



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-38**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ON-CALL ENGINEERING DESIGN SERVICES AGREEMENTS WITH TRANSYSTEMS CORPORATION, AECOM TECHNICAL SERVICES, INC., MOTT MACDONALD, LLC, AND WSP USA, INC. TO EXTEND THE AGREEMENTS THROUGH DECEMBER 31, 2019.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.3 dated June 13, 2019 ("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**, the Board authorized the award of contracts for **On-Call Engineering Design Services at the Port of Oakland, ("On-Call Engineering Design Services")**, with contracts thereafter executed with Transystems Corporation ("Transystems"), AECOM Technical Services, Inc. ("AECOM"), Mott MacDonald, LLC ("Mott"), and WSP USA, Inc. ("WSP") for a current maximum combined contract expenditure limit of \$12,000,000 and a current expiration date of June 30, 2019; and

**WHEREAS**, it is desirable at this time to extend the term of the agreements for **On-Call Engineering Design Services** to maintain continuity with ongoing projects, and as set forth in the Agenda Report;

**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 that:

A. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the agreements for **On-Call Engineering Design Services**, as supplemented, will constitute agreements for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to continue to secure such services through the Transystem, AECOM, Mott and WSP agreements.

**SECTION 2.** The Board hereby approves extension of the contract term for the **On-Call Engineering Design Services** for a total term not to exceed December 31, 2019.

**SECTION 3.** The Board hereby authorizes the Executive Director to execute amendments of the **On-Call Engineering Design Services** contract(s) with Transystems, AECOM, Mott and WSP to extend the contract term for a total term not to exceed December 31, 2019.

**SECTION 4.** In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment.

**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 Board. 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 other contracting party, there shall be no valid or effective agreement(s).

At the regular meeting held on June 13, 2019

Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and  
President Butner – 6

Excused: Commissioner Colbruno – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-39**

**RESOLUTION      DESIGNATING      PROPERTY      AS  
INADEQUATE,      OBSOLETE OR      WORN-OUT      AND  
APPROVING AND AUTHORIZING DISPOSITION OF  
SUCH PROPERTY.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 2.4, dated June 13, 2019 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 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 in testimony received, the Board finds and determines that:

A. It is in the best interest of the Port to designate and the Board hereby designates certain miscellaneous Port property, including obsolete computers, network switches, old tandem sling seating from Oakland International Airport, broken and worn-out facilities equipment such as portable generators, electric golf carts, an air-cooled chiller unit, old vehicles, trash cans, message boards, public announcement system hardware, obsolete radio equipment, obsolete lockers, broken machinery, parking lot attendant booths, storage containers, an old office trailer, bus shelters, obsolete electric meters, and other miscellaneous equipment, all as further described in the Agenda Report and Attachment A thereto (collectively, "Surplus Property"), as no longer used, inadequate, obsolete, or worn-out within the meaning of Port Ordinance No. 4321, and Sections 5.13(a) of the Port's Bond Indentures.

B. CEQA does not apply to the following action under the CEQA Guidelines, Section 15061(b)(3), which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Designating the Surplus Property as inadequate, obsolete, or worn-out and approving and authorizing disposal of such property will



not have a significant effect on the environment and therefore is not a project under CEQA.

**Section 2.** The Board hereby:

A. Authorizes the sale, donation, and/or disposition of the Surplus Property.

B. Authorizes the Executive Director to dispose of the Surplus Property through a variety of means, including sale, donation, scrapping, recycling, destruction and abandonment in compliance with Port Ordinance No. 4321, as more fully described in the Agenda Report.

C. Authorizes the Executive Director to execute all appropriate documents necessary to transfer ownership of property subject to the conditions stipulated, as more fully described in the Agenda Report.

