

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 20-01

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF THE FOLLOWING AGREEMENTS REGARDING THE BERTH 35 DREDGING INCIDENT AND RELATED MATTERS: 1) A COMPLAINT, CONSENT AGREEMENT AND FINAL ORDER, DOCKET NO. MPRSA-09-2020 WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WHEREBY THE PORT OF OAKLAND ("PORT") WILL PAY \$300,000; AND 2) A SETTLEMENT AGREEMENT AND RELEASE: EPA ENFORCEMENT OF BERTH 35 DREDGING EVENT WITH DUTRA CONSTRUCTION CO., INC. WHEREBY DUTRA WILL PAY THE PORT A TOTAL OF \$245,000.

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board the following agreements regarding the Berth 35 dredging incident and related matters: 1) a Complaint, Consent Agreement and Final Order, Docket No. MPRSA-09-2020 with the United States Environmental Protection Agency ("EPA") whereby the Port of Oakland ("Port") will pay \$300,000; and 2) a Settlement Agreement and Release: EPA Enforcement of Berth 35 Dredging Event with Dutra Construction Co., Inc. ("Dutra") whereby Dutra will pay the Port a total of \$245,000; and be it

FURTHER RESOLVED, that 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 in accordance with the terms of this resolution. 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 parties, there shall be no valid or effective agreement; and be it

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

At the regular meeting held on January 23, 2020
Passed by the following vote:

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

Noes: – 0

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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 20-02

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A SETTLEMENT AGREEMENT AND PARTIAL RELEASE
WITH RESPECT TO THE FORMER MOBIL OIL SITE AT
BERTHS 23/24 WITH ZURICH AMERICAN INSURANCE
COMPANY IN THE AMOUNT OF \$45,000 COVERING CERTAIN
ENVIRONMENTAL COSTS INCURRED FROM JULY 1, 2017,
THROUGH JUNE 30, 2018.**

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board a Settlement Agreement and Partial Release With Respect to The Former Mobil Oil Site at Berths 23/24 with **ZURICH AMERICAN INSURANCE COMPANY ("ZURICH")**, whereby, among other matters, **ZURICH** will pay the Port of Oakland ("Port") \$45,000 covering certain environmental costs incurred from July 1, 2017, through June 30, 2018; and be it

FURTHER RESOLVED, that 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 in accordance with the terms of this resolution. 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 parties, there shall be no valid or effective agreement; and be it

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

At the regular meeting held on January 23, 2020
Passed by the following vote:

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

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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 20-03

**RESOLUTION CONSENTING TO ASSIGNMENT OF A
SPACE/USE PERMIT FOR FOOD AND BEVERAGE
CONCESSION FOR UNIT NO. T1-FB-G9 AT
OAKLAND INTERNATIONAL AIRPORT FROM
SOARING FOOD GROUP, LLC TO SOARING FOOD
GROUP II, LLC.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.1, dated January 23, 2020 ("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; and

WHEREAS, on November 8, 2018, the Board approved a Space/Use Permit for Food and Beverage Concession ("SUP") with Soaring Food Group, LLC for Unit T1-FB-G9 in Terminal 1 at Oakland International Airport;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report and testimony received, the Board hereby:

A. Consents to the assignment of the SUP from Soaring Food Group, LLC to Soaring Food Group II, LLC; and

B. Authorizes the Executive Director to execute the appropriate documentation to consent to the assignment, subject to approval as to form and legality by the Port Attorney.

SECTION 2. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate

written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

At the regular meeting held on January 23, 2020

Passed by the following vote:

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

Noes: – 0

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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 20-04

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTS, INCLUDING AN OTHER TRANSACTION AGREEMENT AND A STATEMENT OF JOINT OBJECTIVES, TO PARTICIPATE IN THE TRANSPORTATION SECURITY ADMINISTRATION'S ("TSA") LAW ENFORCEMENT OFFICER REIMBURSEMENT PROGRAM FOR THREE YEARS COMMENCING APRIL 2020, WHICH MAY BE EXTENDED AT TSA'S DISCRETION, FOR AN ESTIMATED PARTIAL REIMBURSEMENT OF \$343,100 PER YEAR.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.3, dated January 23, 2020 ("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, based upon the information contained in the Agenda Report, the Board hereby authorizes the Executive Director to execute all necessary Law Enforcement Officer ("LEO") Reimbursement Program documents with the Transportation Security Administration ("TSA"), including the TSA's Other Transaction Agreement and Statement of Joint Objectives for three years (starting April 2020), which may be extended at TSA's discretion, for an estimated partial reimbursement of \$343,100 per year, subject to approval as to form and legality by the Port Attorney, as more fully set forth in the Agenda Report; and be it

