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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 24-76**

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, AUTHORIZING THE PUBLICATION OF NOTICE AND THE HOLDING OF A PUBLIC HEARING PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, IN CONNECTION WITH THE POTENTIAL FINANCING AND REFINANCING OF VARIOUS PORT CAPITAL IMPROVEMENTS.**

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**WHEREAS**, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report dated October 10, 2024, Item No. 2.1 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, the City of Oakland ("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 ("Charter"); and

**WHEREAS**, 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 certain Refunding Revenue Bonds, Revenue Bonds and/or Commercial Paper Notes (collectively, the "Obligations") pursuant to Article VII of the Charter, to provide financing for various elements of the Port's capital program; and

**WHEREAS**, certain of the Obligations are expected to constitute tax-exempt "private activity bonds" subject to Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code"), the issuance of which Obligations must be approved by a qualifying elected representative of the issuing governmental unit after a public hearing following reasonable public notice; and

**WHEREAS**, the Board now wishes to authorize and approve such public hearing and notice; now, therefore be it

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

**Section 1. CEQA.** The Board finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.

**Section 2. Public Hearing.** The holding of a public hearing with respect to the Obligations required by Section 147(f) of the Code is hereby authorized and approved. The Chief Financial Officer, Manager of Financing Planning or any one of them (collectively, the "Authorized Officers") are hereby authorized and directed to oversee and conduct the public hearing on such date as they may determine and, thereafter, to forward to the Mayor of the City a summary of such hearing, with a request that she, or her designee, approve the issuance of the Obligations as the City's chief elected representative in accordance with Section 147(f) of the Code.

**Section 3. Publication of Notice.** Each of the Authorized Officers is hereby authorized and directed to cause a notice of the public hearing to be published, in accordance with Section 147(f) of the Code, in the manner as they deem appropriate, and in such form as they shall approve, at least seven (7) calendar days prior to the proposed public hearing date.

**Section 4. Effective Date of Resolution.** This Resolution shall take effect from and after its passage and approval.

**FURTHER RESOLVED**, that in acting upon the matters contained herein, 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 materials and in testimony received.

At the Regular Meeting held on October 10, 2024

Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Martinez, Myres and President Colbruno – 5

Excused: Commissioners Lee and Leslie – 2

Noes: – 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 24-77**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO (1) EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ARIADNE MAPS GMBH TO PROCURE AND INSTALL A PASSENGER DATA ANALYTICS SYSTEM FOR SAN FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT FOR A THREE-YEAR TERM WITH TWO, ONE-YEAR OPTIONS TO EXTEND AND A MAXIMUM COMPENSATION NOT TO EXCEED \$1,067,000 AND (2) EXECUTE AN AGREEMENT TO PROVIDE NETWORK SWITCHES FOR AN AMOUNT NOT TO EXCEED \$260,000 WITH A SUPPLIER COMPETITIVELY SELECTED UNDER POAC CHAPTER 5.12; 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 the Agenda Report for Agenda Item No. 6.1, dated October 10, 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 categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15306 of the CEQA Guidelines because the proposed action is for basic data collection and information gathering that will not result in a serious or major disturbance to an environmental resource.

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 Ariadne Maps GmbH to procure and install a passenger data analytics system for San Francisco Bay Oakland International Airport for a three-year term with two, one-year options to extend and a maximum compensation not to exceed \$1,067,000, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Execute an agreement to provide network switches for an amount not to exceed \$260,000 with a supplier competitively selected under POAC Chapter 5.12, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

C. 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 October 10, 2024

Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Martinez, Myres and President Colbruno – 5

