANTING LEAVE OF
ABSENCE TO HERMINIA BLANCHARD.**

SAA

RESOLVED that HERMINIA BLANCHARD be and she is hereby granted a leave of absence from her classified Civil Service position of Port Field Auditor to accept appointment to the exempt position of Audit Manager, effective October 10, 1990.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32209

SP
SM

**RESOLUTION ASSIGNING CHRISTOPHER C.
MARSHALL TO SALARY RATE WITHIN
SALARY GRADE 12.**

RESOLVED that CHRISTOPHER C. MARSHALL, Secretary,
is hereby assigned to Salary Rate \$4463 within Salary
Grade 12, effective October 10, 1990.

At an adjourned regular meeting held **October 9, 1990**

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32210

JRA

**RESOLUTION AMENDING RESOLUTIONS NOS. 32134 AND
32047 CONCERNING CERTAIN APPOINTMENTS.**

RESOLVED that that portion of Resolution No. 32134 relating to the appointment of **PAMELA HURTS**, adopted by this Board on September 4, 1990, is hereby amended to read as follows:

"PAMELA HURTS, Intermediate Typist Clerk, Rate "b", effective September 5, 1990;. . ."

and be it

FURTHER RESOLVED that that portion of Resolution No. 32047 relating to the appointment of **CYNTHIA BYRD**, adopted by this Board on July 12, 1990, is hereby amended to read as follows:

"CYNTHIA BYRD, Senior Secretary, Rate "b", effective December 19, 1989, except that her assignment to the salary schedule and rate for the position of Senior Secretary shall not be effective until July 23, 1990;. . ."

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32211

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

JEROME BATTLE, Wharfinger, effective September 17, 1990;

MARIA HO, Intermediate Drafting Technician, effective September 18, 1990;

STANLEY SIU, Intermediate Drafting Technician, effective October 3, 1990;

ANDREW CLARK-CLOUGH, Associate Port Environmental Scientist, Salary Grade 10, Rate \$3800, effective October 4, 1990;

HARRY BRITTON, Equipment Systems Superintendent, Salary Grade 12, Rate \$4964, effective October 10, 1990;

HERMINIA BLANCHARD, Audit Manager, Salary Grade 13, Rate \$5422, effective October 10, 1990;

BENNIE TAYLOR, Port Maintenance Foreman, Salary Grade 10, Rate \$3940, effective October 10, 1990;

GEORGE MUNSON, Associate Port Transportation Planner, Salary Grade 10, Rate \$3875, effective October 10, 1990;

MARY BUNCE, Senior Account Clerk, effective October 10, 1990;

YSMAEL SUMMABAT, Senior Account Clerk, effective October 10, 1990;

BETTY PARKER, Intermediate Stenographer Clerk, Rate "c", effective October 10, 1990;

EDISON LEE, Principal Drafting Technician (Part-Time), effective October 10, 1990;

CHARLES CROCKETT, Intermediate Drafting Technician (Part-Time), effective October 10, 1990;

YOSHINORI TSUNO, Gardener III (Part-Time), effective October 10, 1990;

LUBERT GILBERT, Gardener II (Part-Time), effective October 10, 1990;

SANDRA NICOLAS, Youth Aide, Class "BB-1", effective October 10, 1990 for a term not to exceed three (3) months;

ROBERT BAYLE, Youth Aide, Class "B", effective October 10, 1990;

RICHARD DENT, Youth Aide, Class "B", effective October 10, 1990;

RODNEY FREELAND, Port Senior Technical Support Analyst, Salary Grade 8, Rate \$3192, effective October 13, 1990;

DEXTER HOM, Assistant Civil Engineer, Rate "c", effective October 15, 1990; and

SHIRLEY HARRIS-SCOTT, Intermediate Stenographer Clerk, Rate "c", effective October 15, 1990.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32212

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH UNITED STATES NAVY REGARDING CONSTRUCTION OF A JOINT ELECTRICAL POWER LINE.

RESOLVED, that this Board of Port Commissioners hereby authorizes the Chief Executive Officer and Executive Director of the Port ("Executive Director") to enter into an agreement with the United States Navy ("Navy") in connection with the construction of a joint 115 KV electrical transmission line, provided that prior to the execution of such agreement the Navy shall have placed in escrow irrevocable easements for certain Navy property, in form and substance satisfactory to the Port, which the Port may use for the construction of an electrical transmission line without voltage limitations if the Secretary of Defense does not grant to the Navy a waiver from the moratorium on military construction for the joint construction project within 45 days, upon payment by the Port of an agreed upon price at any time prior to December 31, 1992, and provided further that such agreement shall be on a form approved by the Port Attorney and shall provide that if the Secretary of Defense grants a waiver from the present moratorium on military construction within forty-five days then the Port shall proceed with the Navy for the construction of a 115 KV electrical transmission line subject to mutually acceptable terms, and such agreement shall contain such other terms and conditions as the Executive Director deems appropriate.

At an adjourned meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SRA

RESOLUTION NO. 32213

RESOLUTION ACCEPTING AMENDMENT TO GRANT OFFER OF THE UNITED STATES OF AMERICA AND RATIFYING EXECUTION OF AMENDMENT NO. 1 TO GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION UNDER PROJECT NO. 3-06-0170-06, CONTRACT NO. DTFA08-85-C-30117.

WHEREAS, the Federal Aviation Administration submitted to the Board of Port Commissioners of the City of Oakland Amendment No. 1 to Grant Agreement under Project No. 3-06-0170-06 Contract No. DTFA08-85-C-30117, whereby the United States of America amends the Grant Agreement in the following particulars:

The maximum obligation of the United States payables under the Grant on Page 2 of the Grant Agreement is changed from \$705,390.00 to \$719,576.00,

and

WHEREAS, the members of the Board of Port Commissioners know the full content of the offer contained in said amendment; and

WHEREAS, a full, true and correct copy of the amendment is attached hereto and by this reference made a part hereof; and

WHEREAS, it is the desire of this Board to ratify and approve acceptance of the said Grant Amendment offer; now, therefore, be it

RESOLVED that the Board of Port Commissioners of the City of Oakland does hereby ratify and approve acceptance of said Grant Amendment offer and the action of the Chief Executive Officer and Executive Director in executing said Amendment No. 1 to Grant Agreement on behalf of this Board on September 20, 1990.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32214

SPH

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH FREDERIKSEN ENGINEERING FOR ENGINEERING DESIGN CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED that the Board of Port Commissioners does hereby find and determine that the Agreement between **FREDERIKSEN ENGINEERING** and this Board, to furnish consulting services with respect to the design of a new hydrant fueling pit at the Metropolitan Oakland International Airport, Oakland, California, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **FREDERIKSEN ENGINEERING** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **FREDERIKSEN ENGINEERING** be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the total maximum compensation which can be made under said Agreement is \$18,770.00, unless additional work, up to an additional cost not to exceed \$5,000.00, is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32215

SPA

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED AGREEMENT WITH VBN CORPORATION FOR
ARCHITECTURAL CONSULTING SERVICES CONSTITUTES
PROFESSIONAL OR SPECIALIZED SERVICES; AND
AUTHORIZING EXECUTION OF SAID AGREEMENT.**

RESOLVED that the Board of Port Commissioners does hereby find and determine that the Agreement between VBN CORPORATION and this Board, to furnish architectural consulting services with respect to the Metropolitan Oakland International Airport, Oakland, California, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from VBN CORPORATION without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that VBN CORPORATION be compensated for such services as set forth in said Agreement provided that the total maximum compensation which can be made under said Agreement is \$100,000, unless additional work, up to an additional cost not to exceed \$25,000, is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32216

SPH
**RESOLUTION GRANTING OAKLAND PORTSIDE
ASSOCIATES PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **OAKLAND PORTSIDE ASSOCIATES**, a California limited partnership, for permission to perform certain work at its leased premises, located at 495 Embarcadero, Oakland, California, said work consisting of all of that work described in and on the terms set forth in Board of Port Commissioners Agenda Sheet Item No. Properties - 2, dated October 9, 1990, at an estimated cost of \$300,000, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its Lease with the Port of Oakland and upon securing the approval of the Alameda County Health Department for said work.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

**Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5**

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32217

THIS NUMBER NOT USED.

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32218

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH NORDHAV, INC. DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING, FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID FIRST SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 31553, adopted by the Board of Port Commissioners (the "Board") on September 5, 1989, the Board authorized an Agreement with NORDHAV, INC. DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING to furnish environmental consulting services on hazardous materials/waste compliance projects; and

WHEREAS, it is desirable at this time to amend said Agreement to authorize the Chief Executive Officer and Executive Director ("Executive Director") of the Port to approve additional work under said Agreement as set forth in Agenda Sheet Item No. O-1, dated October 9, 1990, and additional compensation for such work; now, therefore, be it

RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from NORDHAV, INC. DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director is hereby authorized to execute for and on behalf of the Board said First Supplemental Agreement for services and that NORDHAV, INC. DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING, be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the maximum additional compensation which can be made under said amended Agreement shall not exceed \$115,000, unless additional work, up to an additional cost not to exceed \$50,000 is approved by the Executive Director, and provided that the First Supplemental Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SJA

RESOLUTION NO. 32219

**RESOLUTION WAIVING COMPETITIVE BIDDING FOR
PURCHASE OF HEWLETT-PACKARD 3000 SPECTRUM
SERIES 949 COMPUTER SYSTEM; AND AUTHORIZING
EXECUTION OF SAID AGREEMENT.**

RESOLVED, that this Board does find and determine that it is in the best interest of the Port to purchase a new computer system as described in Agenda Sheet Item No. O-2, from **HEWLETT PACKARD COMPANY** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") be and he hereby is authorized to execute, for and on behalf of this Board, that certain installment sales Agreement with **HEWLETT PACKARD COMPANY**, providing for the purchase of Hewlett-Packard Spectrum Series 949 Computer System, as more fully described in Agenda Sheet Item No. O-2, at a cost not to exceed \$467,580 (including interest), unless an additional cost not to exceed 10% of such amount, is approved by the Executive Director, and provided that such Agreement shall be on a form approved by the Port Attorney.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

**Ayes: Commissioners Chang, Lockhart, Ortiz,
Sweeney and President Ward Allen - 5**

Noes: None

Abstained: Commissioner Wilson - 1

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32220

fern

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH CAROL H. WILLIAMS ADVERTISING FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED that the Board of Port Commissioners does hereby find and determine that the Agreement between **CAROL H. WILLIAMS ADVERTISING** and this Board, to furnish consulting services with respect to the advertising campaign for the Metropolitan Oakland International Airport, Oakland, California, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **CAROL H. WILLIAMS ADVERTISING** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **CAROL H. WILLIAMS ADVERTISING** be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$150,000 and provided that the Agreement shall be upon a form approved by the Port Attorney.

At an adjourned regular meeting held **October 9, 1990**

Passed by the following vote:

Ayes: Commissioners Lockhart, Ortiz, Sweeney
and President Ward Allen - 4

Noes: None

Abstain: Commissioners Chang and Wilson - 2

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32221

RESOLUTION RESCINDING PORT RESOLUTION NO. 32154.

RESOLVED, that the Board of Port Commissioners hereby rescinds Port Resolution No. 32154 entitled "Resolution Finding and Determining That It Is In The Best Interest Of The Port To Perform Modifications To The Port Office Building Layout Without Competitive Bidding And Authorizing Procurement Of The Same In The Open Market" and directs that all work and contracts pursuant thereto be terminated forthwith.

At an adjourned regular meeting held October 9, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Sweeney,
Wilson and President Ward Allen - 6

Noes: None

Absent: Commissioner Brady - 1

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32222

**RESOLUTION DESIGNATING CAPTAIN WARREN H. ATKINS
AS DIRECTOR EMERITUS, PORT OF OAKLAND MARITIME
TRAINING ACADEMY**

WHEREAS, CAPTAIN WARREN H. ATKINS has been affiliated with the Maritime Community for over 50 years, which affiliation included seagoing positions, and shoreside activities with Pacific Far East Line and as principal of his own company, Atkins Maritime Services; and

WHEREAS, CAPTAIN ATKINS has shared his knowledge by teaching for Vista College, California Maritime Academy, the Port of Oakland's Port Management Training Program, which included over 165 trainees from nine different countries, and was the author of the Port's Marine Terminal Operations and Management text book; and

WHEREAS, CAPTAIN ATKINS is preparing to be underway from his teaching activities; now, therefore, be it

RESOLVED, that the Board of Port Commissioners, in recognition of and in gratitude to CAPTAIN ATKINS hereby names and designates CAPTAIN WARREN H. ATKINS as Director Emeritus of the Port of Oakland's Maritime Training Academy.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32223

SDA

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS
FOR PRO RATA SHARING OF EXPENSES AND RECOVERY;
CONTINGENT FEE AGREEMENT AND OTHER SETTLEMENT
AGREEMENTS BETWEEN THE PORT AND ARKWRIGHT
MUTUAL INSURANCE COMPANY FOR RECOVERY AGAINST
ORIENT OVERSEAS CONTAINER LINE.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Port Attorney to execute, for and on behalf of the Board, those certain agreements entitled "Pro Rata Sharing Of Expenses and Recovery" and "Contingent Fee Agreement" between **ARKWRIGHT MUTUAL INSURANCE COMPANY** and the **PORT OF OAKLAND** with regard to pursuing recovery against **ORIENT OVERSEAS CONTAINER LINE** for damages incurred as the result of a collision which occurred on or about August 5, 1988, when a vessel owned and/or operated by **ORIENT OVERSEAS CONTAINER LINE** collided with a dock at the **PORT OF OAKLAND**; and be it

FURTHER RESOLVED that the Port Attorney is authorized to execute, for and on behalf of the Board, any settlement agreements resulting from the action, and that said agreements shall be upon a form approved by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Aycs: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32224

AA
RESOLUTION AMENDING RESOLUTION NO. 32166
ASSIGNING EMPLOYEES TO SALARY RATES IN THE PAY
FOR PERFORMANCE PROGRAM TO CORRECT A SALARY
RATE ASSIGNMENT.