**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 Board. This resolution approves and authorizes the disposition and execution of any necessary agreements in accordance with the terms of this resolution. Unless and until each such separate agreement is duly executed on behalf of the Board as authorized by this resolution, is, as necessary, 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 June 13, 2019

Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and President Butner – 6

Excused: Commissioner Colbruno – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-40**

**RESOLUTION REPEALING RESOLUTION No. 96084 and RE-  
ESTABLISHING STANDING CITY-PORT LIAISON COMMITTEE  
AND APPROVING APPOINTMENTS OF PRESIDENT BUTNER,  
COMMISSIONER LESLIE AND COMMISSIONER CLUVER TO THE  
CITY-PORT LIAISON COMMITTEE.**

**WHEREAS**, in 1996, the Board of Port Commissioners ("Board") passed Resolution No. 96084, establishing the City-Port Liaison Committee ("Committee"); and

**WHEREAS**, the initial focus of the Committee was to coordinate efforts and advise the City of Oakland ("City") and the Port on the drafting and adoption of the Estuary Plan; and

**WHEREAS**, subsequent iterations of the Committee have met as needed to facilitate policy-level coordination between the Port and City on matters impacting Port operations and surrounding communities, and the last meeting of the Committee was held on September 2, 2010 with three (3) members of the Board of Port Commissioners and four (4) members of the City of Oakland City Council ("Council") on the Committee; and

**WHEREAS**, the Board wishes to reconstitute the Committee to facilitate policy-level coordination between the City and the Port and advise the Council and the Board respectively on joint planning and economic development issues with respect to the proposed redevelopment of the Howard Terminal site as well as other areas of City/Port coordination to further develop and enhance seaport and maritime related uses in the former Oakland Army Base; and

**WHEREAS**, the Board has reviewed and evaluated the Agenda Report Item 2.5 dated June 13, 2019 ("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; now therefore be it

**RESOLVED**, that Resolution No. 96084 is hereby repealed; and be it

**FURTHER RESOLVED**, that the City-Port Liaison Committee shall be reconstituted and re-established as a joint standing committee of less than the quorum of each of the Board members and the Council members to study policy-level coordination between the City and the Port land-use planning and economic development efforts and to advise the Board and the Council respectively with respect to the following subject matters, constituting the "Committee Scope":

- The Oakland A's have proposed a ballpark stadium and commercial/residential development at the Howard

Terminal in the Port area. On May 13, 2019, the Board approved an "Exclusive Negotiation Term Sheet" to proceed with negotiating real estate agreements with the Oakland A's. Because the Council will need to amend the general plan of the city to allow for the A's proposed development, the City is the lead agency in drafting the Environmental Impact Report. In addition to considering property agreements, the Port will also need to consider the issuance of a development permit to the Oakland A's and developers to, among other factors, ensure compatibility between the proposed development and the seaport and maritime operations that are within the Board's exclusive control and management.

- The City and the Port are in their implementing stages of developing each's respective areas of the former Oakland Army Base. Both and Port and the City are developing their areas for warehousing, transloading, and cargo transportation purposes related to seaport and commerce. The City and Port have jointly developed common infrastructure and share facilities, including utility trenches, roads and rail facilities; and be it

**FURTHER RESOLVED**, that the Board designates and ratifies the appointment of Commissioners Ces Butner (as Chair of the Port members), Andreas Cluver and Barbara Leslie as initial Port members of the City-Port Liaison Committee; and be it

**FURTHER RESOLVED**, that the Committee will report to the full Board on the issues discussed at and recommendations of the Committee within the Committee Scope, if any, at each Board meeting following each Committee meeting, or as deemed necessary by the President of the Board.

At the regular meeting held on June 13, 2019

Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and President Butner – 6

Excused: Commissioner Colbruno – 1

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-41**

**RESOLUTION APPROVING THE PORT OF OAKLAND SEAPORT AIR QUALITY 2020 AND BEYOND PLAN - THE PATHWAY TO ZERO EMISSIONS AND DIRECTING PORT OF OAKLAND STAFF TO PROVIDE ADDITIONAL REPORTS TO THE BOARD OF PORT COMMISSIONERS ON AIR QUALITY-RELATED MATTERS.**

**WHEREAS**, at the May 23, 2019, meeting of the Board of Port Commissioners ("Board"), the Board reviewed and evaluated Board Agenda Report Item No. 5.1, dated May 23, 2019, (the "May Agenda Report") concerning the Port of Oakland Seaport Air Quality 2020 and Beyond Plan-The Pathway to Zero Emissions ("2020 and Beyond Plan") and related agenda materials, received the expert testimony of Port of Oakland ("Port") staff, and provided opportunities for and took public comment;

