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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-94

**RESOLUTION APPROVING THE REMOVAL OF THE RADIO
FREQUENCY DEVICE READER PROJECT FROM THE
DEPARTMENT OF HOMELAND SECURITY FEDERAL
EMERGENCY MANAGEMENT AGENCY GRANT AND RELATED
ACTIONS FOR THE FREIGHT INTELLIGENT
TRANSPORTATION SYSTEM PROJECT IN THE SEAPORT.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 3.2 dated September 26, 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, in or around October of 2018, the Board authorized Port staff to accept grant funding ("Grant") in the amount of \$1,824,000 from the United States Department of Homeland Security Federal Emergency Management Agency ("FEMA") for funding of two Port security projects, the Emergency Operations Center project ("EOC Project") and the Radio Frequency Identification Device Reader Project ("RFID Project"); and

WHEREAS, the EOC Project and RFID Project are part of the overall Freight Intelligent Transportation System Program ("FITS Program"), in which the Port is partnering with Alameda County Transportation Commission ("Alameda CTC"); and

WHEREAS, following the receipt of higher than anticipated construction bids on the RFID Project, the Port sought and obtained approval from FEMA to remove the RFID Project from the Grant and re-allocate the funds from the RFID Project to the EOC 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 approve the removal of the RFID Project from the Grant and re-allocate the funds from the RFID Project to the EOC Project.

B. The proposed action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. The 2002 Oakland Army Base Area ("OAB") Redevelopment Plan Environmental Impact Report (2002 Redevelopment EIR) evaluated the potential impacts of redevelopment of the 1,800-acre redevelopment area, which included the Port locations for the FITS Program components. The EIR was certified by the lead agency, the City of Oakland, in June 2002. On September 17, 2002, the Board, acting on behalf of the Port of Oakland as a responsible agency under CEQA, adopted findings and the mitigation program in the City's EIR (Resolution No. 02317). In 2012, the City of Oakland, in consultation with the Port, issued an Initial Study/Addendum to the Redevelopment EIR to evaluate proposed changes to the redevelopment plan. The Board approved the revised redevelopment plan and adopted the revised mitigation program on June 21, 2012 (Resolution No. 12-76). The proposed action does not trigger any of the conditions set forth in Section 15162 of the CEQA Guidelines, and no further CEQA review is thus required.

SECTION 2. The Board hereby:

A. Approves the removal of the RFID Project from the Grant and re-allocate the funds from the RFID Project to the EOC Project.

B. Authorizes the Executive Director to execute and submit all documents which may be necessary or convenient to complete the removal of the RFID Project from the Grant, including amendment of agreements with Alameda CTC as necessary for the FITS Program. The Secretary of the Board is hereby authorized and directed to attest to the execution of documents, if deemed necessary.

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 September 26, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-95

**RESOLUTION AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES
AGREEMENT WITH WOOD RODGERS, INC. TO UPDATE
THE STORMWATER MANAGEMENT IMPLEMENTATION
PLAN AND ASSESS TIDAL FLOODING VULNERABILITY
AT OAKLAND INTERNATIONAL AIRPORT FOR A TOTAL
CONTRACT AMOUNT NOT TO EXCEED \$1,100,000.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2 dated September 26, 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 hereby finds and determines that:

A. The proposed agreement with Wood Rodgers, Inc. ("Wood Rodgers") to update the Port's Stormwater Management Implementation Plan and assess tidal flooding vulnerability at the North Field of the Oakland International Airport ("Stormwater Plan Project") 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 Wood Rodgers.

B. This action to enter into the proposed agreement for the Stormwater Plan Project was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA). The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only 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 taking the proposed action will result in a physical change in the environment, and therefore this action is not subject to CEQA.

SECTION 2. The Board hereby:

A. Approves a professional services agreement with Wood Rodgers for the Stormwater Plan Project, for a total maximum contract amount not to exceed \$1,100,000 and subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director to execute a professional services agreement with Wood Rodgers for the Stormwater Plan Project, for a total maximum contract amount not to exceed \$1,100,000, subject to approval as to form and legality by the Port Attorney, and make such additions, modifications, or corrections as necessary to implement the Agreement and amendments 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 September 26, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: – 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-96