RESOLVED that the portion of Resolution No. 32166 adopted
by this Board on October 9, 1990, setting forth the salary rate for
the employee designated therein as number 66 shall be and the same
is hereby amended to correct an incorrectly stated salary rate to
read as follows:

"66. 8,909"

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32225

RESOLUTION ESTABLISHING ADDITIONAL COMPENSATION FOR DOROTHY ABOUMRAD, ADMINISTRATIVE SECRETARY, AS THE RESULT OF PARTICIPATION IN THE PORT'S PAY FOR PERFORMANCE PROGRAM FOR THE REVIEW PERIOD ENDING SEPTEMBER 29, 1990.

RESOLVED that this Board does hereby authorize and establish the sum of \$685.26 as one time, lump sum additional compensation to DOROTHY ABOUMRAD as the result of her participation in the Port's Pay for Performance Program for the major portion of the most recently concluded April 1990 to September 29, 1990 performance review period in the position of Secretary to the Executive Director, Transportation Services and her non-inclusion in the salary rate adjustments for the Pay for Performance Program at the conclusion of said review period because of the elimination of the position of Executive Director, Transportation Services and her resultant transfer to a position outside the Pay for Performance Program.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32226

SAH

**RESOLUTION APPROVING INDEMNITY BOND
AND PROOF OF LOSS FOR PORT OF
OAKLAND 1957 REVENUE BONDS AND
COUPONS, SERIES Q.**

RESOLVED that the Lost Instrument Bond executed by Insurance Company of North America, a Pennsylvania corporation, as Surety, dated the 21st day of September, 1990, indemnifying the Port of Oakland with respect to payment of coupons for Port of Oakland 1957 Revenue Bonds, Series Q, for Bonds #5441 and #5866, the coupons each being numbered #21 and due August 1, 1990 which were lost, stolen or destroyed, and an accompanying proof of loss executed by May and Irving Dubinsky, hereby are approved.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32227

SPH

RESOLUTION AWARDING CONTRACT TO ECHO WEST, INC., FOR CONSTRUCTION OF PUBLIC RESTROOM FACILITY (L-928) AT NORTH FIELD AND IMPROVEMENTS AT SEWAGE EJECTOR STATION AT SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for Construction of Public Restroom Facility (L-928) at North Field and Improvements at Sewage Ejector Station at South Field, Metropolitan Oakland International Airport, Oakland, California, be and the same hereby is awarded to ECHO WEST, INC., a California corporation, as the lowest responsible bidder, in accordance with the terms of its bid received October 17, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of Fifty Three Thousand Five Hundred Fifty-Two and 50/100 DOLLARS (\$53,552.50) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32228

**RESOLUTION AUTHORIZING EXECUTION OF
INTERIM LICENSE AGREEMENT WITH
HARBOR BAY ISLE ASSOCIATES, INC.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to execute an Interim License Agreement with **HARBOR BAY ISLE ASSOCIATES, INC.**, a California general partnership, for a term of not more than one year but otherwise upon the same terms and conditions of the long-term License Agreement for which the Board this date has given first reading of the ordinance entitled "**An Ordinance Approving and Authorizing Execution of a License Agreement With Harbor Bay Isle Associates, Inc. and Directing Recordation Thereof**", provided that such Interim License Agreement shall be approved as to form and legality by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Sweeney
and President Ward Allen - 5

Noes: Commissioner Ortiz - 1

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32229

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF SECOND SUPPLEMENT TO LEASE WITH THE UNITED
STATES POSTAL SERVICE.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute for and on behalf of the Board that certain Second Supplemental Agreement, dated November 6, 1990, between the Port and the **UNITED STATES POSTAL SERVICE**, amending the June 21, 1988 Lease between the parties as amended by the April 4, 1989 First Amendment to Lease, by providing, among other things, for a substitute area for automobile parking and other equitable adjustments to accommodate **NATIONAL AIRMOTIVE CORPORATION's** proposed parking expansion.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32230

SPA

**RESOLUTION CONSENTING TO ASSIGNMENT OF LEASE
FROM SUMMIT MARINE, INC. TO HARRISON'S BOAT
CENTER, INC.**

WHEREAS, the Port and **SUMMIT MARINE, INC.** entered into two certain Leases, for the occupancy of property located at the Embarcadero Cove area adjacent to the Hungry Hunter Restaurant, for a fifteen (15) year term; and,

WHEREAS, **SUMMIT MARINE, INC.** has requested the consent of this Board to the assignment of said Leases to **HARRISON'S BOAT CENTER, INC.**; now, therefore, be it

RESOLVED that consent is hereby granted **SUMMIT MARINE, INC.** to assign said Leases to **HARRISON'S BOAT CENTER, INC.**; and be it

FURTHER RESOLVED that such consent is granted upon the express condition that all delinquent rents and charges be paid, that said **HARRISON'S BOAT CENTER, INC.** shall assume all obligations and liabilities of said **SUMMIT MARINE, INC.**, under said Leases from the date of assignment forward and that said **SUMMIT MARINE, INC.** is not hereby released from any obligation or liability under said Leases; and be it

FURTHER RESOLVED that this consent agreement to assignment is expressly conditioned upon the Port's receipt of copies of the final document evidencing said assignment in a form satisfactory to the Port.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32231

ADC

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF CONTRACTS WITH TRINDEL
AMERICA CORPORATION FOR CONSTRUCTION
AND MAINTENANCE OF A PARKING LOT
REVENUE CONTROL SYSTEM AT THE
METROPOLITAN OAKLAND INTERNATIONAL
AIRPORT.**

WHEREAS, on July 18, 1989, this Board passed Resolution No. 31434 finding and determining that it is in the best interests of the Port to contract for furnishing and constructing a parking lot revenue control system at the Metropolitan Oakland International Airport without competitive bidding, and approving and authorizing execution of a contract with **TRINDEL AMERICA CORPORATION**, a Georgia corporation ("Trindel"), for such work at a maximum price of \$1,600,000.00; and

WHEREAS, after extended negotiations and for the reasons set forth in Agenda Sheet Item No. Airport-2 dated November 6, 1990, the negotiated price for said work is now \$2,034,941.50, and it is recommended that the Board approve a contract with Trindel for maintenance of the work after completion of construction; now, therefore, be it

RESOLVED that the Board hereby finds and determines that it is in the best interest of the Port to provide for maintenance of said work without competitive bidding; and be it

FURTHER RESOLVED that the Board hereby approves the plans and specifications for Construction of Parking Lot Revenue Control System, South Field, Metropolitan Oakland International Airport, Oakland, California, together with all clarification letters through Clarification Letter No. 5 dated October 3, 1990, including Appendix A thereto which consists of specifications for Furnishing Maintenance and Service For Parking Lot Revenue Control System For A Three-Year Period, South Field, M.O.I.A., Oakland, California; and be it

FURTHER RESOLVED that the Board hereby approves and authorizes execution of a contract with Trindel for said construction work in the sum of \$2,034,941.50 and a contract with Trindel for said maintenance and service work in the sum of \$290,160.00; and be it

FURTHER RESOLVED that a bond for the faithful performance of the construction work in the amount of \$2,034,941.50 and for the faithful performance of the maintenance and service work in the amount of \$145,080.00 shall be required, also a bond in the same amounts to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contracts.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SPI

**RESOLUTION NO. 32232
RESOLUTION APPROVING EXTENSION OF
RIGHT OF ENTRY AGREEMENT**

RESOLVED that the Board of Port Commissioners hereby approves extension of the following right of entry agreements, referred to in Agenda Sheet Item No. Airport-11S, to and including February 28, 1991:

	<u>Permitee</u>	<u>Date of Agreement</u>	<u>Location</u>
1.	ABX Air, Inc.	11/01/90	Trailer land rent, vehicle parking, utility amortization
2.	Elsinore Aircraft Services, Inc.	11/01/90	Bldg. M-128
3.	Southwest Airlines Company	10/19/90	Bldg. M-106

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32233

**RESOLUTION RATIFYING AND APPROVING ISSUANCE OF
A CHANGE ORDER FOR CONTRACT FOR CONSTRUCTION
OF PARKING LOT ADJACENT TO JOHN GLENN DRIVE,
METROPOLITAN OAKLAND INTERNATIONAL AIRPORT,
OAKLAND, CALIFORNIA.**

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the issuance to Gallagher and Burk of a change order under the contract for construction of Site Improvements to the Former Sherex Property, Middle Harbor, Oakland, California, for the additional work involved in constructing the parking lot adjacent to John Glenn Drive, Metropolitan Oakland International Airport, in a sum of \$345,739.75.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32234

JPA

**RESOLUTION RATIFYING AND APPROVING ISSUANCE OF
A CHANGE ORDER FOR INSTALLATION OF HYDRANT PIT
FOR GATE 26A, METROPOLITAN OAKLAND INTER-
NATIONAL AIRPORT, OAKLAND, CALIFORNIA.**

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the issuance to McGuire and Hester of a change order under the contract for Replacement of Double Check Valve Assemblies in the Vicinity of Ninth Avenue Terminal, Oakland, California, for the additional work involved in installation of hydrant pit for Gate 26A, Metropolitan Oakland International Airport, in a sum of \$55,000.00.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32235

SRA

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR REPLACEMENT OF OSS-8 SWITCHGEAR AND
FEEDER CR-84 AT SS-4, NORTH FIELD, METRO-
POLITAN OAKLAND INTERNATIONAL AIRPORT;
OAKLAND, CALIFORNIA; AND CALLING FOR BIDS
THEREFOR.**

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Replacement of OSS-8 Switchgear and Feeder CR-84 at SS-4, North Field, Metropolitan Oakland International Airport, Oakland, California be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

<u>ITEMS OF WORK</u>	<u>TIME FOR COMPLETION</u>	<u>LIQUIDATED DAMAGES</u>
1. Shutdown No.1 for work at LE-81, LE-91, and SS-4 requiring shutdown of VB 52-5F at electrical substation SS-4	Within Contractor's shutdown time frame specified in Section 16.01, Sub-section 1.12	\$200 per hour for first four hours beyond shutdown time frame specified and \$1,000 an hour thereafter until Contractor's work under specified shutdown time frame is completed.
2. Shutdown No. 2 for work at OSS-8 requiring shutdown of OSS-8 switchgear	Within Contractor's shutdown time frame specified in Section 16.01, Sub-section 1.12	\$1,000 an hour after the end of the shutdown time frame specified until Contractor's work under specified shutdown time frame is completed
3. Completion of replacing feeder CR-84 from LE-81 to breaker VB-S2-5F at SS4	60 calendar days from date contract takes effect	\$500 per calendar day

4. Completion of 200 calendar days \$500 per calendar
all contract from date contract day
work takes effect

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to December 19, 1990, the date set for receiving said bids.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32236

**RESOLUTION CONSENTING TO ASSIGNMENT
OF LEASE FROM EDGEWATER HYATT
CORPORATION TO OAKLAND AIRPORT HOTEL
CORPORATION.**

WHEREAS, the Port and **TRANSWESTERN HOTELS, INC.**, entered into a certain Lease dated the 25th day of January, 1960, for the development and use of land at the intersection of Highway 880 and Hegenberger Road, for construction, maintenance and operation of a hotel and certain related facilities, and said Lease has been amended and assigned to **EDGEWATER HYATT CORPORATION**, a California corporation ("Hyatt") (said Lease, as heretofore amended, is hereinafter referred to as "the Lease"); and

WHEREAS, **Hyatt** has requested the consent of this Board to the assignment of the Lease to **OAKLAND AIRPORT HOTEL CORPORATION**, a California corporation ("Hotel Corporation"); now, therefore, be it

RESOLVED that subject to the terms and conditions of this resolution, consent is hereby granted **HYATT** to assign the Lease to **Hotel Corporation**; and be it

FURTHER RESOLVED that such consent is granted upon the express condition that **Hotel Corporation** shall assume all the obligations and liabilities of **Hyatt** under the Lease from the date of assignment forward and that neither **Hyatt** nor any previous assignor shall be released from any obligation or liability under the Lease; and be it

FURTHER RESOLVED, that this consent shall not be effective unless and until **Hotel Corporation** acknowledges and agrees in writing that the obligation of the Lessee under Paragraph 7 of the Lease to use the leased property is an obligation of continuous use; and be it

FURTHER RESOLVED that **Hotel Corporation's** said assumption of the obligations and liabilities under the Lease and **Hotel Corporation's** said acknowledgement and agreement regarding continuous use shall be evidenced by its signature on a certified copy of this resolution or by such other writing as approved at the sole discretion of the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32237

SPM

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF A REIMBURSEMENT AGREEMENT
BETWEEN THE PORT AND CAN TRANSPORT, INC.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Executive Director, Port Planning and Development to execute for and on behalf of the Port that certain reimbursement Agreement between the Port and **CAN TRANSPORT, INC.**, ("CAN"), a California corporation, dated the 6th day of November 1990, concerning the remediation of contaminated soil at 196 Burma Road, Oakland, California and the reimbursement to the Port for costs thereto.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32238

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NORDHAV, INC., DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING FOR ENVIRONMENTAL CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

SP

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between **NORDHAV, INC., DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING** and this Board, to furnish consulting services in connection with environmental consulting work, as set forth in Agenda Sheet Item Properties-2, dated November 6, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from **NORDHAV, INC., DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING**, without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director, Port Planning and Development, is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **NORDHAV, INC. DOING BUSINESS AS BASELINE ENVIRONMENTAL CONSULTING** be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$35,000.00 unless additional work is authorized by the Executive Director, in which case up to an additional cost not to exceed \$15,000.00, may be approved by the Chief Executive Officer and Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32239

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF AGREEMENT(S) TO RENEW LICENSE AND
CONCESSION AGREEMENT FOR TERM OF ONE YEAR OR
LESS.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary of the Board to execute for and on behalf of the Board those certain Agreement(s) to Renew License and Concession Agreement for Term of One Year or Less, between the Port and the following Licensees: Pacific Plaza Hotels, Inc. and Jal Vue Window Corporation, all as described in Agenda Sheet Item No. Properties-6S, dated November 6, 1990; and be it

FURTHER RESOLVED, that said agreement(s) shall be upon a form prepared and approved by the Port Attorney and shall not be effective unless and until signed by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32240

RA

RESOLUTION AUTHORIZING EXECUTION OF SECOND SUPPLEMENTAL AGREEMENT WITH HAPAG LLOYD A.G., COMPAGNIE GENERALE MARITIME AND ATLANTIC CONTAINER LINE AB.