**WHEREAS**, after receiving said expert testimony from Port staff and from the public, the Board directed Port staff to post at the next meeting of the Board on June 13, 2019, a new Agenda Report concerning the 2020 and Beyond Plan and further directed Port staff to provide additional reports to the Board as further described herein;

**WHEREAS**, the Board has reviewed and evaluated Board Agenda Report Item No. 5.1 dated June 13, 2019, (the "June Agenda Report") concerning the 2020 and Beyond Plan and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment;

**WHEREAS**, the most recent emissions inventory for the Port, conducted for calendar year 2017, shows reduced Port emissions of diesel particulate matter ("DPM") of 81% compared to calendar year 2005, and reduced DPM from drayage trucks of 98% since 2005;

**WHEREAS**, as part of the Port's "Vision 2000" Drayage Truck Replacement Program, beginning in 2005, the Port provided up to \$40,000 subsidies to truckers serving the Port of Oakland to replace model year 1993 or older trucks with model year 2000 or newer model year trucks with significantly lower emissions, and under this program, approximately 80 trucks were replaced and close to \$3,000,000 in incentive funding was awarded;

**WHEREAS**, since 2005, the cargo-handling equipment ("CHE") and drayage truck fleets in operation at the Port of Oakland have completely turned over their engines so that all CHE meets the requirement of the California Air Resources Board ("CARB") CHE regulation to achieve Tier 4 standards and all drayage trucks have a model year 2007 or newer engine and starting January 1, 2023, all drayage trucks serving the Port will have model year 2010 or newer engines;

**WHEREAS**, under the Port's 2009 Comprehensive Truck Management Program ("CTMP"), the Port identifies drayage trucks serving the Seaport, supports compliance with truck-related regulations to reduce emissions of air pollutants, increases safety and security domain awareness, improves operational efficiencies, reduces traffic and congestion, and involves and educates all Seaport stakeholders;

**WHEREAS**, the Port established a CTMP technical advisory committee ("TAC"), which met formally on multiple occasions, and was comprised of West Oakland residents, State and Federal regulators, marine terminal operators, and trucking companies, to assist Port staff in developing the CTMP, and provided ideas and solutions that shaped the development, programs, and projects of the CTMP;

**WHEREAS**, under the CTMP, the Port contributed \$5 million to provide grants to retrofit and/or replace trucks to meet CARB emissions standards, truck parking and service facilities on Port property to alleviate the problem of trucks parking in West Oakland, provisions for enforcement of truck parking and operations restrictions on neighborhood streets, truck registration for security purposes, and outreach to truckers regarding idling regulations;

**WHEREAS**, under the Port's Maritime Air Quality Improvement Plan ("MAQIP"), CARB, the Bay Area Air Quality Management District ("BAAQMD"), the Port, and the U.S. Environmental Protection Agency ("EPA") collectively invested \$33 million (with the Port's share being \$5 million) in funding to initially retrofit 1,319 trucks and subsequently to replace an additional 627 trucks;

**WHEREAS**, in 2013, the Port applied for and was awarded an EPA National Clean Diesel Funding Assistance program grant in the amount of \$415,932 to repower four rubber tire gantry ("RTG") cranes to help reduce the diesel emissions related to off-road equipment operating on the Port's marine terminals, and the RTG repowering project was completed and the grant file closed by the end of 2017;

**WHEREAS**, in association with private marine terminal operators and ship owners, the Port invested approximately \$55 million to install shore-side power at 15 berths at the Port and received grant funding assistance from CARB, BAAQMD, DOT (via a Transportation Investments Generating Economic Recovery ("TIGER") grant) and the Metropolitan Transportation Commission (via a federal pass-through DOT Congestion Management and Air Quality program grant);



**WHEREAS**, in 2017, the Port advocated before CARB for a more expansive eligibility determination for the CARB Zero and Near Zero Freight Facilities ("ZANZEFF") transportation electrification program, as the original CARB staff guidelines could have excluded the majority of the Seaport tenants and customers from receiving grant funding, and as part of the ZANZEFF grant project, it is expected that \$9 million will be awarded to improve air quality associated with Port Seaport operations, out of a larger multi-ports grant award, to demonstrate the viability of zero emissions cargo handling equipment and heavy-duty Class 8 electric trucks in port operations;