RESOLUTION (1) AUTHORIZING A DESIGN PROJECT BUDGET OF \$500,000 AND (2) APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A THIRD SUPPLEMENTAL AGREEMENT FOR ON-CALL WATER AND WASTE WATER ENGINEERING SERVICES AGREEMENT WITH WRECO TO EXTEND THE CONTRACT TERM FOR ONE (1) YEAR.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 dated September 26, 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 Water and Waste Water Engineering Services at the Port of Oakland**, ("On-Call Water and Waste Water Services"), with a contract thereafter executed with **WRECO**, with a current expiration date of October 10, 2020; and

WHEREAS, it is desirable at this time to extend the agreement for **On-Call Water and Waste Water Services** with **WRECO** for work on the **Sewer Pipeline Rehabilitation Project at the Ben E. Nutter Terminal** ("Sewer Pipeline 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 finds that:

A. The Third Supplemental Agreement for the **On-Call Water and Waste Water Services** with **WRECO** 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 with **WRECO**.

B. It is in the best interest of the Port to authorize and approve design project budget in the amount of \$500,000 for the **Sewer Pipeline Project**.

C. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, the proposed action is categorically exempt from CEQA pursuant to Section 15301 Existing Facilities. CEQA does not apply to 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 beyond that existing at the time of the lead agency's determination.

SECTION 2. The Board hereby approves the following:

A. Design project budget in the amount of \$500,000 for the **Sewer Pipeline Project**.

B. Execution of a third supplemental agreement with **WRECO** to extend the **On-Call Water and Waste Water Services** contract for one (1) year, expiring no later than October 10, 2021.

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 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 September 26, 2019
Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and
President Butner – 7
Noes: – 0

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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-97

**RESOLUTION APPROVING AND AUTHORIZING
PROJECT DESIGN BUDGET OF \$525,000 FOR THE
SEWER LIFT STATION REHABILITATION AT BERTHS
57 THROUGH 59 IN THE SEAPORT UTILIZING MOTT
MACDONALD GROUP, INC.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.5 dated September 26, 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 hereby finds and determines that:

A. It is in the best interest of the Port to approve and authorize project budget for design services of \$525,000 utilizing design engineering consultant Mott MacDonald Group, Inc. for **the Sewer Lift Station Rehabilitation Project at Berths 57-59 (D01P, D02P, D03P) ("Sewer Lift Station Project")**.

C. This action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines ("Guidelines"). This proposed project is categorically exempt from CEQA Guidelines pursuant to Section 15301, Existing Facilities which exempts from CEQA the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

SECTION 2. The Board hereby approves and authorizes project budget for design services of \$525,000 for the **Sewer Lift Station 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. 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 September 26, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and
President Butner – 7

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-98

RESOLUTION: (1) AUTHORIZING A PROJECT BUDGET OF \$2,162,677; (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SKIDATA IN THE AMOUNT OF \$1,807,677; (3) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CHANGE ORDERS TO THE EXTENT NECESSARY IN THE AMOUNT NOT TO EXCEED \$180,000; AND (4) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A SIX YEAR CONTRACT WITH SKIDATA FOR MAINTENANCE, EXTENDED PARTS WARRANTY AND RAPID RESPONSE FOR AN AMOUNT NOT TO EXCEED \$450,000 SPREAD OVER SIX YEARS ALL CONCERNING THE JACK LONDON SQUARE PARKING ACCESS AND REVENUE CONTROL SYSTEM UPGRADE PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.6 dated September 26, 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 and determines that:

A. It is in the best interest of the Port to authorize and approve project budget in the amount of \$2,162,677 for the **Jack London Square Parking Access and Revenue Control System Upgrade Project ("PARCS Upgrade Project")**.

B. The proposed professional services agreement with **SKIDATA** for the **PARCS Upgrade Project** 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 **SKIDATA**.

SECTION 2. The Board hereby approves the following concerning the **PARCS Upgrade Project**:

- A. Authorize project budget of \$2,162,677.
- B. Approval of a professional services agreement with **SKIDATA** for design and installation for an amount not to exceed \$1,807,677.
- C. Approval of change orders to the extent necessary in the amount not to exceed \$180,000.
- D. Approval of a maintenance, extended parts warranty, and rapid response agreement with a six (6) year term for an amount not to exceed \$450,000.