RESOLVED that the President of the Board of Port Commissioners hereby is authorized to execute and the Secretary to attest that certain Second Supplemental Agreement dated November 6, 1990 with HAPAG LLOYD AG, COMPAGNIE GENERALE MARITIME, and ATLANTIC CONTAINER LINE AB, as User, amending that certain Terminal Use Agreement dated December 5, 1989, between the Port and User, Federal Maritime Commission Agreement No. 224-200312, to delete SEA-LAND SERVICE, INC, a Delaware corporation and P & O CONTAINERS LIMITED, a United Kingdom Company, as joint parties to said Terminal Use Agreement.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32241

SA
RESOLUTION CONSENTING TO USE OF MAERSK LINE PACIFIC,
LTD.'S ASSIGNED PREMISES BY SEA-LAND SERVICE INC.
AND P & O CONTAINERS LIMITED AS SECONDARY USERS.

WHEREAS, that certain Nonexclusive Preferential Assignment Agreement ("Agreement") between the Port and MAERSK LINE PACIFIC, LTD., ("Maersk"), Federal Maritime Commission Agreement No. 224-200087 provides that Maersk shall not allow use of the Assigned Premises by third parties without written consent of the Port evidenced by resolution of this Board; and

WHEREAS, said Agreement further provides that the Port in consenting any such use of the Assigned Premises by third parties may consider such use of the premises to be secondary use of the Assigned Premises within the meaning of said Agreement; and

WHEREAS, Maersk has proposed the use of the Assigned Premises for the handling of cargo of SEA-LAND SERVICE, INC. and P & O CONTAINERS LIMITED pursuant to Maersk's Cooperative Working Agreement with said shipping lines; now, therefore, be it

RESOLVED that this Board does hereby consent to the use of Maersk's said Assigned Premises for the cargo activity of SEA-LAND SERVICE, INC. and P & O CONTAINERS LIMITED pursuant to Maersk's Cooperative Working Agreement with said shipping lines, Federal Maritime Commission Agreement No. 203-011299, provided that such use by said lines shall be considered as secondary use of the Assigned Premises within the meaning of the Agreement and subject to all the terms thereof relating to secondary use.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 32242

SPH

**RESOLUTION AUTHORIZING EXECUTION OF
SECOND SUPPLEMENTAL AGREEMENT WITH
CMB N.V. (COMPAGNIE MARITIME BELGE)
AND NORSUL INTERNACIONAL S.A.**

RESOLVED that the President of the Board of Port Commissioners is hereby authorized to execute and the Secretary to attest that certain Second Supplemental Agreement dated November 6, 1990 with CMB N.V. (COMPAGNIE MARITIME BELGE), a Belgian corporation and NORSUL INTERNACIONAL S.A., a Brazilian corporation, as User, amending that certain Terminal Use Agreement dated August 16, 1988, between the Port and User, Federal Maritime Commission Agreement No. 224-200164, to add NORSUL INTERNACIONAL S.A. as a joint User under said Agreement, to expand the designation of "assigned premises" to include other Port public container terminals to which User may transfer pursuant to the rights of the User or the Port set forth in Paragraph 1 of the Agreement to transfer User's operations and rights and obligations and to modify the dockage cap and wharfage cap provisions of the Agreement.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32243

**RESOLUTION AUTHORIZING EXECUTION OF
AGREEMENT WITH HENRY C. LAI.**

RESOLVED that the President of this Board of Port Commissioners be and she is hereby authorized to execute and the Secretary to attest that certain Agreement with HENRY C. LAI, as Representative, dated the 1st day of December 1990, providing for the retention of Representative as a Taiwan trade representative of the Port on a part-time basis to report to and receive instructions from the Port's Director, Far East, and providing for his compensation in the sum of One Thousand United States Dollars (U.S. \$1,000) per month with certain additional performance incentive compensation authorized as therein set forth and reimbursement of certain expenses, which said Agreement shall be for a term commencing the 1st day of December 1990 and continuing to and including the 30th day of November 1991 and thereafter from month-to-month until terminated by either party on thirty (30) days' prior written notice, and that such Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

APK

RESOLUTION No. 32244

**RESOLUTION AUTHORIZING EXECUTION OF
AGREEMENT WITH PYUNG SUP CHUNG.**

RESOLVED that the President of this Board of Port Commissioners be and she is hereby authorized to execute and the Secretary to attest that certain Agreement with PYUNG SUP CHUNG, as Representative, dated the 1st day of December 1990, providing for the retention of Representative as a Korean trade representative of the Port on a part-time basis to report to and receive instructions from the Port's Director, Far East, and providing for his compensation in the sum of One Thousand United States Dollars (U.S. \$1,000) per month with certain additional performance incentive compensation authorized as therein set forth and reimbursement of certain expenses, which said Agreement shall be for a term commencing the 1st day of December 1990 and continuing to and including the 30th day of November 1991 and thereafter from month-to-month until terminated by either party on thirty (30) days' prior written notice, and that such Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

ARH

RESOLUTION NO. 32245

**RESOLUTION AUTHORIZING EXECUTION OF
AGREEMENT WITH VAN OMMEREN AGENCIES
B.V.**

RESOLVED that the President of this Board of Port Commissioners be and she is hereby authorized to execute and the Secretary to attest that certain Agreement with VAN OMMEREN AGENCIES B.V. as Representative, dated the 1st day of December 1990, to continue the retention of the services of Representative in connection with the maintenance and expansion of trade and commerce between European trade centers and the commercial trade facilities of the Port, for the term commencing December 1, 1990 and continuing to and including November 30, 1991, with certain rights of termination, and after November 30, 1991 said Agreement shall continue on a month-to-month basis until terminated by either party, at a total fee and full compensation therefore in the sum of \$4,400.00 per month with certain additional performance incentive compensation authorized as therein set forth and, in addition thereto, reimbursement for certain out-of-pocket costs, and that such Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32246

SBA

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STRUCTURAL INSPECTION OF CRANES S/N
207011 (X-413) AND S/N 207012 (X-414), BERTH
23, OUTER HARBOR TERMINAL, OAKLAND,
CALIFORNIA; AND CALLING FOR BIDS THEREFOR.**

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Structural Inspection of Cranes S/N 207011 (X-413) and S/N 207012 (X-414), Berth 23 Outer Harbor, Oakland, California be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

<u>Scheduling of Work</u>	<u>Time Allowed</u>	<u>Liquidated Damages Per Calendar Day</u>
1. Completion of entire contract	180 Calendar Days after contract becomes effective	\$ 300.00
2. Crane not utilizable by Port tenant due to contractor's work on days not scheduled for inspection or repair work.	Each Calendar Day*	\$3,000.00
3. Contractor does not begin critical weld repair of crack or defective weld or ceases repair during daylight hours before repair work is completed and causes cranes to be unavailable for use by the Port tenant.	Each Calendar Day*	\$3,000.00
4. Crane not fully utilizable by the Port tenant within two hours after contractor has been notified by the engineer that crane must be utilized by the Port tenant	Each Calendar Day*	\$3,000.00

*(Each calendar day on this table means any day or part thereof the crane is not available and capable of transporting containers onto or off ships).

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption of other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to December 19, 1990, the date set for receiving said bids.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32247

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH PAUL F. FRATESSA ASSOCIATES, INC., FOR ENGINEERING DESIGN SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED that the Board of Port Commissioners does hereby find and determine that the Agreement between **PAUL F. FRATESSA ASSOCIATES, INC.**, and this Board, to furnish engineering design services with respect to construction of pile-supported railroad platform will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **PAUL F. FRATESSA ASSOCIATES, INC.** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **PAUL F. FRATESSA ASSOCIATES, INC.**, be compensated for such services as well as costs of miscellaneous reimbursable expenses, provided that the total maximum compensation which can be made under said Agreement is \$20,000, unless additional work, up to an additional cost not to exceed \$10,000, is approved by the Executive Director, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32248

APA

**RESOLUTION APPROVING AND AUTHORIZING ISSUANCE
OF CHANGE ORDER IN CONTRACT WITH VALENTINE
CORPORATION FOR EARTHQUAKE DAMAGE REPAIR OF
CONCRETE WHARVES, PHASE II, BERTHS 32 AND 33,
MATSON TERMINAL, OAKLAND, CALIFORNIA.**

RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the issuance to **VALENTINE CORPORATION** of a change order in the estimated amount of \$270,000 to the contract with **VALENTINE CORPORATION** for Earthquake Damage Repair of Concrete Wharves, Phase II, Berths 32 and 33, Matson Terminal, Oakland, California, in accordance with Board of Port Commissioners Agenda Sheet Item No. MT-8S, November 6, 1990.

At a regular meeting held November 6, 1990

Passed by the following vote:

**Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6**

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32249

SPA

RESOLUTION AWARDDING CONTRACT TO BICKERTON IRON WORKS FOR RELOCATION OF CRANES X-421 AND X-422 FROM BERTHS 36 AND 37 TO BERTH 38, SEVENTH STREET TERMINAL, OAKLAND, CALIFORNIA, FOR ALTERNATE "A" (LAND); FIXING THE AMOUNT OF BONDS TO BE PROVIDED IN CONNECTION THEREWITH; REJECTING ALL OTHER BIDS; AND DIRECTING RETURN OF BID BONDS TO BIDDERS.

RESOLVED that the contract for Relocation of Cranes X-421 and X-422 from Berths 36 and 37 to Berth 38, Seventh Street Terminal, Oakland, California, for Alternate "A" (Land), be and the same hereby is awarded to **BICKERTON IRON WORKS**, a California corporation, as the responsible bidder, in accordance with the terms of its bid received October 30, 1990; and be it

FURTHER RESOLVED that a bond for the faithful performance of the work in the amount of One Hundred Forty Nine Thousand Five Hundred Thirty Four and 00/100 Dollars (\$149,534.00) shall be required, also a bond in the same amount to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code with respect to such work; and that the procedure prescribed by law shall be taken for the execution of such contract; and be it

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

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32250

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SVERDRUP CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED that the Board of Port Commissioners does hereby find and determine that the Agreement between **SVERDRUP CORPORATION** and this Board, to furnish construction management services as set forth in Agenda Sheet Item No. O-1, November 6, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **SVERDRUP CORPORATION** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that **SVERDRUP CORPORATION** be compensated for such services as set forth in said Agreement provided that the total maximum compensation which can be made under said Agreement is \$800,000, not to exceed \$400,000 in each year, and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32251

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

PAUL RODRIQUEZ, Youth Aide, Class "B", effective October 15, 1990 until the return of an employee on on-the-job injury leave;

JOHN LEE, Youth Aide, Class "B", effective October 15, 1990 not to exceed 90 days;

STEPHANIE SCHOFIELD, Senior Typist Clerk, effective October 19, 1990;

ELIZABETH YBERRA, Intermediate Typist Clerk, effective October 19, 1990;

VAUGHN BALAGOT, Equipment Systems Engineer, Rate "c", effective October 27, 1990;

RAYMOND REINOSA, Equipment Systems Engineer, Rate "c", effective October 27, 1990;

FRANKLIN LOBEDAN, Civil Engineer, effective October 29, 1990;

ROBERT ANDREWS, Civil Engineer, effective October 30, 1990;

MICHAEL MORLEY, Civil Engineer, effective October 31, 1990;

GLORIA GRIFFITH, Intermediate Stenographer Clerk, effective November 5, 1990;

TERESITA MORALES, Port Auditor II, Salary Grade 8, Rate \$3078, effective November 7, 1990;

HAROLD BELL, Port Reprographics Equipment Operator, Rate "b", effective November 7, 1990;

KEITH BYMAN, Civil Engineer, effective November 7, 1990;

DIANE WEST, Commercial Representative I-A,
Salary Grade 6, Rate \$2550, effective
November 7, 1990;

JOSE ALONGA, Equipment Systems Engineer, Rate
"c", effective November 10, 1990;

RAUL OROZCO, Information Services Technician,
effective November 13, 1990;

STEVE YEH, Port Senior Programmer Analyst,
Salary Grade 9, Rate \$4250, effective
November 19, 1990;

and be it

FURTHER RESOLVED that the provisional
appointment not to exceed one hundred twenty
(120) calendar days of ALFRED AMISTOSO to the
position of Deliveryman, effective October 15,
1990, be and the same hereby is ratified.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32252

SA

**RESOLUTION EXTENDING APPOINTMENT
OF JOSE JUAN LUNA.**

RESOLVED that the appointment of JOSE JUAN LUNA, to the position of Youth Aide, Class "B" be and the same hereby is extended for a period not to exceed sixty (60) days, effective November 8, 1990.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32253

SJA
RESOLUTION AMENDING RESOLUTION NO. 32211
CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that those portions of Resolution No. 32211 relating to the appointments of LUBERT GILBERT, YOSHINORI TSUNO, GEORGE MUNSON and MARY BUNCE, adopted by this Board on October 9, 1990, are hereby amended to read as follows:

"LUBERT GILBERT, Gardener II (Part-Time),
effective October 1, 1990;..."

"YOSHINORI TSUNO, Gardener III (Part-Time),
effective October 1, 1990;..."

"GEORGE MUNSON, Associate Port Transportation
Planner, Salary Grade 10, Rate \$3875,
effective October 15, 1990;..."