**WHEREAS**, the Port entered into a Memorandum of Understanding ("MOU") with the Port of Long Beach, dated February 7, 2019, to implement the ZANZEFF grant project, and as part of the ZANZEFF project and pursuant to the MOU, the Port committed to design and install ten charging stations and provide for a financial match of at least \$1.25 million;

**WHEREAS**, in 2018, the Port assisted with the successful application from one of its marine terminal operators for nearly \$5 million in Carl Moyer air quality program funding from BAAQMD to replace and upgrade the diesel engines from all thirteen of that terminal operator's gantry cranes to a hybrid-propulsion system that reduces emissions of some air pollutants by 99%, and as of May 2019, the first of the thirteen cranes has been successfully repowered and is in use, and the remaining twelve cranes will be done in series;

**WHEREAS**, the 2020 and Beyond Plan Near-Term Action Plan ("NTAP") includes Action 0-4: Evaluate Vessel Speed ("VSR") Reduction Program;

**WHEREAS**, the 2020 and Beyond Plan has an established Seaport Air Quality 2020 and Beyond Task Force ("Task Force") led by a steering committee of four Co-Chairs representing the Port, business interests, community, and regulatory agencies;

**WHEREAS**, the 2020 and Beyond Plan includes a Public Engagement Plan (Appendix G) and an input and consultation role for the Task Force;

**WHEREAS**, despite the State's promotion of millions of dollars of grants and incentive funding, these funds target zero-emission equipment which are available for demonstration projects but are not yet mature technologies. Operators need affordable, reliable equipment for revenue service and do not always have the ability to participate in new technology demonstration projects. Further, applying for grants and incentive funding and fulfilling subsequent compliance requirements requires considerable time and effort (other than vouchers from the State's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program);

**WHEREAS**, Union Pacific Railroad is not a Port tenant and emissions from non-Port rail operations are outside the scope of the 2020 and Beyond Plan; now, therefore, be it

**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 June Agenda Report and in related agenda materials and in testimony received; and be it

**FURTHER RESOLVED**, that approval of the 2020 and Beyond Plan was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The proposed action to approve the 2020 and Beyond Plan is statutorily exempt from CEQA under Section 15262 of CEQA, which states "a project involving only feasibility or planning studies for possible future actions, which the agency, board or commission has not approved, adopted or funded, does not require the preparation of an Environmental Impact Report or negative declaration but does require consideration of environmental factors." The purpose of the 2020 and Beyond Plan is to propose strategies to reduce air pollution from maritime activities, and thus would have a beneficial impact on air quality and on the environment. No further CEQA review is required for approval of the 2020 and Beyond Plan. In the future, when specific activities are proposed to implement the air quality strategies identified in the 2020 and Beyond Plan, Port staff will determine whether environmental review is required under CEQA, and will bring the specific programs and projects to the Board for findings under CEQA, as needed; and be it

**FURTHER RESOLVED**, that the Board hereby approves the 2020 and Beyond Plan; and be it

**FURTHER RESOLVED**, that the Board directs Port staff to submit an Agenda Report to the Board, within six months following the date of this Resolution, on the feasibility of replacing all CHE at the Port with zero-emissions equipment including the feasibility of related goals and metrics; and be it

**FURTHER RESOLVED**, that the Board directs Port staff to submit an Agenda Report to the Board, within six months following the date of this Resolution, on the feasibility of replacing all drayage trucks at the Port with zero-emissions trucks including the feasibility of related goals and metrics; and be it

**FURTHER RESOLVED**, that the Board directs Port staff to submit an Agenda Report to the Board, within six months following the date of this Resolution, on the capacity of the Seaport's electrical system, tenant needs for electric vehicle charging equipment, and the ability of the Port to provide electric vehicle charging equipment; and be it

**FURTHER RESOLVED**, that the Board directs Port staff to submit an Agenda Report to the Board by June 1, 2020, on Port-related strategies and/or implementing actions that are legally required or that, in the Port's judgment, may meet the 2020 and Beyond Plan feasibility criteria (Table D2), as a result of the final West Oakland Community Air Action Plan prepared pursuant to AB 617 and any potential related updates to the 2020 and Beyond Plan; and be it



