



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 24-53**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A THIRD PHASE AGREEMENT WITH NORTHERN CALIFORNIA POWER AGENCY FOR THE PURCHASE OF RENEWABLE (SOLAR) ENERGY FROM GRACE ORCHARD ENERGY CENTER, LLC FOR A DELIVERY TERM OF 20 YEARS, TOTAL COST OF APPROXIMATELY \$19.3 MILLION; AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.3 dated July 11, 2024, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The board hereby finds and determines that proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA. The development, construction and operation of the Grace Solar Facility is not dependent upon the Port entering into a purchase agreement. Additionally, any Port purchase agreement for solar does not grant any land use entitlements, does not allow operation of the project, and does not in any way authorize use of the project.

**Section 2.** The Board hereby:

A. Approves the Port entering into a Third Phase Agreement ("Third Phase Agreement") with the Northern California Power Agency ("NCPA"), which would obligate the Port to purchase eight megawatts (MW) of renewable solar energy from a 50MW solar photovoltaic generating facility from Grace Orchard Energy Center, LLC, for a delivery term of 20 years and a guaranteed commercial operation date of December 1, 2027, at a total cost of approximately \$19.3 million. This Third Phase Agreement will allow NCPA to enter into a Renewable Power Purchase Agreement ("PPA") with Grace Orchard Energy Center, LLC.

B. Authorizes the Executive Director to (i) execute the Third Phase Agreement, subject to approval as to form and legality by the Port Attorney, and (ii) make such additions, modifications, or corrections as necessary to implement the agreement, provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

**Section 3.** This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the contracting party, there shall be no valid or effective agreement(s).

**Section 4.** This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on July 11, 2024

Passed by the following vote:

Ayes: Commissioners Cluver, Colbruno, Dominguez Walton, Martinez, Myres and President Leslie – 6

Excused: First Vice-President Lee –1

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 24-54**

**RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTIVE DIRECTOR TO EXECUTE A  
PROFESSIONAL SERVICES AGREEMENT WITH  
SERVICETEC INTERNATIONAL, INC. FOR ONSITE  
SUPPORT OF AVIATION SPECIAL SYSTEMS AT THE  
SAN FRANCISCO BAY OAKLAND INTERNATIONAL  
AIRPORT FOR A FIVE-YEAR TERM WITH TWO, ONE-  
YEAR OPTIONS TO EXTEND FOR A MAXIMUM  
COMPENSATION NOT TO EXCEED \$10,493,860.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.4, dated July 11, 2024, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in testimony received.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The Board finds and determines that:

A. The proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

B. The proposed action is for obtaining professional, scientific, or technical services that are temporary in nature, and will not result in the loss of employment or salary by any person having permanent status in the competitive service.

**Section 2.** The Board hereby approves and authorizes the Executive Director of the Port to:

A. Execute a professional services agreement with ServiceTec International, Inc. for onsite support of aviation special systems at the San Francisco Bay Oakland International Airport for a five-year term with two, one-year options to extend for a maximum compensation not to exceed \$10,493,860, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Make any additions, modifications, or corrections necessary to execute the requested agreement or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report and are approved as to form and legality by the Port Attorney.

**Section 3.** This resolution is not evidence of and does not create or constitute: (a) a contract, or the grant of any right, entitlement, or property interest; or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

**Section 4.** This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on July 11, 2024

Passed by the following vote:

Ayes: Commissioners Cluver, Colbruno, Dominguez Walton, Martinez, Myres and President Leslie

– 6

Excused: First Vice-President Lee –1

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 24-55**

**RESOLUTION DECLARING ELECTION OF OFFICERS OF  
THE BOARD OF PORT COMMISSIONERS.**

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**RESOLVED** that after an election of officers of this Board of Port Commissioners ("Board") held pursuant to its By-Laws and Administrative Rules, at the special meeting of July 11, 2024, the following officers to wit:

Michael Colbruno	President
Andreas Cluver	First Vice President
Barbara Leslie	Second Vice President

hereby are declared to have been and are duly elected to serve in the capacities indicated, effective July 11, 2024, and until their successors are elected by the Board.

At the Regular Meeting held on July 11, 2024

Passed by the following vote:

Ayes: Commissioners Cluver, Colbruno, Dominguez Walton, Martinez, Myres and President Leslie – 6

Excused: First Vice-President Lee –1

Noes: 0