

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION 24-97

12/19/2024
Item No.: 2.1
CT/pcm

MCB

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN EIGHTH SUPPLEMENTAL AGREEMENT WITH OAKLAND FIRE SERVICES ADMINISTRATION TO EXTEND THE EXISTING MEMORANDUM OF UNDERSTANDING FOR AIRCRAFT RESCUE AND FIRE FIGHTING FOR TWO YEARS THROUGH DECEMBER 31, 2026, FOR AN ADDITIONAL \$16.2 MILLION AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City of Oakland, a municipal corporation (the "City"), acting by and through its Board of Port Commissioners (the "Port") have entered into a Memorandum of Understanding Regarding Aircraft Rescue Fire Fighting Services at the Oakland International Airport (as amended, the "MOU"); and

WHEREAS, the MOU will expire on December 31, 2024; and

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.1, dated December 19, 2024 ("Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; now, therefore be it

RESOLVED, 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; and be it

FURTHER RESOLVED, 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; and be it

FURTHER RESOLVED, that the Board hereby authorizes the Executive Director to execute an Eighth Supplemental Agreement with Oakland Fire Services Administration to extend the MOU for up to two years through December 31, 2026, for an additional amount not to exceed \$16,200,000, subject to approval by the Port Attorney as to form and legality; and be it

FURTHER RESOLVED, that this resolution is not evidence of and does not create or constitute (a) a contract(s), 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 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; and be it

FURTHER RESOLVED, that this resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on December 19, 2024

Passed by the following vote:

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

Excused: Commissioners Lee and Martinez – 2

Noes: – 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-98

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A RESTATED ADMINISTRATIVE SERVICES AGREEMENT WITH EMPOWER ANNUITY INSURANCE COMPANY OF AMERICA FOR RECORDKEEPING AND ADMINISTRATIVE SERVICES FOR THE PORT'S DEFERRED COMPENSATION PLAN, FOR A FIVE-YEAR TERM WITH THREE TWO-YEAR EXTENSION OPTIONS 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. 2.6, dated December 19, 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 and/or technical services that are temporary in nature, the performance of which 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. Enter into a Restated Administrative Services Agreement with **Empower Annuity Insurance Company of America** for recordkeeping and administrative services for the Port's Deferred Compensation Plan, for a five-year term with three, two-year extension options, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Enter into any agreements or 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 December 19, 2024
Passed by the following vote:

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



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-99

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ENTERPRISE RISK MANAGEMENT, INC. FOR PAYMENT CARD INDUSTRY DATA SECURITY STANDARDS CONSULTING SERVICES FOR A TERM NOT TO EXCEED SEVEN YEARS WITH A MAXIMUM COMPENSATION NOT TO EXCEED \$413,770; 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. 2.7, dated December 19, 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 Enterprise Risk Management, Inc. for payment card industry data security standards consulting services for a term not to exceed seven years with a maximum compensation not to exceed \$413,770, 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 December 19, 2024
Passed by the following vote:

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



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-100

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH AEROCLOUD SYSTEMS, INC. TO IMPLEMENT A CLOUD BASED COMMON USE SOLUTION AND PROVIDE HOSTING/SUPPORT AT THE OAKLAND INTERNATIONAL AIRPORT FOR A FIVE-YEAR TERM WITH TWO, ONE-YEAR OPTIONS TO EXTEND FOR A MAXIMUM COMPENSATION NOT TO EXCEED \$870,000; 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. 2.8, dated December 19, 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 AeroCloud Systems, Inc. to implement a cloud based common use solution and provide hosting/support at the Oakland International Airport for a five-year term with two, one-year options to extend for a maximum compensation not to exceed \$870,000, 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 December 19, 2024

Passed by the following vote:

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

Excused: Commissioners Lee and Martinez – 2

Noes: – 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-101

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO EXECUTE A
PROFESSIONAL SERVICES AGREEMENT WITH FULL
COURT PRESS COMMUNICATIONS FOR STRATEGIC
COMMUNICATIONS AND MEDIA/PUBLIC RELATIONS
SERVICES FOR A THREE-YEAR TERM AND A MAXIMUM
COMPENSATION NOT TO EXCEED \$525,000; 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. 2.9, dated December 19, 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 Full Court Press Communications for strategic communications and media/public relations services for a three-year term and a maximum compensation not to exceed \$525,000, 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 December 19, 2024
Passed by the following vote:

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



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-102

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY MRG OAKLAND LLC DBA ROLL EAST
FOR WORK AT 1 AIRPORT DRIVE, TERMINAL 1,
GATE 12, OAKLAND, 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 Item No. 2.10 - the Summary Approval for Permit Application (Port Permit No. 2024d) dated November 27, 2024, - and related agenda materials ("Agenda Sheet"), 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 Sheet and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the Work (defined below) to be performed under this building permit 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. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform the Work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

A. Applicant: **MRG Oakland LLC dba Roll East.**

B. Premises: 1 Airport Drive, Terminal 1, Gate 12, Oakland, California.

C. Estimated Cost: \$850,000.00.

D. Work: Improvements to Applicant's leased premises to support the Roll East concession and operations near Gate 12 in Terminal 1 at OAK, including demolition of the existing space and installation of new partition walls, finishes, and utilities. Applicant or its contractor will file a Construction Safety and Security Plan with OAK for approval prior to construction.

E. Sustainability: The Work will follow current California Green Building Code as well as the construction debris recycling requirements. All materials removed from the Premises will be reused or recycled to the extent feasible.

Section 3. Neither this resolution nor the Board's approval of the Work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant; or (ii) releases Applicant from any obligation with respect to the Work or with respect to any agreement between the Port and Applicant.

Section 4. This resolution is not evidence of and does not create or constitute: (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest; or (ii) 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 December 19, 2024
Passed by the following vote:

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



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-103

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY MRG OAKLAND LLC DBA OAKLAND
SUPPLY COMPANY FOR WORK AT 1 AIRPORT DRIVE,
TERMINAL 2, GATE 22, OAKLAND, 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 Item No. 2.11 - the Summary Approval for Permit Application (Port Permit No. 2024e) dated November 27, 2024, - and related agenda materials ("Agenda Sheet"), 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 Sheet and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the Work (defined below) to be performed under this building permit 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. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform the Work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

A. Applicant: **MRG Oakland LLC dba Oakland Supply Company.**

B. Premises: 1 Airport Drive, Terminal 2, Gate 22, Oakland, California.

C. Estimated Cost: \$950,000.00.

D. Work: Improvements to Applicant's leased premises to support the Oakland Supply Company concession and operations near Gate 22 in Terminal 2 at OAK, including demolition of the existing space and installation of new partition walls, finishes, and utilities. Applicant or its contractor will file a Construction Safety and Security Plan with OAK for approval prior to construction.

E. Sustainability: The Work will follow current California Green Building Code as well as the construction debris recycling requirements. All materials removed from the Premises will be reused or recycled to the extent feasible.

Section 3. Neither this resolution nor the Board's approval of the Work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant; or (ii) releases Applicant from any obligation with respect to the Work or with respect to any agreement between the Port and Applicant.

Section 4. This resolution is not evidence of and does not create or constitute: (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest; or (ii) 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 December 19, 2024

Passed by the following vote:

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

Excused: Commissioners Lee and Martinez – 2

Noes: – 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-104

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY MRG OAKLAND LLC DBA OAKLANDISH
RETAIL FOR WORK AT 1 AIRPORT DRIVE,
TERMINAL 2, BETWEEN GATES 25 AND 26,
OAKLAND, 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 Item No. 2.12 - the Summary Approval for Permit Application (Port Permit No. 2024f) dated November 27, 2024, - and related agenda materials ("Agenda Sheet"), 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 Sheet and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the Work (defined below) to be performed under this building permit 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. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform the Work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

- A. Applicant: **MRG Oakland LLC dba Oaklandish Retail.**
- B. Premises: 1 Airport Drive, Terminal 2, between Gates 25 and 26, Oakland, California.
- C. Estimated Cost: \$1,230,000.00.
- D. Work: Improvements to Applicant's leased premises to support their Oaklandish Retail concession and operations between Gates 25 and 26 in Terminal 2 at OAK, including demolition of the existing space and installation of new partition walls, finishes, and utilities. Applicant or its contractor will file a Construction Safety and Security Plan with OAK for approval prior to construction.
- E. Sustainability: The Work will follow current California Green Building Code as well as the construction debris recycling requirements. All materials removed from the Premises will be reused or recycled to the extent feasible.