**FURTHER RESOLVED**, that the Board directs Port staff to submit an Agenda Report to the Board, within 18 months following the date of this Resolution, on 2019 emissions associated with ocean going vessels, tugboats, and rail tenants (BNSF and West Oakland Pacific Railroad), and on performance incentive programs for ocean vessels and rail tenants; and be it

**FURTHER RESOLVED**, that the Board directs Port staff to submit an Agenda Report to the Board, within 18 months following the date of this Resolution, on costs and financing aspects associated with the 2020 and Beyond Plan including discussions of grant and incentive funding opportunities from outside sources (i.e., CARB, BAAQMD, and the California Energy Commission, etc.) and private sector and Port resources; and be it

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

At the regular meeting held on June 13, 2019

Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and  
President Butner – 6

Excused: Commissioner Colbruno – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-42**

**RESOLUTION (1) APPROVING PROJECT DESIGN AND CONSTRUCTION BUDGET OF \$3,477,000 AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT CHANGE ORDER WITH TURNER CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGER AT RISK CONSTRUCTION SERVICES FOR THE GUARANTEED MAXIMUM PRICE OF \$2,904,000 FOR THE TERMINAL FLOORING REPLACEMENT PROJECT AT OAKLAND INTERNATIONAL AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated June 13, 2019 ("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**, on or about February 11, 2016, the Board authorized the Executive Director of the Port ("Executive Director") to enter into a contract with Turner Construction Company, Inc. ("Turner") for construction manager at risk services for upgrades to the International Arrivals Building at Oakland International Airport ("IAB CMR Contract"); and

**WHEREAS**, the IAB CMR Contract includes an option that the Port can exercise allowing Turner to serve as designer, manager and/or contractor for terminal-related projects as identified by the Port; and

**WHEREAS**, on May 24, 2018, the Board exercised the option and authorized the Executive Director to issue change order with Turner to proceed with pre-construction services for several terminal improvement projects, including the **Terminal Flooring Replacement Project ("Terminal Flooring Project")**; 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 hereby finds and determines that:

- A. It is in the best interest of the Port to authorize and approve project budget for design and construction services in the amount of \$3,477,000 for the **Terminal Flooring Project**.



- B. The proposed actions to approve project budget and authorize a contract change order for construction were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. The proposed actions are categorically exempt from CEQA Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographic features, involving negligible or no expansion of use. Only minor alterations to the premises and no changes to the use area are proposed as part of the **Terminal Flooring Project**.

**SECTION 2.** The Board hereby:

- A. Approves the project budget for design and construction services in the amount of \$3,477,000 for the **Terminal Flooring Project**.
- B. Authorizes the Executive Director to execute a contract change order with Turner for the IAB CMR Contract for a guaranteed maximum price of \$2,904,000 for the **Terminal Flooring Project**.

**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 Board. 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.

At the regular meeting held on June 13, 2019  
Passed by the following vote:

Ayes: Commissioners Cluver, Leslie, Martinez, Story and  
President Butner – 5  
Recused: Commissioner Lee – 1  
Excused: Commissioner Colbruno – 1  
Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-43**

**RESOLUTION APPROVING AND AUTHORIZING THE PROJECT  
BUDGET OF \$830,000 FOR DEMOLITION DESIGN SERVICES  
FOR THE FORMER OAKLAND MAINTENANCE CENTER (OMC) AND  
OTHER OBSOLETE STRUCTURES AT THE NORTH FIELD AT  
OAKLAND INTERNATIONAL AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 dated June 13, 2019 ("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.** Based upon the information contained in the Agenda Report, and testimony received, the Board finds that it is in the best interest of the Port to approve and authorize project budget for **demolition design services for the former Oakland Maintenance Center (Building M-110), Building L-619, Building L921, Building L922, Building L923 and Building L924** (collectively referred to herein as the "**OAK Demolition Projects**") in an amount not to exceed \$830,000;

**SECTION 2.** The Board hereby approves and authorizes project budget for design of the **OAK Demolition Projects** in an amount not to exceed \$830,000.