Excused: Commissioners Lee and Leslie – 2

Noes: – 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

10/10/2024  
Item No.: 6.2  
CLF/pcm

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**RESOLUTION NO. 24-78**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) ACCEPT VOLKSWAGEN ENVIRONMENTAL MITIGATION TRUST ZERO EMISSION FREIGHT AND MARINE PROGRAM GRANT FUNDS IN THE AMOUNT OF \$4,998,144 FOR SHORE POWER INFRASTRUCTURE DEVELOPMENT TO SERVE BERTH 22; AND (2) EXECUTE BASELINE AGREEMENT WITH BAAQMD AND ALL OTHER RELATED DOCUMENTS NECESSARY FOR THE PORT TO RECEIVE THE GRANT FUNDS.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.2, dated October 10, 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 August 2024, the California Air Resources Board ("CARB") awarded the Port \$4,998,144 of Volkswagen Environmental Mitigation Trust Zero Emission Freight and Marine Program Grant ("VW Grant") funds for shore power infrastructure development to serve Berth 22; and

**WHEREAS**, the CARB VW Grant program is administered by the Bay Area Air Quality Management District ("BAAQMD") and requires the execution of a grant agreement with BAAQMD; and

**WHEREAS**, the Port award of VW Grant funds will offset approximately one-third of the total estimated \$15.7 million cost to install shore power infrastructure at Berth 22 as required by the Eagle Rock Non-Exclusive Preferential Assignment Agreement; 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.** Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that the proposed action is not subject to the California Environmental

Quality Act ("CEQA") because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.

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

A. Accept VW Grant funds in the amount of \$4,998,144 for the development of shore power infrastructure to serve Berth 22.

B. Execute the VW Mitigation Trust Fund Program Grant Baseline Agreement with BAAQMD and any other related documents necessary for the Port to receive the VW Grant funds.

C. Make any additions, modifications, or corrections necessary to execute the requested agreements, apply for and accept the grant awards 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 the 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 October 10, 2024  
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Martinez, Myres and President Colbruno – 5  
Excused: Commissioners Lee and Leslie – 2  
Noes: – 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

10/10/2024  
Item No.: 6.3  
ERR/pcm

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**RESOLUTION NO. 24-79**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) WAIVE FORMAL COMPETITIVE PROCUREMENT PROCEDURES; (2) SOLICIT DESIGN-BUILD SERVICES FOR THE SAN FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT SUBSTATION SS-1 REPLACEMENT PROJECT AND THE SUBSTATION SS-EV1 CONSTRUCTION PROJECT USING COMPETITIVE DESIGN-BUILD PROCUREMENT PROCEDURES; AND (3) RESOLVE ANY PROTESTS RESULTING FROM THE PROCESS.**

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**WHEREAS**, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated Agenda Report Item 6.3, dated October 10, 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**, the Port desires to deliver the San Francisco Bay Oakland International Airport Substation SS-1 Replacement Project and the Substation SS-EV1 Construction Project (collectively, the "Projects") using design-build project delivery and solicit proposals for design-build services through an open and competitive best value selection, which considers cost, project approach, experience and qualifications, and small and local business utilization, as further described in the Agenda Report ("Competitive Design-Build Procurement Procedures"); and

**WHEREAS**, Port of Oakland Administrative Code ("POAC") Section 5.12.070.B authorizes the Board to waive formal competitive procurement procedures and adopt an alternative competitive procurement procedure for the Projects if it "is in the best interests of the Port considering the complexity, value, and timeline as well as other factors;" 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 the proposed action is not subject to the California Environmental Quality Act because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.

**Section 2.** The Board has considered the complexity, value, timeline, and other factors relating the Projects and hereby finds and determines it is in the Port's best interests to waive formal competitive procurement procedures under POAC Chapter 5.12 and adopt Competitive Design-Build Procurement Procedures for the Projects.

**Section 3.** The Board hereby approves and authorizes the Executive Director of the Port to:

A. Waive formal competitive procurement procedures under POAC Chapter 5.12 and solicit proposals for design-build services for the Projects using Competitive Design-Build Procurement Procedures.