Section 3. Neither this resolution nor the Board's approval of the Work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant; or (ii) releases Applicant from any obligation with respect to the Work or with respect to any agreement between the Port and Applicant.

Section 4. This resolution is not evidence of and does not create or constitute: (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest; or (ii) 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.

the Regular Meeting held on December 19, 2024

Passed by the following vote:

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

Excused: Commissioners Lee and Martinez – 2

Noes: – 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-105

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY MRG OAKLAND LLC DBA IN MOTION
FOR WORK AT 1 AIRPORT DRIVE, TERMINAL 2,
BETWEEN GATES 25 AND 26, OAKLAND, 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 Item No. 2.13 - the Summary Approval for Permit Application (Port Permit No. 2024g) dated November 27, 2024, - and related agenda materials ("Agenda Sheet"), 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 Sheet and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the Work (defined below) to be performed under this building permit 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. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform the Work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

- A. Applicant: **MRG Oakland LLC dba In Motion.**
- B. Premises: 1 Airport Drive, Terminal 2, between Gates 25 and 26, Oakland, California.
- C. Estimated Cost: \$1,120,000.00.
- D. Work: Improvements to Applicant's leased premises to support their In Motion concession and operations between Gates 25 and 26 in Terminal 2 at OAK, including demolition of the existing space and installation of new partition walls, finishes, and utilities. Applicant or its contractor will file a Construction Safety and Security Plan with OAK for approval prior to construction.
- E. Sustainability: The Work will follow current California Green Building Code as well as the construction debris recycling requirements. All materials removed from the Premises will be reused or recycled to the extent feasible.

Section 3. Neither this resolution nor the Board's approval of the Work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant; or (ii) releases Applicant from any obligation with respect to the Work or with respect to any agreement between the Port and Applicant.

Section 4. This resolution is not evidence of and does not create or constitute: (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest; or (ii) 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 December 19, 2024
Passed by the following vote:

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



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-106

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY BNSF RAILWAY LLC FOR WORK AT
333 MARITIME STREET, JIT, OAKLAND, 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 Item No. 2.14 - the Summary Approval for Permit Application (Port Permit No. PDP-50-2024) dated November 27, 2024, - and related agenda materials ("Agenda Sheet"), 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 Sheet and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the Work (defined below) to be performed under this building permit 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. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform the Work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

A. Applicant: **BNSF Railway LLC.**

B. Premises: 333 Maritime Street, JIT, Oakland, California.

C. Estimated Cost: \$100,000.00.

D. Work: Improvements to the Joint Intermodal Terminal (JIT), including installation of two gate arms and two kiosks on the inbound lanes, and two gate arms on the outbound lanes.

E. Sustainability: The Work will follow current California Green Building Code as well as the construction debris recycling requirements. All materials removed from the Premises will be reused or recycled to the extent feasible.

Section 3. Neither this resolution nor the Board's approval of the Work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant; or (ii) releases Applicant from any obligation with respect to the Work or with respect to any agreement between the Port and Applicant.

Section 4. This resolution is not evidence of and does not create or constitute: (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest; or (ii) 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 December 19, 2024

Passed by the following vote:

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

Excused: Commissioners Lee and Martinez – 2

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

12/19/2024
Item No.: 6.1
ERR/pcm



RESOLUTION NO. 24-107

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD AND EXECUTE A CONTRACT WITH OLIVER DE SILVA INC. DBA GALLAGHER & BURK INC. IN AN AMOUNT NOT TO EXCEED \$9,876,876.00 FOR THE EVERPORT TERMINAL SERVICES PAVEMENT PROJECT AND EXECUTE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$1,975,375.00; 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. 6.1, dated December 19, 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 is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15302 of the CEQA Guidelines because the proposed structure(s) will have substantially the same purpose and capacity as the existing structure(s) on the property.

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 Everport Terminal Services Pavement Project ("Project"):

A. Award of a contract ("Contract") for the Project to Oliver de Silva Inc. dba Gallagher & Burk Inc. ("Contractor"), the lowest responsible responsive bidder, in a total amount not to exceed \$9,876,876.00.