"MARY BUNCE, Senior Account Clerk, effective
October 15, 1990;..."

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32254

SJA
RESOLUTION APPROVING JOB SPECIFICATIONS FOR
THE POSITIONS OF PROCUREMENT ANALYST, JUNIOR
PROCUREMENT ANALYST AND PORT PURCHASE ORDER
CONTRACT ADMINISTRATOR.

RESOLVED that this Board, pursuant to the provisions of
Rule 3 of the Personnel Rules and Procedures of the Port of
Oakland, does hereby approve the job specifications for the posi-
tions of Procurement Analyst, Junior Procurement Analyst and Port
Purchase Order Contract Administrator, each dated October 9, 1990.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32255

**RESOLUTION APPROVING EXAMINATION ANNOUNCEMENTS
FOR THE POSITIONS OF PORT PRINCIPAL ENGINEER,
PORT UTILITIES FOREMAN, DELIVERYMAN AND PORT
SENIOR TECHNICAL SUPPORT ANALYST.**

RESOLVED that this Board, pursuant to the provisions of Rule 4 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the examination announcements for the positions of Port Principal Engineer and Port Utilities Foreman each dated November 6, 1990, and the positions of Deliveryman and Port Senior Technical Support Analyst each dated November 7, 1990.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32256

RESOLUTION CONCERNING CERTAIN LEAVES OF ABSENCE.

RESOLVED that leaves of absence for the following employees, with or without pay, for the reasons and times respectively shown, be and the same hereby are approved or ratified as the case may be:

IMELDA OSANTOWSKI, Civil Engineer, without pay, except for any portion of said leave covered by paid sick leave, for maternity leave, for a period of one hundred fifty one (151) working days, commencing October 5, 1990;

MARIE JOHNSTON, Intermediate Typist Clerk, without pay, for personal reasons, for a period of one hundred thirty (130) working days, commencing December 8, 1990.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32257

SPH

**RESOLUTION TERMINATING APPOINTMENT OF
SANDRA NICHOLAS, YOUTH AIDE, CLASS "BB-1".**

RESOLVED that the appointment of SANDRA NICHOLAS, to the position of Youth Aide, Class "BB-1" is hereby terminated effective at the end of the work day on November 13, 1990 for the reason that her duration of employment exceeds the limitations on maximum terms of employment set forth in Article 10A of the Memorandum of Understanding between the Port and United Public Employees, Local 790, AFL-CIO, covering the Youth Aide Unit.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

SJA

RESOLUTION NO. 32258

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED SECOND SUPPLEMENTAL AGREEMENT WITH DANIEL T. HOLDGATE FOR CONTRACT ADMINISTRATION CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.

WHEREAS, by Resolution No. 29934, adopted by the Board of Port Commissioners (the "Board") on January 20, 1987, the Board approved the execution of an Agreement with **DANIEL T. HOLDGATE**, an individual, for contract administration consulting services in connection with the restoration of the Presidential Yacht Potomac; and

WHEREAS, by Resolution No. 31121 adopted by the Board on January 3, 1989, the Board approved the execution of a First Supplemental Agreement; and

WHEREAS, it is desirable at this time to enter into a Second Supplemental Agreement to provide for additional consulting services in accordance with Board Agenda Sheet Item No. Operations 6-S, dated November 6, 1990; now, therefore, be it

RESOLVED that the Board does hereby find and determine that the Second Supplemental Agreement between **DANIEL T. HOLDGATE** and this Board, to furnish additional services as set forth in Agenda Sheet Item No. Operations-6S, dated November 6, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED that this Board does find and determine that it is in the best interest of the Port to secure such services from **DANIEL T. HOLDGATE** without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute for and on behalf of the Board a Second Supplemental Agreement for such additional services and that **DANIEL T. HOLDGATE** be compensated for such services on a monthly basis, as well as costs of miscellaneous reimbursable expenses, provided that the maximum compensation which can be made under said Agreement is \$37,750 for a six-month term; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32259

**RESOLUTION GRANTING RESTAURANTS UNLIMITED
(CUTTER'S) PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by RESTAURANTS UNLIMITED, INC., a Washington corporation, for permission to perform certain work at its leased premises, located at 70 Jack London Square, Oakland, California, at an estimated cost to said applicant of \$8,600.00, hereby is approved and permission to perform work to include installation of three signs reading "CUTTERS", two illuminated plastic signs consisting of individually mounted letters and pegged out about 1" from face of wall: 1) one 8'-0" x 13'-0" sign to be mounted on the east side; 2) one 8'-0" x 13'-0" sign mounted on the west side of the restaurant tower, and 3) a third 5'-6" x 9'-0" sign non-illuminated plastic would also have individually mounted letters mounted on the north wall of the restaurant; and be it

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland.

At a regular meeting held November 6, 1990

Passed by the following vote:

Aycs: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Nocs: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32260

**RESOLUTION GRANTING EL TORITO RESTAURANT
PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **EL TORITO RESTAURANTS, INC.**, a Delaware corporation, for permission to perform certain work at its leased premises, located at 67 Jack London Square, Oakland, California, at an estimated cost to said applicant of \$67,300.00, hereby is approved and permission to perform work to include interior remodeling work consisting of minor modifications to wall partitions, installation of decorative brass rails, mirrors, floor tiles and minor electrical wiring work; and be it

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland.

At a regular meeting held November 6, 1990

Passed by the following vote:

**Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6**

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32261

**RESOLUTION GRANTING WESTERN FEDERAL SAVINGS
AND LOAN ASSOCIATION PERMISSION TO PERFORM
CERTAIN WORK.**

RESOLVED that the application submitted by the **WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION**, a federal savings and loan association, for permission to perform certain work at its leased premises, located at 2000 Embarcadero, Suites 101 and 203, Oakland, California, at an estimated cost to said applicant of \$95,000.00, hereby is approved and permission to perform work to include: 1) installation of new full-height walls, and new low partitions; 2) removal of several existing walls and partitions; and 3) associated electrical and HVAC work; and be it

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32262

SPH
**RESOLUTION GRANTING OAKLAND PORTSIDE
ASSOCIATES PERMISSION TO PERFORM CERTAIN WORK.
(Ferry Terminal Passenger Waiting Facility)**

RESOLVED that the application submitted by **OAKLAND PORTSIDE ASSOCIATES**, a limited partnership, for permission to perform certain work at its leased premises, located at 409 Water Street, Oakland, California, said work consisting of construction of gypsum board partitions and installation of associated electrical, mechanical and HVAC work, at an estimated cost to said applicant of \$14,700.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland.

At a regular meeting held November 6, 1990

Passed by the following vote:

**Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6**

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32263

**RESOLUTION INSTRUCTING PORT STAFF REGARDING
RATES AND TERMS TO BE NEGOTIATED WITH EXISTING
OR PROSPECTIVE LICENSEES OF CERTAIN AIRPORT
PROPERTIES.**

RESOLVED, that in accordance with Article III, Section 6 of the By-Laws and Administrative Rules of the Board of Port Commissioners this Board does hereby direct the Chief Executive Officer and Executive Director and other involved Port staff members to proceed with negotiations with existing or prospective tenants for License and Concession Agreements for terms of one (1) year or less on the properties listed on Exhibit "A", attached hereto and by reference made a part hereof, in accordance with the instructions of the Board in its closed session on November 6, 1990 convened pursuant to Section 54956.8 of the Government Code.

At a regular meeting held November 6, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Lockhart, Ortiz, Sweeney
and President Ward Allen - 6

Noes: None

Abstained: Commissioner Wilson - 1

Absent: None

RENEWAL OF EXISTING LICENSE AND CONCESSION AGREEMENTS

NORTH AIRPORT

<u>Tenant</u>	<u>Building</u>
Aerospace Avionics, Inc.	L-710
Artisan Manufacturing Company	L-643
Astro-Aire Enterprises	L-731
Aviation Advisory Service	L-142
Aviation Testing	L-710
Blaine R. Banks	L-142
Benco, Inc.	L-310
Caterair	L-870 & L-874
Custom Aircraft Services	L-712
Forty Plus of Northern California	L-802
Francis Grinnon	L-142
The Hertz Corporation	L-510
Hoses Unlimited, Inc.	L-633
Johnston, Inc.	L-710
Kaiser Air, Inc.	L-710
Kimair Company	L-721
Lamm Associates	L-819
Joe Lucero Printing	L-647
Oakland Federal Airport	
Federal Credit Union	L-142
Pacific Aerial Surveys	L-643
Plane Stuff	L-142
Quinn Electronics, Inc.	L-727
Rainin Instrument Co., Inc.	L-710
Savage Magneto	L-737
Sierra Academy	L-130
Sierra Academy	L-150
Sierra Academy	L-230
Sierra Academy	L-825
Tower Avionics	L-810
Tower Avionics	L-809
Trans-Box Systems, Inc.	L-621
Trans-Box Systems, Inc.	L-633 & L-635
Weldon's Maintenance & Repair, Inc.	L-908

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32264

SAH

**RESOLUTION APPOINTING RICHARD WIEDERHORN
TO THE POSITION OF PORT PLANNING MANAGER.**

RESOLVED that RICHARD WIEDERHORN be and he hereby is appointed to the position of Port Planning Manager, Grade 13, Rate \$6250, effective December 12, 1990.

At an adjourned regular meeting held November 14, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Chang, Ortiz and President Ward Allen-4

Noes: None

Absent: Commissioners Lockhart, Sweeney and Wilson-3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32265

**RESOLUTION RATIFYING GRANTING PARTIAL LEAVE OF
ABSENCE TO GERALD L. POPE, SPECIAL ASSISTANT
TO THE EXECUTIVE DIRECTOR FOR TRADE RELATIONS.**

RESOLVED that a leave of absence to GERALD L. POPE, Special Assistant to the Executive Director for Trade Relations, with pay, for the reason that said leave is in the best mutual interest of the Port and the employee, for a period commencing September 28, 1990 to and including December 30, 1990, provided that said GERALD L. POPE shall be available to the Port during said period to attend certain meetings of the Port and organizations related to his duties at the Port as requested by the Director of Public Relations and to coordinate his activities with said Director of Public Relations, be and the same is hereby ratified.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32266

SA

RESOLUTION FINDING AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE PORT TO ACCOMPLISH MODIFICATION AND EXPANSION OF BUILDING M-114 AND MODIFICATIONS TO BUILDINGS M-101 AND M-102, TERMINAL I, SOUTH FIELD, METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE BIDDING, AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER/EXECUTIVE DIRECTOR TO ENTER INTO CONTRACTS FOR SUCH MODIFICATION AND EXPANSION BASED ON RECEIPT OF INFORMAL BIDS.

WHEREAS, due to recently announced expansion of charter airline service and to meet minimum U.S. Customs Service requirements it is necessary to alter Terminal Building M-102 at Terminal I; expand and modify the International Arrivals Building M-114 and to provide new ticket counters in the Ticketing Building M-101, Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, the alterations to Building M-102 include relocation of partition walls, removal of asbestos ceiling materials, replacement of ceiling, and miscellaneous painting and furnishings. Building M-114 improvements include a structural steel building addition, relocation of the existing passenger loading bridge (Jetway), addition of new corridor for departing passengers, a new outbound baggage conveyor system, a new or modified inbound conveyor and baggage carousel, and miscellaneous furnishings; and

WHEREAS, to complete the work in time for scheduled commencement of service in March 1991 it is necessary to accomplish the several contracts required based on informal quotations and sole source negotiations, especially with Jetway, the manufacturer and installer of the existing loading bridge for its relocation and for installation of the integral corridor leading to the relocated bridge; and

WHEREAS, these projects have been reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Port's CEQA guidelines and the projects were determined to be categorically exempt as per CEQA Section 15301, Class (e)(2) pertaining to existing facilities; now, therefore, be it

RESOLVED that the Board of Port Commissioners hereby determines that performance of the said expansion, modification, alteration and improvement work, without competitive bidding is in the best interests of the Port; and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby authorizes the Chief Executive Officer/Executive Director on behalf of the Board to enter into contracts for the said improvements at Terminal I, the International Arrivals Building, and the additions to the Ticketing Building, all at an estimated cost of \$2,300,000.00, at Metropolitan Oakland International Airport, Oakland, California, based upon receipt of informal bids.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayca: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32267

**RESOLUTION APPROVING EXTENSION OF
RIGHT OF ENTRY AGREEMENT**

RESOLVED that the Board of Port Commissioners hereby, subject to the prior written approval by the Port Attorney as to form and legality, approves extension of the following right of entry agreements, referred to in Agenda Sheet Item No. Airport-8S, to and including March 31, 1991:

	<u>Permitee</u>	<u>Date of Agreement</u>	<u>Location</u>
1.	American Airlines, Inc.	11/13/90	Bldgs. M-101 & M-103
2.	American Airlines, Inc.	11/13/90	Bldg. M-128

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Nocs: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32268

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF AGREEMENT TO RENEW LICENSE AND CONCESSION
AGREEMENT FOR TERM OF ONE YEAR OR LESS WITH
HOSES UNLIMITED, INC.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary of the Board to execute for and on behalf of the Board that certain Agreement to Renew License and Concession Agreement for Term of One Year or Less, between the Port and **HOSES UNLIMITED, INC.**, all as described in Agenda Sheet Item No. Airport-9S dated December 4, 1990; and be it

FURTHER RESOLVED, that said agreement shall be upon a form prepared and approved by the Port Attorney and shall not be effective unless and until signed by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32269

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF CERTAIN FIFTH SUPPLEMENTAL AGREEMENT WITH
SIERRA ACADEMY OF AERONAUTICS, INC.**

SFA

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary of the Board to execute for and on behalf of the Board that certain Fifth Supplemental Agreement, between the Port and Sierra Academy of Aeronautics, Inc., all as described in Agenda Sheet Item No. Airport-10S dated December 4, 1990, and be it

FURTHER RESOLVED, that said agreement shall be upon a form prepared and approved by the Port Attorney and shall not be effective unless and until signed by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayco: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32270