SECTION 3. The Board hereby authorizes the Executive Director of the Port ("Executive Director") to:

- A. Enter into a professional services agreement with **SKIDATA** for design and installation of the **PARCS Upgrade Project** for an amount not to exceed \$1,807,677.
- B. Execute change orders to the extent necessary for the **PARCS Upgrade Project** in an amount not to exceed \$180,000.
- C. Execute a maintenance, extended parts warranty, and rapid response agreement with **SKIDATA** for a six (6) year term for an amount not to exceed \$450,000 for the **PARCS Upgrade Project**.
- D. If Port staff is unable to reach agreement with **SKIDATA**, then negotiate and execute a professional services agreement for an amount not to exceed \$1,807,677 and a maintenance, extended parts warranty, and rapid response agreement for an amount not to exceed \$450,000 with the next highest ranked proposer **TIBA Parking Systems**.
- E. Execute such agreements subject to approval as to form and legality by the Port Attorney, and make such additions, modifications, or corrections as necessary to implement the agreements and amendments thereto 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 4. The proposed actions were reviewed in accordance with the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. CEQA Guidelines Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Executing a professional services agreement with **SKIDATA** in support of the **PARCS Upgrade Project** will not have a significant effect on the environment and therefore is not a project

under CEQA, In addition, CEQA Guidelines Section 15301 Existing Facilities exempts from CEQA 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. No further environmental review is required.

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. 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 September 26, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

9/26/2019
Item No.: 6.7
DSC/ms
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RESOLUTION NO. 19-99

**RESOLUTION APPROVING THE APPOINTMENT OF DANNY WAN
AS THE INTERIM EXECUTIVE DIRECTOR EFFECTIVE
OCTOBER 1, 2019 UNTIL THE PERMANENT APPOINTMENT OF
AN EXECUTIVE DIRECTOR, AT AN ANNUAL SALARY OF
\$365,000 PLUS BENEFITS.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.7 dated September 26, 2019 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") Staff, and has provided opportunities for and taken public comment; now, therefore, be it

RESOLVED, that the Board hereby approves the appointment of Danny Wan as the Interim Executive Director effective October 1, 2019 until the permanent appointment of an Executive Director, at an annual salary of \$365,000 plus benefits; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related materials and in testimony received.

At the regular meeting held on September 26, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and
President Butner – 7

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

9/26/2019
Item No. 6.8
DSC/ms

RESOLUTION NO. 19-100

RESOLUTION APPROVING THE APPOINTMENT OF MICHELE HEFFES AS THE INTERIM PORT ATTORNEY EFFECTIVE OCTOBER 1, 2019 UNTIL THE PERMANENT APPOINTMENT OF A PORT ATTORNEY, AT AN ANNUAL SALARY OF \$323,655 PLUS BENEFITS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.8 dated September 26, 2019 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") Staff, and has provided opportunities for and taken public comment; now, therefore, be it

RESOLVED, that the Board hereby approves the appointment of Michele Heffes as the Interim Port Attorney effective October 1, 2019 until the permanent appointment of a Port Attorney, at an annual salary of \$323,655 plus benefits; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related materials and in testimony received.

At the regular meeting held on September 26, 2019
Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and
President Butner – 7

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

9/26/19
Item No.: 6.9
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RESOLUTION NO. 19-101

RESOLUTION SUPPORTING THE RAISING OF THE UNITED
NATIONS FLAG ON THE UNITED NATIONS FLAG POLE AT JACK
LONDON SQUARE AND COMMENDING THE UNITED NATIONS
ASSOCIATION - USA, EAST BAY CHAPTER.

WHEREAS, the Port of Oakland recognizes the key role of international trade in maintaining peaceful relations and prosperity among the peoples of all nations; and

WHEREAS, the Port of Oakland collaborates with the City of Oakland and the Oakland Public Schools to support the Flag of Nations and United Nations Flag Raising to commemorate the founding of the United Nations on October 24, 1945; and

WHEREAS, since the original 50 member states adopted the Charter of the United Nations in 1945, the number of United Nations member states has increased to over 190; and

WHEREAS, in 1966, the Board of Port Commissioners of the City of Oakland passed Resolution No. 16745 permitting the United Nations Flag to be flown in Jack London Square; and

WHEREAS, the Port of Oakland supports the 53rd Annual United Nations Parade of Flags on Sunday, October 6, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Port Commissioners of the City of Oakland hereby commends the United Nations Association - USA (UNA-USA), East Bay Chapter for advocating, educating, and collaborating about the commemoration of United Nations Day. The UNA-USA, East Bay Chapter has kept its commitment to the partnership with the Port of Oakland, the City of Oakland, the JROTC of the Oakland Public Schools, and the Oakland Friends of the United Nations, to support the Flag Parade and the United Nations Flag Raising Ceremony at the United Nations Flag Pole in Jack London Square.

At the regular meeting held on September 26, 2019
Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and
President Butner - 7

Noes: - 0