**SECTION 3.** The proposed actions to approve design project budget and enter into a design agreement were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. Because it can be seen with certainty that there is no possibility that taking the proposed actions may have a significant effect on the environment, these actions are not considered a "project" under CEQA and is not subject is CEQA under the General Rule Exclusion.



**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 Board. 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 other contracting party, there shall be no valid or effective agreement(s).

At the regular meeting held on June 13, 2019

Passed by the following vote:

Ayes: Commissioners Cluver, Leslie, Martinez, Story and  
President Butner – 5

Excused: Commissioner Colbruno – 1

Noes: Commissioner Lee – 1

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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-44**

**RESOLUTION APPROVING THE DRAFT PORT SHARE PLAN FOR  
THE JACK LONDON IMPROVEMENT DISTRICT FOR FISCAL  
YEAR 2019 IN THE AMOUNT OF \$168,571.80.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.5, dated June 13, 2019 (the "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**, Section 706 of the Charter of the City of Oakland ("City") gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

**WHEREAS**, the proposed approval will provide service for members of the public who use the waterfront, and is consistent with the Port's duty to use and manage Port property in trust for the people of the State of California (the "Tidelands Trust"), and the private use of Port property pursuant to the agreements will not interfere with the Tidelands Trust; now, therefore

**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 hereby approves the Draft Port Share Plan for the Jack London Improvement District for Fiscal Year 2019 in the amount of \$168,571.80, as further described in the Agenda Report.

**SECTION 2.** Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines the following:

- A. Each proposed service and expenditure described in the Draft Port Share Plan is consistent with the Trust, as defined in the 2013 Jack London Improvement District Public (JLID) Trust Agreement, and the JLID has established by objective analysis that the Trust will receive a proportionate special benefit; and



- B. The proposed approval is not subject to the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which states the "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment, because it can be seen with certainty that there is no possibility the proposed approval will have a significant effect on the environment and therefore is not a project under CEQA and no further environmental review is required.

**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 Board. 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 June 13, 2019

Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and  
President Butner – 6

Excused: Commissioner Colbruno – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-45**

**RESOLUTION APPROVING THE PORT OF OAKLAND  
SANITARY SEWER SYSTEM CONDITION ASSESSMENT PLAN  
AND DELEGATING AUTHORITY TO THE EXECUTIVE  
DIRECTOR TO APPROVE FUTURE AMENDMENTS THERETO.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Board Agenda Report Item No. 6.7, dated June 13, 2019, (the "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; now, therefore, be it

**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 proposal to approve the Port of Oakland Sanitary Sewer System Condition Assessment Plan ("CAP") was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The action, which entails inspection and collection of data on the condition of sewer laterals and does not result in a serious or major disturbance to an environmental resource, is categorically exempt from CEQA per Section 15306, Information Collection, of the CEQA Guidelines. No further CEQA review is required; and be it

**FURTHER RESOLVED**, that the Board hereby approves the CAP and delegates authority to the Executive Director to approve future amendments thereto; and be it



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

At the regular meeting held on June 13, 2019  
Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and  
President Butner – 6

Excused: Commissioner Colbruno – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-46**

**RESOLUTION APPROVING PROJECT BUDGET OF \$510,000;  
DELEGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING  
TO APPROVE THE PROJECT MANUAL AND PLANS; AND  
AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A  
CONTRACT WITH SDV SERVICES INC IN THE AMOUNT NOT  
TO EXCEED \$375,000 FOR THE CRANE SAFETY LADDER  
PROJECT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.8 dated June 13, 2019 ("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.** Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:

A. It is in the best interest of the Port to authorize and approve construction project budget in the amount of \$510,000 for the **Crane Safety Ladder Installation Project in the Seaport ("Crane Ladder Project")**.

B. It is in the best interest of the Port to authorize the **Crane Ladder Project**.

C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City of Oakland.

D. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with this project.



**SECTION 2.** The Board hereby approves the following:

A. Authorize project budget of \$510,000 for the **Crane Ladder Project**, including change order authority.

B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **Crane Ladder Project**.

C. Award of a contract for construction of the **Crane Ladder Project** to SDV Services, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$375,000.

D. Rejection of all other bids received for the **Crane Ladder Project** and direction that securities accompanying said bids shall be returned to the respective bidders.