**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF CERTAIN LICENSE AND CONCESSION AGREEMENTS
WITH ALASKA AIRLINES, INC. AND THE HERTZ
CORPORATION.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Secretary of the Board to execute for and on behalf of the Board those certain License and Concession Agreements between the Port and the following Licensees: 1) Alaska Airlines, Inc. (Port Building Nos. L-610 and L-814); and 2) The Hertz Corporation, all as described in Agenda Sheet Item No. Airport-11S dated December 4, 1990; and be it

FURTHER RESOLVED, that said License and Concession Agreements shall be upon a form prepared and approved by the Port Attorney and shall not be effective unless and until signed by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32271

**RESOLUTION GRANTING KAISERAIR, INC.
PERMISSION TO PERFORM CERTAIN WORK.**

SJK

RESOLVED that the application submitted by **KAISERAIR, INC.**, a corporation, assignee of AAR Jet Center, Inc., a corporation, for permission to perform certain work at its leased premises, located at 8335 (Port Building No. L-410) Earhart Road, North Field, Metropolitan Oakland International Airport, Oakland, California, said work including construction and site improvements of a one-story high wood frame building adjacent to their existing departure lounge facility, consisting of modifying the restrooms so that they comply with the handicap requirements which will be connected to the existing building encompassing a gross floor area of approximately 3,000 square feet, including: 1) a gable-style roof with metal tile shingles and cement plaster walls to match the texture and color of the existing facility; 2) associated utility work; and 3) screening with landscaping the two heat pumps located on the exterior of the building, at an estimated cost to said applicant of \$150,600, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32272

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR REMOVAL OF EXTERIOR ELEVATOR AT BUILDING F-107, JACK LONDON SQUARE, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Removal of Exterior Elevator at Building F-107, Jack London Square, Oakland, California, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the amount of \$300.00 per day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption or other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to January 23, 1991, the date set for receiving said bids.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32273

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF AGREEMENT TO RENEW LICENSE AND CONCESSION
AGREEMENT FOR TERM OF ONE YEAR OR LESS WITH
CHONG CAREY.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Director of Commercial Real Estate to execute for and on behalf of the Board that certain Agreement to Renew License and Concession Agreement for Term of One Year or Less, between the Port and Chong Carey, an individual, doing business under the firm name and style of Gangplank Restaurant, all as described in Agenda Sheet Item No. Properties-7S dated December 4, 1990; and be it

FURTHER RESOLVED, that said agreement shall be upon a form prepared and approved by the Port Attorney and shall not be effective unless and until signed by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayces: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32274

SAA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO DEMOLISH
BUILDING C-530 AT SEVENTH STREET TERMINAL,
OAKLAND, CALIFORNIA, WITHOUT COMPETITIVE
BIDDING AND AUTHORIZING THE PERFORMANCE
THEREOF.**

WHEREAS, the Port is currently performing earthquake damage repair to the wharves at Berths 35, 37 and 38 in a phased process, and Building C-530, a 61,000 square foot transit shed at Berth 38, is no longer needed and could be removed to increase the useable yard area; and

WHEREAS, the work consists of completely removing the prefabricated steel transit shed and foundation, capping all abandoned utilities and repaving the foundation area; and

WHEREAS, in order to complete the demolition in a timely manner and be ready for tenant use when the wharf and crane work at Berth 38 are also completed it is necessary to immediately perform such demolition; and

WHEREAS, the project was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, and the project was determined to be categorically exempt as a landslide improvement, and no further review is necessary, now therefore, be it

RESOLVED that the Board of Port Commissioners hereby determines that it is in the best interest of the Port to perform such demolition of Building C-530 at Seventh Street Terminal without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director, on behalf of the Board, is hereby authorized to enter into a contract for demolition or removal of Building C-530 and miscellaneous site improvements, at an estimated cost of \$225,000.00.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayces: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noces: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32275

SPH

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO DEMOLISH
BUILDINGS C-516 AND C-521 SEVENTH STREET
TERMINAL, OAKLAND, CALIFORNIA, WITHOUT
COMPETITIVE BIDDING AND AUTHORIZING THE
PERFORMANCE THEREOF.**

WHEREAS, Mitsui OSK Lines (MOL) which is currently operating at Berth 37 while repairs to earthquake damage at Berths 35 and 38 wharves are being completed, after which MOL will move the majority of its operation to the Berth 35 area, now requires additional space; and

WHEREAS, the Port is currently negotiating to bring a tenant into the remaining portion of the 7th Street Terminal yard while the permanent repairs are being performed at the Berth 37 wharf, and this puts high demand on available container yard space; and

WHEREAS, the CFS Corporation Building (Port Building C-516) and the Dispatch Building (Port Building C-521), both adjacent to the southern boundary of the Berth 35 container yard, are currently being vacated and the two buildings are no longer required at this location, they can be removed and the yard expanded into the area; and

WHEREAS, in order that MOL's additional space needs are met in a timely manner while simultaneously allowing an additional tenant use of the Berth 37 and Berth 38 yard areas it is necessary to complete the demolition in a timely manner; be it

WHEREAS, the project was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, and the project was determined to be categorically exempt as a landslide improvement, and no further review is necessary, now therefore, be it

RESOLVED that the Board of Port Commissioners hereby determines that performance of said construction work without competitive bidding is in the best interest of the Port; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director, on behalf of the Board, is hereby authorized to enter into a contract for demolition or removal of Buildings C-516 and C-521 and miscellaneous site improvements, at an estimated cost of \$275,000.00.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32276

SPA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO REPAIR
TROLLEY AND MAIN HOIST OF CRANE X-410 WITHOUT
COMPETITIVE BIDDING AND AUTHORIZING THE
PERFORMANCE THEREOF.**

WHEREAS, as a result of the October 17, 1989 Loma Prieta earthquake, Crane X-410 has flat spots on the trolley wheels; and

WHEREAS, replacement of the trolley wheels will take a considerable time, and repair of the main hoist drum will require taking the crane out of service for several weeks, both causing a loss of efficiency of operation; be it

RESOLVED that the Board of Port Commissioners hereby find and determine that it is in the best interest of the Port that the performance of said crane repair work be done without competitive bidding; and be it

FURTHER RESOLVED that the Executive Director be and he is hereby authorized and directed to cause said repairs to be performed without advertising for bids therefore, based upon informal bids therefore, at an estimated cost of \$150,000.00, provided that the contract therefore shall be on a form approved by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32277

APA

**RESOLUTION FINDING AND DETERMINING THAT IT IS
IN THE BEST INTEREST OF THE PORT TO AMEND
RESOLUTION NO. 31785 FOR INSTALLATION OF
CONTAINER CRANE CABLE REEL SYSTEM AT SEVENTH
STREET TERMINAL, OAKLAND, CALIFORNIA, WITHOUT
COMPETITIVE BIDDING AND AUTHORIZING THE
PERFORMANCE THEREOF.**

WHEREAS, the Board of Port Commissioners on January 17, 1990, passed Port Resolution No. 31785, authorizing dispensing with formal bids for converting the Seventh Street Terminal crane power pick-up system from an underground bus system to a cable reel system at an estimated cost of \$2,850,000.00; and

WHEREAS, to date the total project expenditures are approximately \$2,600,000.00 and the work remaining to be done is estimated to cost \$650,000.00; and

WHEREAS, the overall project exceeds the amount estimated; be it

RESOLVED that the Board of Port Commissioners hereby find and determine that it is in the best interest of the Port to amend Resolution No. 31785 to revise the estimated cost from \$2,850,000.00 to \$3,250,000.00.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32278

SPA

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR STRUCTURAL INSPECTION AND REPAIR OF CRANE X-412 SPREADER BEAM, BERTH 25, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **Structural Inspection and Repair of Crane X-412 Spreader Beam, Berth 25, Outer Harbor Terminal, Oakland, California,** be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the amount of \$300.00 per day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption or other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to January 23, 1991, the date set for receiving said bids.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32279

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR REPAIR OF EARTHQUAKE DAMAGED LANDSIDE CRANE RAIL AT BERTH 24, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Repair of Earthquake Damaged Landside Crane Rail at Berth 24, Outer Harbor Terminal, Oakland, California, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the following amounts:

<u>Portion of Work</u>	<u>Time Allowed For Completion</u>	<u>Liquidated Damages</u>
Shutdown periods when any portion of crane rail is inoperable	End of specified closure, Tuesday 8:00 p.m. Thursday 5:00 p.m.	\$1,000/hour
Completion of all work	37 calendar days	\$300/calendar day

to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption or other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to January 23, 1991, the date set for receiving said bids.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32280

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR DREDGING OF BERTHS 20, 21, 22, 23, AND 38, OUTER HARBOR TERMINAL, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for Dredging of Berths 20, 21, 22, 23 and 38, Outer Harbor Terminal, Oakland, California, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the amount of \$300.00 per day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption or other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to December 20, 1990, the date set for receiving said bids.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32281

SKA
RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR REPLACEMENT OF FIRE SPRINKLER SYSTEMS AT BERTHS 83 AND 84, NINTH AVENUE TERMINAL, OAKLAND, CALIFORNIA; AND CALLING FOR BIDS THEREFOR.

RESOLVED that the plans and specifications and other provisions relative thereto filed with the Board for **Replacement of Fire Sprinkler Systems at Berths 83 and 84, Ninth Avenue Terminal, Oakland, California**, be and the same hereby are approved; and be it

FURTHER RESOLVED that sums for liquidated damages be set in the amount of \$300.00 per day to compensate the Port in the event contractor fails to complete the entire work or any portion of the work for which a definite time is specified, and that said sums are based upon damages difficult to estimate, such as the Port's increased administrative costs, including field inspection, disruption or other activities; and be it

FURTHER RESOLVED that the Secretary be and he is hereby authorized to advertise for four (4) consecutive days in the official newspaper of the City of Oakland for sealed bids therefor not less than ten (10) calendar days prior to January 23, 1991, the date set for receiving said bids.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32282

RESOLUTION CONCERNING CERTAIN APPOINTMENTS.

SJA

RESOLVED that the following appointments are hereby approved or ratified as the case may be:

EDITHA HERNANDEZ, Secretary to the Port Attorney, Salary Grade 8, Rate \$2850, effective November 5, 1990;

CONNIE NG, Assistant Contract Compliance Officer, Salary Grade 7, Rate \$2640, effective November 7, 1990;

JON AMDUR, Assistant Port Environmental Scientist, Salary Grade 9, Rate \$3386, effective November 19, 1990;

LENAIRE EDWARDS, Account Clerk, effective November 29, 1990;

PAMELA SHOFFNER, Legal Secretary I, Salary Grade 5, Rate \$2620, effective December 3, 1990;

JOANNE HOLLOWAY, Commercial Representative I-A, Salary Grade 6, Rate \$2300, effective December 5, 1990;

ALBERT KOO, Port Auditor I, Salary Grade 7, Rate \$2750, effective December 5, 1990;

THELMA FAJARDO, Port Auditor I, Salary Grade 7, Rate \$2500, effective December 5, 1990;

CHONG M. CHAN, Civil Engineer, effective December 12, 1990; and

DANIEL SCHOENHOLZ, Assistant Port Environmental Scientist, Salary Grade 9, Rate \$3386, effective December 24, 1990.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Nocs: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32283

RESOLUTION AMENDING RESOLUTION NO. 32251
CONCERNING CERTAIN APPOINTMENTS.

RESOLVED that those portions of Resolution No. 32251 relating to the appointments of FRANKLIN LOBEDAN and HAROLD BELL adopted by this Board on November 6, 1990, are hereby amended to read as follows:

"FRANKLIN LOBEDAN, Civil Engineer, Rate "b",
effective October 29, 1990;..."

"HAROLD BELL, Port Reprographics Equipment
Operator, Rate "c", effective September 4,
1990;..."

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32284

**RESOLUTION APPROVING EXAMINATION ANNOUNCEMENT
FOR THE POSITION OF AIRPORT PUBLIC RELATIONS
OFFICER.**

RA

RESOLVED that this Board, pursuant to the provisions of Rule 4 of the Personnel Rules and Procedures of the Port of Oakland, does hereby approve the examination announcement for the position of Airport Public Relations Officer, dated December 4, 1990.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32285

**RESOLUTION TERMINATING APPOINTMENTS
OF CERTAIN YOUTH AIDE POSITIONS.**

RESOLVED that the following appointments are hereby terminated for the reason that their duration of employment exceeds the limitations on maximum terms of employment set forth in Article 10A of the Memorandum of Understanding between the Port and United Public Employees, Local 790, AFL-CIO, covering the Youth Aide Unit:

ROSARIO CISNEROS, Youth Aide, Class "A", effective at the end of the work day on December 28, 1990;

IGNACIA HEREDIA, Youth Aide, Class "B-1", effective at the end of the work day on December 28, 1990;

SHARIFAH IHSAN, Youth Aide, Class "BB-1", effective at the end of the work day on December 28, 1990; and

MARY HOLLOWAY, Youth Aide, Class "BB-1", effective at the end of the work day on December 28, 1990.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32286

RESOLUTION CONCERNING CERTAIN LEAVES OF ABSENCE.