FURTHER RESOLVED, the Board hereby finds that there is no possibility that participating in the TSA's LEO Reimbursement Program will have a significant effect on the environment, and is therefore not a "Project" under the California Environmental Quality Act (CEQA), and is not subject to CEQA under the General Rule Exclusion in Section 15061(b)(3) of the Guidelines which states that CEQA applies only to projects that have a potential for causing a significant effect on the environment; and be it

FURTHER RESOLVED, that 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 one or more agreements in accordance with the terms of this resolution. Unless and until separate written agreements are duly executed on behalf of the Board as authorized by this resolution, are signed and approved as to form and legality by the Port Attorney, and are delivered to the other contracting party, there shall be no valid or effective agreements; 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 January 23, 2020

Passed by the following vote:

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

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

1/23/2020
Item No. 2.7
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RESOLUTION NO. 20-05

RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR OR HIS DESIGNEE TO
SUBMIT TO THE CALIFORNIA ENERGY COMMISSION
AN ATTESTATION OF THE VERACITY OF THE PORT
OF OAKLAND'S POWER SOURCE DISCLOSURE
REPORT, INCLUDING THE POWER CONTENT LABEL.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 2.7 dated January 23, 2020, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and declares the following:

- a. Section 398.5 of the California Public Utilities Code requires retail suppliers in the State of California to annually report to the California Energy Commission, among other things, the sources of energy or electricity products offered to such retail suppliers' end-use customers. The Port of Oakland ("Port") is a retail supplier within the meaning of Section 398.5.
- b. Section 1394(b)(1), Article 5, Title 20 of the California Code of Regulations requires that retail providers prepare the annual report pursuant to certain specified procedures, but Section 1394(b)(2) of such Regulations allows retail providers that are public agencies to satisfy the procedural requirements for the preparation of the annual report by approving at a public meeting the submission to the California Energy Commission of an attestation of the veracity of the annual report.

- c. Port staff have prepared the Port's Power Source Disclosure Report, including the Power Content Label (the "Report") and submitted the Report to the California Energy Commission in June 2019.
- d. The submittal of an attestation of the veracity of the Report and to the California Energy Commission was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the CEQA Guidelines. 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 the proposed action will result in a physical change in the environment, and therefore it is not subject to CEQA and no further environmental review is required.

Section 2. The Board hereby authorizes the Executive Director or his designee to submit to the California Energy Commission an attestation of the veracity of the Port's Power Source Disclosure Report, including the Power Content Label pursuant to Section 1394(b)(2) described above.

At the regular meeting held on January 23, 2020

Passed by the following vote:

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

Noes: – 0

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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 20-06

RESOLUTION AUTHORIZING \$335,000 IN CAPITAL BUDGET TO IMPLEMENT AN AIRPORT MAPPING AND INTERACTIVE WAYFINDING (MAP) SOLUTION AND FUTURE PURCHASE OF 20 INTERACTIVE KIOSKS AND ASSOCIATED COMPUTER HARDWARE AT THE OAKLAND INTERNATIONAL AIRPORT, AND APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AGREEMENTS WITH ART OF CONTEXT, INC. TO LICENSE AND IMPLEMENT THE MAP AT A COST NOT TO EXCEED \$135,000 AND PROVIDE 7 YEARS OF SOFTWARE LICENSING AND 3RD LEVEL SUPPORT FOR THE MAP AT A COST NOT TO EXCEED \$75,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.1, dated January 23, 2020 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 the requested action is exempt from 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 approvals will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby:

- (A) Authorizes \$335,000 in capital budget to implement an Airport Mapping and Interactive Wayfinding (MAP) solution and for a future purchase of up to 20 interactive kiosks with associated computer hardware at the Oakland International Airport, as further described in the Agenda Report; and

- (B) Approves and authorizes the Executive Director to enter into agreements with **Art of Context, Inc.** to license and implement the MAP for a cost not to exceed \$135,000, and to provide seven years of software licensing and 3rd level support for the MAP for a cost not to exceed \$75,000, as further described in the Agenda Report and provided that all agreements 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 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.