**SECTION 3.** The Board hereby authorizes the Executive Director to:

A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance.

B. Award a contract for construction of the **Crane Ladder Project** to SDV Services, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$375,000.

**SECTION 4.** The Board further finds that:

A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **Crane Ladder Project** 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 the 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.** The Board hereby finds and determines that:

A. The proposed actions to approve the plans and project manual and award the construction contract was reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines.

B. This project is categorically exempt from CEQA pursuant to Section 15301 Existing Facilities which exempts the repair, maintenance, and minor alteration of existing structures and facilities that involve negligible or no expansion of use beyond that existing at

the time of the lead agency's determination, as no changes to the premises or use are proposed with the proposed improvements.

**SECTION 6.** 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 Board. 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 other contracting party, there shall be no valid or effective agreement(s).

At the regular meeting held on June 13, 2019

Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and  
President Butner – 6

Excused: Commissioner Colbruno – 1

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-47**

**RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH  
KIMLEY-HORN AND ASSOCIATES TO PROVIDE FOR  
ENGINEERING DESIGN SERVICES RELATED TO THE FREIGHT  
INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.9, dated June 13, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, on July 26, 2018, the Port entered into a professional services agreement ("Agreement") with **Kimley-Horn and Associates ("Kimley-Horn")**, to provide engineering consulting services relating to the Freight Intelligent Transportation Projects ("FITS Projects") with a maximum compensation of \$95,500 which is within the Executive Director's contracting authority pursuant to Port Ordinance 4321; 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 hereby finds and determines that the agreement with **Kimley-Horn**, as supplemented, will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to continue to secure such services from **Kimley-Horn**.

**Section 2.** The Board hereby:

A. Finds and determines that no additional environmental review is required for the proposed action. The proposed action was reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines. By Resolution No. 19-07, the Board determined CEQA review of the implementation and maintenance of the FITS Projects was addressed by the 2002 Oakland Army Base Area Redevelopment Plan EIR, The FITS Projects do not trigger any of the conditions set

for the in Section 15162 of the CEQA Guidelines, and therefore no additional environmental review is required.

B. Approves a Supplemental Agreement with Kimley-Horn for engineering consulting services relating to the FITS Projects for an additional not to exceed amount of \$294,500 and a total maximum contract amount not to exceed \$390,000, as further described in the Agenda Report.

C. Authorizes the Executive Director to execute such supplemental agreement, subject to approval as to form and legality by the Port Attorney.

D. Authorizes the Executive Director to make such additions, modifications, or corrections as necessary to issue the Supplemental Agreement 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

**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 Board. 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.

At the regular meeting held on June 13, 2019

Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and President Butner – 6

Excused: Commissioner Colbruno – 1

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-48**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH CYPRESS PRIVATE SECURITY LP FOR MARITIME SECURITY PATROL SERVICES FOR A TERM OF TWO (2) YEARS, WITH TWO ONE-YEAR OPTIONS TO EXTEND IN AN AMOUNT NOT TO EXCEED \$1,100,000.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.10 dated June 13, 2019 ("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**, Port staff issued a Request for Proposal for maritime security patrol services in February of 2019; and

**WHEREAS**, based on the evaluation of the proposals received, Port staff recommends that the Board authorize the Executive Director to enter into a professional services agreement for maritime security patrol services with **Cypress Private Security, LP ("Cypress")**; 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 hereby finds and determines that:

A. The Agreement with **Cypress** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **Cypress**.

B. The proposal to authorize the Executive Director to enter into an agreement with **Cypress** was reviewed in accordance with the requirements of CEQA and Port CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA only applies



to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that awarding a security contract will result in a physical change in the environment, and therefore, no environmental review is required.

**SECTION 2.** The Board hereby:

A. Approves and authorizes the Executive Director to execute an Agreement with **Cypress** for maritime security patrol services for a two (2) year term, with two one-year options to extend subject to written approval by the Executive Director, and as further described in the Agenda Report in an amount not to exceed \$1,100,000.

**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 Board. 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.

At the regular meeting held on June 13, 2019  
Passed by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and  
President Butner – 6  
Excused: Commissioner Colbruno – 1  
Noes: 0