SAA

RESOLVED that leaves of absence for the following employees, for the reasons and times respectively shown, be and the same hereby are ratified:

HENRY P. INOCENCIO, Port Equipment Service Worker, without pay, for medical reasons, for a period of one hundred thirty (130) working days, commencing November 7, 1990;

JACK TROLLINGER, Semi-skilled Laborer, without pay, for medical reasons, for a period of fifty (50) working days, commencing November 26, 1990.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32287

RESOLUTION REJECTING CLAIM OF VIOLET NASSAU

SFA

WHEREAS, Violet Nassau on the 15th day of November, 1990, presented her claim against the Board of Port Commissioners of the City of Oakland for damages in the sum of \$200,000.00 for personal injuries sustained as a result of a fall in the Oakland Airport Parking Lot, Metropolitan Oakland International Airport, Oakland, California; and

WHEREAS, this Board breached no duty owed to claimant;
and

WHEREAS, this Board does hereby find that said claim is not a proper charge against the Board of Port Commissioners; now, therefore, be it

RESOLVED that such claim be and it is hereby rejected.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32288

**RESOLUTION AUTHORIZING EXECUTION OF
THIRD SUPPLEMENTAL AGREEMENT WITH
SEA-LAND SERVICE, INC.**

RESOLVED that the President of the Board of Port Commissioners hereby is authorized to execute and the Secretary to attest that certain Third Supplemental Agreement dated December 4, 1990, with SEA-LAND SERVICE, INC., a corporation, ("Sea-Land") amending that certain Lease and Preferential Assignment Agreement dated June 3, 1980, between the Port and SEA-LAND SERVICE, INC., Federal Maritime Commission Agreement No. 224-003914, to provide for Sea-Land's design and construction of a new yard lighting system and construction of a replacement fire protection water piping and hydrant system subject to reimbursement to Sea-Land by the Port of a portion of the cost of said improvements in the sum of \$960,000.00 through credits against the compensation due the Port under said Agreement in monthly amounts of \$40,000.00 for a twenty four month period.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32289

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER AND EXECUTIVE DIRECTOR TO APPROVE PAYMENT OF CERTAIN ADDITIONAL EARTHQUAKE COSTS.

RESOLVED that the Chief Executive Officer and Executive Director or his designee is hereby authorized to approve payment of earthquake-related costs of the type identified in Agenda Sheet Item No. MT-14S, December 4, 1990, in aggregate amount not to exceed \$1,000,000, in addition to the payments previously authorized by this Board in Resolution No. 31940, adopted May 1, 1990, subject to finalization of documentation approved by the Port Attorney required to support such payments.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32290

**RESOLUTION GRANTING BRENT HENNEFER
PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **BRENT HENNEFER**, an individual, for permission to perform certain work at his licensed premises, located at 6600 Oakport Drive, Oakland, California, said work consisting of placing 8 temporary free standing signs, 6 reading "BRENT'S CHRISTMAS TREES" and 2 reading "New Low Prices For 1990", at an estimated cost to said applicant of \$800.00, hereby is approved and permission to perform the work is hereby granted conditioned upon the applicant's compliance with all of the terms and conditions of its License and Concession Agreement with the Port of Oakland including, but not limited to, providing to the Port any and all labor and material and performance bonds prior to commencement of work on the aforementioned construction project.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32291

**RESOLUTION GRANTING EL TORITO RESTAURANT
PERMISSION TO PERFORM CERTAIN WORK.**

RESOLVED that the application submitted by **EL TORITO RESTAURANTS, INC.**, a Delaware corporation, for permission to perform certain work at its leased premises, located at 67 Jack London Square, Oakland, California, at an estimated cost to said applicant of \$5,000.00, hereby is approved and permission to perform work to include installation of 2 wall-mounted illuminated signs and a third sign which requires replacement of awning fabric with painted lettering, individually wall-mounted signs consist of 5" thick letters protruding 8" off the face of the wall, the letters would have a red plastic facing with a gold trim over a red neon tubing in a brown colored metal casing, the color of the raceway would match the beige color of the building, located as follows: 1) "El Torito Mexican Food" sign mounted on the lower west wall of the building; 2) "El Torito" sign mounted on the north facade of the building; and 3) "El Torito" painted awning mounted on the south wall of the building; and be it

FURTHER RESOLVED, that the permit hereby granted shall be conditioned upon the applicant's compliance with all of the terms and conditions of its lease with the Port of Oakland.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayces: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32292

SRA

RESOLUTION RATIFYING AND APPROVING ISSUANCE OF
A CHANGE ORDER FOR CONTRACT FOR REPAIR OF
EARTHQUAKE DAMAGE TO TAXIWAYS AND RUNWAY 11-
29, METROPOLITAN OAKLAND INTERNATIONAL
AIRPORT, OAKLAND, CALIFORNIA, A.I.P. 3-06-
0170-10.

RESOLVED that the Board of Port Commissioners hereby ratifies and approves the issuance to Les McDonald Construction Co., a California corporation, of a change order under the contract for Repair of Earthquake Damage to Taxiways and Runway 11-29, Metropolitan Oakland International Airport, Oakland, California, A.I.P. 3-06-0170-10 for work involved in repairing additional and more severe cracks beyond those shown on the plans therefore, in the sum of \$42,858.82.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32293

JKH
**RESOLUTION APPROVING ISSUANCE OF CHANGE ORDER
FOR CONSTRUCTION OF PARKING STRUCTURE ON LOT
10, JACK LONDON SQUARE, OAKLAND, CALIFORNIA.**

RESOLVED that the Board of Port Commissioners hereby approves the issuance to **Perini Corporation**, of a change order under the contract for **CONSTRUCTION OF PARKING STRUCTURE ON LOT 10, JACK LONDON SQUARE, OAKLAND, CALIFORNIA**, dated September 22, 1988, for \$100,000 for additional brick work, provided that such change order is on a form approved by the Port Attorney.

At a regular meeting held December 4, 1990.

Passed by the following vote:


Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32294

 RESOLUTION RATIFYING AND APPROVING ISSUANCE OF
CHANGE ORDER FOR CONTRACT FOR MAINTENANCE
DREDGING OF BERTHS 35, 67, 68 AND BERTH 26 AREA,
OAKLAND, CALIFORNIA.

RESOLVED, that the Board of Port Commissioners hereby ratifies and approves the issuance to **SMITH-RICE COMPANY**, of a change order under the contract for Maintenance Dredging of Berths 35, 67, 68 and Berth 26 Area, Oakland, California, for the additional work involved in dredging a portion of Berth 24 under changed conditions, in a sum of \$54,384.00.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32295

SFA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED THIRD SUPPLEMENTAL AGREEMENT WITH THE WYATT COMPANY, FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

WHEREAS, by Resolution No. 31174 adopted by the Board of Port Commissioners (the "Board") on February 21, 1989, the Board authorized an Agreement with the WYATT COMPANY, a Delaware corporation, to furnish consulting services to develop a salary administration program for the Port; and

WHEREAS, by Resolution No. 31626 adopted by the Board on October 10, 1989, the Board authorized an amendment to said Agreement; and

WHEREAS, by Resolution No. 31814 adopted by the Board on February 6, 1990, the Board authorized a further amendment to said Agreement; and

WHEREAS, it is desirable at this time to further amend said amended Agreement to provide for additional services and compensation, as set forth in Agenda Sheet Item No. Operations 7S, dated this December 4, 1990; now therefore, be it

RESOLVED, that the Board of Port Commissioners does hereby find and determine that a Third Supplemental Agreement between THE WYATT COMPANY and this Board, to furnish additional consulting services in connection with the Port's salary administration program, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from THE WYATT COMPANY, without competitive bidding; and be it

FURTHER RESOLVED that the Chief Executive Officer and Executive Director is hereby authorized to execute for and on behalf of the Board a third supplemental agreement for such services and THE WYATT COMPANY be compensated for such additional services at its normal billing rates as well as costs of miscellaneous reimbursable expenses, provided that the maximum additional compensation which can be made under said supplemental agreement is \$55,500 and provided that said Supplemental Agreement shall be on a form approved by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32296

SPA

RESOLUTION FINDING AND DETERMINING THAT THE PROVISION OF COLLECTION AGENCY SERVICES ARE PROFESSIONAL OR SPECIALIZED SERVICES; AUTHORIZING THE PORT ATTORNEY TO ENTER INTO NONEXCLUSIVE AGREEMENTS WITH DUN AND BRADSTREET, UNITED CREDITORS ALLIANCE, AND THE BOARD OF TRADE, FOR SUCH SERVICES; GRANTING BLANKET AUTHORITY TO PLACE DELINQUENT ACCOUNTS UNDER \$20,000 WITH ANY SUCH AGENCY; AND AUTHORIZING THE PORT ATTORNEY TO FILE SUIT OR TO RETAIN SPECIAL COUNSEL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6.05 OF PORT ORDINANCE 867 AND TO DIRECT THE FILING OF SUIT BY ANY SUCH AGENCY OR BY SPECIAL COUNSEL RETAINED BY THE PORT ATTORNEY IN CONJUNCTION WITH THE PROVISION OF SUCH COLLECTION SERVICES, IN ACCORDANCE WITH THE TERMS OF SAID AGREEMENTS FOR COLLECTION OF SUMS DUE THE PORT FROM ANY SUCH DELINQUENT ACCOUNT.

RESOLVED that the Board of Port Commissioners hereby finds and determines the provision of collection agency services are professional or specialized services; and be it

FURTHER RESOLVED that the Board hereby authorizes the Port Attorney to enter into a non-exclusive agreement for the provision of such services each with DUN AND BRADSTREET, INC., a corporation, UNITED CREDITORS ALLIANCE, a corporation and the BOARD OF TRADE OF NORTHERN CALIFORNIA, A DIVISION OF CREDIT MANAGERS ASSOCIATION OF CALIFORNIA, a corporation; and be it

FURTHER RESOLVED that the Board hereby grants blanket authority to the Port Attorney to place any delinquent account in the sum of \$20,000 or less with any of said agencies for the provision of such collection services; and be it

FURTHER RESOLVED that the Port Attorney is hereby authorized to file suit or to retain special counsel in accordance with the provisions of Section 6.05 of Port Ordinance 867 and to direct the filing of suit by any such agency or by special counsel retained by the Port Attorney in conjunction with the provision of such collection services in accordance with the terms of said agreement for collection of sums due the Port from any such delinquent account placed by any said agency; and be it

FURTHER RESOLVED that each such agency, including special counsel retained by the Port Attorney in conjunction with the provision of collection services by any such agency, shall be compensated on a contingent fee basis not to exceed thirty five percent (35%) of the funds collected from each respective delinquent account placed with each such agency.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32297

**RESOLUTION AUTHORIZING COMPROMISE
AND SETTLEMENT OF CLAIMS ARISING OUT
OF INNER HARBOR DREDGING.**

RESOLVED that the Board of Port Commissioners hereby finds and determines that it is in the best interests of the Port to compromise and settle, on the terms herein authorized, all unresolved matters with Great Lakes Dredge and Dock Company ("GLDD"), involving the payment due GLDD under the contract between the Port and GLDD for Dredging of the Oakland Inner Harbor Channel To Elevation -38 Feet, M.L.L.W., Oakland, California, and the Port and GLDD's obligations to one another resulting from that certain proceeding entitled In the Matter of Port of Oakland and Great Lakes Dredge and Dock Company, EPA Docket No. MPRSA-IX-88-01; and be it

FURTHER RESOLVED, that the Board of Port Commissioners hereby approves and authorizes the Port Attorney to take all actions necessary to compromise and settle said matters with GLDD in accordance with the terms set forth in the Port Attorney's confidential November 30, 1990, letter to the Board, and authorizes and directs the Chief Executive Officer and Executive Director to sign all agreements and documents and to take all other actions which are requested by the Port Attorney to accomplish said compromise and settlement.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32298

**RESOLUTION APPROVING AND RATIFYING
THE RETENTION OF LITTLER, MENDELSON,
FASTIFF & TICHY AS SPECIAL COUNSEL.**

RESOLVED that the Board of Port Commissioners hereby approves and ratifies the appointment and employment of the firm of **LITTLER, MENDELSON, FASTIFF & TICHY** as Special Counsel, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, to render expert assistance to the Port Attorney in connection with the termination of management personnel, and that the Port Attorney's budget for contractual services be increased by \$30,000 to cover fees and expenses now payable.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32299

**RESOLUTION AUTHORIZING THE LOAN OF \$3,000 TO
THE PORT OF OAKLAND PUBLIC BENEFIT CORPORATION
AND CONSENTING TO THE AMENDMENT OF SECTION 3.3
OF THE BY-LAWS OF SAID CORPORATION.**

RESOLVED, that the Board of Port Commissioners hereby authorizes the loan of \$3,000 to the Port of Oakland Public Benefit Corporation, a non-profit public benefit corporation, duly authorized and existing under the laws of the State of California (the "Corporation"), for the payment of various state filing fees and other miscellaneous expenses of the Corporation; and be it

FURTHER RESOLVED that this Board does hereby consent to the amendment of Section 3.3 of the By-laws of said Corporation relating to the term of office of Directors of the Corporation, as approved by the Board of Directors of the Corporation on even date herein.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 32300

SAA

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH GORDON CHANG & ASSOCIATES FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between GORDON CHANG & ASSOCIATES and this Board, to furnish architectural and engineering design consulting services, as set forth in Agenda Sheet Item No. Airport 5-S, December 4, 1990, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from Gordon Chang & Associates, without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board an Agreement for such services and that Gordon Chang & Associates, be compensated for such services as set forth in said Agreement; provided that the maximum compensation which can be made under said Agreement is \$203,000 unless additional work, up to an additional cost not to exceed \$40,000 is approved by the Executive Director; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 32301

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SMITH BARNEY, MORGAN STANLEY AND CHARLES A. BELL SECURITIES CORP. FOR MANAGING UNDERWRITING SERVICES CONSTITUTES PROFESSIONAL OR SPECIALIZED SERVICES; AND AUTHORIZING EXECUTION OF SAID AGREEMENT.