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

At the regular meeting held on January 23, 2020

Passed by the following vote:

Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, Story and

President Butner – 7

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 20-07

RESOLUTION AUTHORIZING: (1) A BUDGET OF \$1,082,000 AND (2) THE EXECUTIVE DIRECTOR TO DISPENSE WITH STANDARD BIDDING PROCEDURES AND ENTER INTO A SOLE SOURCE AGREEMENT WITH JBT AEROTECH FOR A NOT TO EXCEED AMOUNT OF \$1,064,000 FOR THE GATE 9A PASSENGER BOARDING BRIDGE REPLACEMENT PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2 dated January 23, 2020 ("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 budget in the amount of \$1,082,000 for the **Gate 9A Passenger Board Bridge Replacement Project ("Gate 9A Bridge Project")**.

B. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to waive formal competitive procurement requirements for the **Gate 9A Bridge Project** to maintain operational efficiency and safety at Oakland International Airport ("Airport") and to contract directly with **JBT Aerotech ("JBT")** for these services.

SECTION 2. The Board hereby approves and authorizes a project budget of \$1,082,000 for the **Gate 9A Bridge Project**.

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

A. Execute a sole source agreement ("Agreement") with **JBT** for the **Gate 9A Bridge Project** for a total maximum contract amount not to exceed \$1,064,000.

B. Execute such Agreement, 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 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 CEQA Guidelines. This project involves replacing existing facilities with those that have the same purpose and capacity and therefore, it is exempt from CEQA pursuant to CEQA Guidelines Section 15302(c), Class 2 Replacement or Reconstruction.

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 January 23, 2020

Passed by the following vote:

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

Noes: – 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 20-08

RESOLUTION: (1) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH BOCKMON & WOODY ELECTRIC, CO., INC. IN AN AMOUNT NOT TO EXCEED \$972,000; AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO DISPENSE WITH STANDARD BIDDING PROCEDURES AND AWARD A PROCUREMENT CONTRACT WITH TRANSPORTATION POWER, INC. FOR 10 CHARGING STATIONS IN AN AMOUNT NOT TO EXCEED \$200,000, FOR THE ELECTRIC TRUCK CHARGING STATIONS (ZERO AND NEAR-ZERO EMISSIONS FREIGHT FACILITIES GRANT) PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3 dated January 23, 2020 ("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. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to waive formal competitive procurement requirements for the procurement of ten (10) electric truck charging units ("charging units") at the Shippers Transport Express facility ("Shippers Facility") as part of the Zero and Near-Zero Emissions Freight Facilities ("Zanzeff") Project as these charging units can only be obtained from one source, **Transportation Power, Inc.**, and to contract directly with **Transportation Power, Inc.** for these charging units.

B. It is in the best interest of the Port to authorize the installation of the charging units at the Shippers Facility as part of the Zanzeff Project ("Charging Units 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.

SECTION 2. The Board hereby approves the following concerning the **Charging Units Project**.

A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual.

B. Award of a contract for the **Charging Units Project** to **Bockmon & Woody Electric Co., Inc.**, the lowest responsible responsive bidder, in a total amount not to exceed \$972,000 ("Contract").

C. Rejection of all other bids received and direction that securities accompanying said bids shall be returned to the respective bidders.

D. Approval of an agreement with **Transportation Power, Inc.** for procurement of the charging units for an amount not to exceed \$200,000 ("Agreement").

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

A. Finally resolve bid protests in connection with the **Charging Units Project** pursuant to the Port Purchasing Ordinance.

B. Enter into a Contract for the **Charging Units Project** to **Bockmon & Woody Electric Co., Inc.**, the lowest responsible responsive bidder, in a total amount not to exceed \$972,000.

C. Execute contract change orders to the extent necessary for the **Charging Units Project** in an amount not to exceed \$195,800.

D. Execute an agreement with **Transportation Power, Inc.** for procurement of the charging units for an amount not to exceed \$200,000.

E. Execute such Agreement and Contract, 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, the Contract, 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 CEQA Guidelines. On June 14, 2018, the Board determined that project activities are covered in the Oakland Army Base Redevelopment Project Environmental Impact Report. No changes have been proposed to the

project that would require supplemental environmental review per Section 15162 of the CEQA Guidelines. 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 January 23, 2020
Passed by the following vote:

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