B. Finally resolve protests resulting from the process pursuant to POAC Chapter 5.12.

**Section 4.** 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.

**Section 5.** This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on October 10, 2024  
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Martinez, Myres and President Colbruno – 5  
Excused: Commissioners Lee and Leslie – 2  
Noes: – 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

10/10/2024  
Item No.: 6.4  
ERR/pcm

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**RESOLUTION NO. 24-80**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) AWARD AND EXECUTE A CONTRACT WITH ANVIL BUILDERS INC. IN AN AMOUNT NOT TO EXCEED \$10,911,545 FOR THE CONSTRUCTION OF FORMER OAKLAND ARMY BASE SS-R-14 SWITCHGEAR REPLACEMENT NEW SS-R-10 AND (2) EXECUTE CONTRACT CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$1,750,000; AND FINDING THAT THE PROPOSED ACTION COMPLIES WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS IT WAS ANALYZED IN THE 2002 OAKLAND ARMY BASE AREA REDEVELOPMENT PLAN ENVIRONMENTAL IMPACT REPORT.**

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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 October 10, 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 these matters, 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.** Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that:

A. The proposed action complies with the California Environmental Quality Act ("CEQA") as it was analyzed in the 2002 Oakland Army Base Area Redevelopment Plan Environmental Impact Report and no further CEQA review per Section 15162 of the CEQA Guidelines is required.

B. The proposed action is for the performance of general services by contract that are in the public interest because of economy or better performance 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 the following concerning the construction of the Former Oakland Army Base SS-R-14 Switchgear Replacement New SS-R-10 ("Project"):

A. Award of a contract ("Contract") for the construction of the Project to Anvil Builders Inc. ("Contractor"), the lowest responsible responsive bidder, in a total amount not to exceed \$10,911,545.

B. Authorization of a maximum of \$1,750,000 in change order authority to be used only to the extent necessary and subject to the approval of the Executive Director ("Executive Director") of the Port.

**Section 3.** The Board hereby approves and authorizes the Executive Director to:

A. Finally resolve bid protests pursuant to Chapter 5.12 of the Port of Oakland Administrative Code.

B. Execute the Contract with Contractor in a total amount not to exceed \$10,911,545.

C. Execute change orders to the Contract, to the extent necessary, in an amount not to exceed \$1,750,000.

D. Make any additions, modifications, or corrections necessary to execute the requested actions, 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 4.** The Board further finds that:

A. The Director of Engineering, the Chief Engineer, and the Principal Engineer are each authorized to approve the project manual and plans for each instance of work performed under the Contract in advance of construction, pursuant to Government Code Section 830.6.

B. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the Contract price shall be provided by Contractor as prescribed by applicable laws and regulations and the Contract specifications.

C. The procedure prescribed by applicable laws, regulations, and the Contract specifications shall be taken for the execution of said contract.

**Section 5.** 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 the other contracting party, there shall be no valid or effective contract.

**Section 6.** This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on October 10, 2024

Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Martinez, Myres and President Colbruno – 5

Excused: Commissioners Lee and Leslie – 2

Noes: – 0

*MR*

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 24-81**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO DISBURSE UP TO \$2,000,000 (TWO MILLION DOLLARS) TO THE ROSE FOUNDATION FOR COMMUNITIES AND THE ENVIRONMENT ("ROSE FOUNDATION") TO ADMINISTER A GRANT MAKING PROGRAM CONSISTENT WITH THE INTENT OF THE WEST OAKLAND COMMUNITY FUND AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE ROSE FOUNDATION TO ESTABLISH AND GRANT FUNDS FOR THE WEST OAKLAND COMMUNITY FUND MEMORANDUM OF UNDERSTADING.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.5, dated October 10, 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 proposed action is not subject to the California Environmental Quality Act ("CEQA") because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.

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

A. Disburse up to \$2,000,000 (two million dollars) to the Rose Foundation to administer a grant making program consistent with the intent of the West Oakland Community Fund;

B. Enter into the Memorandum of Understanding with the Rose Foundation to establish and grant funds to the West Oakland Community Fund; and

C. Make any additions, modifications, or corrections necessary to implement the proposed action 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 October 10, 2024

Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Martinez, Myres and President Colbruno – 5

Excused: Commissioners Lee and Leslie – 2

Noes: – 0