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the Agreement between SMITH BARNEY, MORGAN STANLEY and CHARLES A. BELL SECURITIES CORP. and this Board, to furnish underwriting services in connection with the negotiated bond financing of the Board for the Carnation Terminal, with SMITH BARNEY being appointed as senior book running manager, will constitute an Agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services of SMITH BARNEY, MORGAN STANLEY and CHARLES A. BELL SECURITIES CORP. without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board a contract for such services and that SMITH BARNEY, MORGAN STANLEY and CHARLES A. BELL SECURITIES CORP. be compensated for such underwriting services by a total management fee as set forth in said Agreement, which is expected to be approximately \$90,000, and to the extent possible by takedown and other compensation, and payable out of proceeds of such bonds with expenses incurred by such Managers in connection with the issuance of the bonds, to be negotiated together with takedown and other expenses at the time of such issuance and payable only out of proceeds of said bonds or by the Assignee under a Non-Exclusive Preferential Assignment Agreement for the Carnation Terminal; and provided further, that the agreement shall be approved as to form and legality by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32302

SJA

**RESOLUTION FINDING AND DETERMINING THAT A
PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH
HAMMON, JENSEN, WALLEN & ASSOCIATES, INC.
CONSTITUTES PROFESSIONAL OR SPECIALIZED SER-
VICES; AND AUTHORIZING EXECUTION OF SAID
AGREEMENT.**

WHEREAS, the Board of Port Commissioners has previously authorized an Agreement between Hammon, Jensen, Wallen & Associates, Inc. and the Port for aerial photogrammetry services, dated August 25, 1989, and it is desirable at this time to amend said Agreement pursuant to a First Supplemental Agreement (collectively, the "Amended Agreement"); now therefore be it

RESOLVED, that the Board of Port Commissioners does hereby find and determine that the First Supplemental Agreement between Hammon, Jensen, Wallen & Associates, Inc. and this Board, to furnish additional consulting services in connection with aerial photogrammetry and to extend the term for completion thereof, as set forth in Agenda Sheet Item No. Operations - 6S, December 4, 1990, will constitute an agreement for obtaining professional or specialized services; and be it

FURTHER RESOLVED, that this Board does find and determine that it is in the best interest of the Port to secure such services from Hammon, Jensen, Wallen & Associates, Inc. without competitive bidding; and be it

FURTHER RESOLVED, that the Chief Executive Officer and Executive Director ("Executive Director") is hereby authorized to execute for and on behalf of the Board a First Supplemental Agreement for such services and that Hammon, Jensen, Wallen & Associates, Inc. be compensated for such services at its normal billing rates as well as costs of miscellaneous reimbursable expenses; provided that the maximum additional compensation which can be made under said First Supplemental Agreement is \$9,000 and the term shall be extended through June 30, 1991; and provided that the Agreement shall be upon a form approved by the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32303

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, DECLARING THE INTENTION OF THE BOARD TO ISSUE COMMERCIAL PAPER NOTES OR REVENUE BONDS OR A COMBINATION THEREOF IN AN AMOUNT PRESENTLY ESTIMATED NOT TO EXCEED \$75,000,000 PURSUANT TO A PLAN OF FINANCING FOR THE ACQUISITION AND CONSTRUCTION OF VARIOUS PORT PROJECTS AND RELATED IMPROVEMENTS TO BE OWNED BY THE PORT OF OAKLAND, AND AUTHORIZING THE PUBLICATION OF A NOTICE REGARDING A PUBLIC HEARING CONCERNING THE ISSUANCE OF SUCH OBLIGATION.

WHEREAS, the City of Oakland (the "City"), State of California, is a chartered city duly organized and existing under and pursuant to the provisions of the Constitution of the State of California and the Charter of the City (the "Charter"); and

WHEREAS, the Board of Port Commissioners of the City of Oakland (the "Board") is a duly constituted department of the City and has exclusive control, management, supervision and jurisdiction of the Port Department of the City, the Port of Oakland and the Port Area of the City, and is the governing body of said Port Department, Port of Oakland and Port Area, all as provided for and defined in Article VII of the Charter; and

WHEREAS, the Board intends to issue and sell its commercial paper notes or revenue bonds, or a combination thereof (collectively, the "Obligations"), pursuant to Article VII of the Charter and a plan of financing for the acquisition and installation of various Port projects as described in Exhibit "A" hereto and related improvements (the "Project") to be located at those locations set forth in Exhibit "A" hereto, which Project will be owned by the Port; and

WHEREAS, in order to provide for the continued economic development and viability of the Port, and necessary and desirable capital improvements, additions, betterments, replacements, renewal and construction of Port facilities, the Board wishes to declare its intention to authorize the plan of financing involving one or more issues of the Obligations of the Board for the purpose of providing all or a portion of the cost of acquiring and constructing the Project upon such terms and conditions as may be determined by the Board; and

WHEREAS, in order to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board wishes to authorize publication in the Oakland Tribune of a Notice of Public Hearing in substantially the form of Exhibit "A" hereto; now, therefore, be it

RESOLVED by the Board of Port Commissioners of the City of Oakland:

Section 1. Declaration of Intent. That it does hereby declare its intention to authorize the plan of financing involving the issuance of either commercial paper notes or revenue bonds, or a combination thereof, of the Board under and in accordance with the Charter of the City, in such amounts, but not to exceed \$75,000,000, and upon such terms and conditions as may be determined by the Board, for the purpose of providing all or a portion of the cost of acquiring and constructing the Project to be located within the City, the issuance of the Obligations to be authorized by a resolution of the Board at a meeting to be held for such purpose, and upon the approval of the Port's legal counsel.

Section 2. Publication of Notice. The Board hereby authorizes and directs the Secretary of the Board to provide for the publication of the Notice of Public Hearing in the Oakland Tribune regarding the plan of financing involving the issuance of said Obligations on or before December 6, 1990, or as otherwise directed by the Port Attorney, in substantially the form of Exhibit "A" hereto, as may be revised by the Port Attorney and the Chief Financial Officer. Said public hearing shall be conducted by the Chief Executive Officer, the Secretary of the Board, the Chief Financial Officer, the Director of Port Planning or the Port Controller.

Section 3. Repeal of Inconsistent Resolutions. All other resolutions of the Board, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency; provided, however, that this Resolution does not repeal, but rather supplements, Resolution No. 31513 adopted by the Board on September 5, 1989.

Section 4. Effective Date of Resolution. This Resolution shall take effect from and after its passage and approval.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

EXHIBIT "A"

**NOTICE OF PUBLIC HEARING
BY THE BOARD OF PORT COMMISSIONERS
OF THE
CITY OF OAKLAND, CALIFORNIA**

NOTICE IS HEREBY GIVEN by the Board of Port Commissioners of the City of Oakland, California, of a public hearing to be held at 9:00 a.m. on December 20, 1990, at the Board Room, 530 Water Street, Oakland, California, regarding the advisability of the proposed plan of financing involving the issuance of Commercial Paper Notes, Series A and Series B (the "Notes") or Revenue Bonds, Series E (the "Bonds"), or a combination thereof, in an aggregate outstanding principal amount not to exceed \$75 million at any time. Said Notes and Bonds are being issued pursuant to a plan of financing to provide proceeds to pay or reimburse the Port for all or a portion of the costs of various projects as set forth below. The list of projects set forth below includes those projects previously the subject of a public hearing by the Board on September 20, 1989. After the date of original issuance, Notes previously issued may be refinanced in whole or in part pursuant to the same plan of financing.

Persons wishing to make comments in writing about the proposed plan of financing and projects shall do so within fourteen (14) days following the publication hereof to the Board of Port Commissioners, c/o Secretary, Board of Port Commissioners, 530 Water Street, Oakland, California 94607. Interested parties may make comments in person at the hearing by notifying the Chief Executive Officer at least 24 hours prior to the hearing. This Notice of Public Hearing is that notice required by Section 147(f) of the Internal Revenue Code of 1986, as amended.

The proceeds of the Notes and Bonds will be used to pay or reimburse the cost of the following projects, which projects supplement those projects previously the subject of a public hearing by the Board on September 20, 1989. [SEE ATTACHED LIST OF PROJECTS, COSTS AND LOCATIONS]

In addition, the proceeds of the Notes and Bonds will be used to pay or reimburse the costs of those projects previously the subject of a public hearing by the Board on September 20, 1989 pursuant to a publication in the Oakland Tribune September 6, 1989.

Oakland, California, the 6th day of December, 1990.

CHRISTOPHER C. MARSHALL
Secretary, Board of Port Commissioners

SUPPLEMENTAL TEFRA

NORTH AIRPORT

(\$ Thousands)

Purchase OST leasehold @ L105 (no repairs included), Earhart Rd.	\$237
Install 500 KVA Transformer @ L-812, Earhart Rd.	50
Install new switchgear @ OSS North Field, Oakland Intl Airport	170
Corporate Aircraft Site Development (Chevron), north field, OIA	5,625
Electrical Power System in L-800, north field, Oakland Intl Airport	170
Refurbish Grumman & Lockheed Sts	75
Remodel L-105, Earhart Rd.	500
Replace water system fire system control valve, north field, OIA	100
Replace fire alarm system, north field, Oakland Intl Airport.	1,000

SOUTH AIRPORT

Construct Terminal I baggage claim expansion, Airport Dr.	\$1,400
Conveyors for customs area Terminal I, Airport Dr.	100
Purchase & Install additional equip Federal Inspection Services facility at International Arrivals Bldg., Oakland Intl Airport	360
So A/P construction of Public parking off John Glenn Drive	605
Purchase & install replacement motor for chiller Terminals 1 & 2, OIA	60
Construct improvements to boarding gate paging systems Terminals 1 & 2 Oakland International Airport	75
Construct office space @ M112 for US Air Cargo Office, Alan Shepherd Way	33
Airside Capacity improvements including expansion, reconstruction, overlaying and/or additions to existing runway, taxiway, apron, hydrant, fueling and fuel storage facilities and/or systems, OIA	100,000
Passenger Capacity Improvements including expansion of and modifications to existing terminal facilities, parking lot, and roadway system and/or design and construction of new terminal facilities, OIA	120,000
Air Cargo Improvements including expansion of and modifications or additions to existing cargo buildings and cargo apron and/or design and construction of new cargo buildings, aprons, hydrant fueling and taxiways, OIA	35,000

SUPPLEMENTAL TEFRA

SOUTH AIRPORT (Continued)	(\$ Thousands)
Replacement Airport Rescue Fire-fighting vehicles, Oakland Intl Airport	\$900
Employee Vehicle Parking Area, John Glenn Drive	800
Additional Rent A Car Counters Terminals I & 2 , Airport Dr.	30
Off-Airport Parking Lot Development, Swan Way & Doolittle Dr.	1,500
Temporary Garage at M-104, Oakland International Airport	200
Vehicle Staging Area, Terminal II, Airport Dr.	100
Purchase of Automated Vehicle Identification, Oakland Intl Airport	150
Business Service Center, Terminal I, Airport Dr.	123
Federal Inspection Facility Improvements (temporary), Oakland Intl Airpo	1,200
Gate 26-A Improvements, Terminal II, Airport Dr.	1,000
In flight provision buildings, Neil Armstrong Way	1,350
Taxiway Reconstruction, Oakland International Airport	4,000
Airport Roadway Improvements, Oakland International Airport	6,000
Aircraft Rescue Fire Fighting Facility, Oakland International Airport	1,500
MARITIME	
Dredge Outer Harbor Channel to -38 MLLW	\$90
Maintenance Dredging @ berths 23 & 26 to 42' MLLW, Outer Harbor off Maritime & Ferry Sts	220
Maritime St Yard Improvements	200
Relocate crane bus interchangeberths 24/25 TBCT Outer Harbor Ferry St.	117
Repair & Design Modifications for crane X412 spreader beam Outer Harbor, Ferry St.	40
Repair Cutoff wall behind berths 32 & 33, Seventh St.	800
Carnation Terminal - Berth 30, Seventh St.	4,750
(includes two cranes, construction of wharf, berth and improvement Kaiser/Powerine area for navy)	
Relocate Seventh Street	3,200
7th Street Terminal Third Crane	1,779
Purchase equipment for berths 35,37, & 38, Seventh St.	1,705
Install crane power at berth 38, Seventh St.	2,000
Berth 35 Entrance & Yard Improvements, Seventh St.	377
Reconstruct 20 acre yard @ 7th St Term, berths 37 & 38, Seventh St.	10,000
Sherex yard improvements for APL container storage, Middle Harbor	706
Redredge berths 82,83,& 84 to 37 mllw min, Inner Harbor, 9th Ave.	184
Replace wharf fire sprinkler system @ berths 83 & 84, Inner Harbor, 9th	413
Replace double check valves at 8th,& 10th ave -9th ave terminal	86

SUPPLEMENTAL TEFRA

MARITIME (Continued)	(\$ Thousands)
Second Floor Longshore Bldg Berth 24 Outer Harbor, Ferry St.	85
Wharf Fire Sprinkler Replacement Berths 83-84, Inner Harbor, 9th Ave.	290
Relocation of Port View Park to Berth 40, Seventh St.	7,000
Bulk Cement Unloading Facility at 9th Ave Terminal	750
Cranes X-422 & X-423 Height Increases, Seventh St.	5,000
Renovation of Berths 35 & 36, Seventh Street	20,000
Joint Port/Navy Power Systems, Outer Harbor	1,627
Toyota Automobile Yard Berths 8 & 9, Outer Harbor, Bay Bridge Terminal	15,000
Sea Land Yard Lighting Improvements, Outer Harbor off Maritime St.	960
Development 15 acres 801 Maritime St (Maersk Line Option Area)	1,800
4th Panamax Crane , 7th Street Terminal	7,000
COMMERCIAL REAL ESTATE	
Underground Tanks, Hazardous Materials Management & Clean Up	\$10,000
Development and implementation of compliance program associated with underground tanks located in the legally defined Port area including removal of tanks, installation of tank monitoring systems, modifications to tanks, permitting, contamination, clean-up, etc.	
Relocation of Potomac to Roosevelt Pier	565
Purchase warehouse @ 330 Brush Street	1,200
Ferry Facility at JLS	900
Heliport in the Jack London Square Area	50
F-107 (existing Port Building); Rehab for Tax Exempt Tenants	4,000
NAPA Property for disposal of dredged material	2,000
MISCELLANEOUS	
A/P Electric Rate Design Study	\$160
Interim upgrade of 12KV system @ OH & 7th St Terminals	1,735

RECEIVED

SEP 01 1989

EXHIBIT "A"

FINANCE

NOTICE OF PUBLIC HEARING
BY THE BOARD OF PORT COMMISSIONERS
OF THE
CITY OF OAKLAND, CALIFORNIA

NOTICE IS HEREBY GIVEN by the Board of Port Commissioners of the City of Oakland, California, of a public hearing to be held at 10:00 a.m. on September 20, 1989, at the Board Room, 66 Jack London Square, Oakland, California, regarding the advisability of the proposed plan of financing involving the issuance of Commercial Paper Notes, Series A and Series B (the "Notes") in an aggregate outstanding principal amount not to exceed \$75 million at any time. Said Notes are being issued pursuant to a plan of financing to provide proceeds to pay or reimburse the Port for all or a portion of the costs of various projects as set forth below. A portion of the costs of certain of such projects has been or will be paid from proceeds of the Port's Subordinated Adjustable Rate Revenue Bond Anticipation Notes, 1988 Series A and 1988 Series B. After the date of original issuance, the Notes previously issued may be refinanced in whole or in part pursuant to the same plan of financing.

