

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

07/25/2024
Item No.: 2.2
ERR/pcm



RESOLUTION NO. 24-56

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT
WITH MAGNETIC TICKET AND LABEL CORPORATION
TO PROVIDE AIRLINE BOARDING PASS AND
BAGGAGE TAG PAPER STOCK FOR A THREE-YEAR
TERM AND A MAXIMUM COMPENSATION NOT TO
EXCEED \$350,000.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 2.2, dated July 25, 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. 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 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 of the Port to:

A. Execute an agreement with Magnetic Ticket and Label Corporation to provide airline boarding pass and baggage tag paper stock for a three-year term and a maximum compensation not to exceed \$350,000, 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 25, 2024
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres, and President Colbruno – 6
Excused: Commissioner Lee –1
Noes: 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-57

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A TEMPORARY LICENSE AGREEMENT WITH HLT CA HILTON, LLC FOR PREMISES CONSISTING OF APPROXIMATELY 10 ACRES LOCATED AT 1 HEGENBERGER ROAD, OAKLAND, FOR DEMOLITION OF CERTAIN IMPROVEMENTS, FOR A TERM OF 12 MONTHS, INCLUDING A PROPOSED PORT OF OAKLAND COST SHARE IN AN AMOUNT NOT TO EXCEED \$2,000,000 AND AN ADDITIONAL CONTINGENCY AMOUNT NOT-TO-EXCEED \$400,000, AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.2, dated July 25, 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 hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 of the CEQA Guidelines because the proposed action consists of activities that involve negligible or no expansion of an existing use.

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

A. Execute a Temporary License Agreement with **HLT CA Hilton, LLC** for premises consisting of approximately 10 acres located at 1 Hegenberger Road, Oakland, for demolition of certain improvements, for a term of up to 12 Months, including a proposed Port cost share in an amount not to exceed \$2,000,000 and an additional contingency

amount not-to-exceed \$400,000, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. 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 July 25, 2024

Passed by the following vote:

Ayes: Commissioners Dominguez Walton, Leslie, Martinez, and President Colbruno – 4

Abstain: First Vice-President Cluver –1

Excused: Commissioner Lee –1

Noes: Commissioner Myres – 1



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-58

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO EXECUTE A
PROFESSIONAL SERVICES AGREEMENT WITH VAN
SCOYOC ASSOCIATES INCORPORATED FOR FEDERAL
ADVOCACY SERVICES FOR A THREE-YEAR TERM,
WITH TWO, ONE-YEAR EXTENSION OPTIONS, FOR A
MAXIMUM COMPENSATION NOT TO EXCEED
\$762,500.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.3, dated July 25, 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 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.

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 Van Scoyoc Associates Incorporated for federal advocacy services for a three-year term, with two, one-year extension options, for a maximum

compensation not to exceed \$762,500, 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 25, 2024

Passed by the following vote:

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

Excused: Commissioner Lee –1

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

07/25/24
Item No.: 6.4
DSC/pcm



RESOLUTION NO. 24-59

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) WAIVE FORMAL COMPETITIVE PROCUREMENT PROCEDURES; AND (2) EXECUTE A SECOND SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CORVEL HEALTHCARE CORPORATION FOR MEDICAL BILL REVIEW AND PAYMENT UTILIZATION REVIEW SERVICES AND INCREASE THE MAXIMUM COMPENSATION FROM \$150,000 TO \$300,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.4, dated July 25, 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 entered into a three year contract (2020-2023) for professional services with CorVel Healthcare Corporation ("CorVel") for an amount not to exceed \$150,000, such amount within the Executive Director's spending authority as described in the Port's Purchasing Ordinance; and

WHEREAS, in 2023 the Port's contract with CorVel was extended by three years from 2023 to 2026 and its scope expanded to include the payment of approved medical bills; and

WHEREAS, given the Port's worker's compensation needs and based on the CorVel medical services utilized to date, as well as anticipated ongoing needs for the remainder of the contract term, it is necessary to increase the total contract amount by \$150,000 to a total maximum amount of compensation with CorVel to a not to exceed total of \$300,000 through August 2, 2026; 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 related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds and determines that:

A. The proposed action is not subject to the California Environmental Quality Act ("CEQA") because it is not a "project" under CEQA as defined in Public Resources Code Section 21065.

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 and authorizes the Executive Director to:

A. Waive formal competitive procurement procedures.

B. Execute a Second Supplemental Agreement to the Professional Services Agreement with CorVel through August 2, 2026 for Medical Bill Review and Payment Utilization Review.

C. Increase the total maximum compensation with CorVel to a not to exceed total of \$300,000.

D. Make such additions, modifications, or corrections as necessary to execute the requested actions or to correct errors, subject to the limitations set forth herein and 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 and is 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. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

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

At the Regular Meeting held on July 25, 2024

Passed by the following vote:

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

Excused: Commissioner Lee –1

Noes: 0