B. Authorization of a maximum of \$1,975,375.00 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 \$9,876,876.00.

C. Execute change orders to the Contract, to the extent necessary, in an amount not to exceed \$1,975,375.00.

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 is 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 December 19, 2024
Passed by the following vote:

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

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-108

12/19/2024
Item No.: 6.2
ERR/pcm



RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH (1) CONSOLIDATED ENGINEERING LABORATORIES AND CONSTRUCTION TESTING SERVICES FOR ON-CALL MATERIAL TESTING AND CONSTRUCTION INSPECTION SERVICES FOR NON-FEDERALLY FUNDED PROJECTS AND (2) INSPECTION SERVICES, INC. AND NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCE CONSULTANTS FOR ON-CALL MATERIAL TESTING AND CONSTRUCTION INSPECTION SERVICES FOR FEDERALLY FUNDED PROJECTS, FOR THREE-YEAR TERMS WITH AN AGGREGATE MAXIMUM COMPENSATION FOR ALL AGREEMENTS NOT TO EXCEED \$3,000,000; 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 Item No. 6.2, dated December 19, 2024 ("Agenda Report") and related agenda materials, 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 related agenda materials 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 professional services agreements with (1) Consolidated Engineering Laboratories and Construction Testing Services for on-call material testing and construction inspection services for non-federally funded projects and (2) Inspection Services, Inc. and Ninyo & Moore Geotechnical & Environmental Science Consultants for on-call material testing and construction inspection services for federally funded projects, for three-year terms with an aggregate maximum compensation for all agreements not to exceed \$3,000,000, 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 proposed agreements 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. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

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

At the Regular Meeting held on December 19, 2024

Passed by the following vote:

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

Excused: Commissioners Lee and Martinez – 2

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

12/19/2024
Item No.: 6.3
LSM/pcm



RESOLUTION NO. 24-109

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO (1) EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO ACCEPT A \$322,167,584 CLEAN PORTS PROGRAM GRANT WITH \$145,588,614 OF MATCHING FUNDS, INCLUDING \$7,569,953 OF PORT FUNDS; AND (2) EXECUTE ANCILLARY AGREEMENTS SUCH AS INDIVIDUAL SUB-GRANT AGREEMENTS WITH PROJECT PARTNERS TO ENABLE GRANT FUNDING ("PROPOSED ACTION"); 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 Item No. 6.3, dated December 19, 2024 ("Agenda Report") and related agenda materials, 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 related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. 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 of the Port to:

A. Accept a \$322,167,584 Clean Ports Program Grant with \$145,588,614 of matching funds, including expenditure of \$7,569,953 of Port Funds and execute a grant agreement and all other documents necessary to accept the grant and grant funds with the United States Environmental Protection Agency;

B. Execute all grant-related documents and ancillary agreements such as individual sub-grant agreements with project partners to enable grant funding.

C. Make any additions, modifications, or corrections necessary to execute 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. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

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

At the Regular Meeting held on December 19, 2024

Passed by the following vote:

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

Excused: Commissioners Lee and Martinez – 2

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 24-110

12/19/2024
Item No.: 6.4
LSM/pcm



RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT AND EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE CLEAN HEAVY-DUTY VEHICLES GRANT PROGRAM FOR A GRANT AMOUNT OF \$10,499,274 WITH \$5,158,500 IN MATCHING FUNDS AND EXECUTE ALL ANCILLARY AGREEMENTS SUCH AS INDIVIDUAL SUB-GRANT AGREEMENTS WITH PROJECT PARTNERS TO ENABLE GRANT FUNDING; 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 Item No. 6.4, dated December 19, 2024 ("Agenda Report") and related agenda materials, 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 related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Sections 15301, 15302 and 15303 of the CEQA Guidelines because (a) the proposed action consists of activities that involve negligible or no expansion of an existing use, (b) the proposed structure(s) will have substantially the same purpose and capacity as the existing structure(s) on the property, and (c) the proposed action consists of: construction of new, small facilities or structures; installation of small new equipment and facilities; and/or conversion of existing small structures.

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

A. Accept and execute a grant agreement with the United States Environmental Protection Agency for the Clean Heavy-Duty Vehicles Grant Program for a grant amount of \$10,499,274 with \$5,158,500 of matching funds;

B. Execute all grant-related documents and ancillary agreements such as individual sub-grant agreements with project partners to enable grant funding; and

C. Make any additions, modifications, or corrections necessary to execute 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. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

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

At the Regular Meeting held on December 19, 2024
Passed by the following vote:

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

Excused: Commissioners Lee and Martinez – 2

Noes: – 0