Persons wishing to make comments in writing about the proposed plan of financing and projects shall do so within fourteen (14) days following the publication hereof to the Board of Port Commissioners, c/o Secretary, Board of Port Commissioners, 66 Jack London Square, Oakland, California 94607. Interested parties may make comments in person at the hearing by notifying the Acting Chief Executive Officer at least 24 hours prior to the hearing. This Notice of Public Hearing is that notice required by Section 147(f) of the Internal Revenue Code of 1986, as amended.

The proceeds of the Notes will be used to pay or reimburse the cost of North Airport improvements at Earhart Road, Oakland, California including reconstruction and rerouting of Earhart Road; relocation of Grumman Street and Langley Street; construction of road and utilities into West Development area (Phases I and II); upgrading of electrical utility system; construction of storm drains and sanitary sewers; improvements to road frontages; design and construction of a new taxiway; overlay of aircraft parking area; replacement of transformers and cables at existing taxiways; safety and efficiency enhancements at existing buildings; and miscellaneous improvements (\$20,000,000); South Airport improvements at Airport Drive, Oakland, California, including an energy management system; public access on dike; parking lot revenue control system; expand, reconstruct, overlay, upgrade, and/or add to existing runway, taxiway, apron, hydrant fueling and fuel storage facilities/systems; expand, upgrade, and modify existing terminal facilities, parking lot, and roadway system and/or design and construct new terminal and parking facilities; development of air cargo facilities including

modifications or additions to existing cargo buildings and cargo apron and/or design and construction of new cargo buildings, aprons, and hydrant fueling extension; access control system; noise monitoring system; expansion fill; improvements and rehabilitation of George F. Miller Aviation Center; relocation of FAA radio transmitter; purchase of airport equipment/vehicles; environmental consultant studies; and miscellaneous improvements (\$130,000,000); Design and engineering on Cross-Airport-Expressway, Airport Drive, Oakland, California (Port share) (\$2,000,000); Development of Jack London Square including construction of public access facilities, roads, walkways, berthing facilities, signs, graphics, parking lot, miscellaneous improvements, and rehabilitation of existing marinas (\$22,000,000); Construction of Amtrack Station on Harrison Street between Second and Embarcadero, Oakland, California (\$4,000,000); Reconstruction and/or modifications to 66 Jack London Square, Oakland, California (\$6,000,000); Development of retail space in ground level floor of Washington Street Garage on Embarcadero between Washington and Clay Streets, Oakland, California (\$2,000,000); Costs incurred by the Port in the development of Port master plans and a land record management program including consultant fees (\$3,600,000); Placement of expansion fill, construction of storm sewer, and consultant studies related to development of Distribution Center in Airport Business Park (\$3,000,000); Reconstruct marina, renovate building, and develop shoreline improvements on Embarcadero at 16th Street, Oakland, California (\$2,200,000); Traffic control equipment and improvements at intersection of 66th Avenue, Oakport, and Interstate 880 (\$300,000); Extend Edgewater Drive to 66th Avenue/Interstate 880 interchange (\$5,000,000); Improvements to Port offices at 530 Water Street, Oakland, California (\$5,000,000); Contaminated soil clean-up at Embarcadero Cove marina, Embarcadero and Dennison Street, Oakland, California (\$2,000,000); Contaminated soil clean-up at 280 Sixth Avenue, Oakland, California (\$2,000,000); Purchase new Port headquarters space and purchase excess tenant improvements at 530 Water Street, Oakland, California (\$25,000,000); consulting services associated with restoration of Potomac Yacht; berthing facilities for the Potomac Yacht including dredging the West Side of Franklin Delano Roosevelt (FDR) Pier and installation of mooring dolphins and study of placement of FDR interpretive center on FDR Pier (\$1,100,000); Improvements to San Antonio Fishing Pier at Oakland, California (\$300,000); Development of inspection program and contaminated soil clean-up of underground tanks located in the legally defined Port Area including installation of tank monitoring systems, modifications to tanks, development of hazardous materials procedures manual and disposal of hazardous materials (\$10,000,000); Installation of a Port office automation system at

66 Jack London Square and at 530 Water Street, Oakland, California (\$2,900,000); Modifications to Port maintenance buildings located at 205 and 209 Brush Street, Oakland, California (\$125,000); Dredging of Oakland Estuary and Outer Harbor including land purchase adjacent to the estuary (\$50,000,000); Improve leased area at Naval Supply Center, westerly end of Middle Harbor Road including yard, utilities, warehouses (\$20,000,000); Development of Bay Bridge Terminal at 1625 Maritime Street, Oakland, California (\$9,300,000); Repair Berth 10 piles at 1625 Maritime Street, Oakland, California (\$1,120,000); Development of Intermodal Rail Facility including rail facilities, roads, and parking area at Maritime, Petroleum and Seventh Streets, Oakland, California (\$12,000,000); Redevelopment of Berths 20/21/22 at 1425 Maritime Street, Oakland, California including the reconstruction of three wharves; construction of yard improvements, new gate structures, office and container freight station facilities on or in close proximity to the premises; upgrading the utilities; placement of above ground power lines underground; and the purchase of three additional cranes (\$68,000,000); Install crane power, paint and relocate two container cranes at Berth 38 at 5190 7th Street, Oakland, California (\$2,000,000); Conversion of crane power and crane enhancements at berths 35, 36, and 37 at 5190 7th Street, Oakland, California (\$2,700,000); Howard Terminal improvements including yard enlargement; purchase of right of way; construction of road to Middle Harbor, entrance building, maintenance and repair building, and new office building; redredging of Berths 67 and 68; and installation of traffic light at 1 Market Street, Oakland, California (\$10,000,000); Ninth Avenue Terminal Improvements including 9th and 10th Avenue road reconstruction and yard and rail improvements at Berths 82, 83, and 84 at foot of Ninth Avenue, Oakland, California (\$950,000); Capacity improvements including purchase of crane; demolition of existing buildings; design and construction of office, operations building and gate complex at Berth 24 at 909 Ferry Street, Oakland, California (\$11,000,000); Capacity improvements at berths 25 and 26 including modification and/or demolition of existing facilities; design and construction of entrance, office, gate complex, and container yard; realignment of crane rail interchange; construction of wharf at Berth 26; and redredge between Berth 26 and Channel Line at 707 Ferry Street, Oakland, California (\$11,000,000); Develop container terminal at Berth 30 westerly end of 7th Street including demolition of existing structures, construction of wharf and yard, purchase of two container cranes, and relocation of 7th Street (\$59,000,000); Capacity improvements including purchase of three cranes; demolition of existing facilities; installation of portable trailers and scales; provision of utilities to trailers and

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32304

SJA

**RESOLUTION AMENDING RESOLUTION NO. 32231 TO
AUTHORIZE EXECUTION OF CONTRACTS WITH ELSYDEL,
INC. FOR CONSTRUCTION AND MAINTENANCE OF A
PARKING LOT REVENUE CONTROL SYSTEM AT THE
METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.**

WHEREAS, the Board of Port Commissioners by Resolution No. 32231, adopted on November 6, 1990, approved and authorized the execution of a contract with Trindel America Corporation, a Georgia corporation ("Trindel") for construction of a parking lot revenue control system in the sum of \$2,034,941.50 and further authorized and approved a contract with Trindel for maintenance and service work for such system in the sum of \$290,160.00;

WHEREAS, Trindel is a wholly-owned subsidiary of Elsydel, S.A., a French corporation ("Elsydel, S.A."), and Elsydel, S.A. and Trindel have requested that said construction and maintenance contracts be transferred to Elsydel, Inc., a California corporation wholly-owned by Elsydel, S.A. ("Elsydel, Inc."); now therefore be it

RESOLVED that the Board hereby amends Resolution No. 32231 so that Elsydel, Inc. shall be substituted for Trindel with respect to the construction and maintenance contracts, and all other portions of said Resolution No. 32231 are hereby reaffirmed and ratified; and be it

FURTHER RESOLVED that such amendment shall be expressly conditioned upon receipt of a guaranty of performance by Elsydel, S.A. for said construction and maintenance contracts, in substance and form acceptable to the Port Attorney.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32305

**RESOLUTION AUTHORIZING EXECUTION OF
THIRD SUPPLEMENTAL AGREEMENT WITH
HANJIN SHIPPING COMPANY, LTD.**

RESOLVED that the President of the Board of Port Commissioners hereby is authorized to execute and the Secretary to attest that certain Third Supplemental Agreement dated December 4, 1990, with HANJIN SHIPPING COMPANY, LTD., as User, amending that certain Terminal Use Agreement dated July 17, 1984, between the Port and User, as successor to KOREA SHIPPING CORPORATION, LTD., Federal Maritime Commission Agreement No. 221-010631, to extend the term of the Agreement to July 31, 1991 subject to earlier termination in the event the parties enter into a new agreement covering use of another facility.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Nocs: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32306

SPH

RESOLUTION AUTHORIZING EXECUTION OF FIRST SUPPLEMENTAL AGREEMENT WITH HAPAG LLOYD A.G., COMPAGNIE GENERALE MARITIME, ATLANTIC CONTAINER LINE AB, SEA LAND SERVICE, INC. AND P & O CONTAINERS LIMITED.

RESOLVED that the President of the Board of Port Commissioners hereby is authorized to execute and the Secretary to attest that certain First Supplemental Agreement dated June 5, 1990 with HAPAG LLOYD AG, and COMPAGNIE GENERALE MARITIME, and ATLANTIC CONTAINER LINE AB, formerly known as INCOTRANS B.V., SEA LAND SERVICE, INC., a Delaware corporation, and P & O CONTAINERS LIMITED, a United Kingdom company, formerly known as P & O CONTAINERS (TFL) LTD., doing business as TRANS FREIGHT, as User, amending that certain Terminal Use Agreement dated December 5, 1989, between the Port and User, Federal Maritime Commission Agreement No. 224-200312, to expand the designation of "assigned premises" to include other Port public container terminals to which User may transfer pursuant to the rights of the User or the Port set forth in Paragraph 1 of the Agreement to transfer User's operations and rights and obligations.

At a regular meeting held December 4, 1990

Passed by the following vote:

Ayes: Commissioners Brady, Lockhart, Ortiz
and President Ward Allen - 4

Noes: None

Absent: Commissioners Chang, Sweeney and Wilson - 3

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32307

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF AMENDED LOAN DOCUMENTS
WITH BANKERS TRUST COMPANY.**

RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to negotiate and execute for and on behalf of the Board, as general partner of **OAKLAND PORTSIDE ASSOCIATES**, a California limited partnership ("OPA"), documents amending the June 21, 1988, Building Loan Agreement, Secured Promissory Note, Deed of Trust and Security Agreement with Assignment of Rents and Fixture Filing and related loan agreement documents between OPA and **BANKERS TRUST COMPANY** ("BTCO"), said amendments to be consistent with Agenda Sheet Item No. Properties-1 ("Subject: Oakland Portside Associates - Approval To Amend Bankers Trust Co.'s Loan Documents") dated December 18, 1990, and the December 17, 1990 letter from Janet P. Forst of BTCO to OPA - Ms. Eileen Daly, Executive Director, Port Planning and Development ("the BTCO proposal letter"); and be it

FURTHER RESOLVED that the Board of Port Commissioners hereby approves and authorizes the Chief Executive Officer and Executive Director to negotiate and execute, for and on behalf of the Board, as Guarantor of BTCO's loan to OPA, amendments to the June 21, 1990, Unconditional Limited Guaranty of Payment issued by the Port as Guarantor to BTCO as Lender, said amendments to be consistent with said Agenda Sheet Item No. Properties-1 and the BTCO proposal letter; and be it

FURTHER RESOLVED that said amendments to the loan documents and Guaranty shall not be effective unless and until they are signed by the Chief Executive Officer and Executive Director and approved as to form and legality by the Port Attorney.

At an adjourned regular meeting held December 18, 1990

Passed by the following vote:

Ayes: Commissioners Chang, Lockhart, Ortiz, Wilson
and Vice President Sweeney - 5

Noes: None

Absent: Commissioner Brady and President Ward Allen - 2

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 32308

RESOLUTION CONCERNING CERTAIN TRAVEL.

RESOLVED that the Director of Maritime Activities be and he is hereby authorized to proceed to Japan, Hong Kong, Taiwan, and Singapore, in early January, 1991, to meet with the Port's Far East representatives. The travel will be in connection with calls on shipping lines, and the exact itinerary has not been confirmed. Authorization is requested at this time due to the current lease negotiations which may require the trip to expedite agreement closure; and be it

FURTHER RESOLVED that the foregoing named persons shall be allowed reasonable expenses in connection therewith upon presentation of claims therefor.

At an adjourned regular meeting held December 18, 1990

Passed by the following vote:

Aycs: Commissioners Chang, Lockhart, Ortiz, Wilson
and Vice President Sweeney - 5

Noes: None

Absent: Commissioner Brady and President Ward Allen - 2