

MA

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 20-87**

**RESOLUTION    APPROVING    BUILDING    PERMIT  
REQUESTED    BY    U.S.    CUSTOMS    AND    BORDER  
PROTECTION    FOR WORK    AT 5190 7<sup>th</sup> STREET,  
BERTH 35, OAKLAND.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.1 - the Summary Approval for Permit Application (Port Permit No. 5310) dated December 2, 2020, - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

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

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") under Section 15301, Class 1(a) of the CEQA Guidelines, which exempts projects involving minor interior or exterior alterations to existing facilities involving negligible or no expansion of an existing use.

**Section 2.** In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work (defined below):

A. Applicant: **U.S. Customs and Border Protection.**

B. Premises: 5190 7<sup>th</sup> Street, Berth 35, Oakland, California.

C. Estimated Cost: \$665,000.00.

D. Work: Upgrades of existing U.S. Customs and Border Protection equipment at the Everport Terminal exit gate, including replacement of traffic control devices and signs, and installation of a new 23-foot-tall camera tower, new concrete foundations, and related utilities.

E. Sustainability: The objective of the Work is to improve efficiency for exiting truck traffic, thereby reducing emissions. The Work will follow the California Green Building Code for new materials, and all debris will be handled according to the California waste reduction and recycling regulations.

**Section 3.:** (a) Neither this resolution nor the Board's approval of said Work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant; or (ii) releases Applicant from any obligation with respect to said Work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

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

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 20-88**

**RESOLUTION APPROVING BUILDING PERMIT  
REQUESTED BY U.S. CUSTOMS AND BORDER  
PROTECTION FOR WORK AT 2800 7<sup>th</sup> STREET,  
BERTH 30, OAKLAND.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.2 - the Summary Approval for Permit Application (Port Permit No. 5311) dated December 2, 2020, - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

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

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") under Section 15301, Class 1(a) of the CEQA Guidelines, which exempts projects involving minor interior or exterior alterations to existing facilities involving negligible or no expansion of an existing use.

**Section 2.** In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain Work (defined below) at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

A. Applicant: **U.S. Customs and Border Protection.**

B. Premises: 2800 7<sup>th</sup> Street, Berth 30, Oakland, California.

C. Estimated Cost: \$607,000.00.

D. Work: Upgrades of existing U.S. Customs and Border Protection equipment at the TraPac Terminal exit gate, including replacement of traffic control devices and signs, and installation of a new 23-foot-tall camera tower, new concrete foundations, and related utilities.

E. Sustainability: The objective of the Work is to improve efficiency for exiting truck traffic, thereby reducing emissions. The Work will follow the California Green Building Code for new materials, and all debris will be handled according to the California waste reduction and recycling regulations.

**Section 3.:** (a) Neither this resolution nor the Board's approval of said work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant; or (ii) releases Applicant from any obligation with respect to said Work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

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

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0

MA

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 20-89**

**RESOLUTION APPROVING BUILDING PERMIT  
REQUESTED BY U.S. CUSTOMS AND BORDER  
PROTECTION FOR WORK AT 1717 MIDDLE HARBOR  
ROAD, OAKLAND INTERNATIONAL CONTAINER  
TERMINAL ("OICT"), OAKLAND.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.3 - the Summary Approval for Permit Application (Port Permit No. 5312) dated December 2, 2020, - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

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

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") under Section 15301, Class 1(a) of the CEQA Guidelines, which exempts projects involving minor interior or exterior alterations to existing facilities involving negligible or no expansion of an existing use.

**Section 2.** In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain Work (defined below) at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

**A. Applicant: U.S. Customs and Border Protection.**

B. Premises: 1717 Middle Harbor Road, OICT, Oakland, California.

C. Estimated Cost: \$1,200,000.00.

D. Work: Upgrades of existing U.S. Customs and Border Protection equipment at the Oakland International Container Terminal exit gate, including replacement of traffic control devices and signs, and installation of five new 23-foot-tall camera tower, new concrete foundations, and related utilities.

E. Sustainability: The objective of the Work is to improve efficiency for exiting truck traffic, thereby reducing emissions. The Work will follow the California Green Building Code for new materials, and all debris will be handled according to the California waste reduction and recycling regulations.

**Section 3.:** (a) Neither this resolution nor the Board's approval of said Work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said Work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

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

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

12/17/2020  
Item No. 2.4  
MCR/msr

*MA*

**RESOLUTION NO. 20-90**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) ENTER INTO A CONTRACT WITH MCGUIRE AND HESTER IN AN AMOUNT NOT TO EXCEED \$1,063,540; AND (2) EXECUTE CONTRACT CHANGE ORDERS TO THE EXTENT NECESSARY IN AN AMOUNT NOT TO EXCEED \$160,000 CONCERNING THE BERTHS 57, 58, 59 SANITARY SEWER LIFT STATION REHABILITATION PROJECT.**

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**WHEREAS,** the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.4 dated December 17, 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. The proposed actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The proposed project is categorically exempt from the California Environmental Quality Act ("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 existing or former use.

B. It is in the best interest of the Port to authorize the **Berth 57, 58, 59 Sanitary Sewer Lift Station Rehabilitation Project ("Berths 57-59 Sewer 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 the Berths 57-59 Sewer Project.

**Section 2.** The Board hereby approves the following concerning the **Berths 57-59 Sewer Project**:

A. Award of a contract for construction to McGuire and Hester, the lowest responsible responsive bidder, in a total amount not to exceed \$1,063,540.

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

**Section 3.** The Board hereby authorizes the Executive Director to do the following concerning the **Berths 57-59 Sewer Project**:

A. Finally resolve bid protests pursuant to the Port Purchasing Ordinance.

B. Enter into a contract for construction with McGuire and Hester, the lowest responsible responsive bidder, in a total amount not to exceed \$1,063,540.

C. Execute contract change orders to the extent necessary in an amount not to exceed \$160,000.

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

A. The Chief Engineer is authorized to approve the project manual and plans for the **Berths 57-59 Sewer 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.** This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

**Section 6.** This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0

*MA*

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 20-91**

**RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HALEY & ALDRICH, INC. IN AN AMOUNT NOT TO EXCEED \$1,137,500 FOR PROFESSIONAL SERVICES SUPPORT FOR BERTH MAINTENANCE DREDGING FOR A PERIOD OF THREE YEARS.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.5, dated December 17, 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 hereby finds and determines that:

A. The proposed action was reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines. This project is categorically exempt from the requirements of CEQA pursuant to Section 15306, which pertains to data collection that does not result in a serious or major disturbance to an environmental resource.

B. The Professional Services Agreement ("Agreement") with **Haley & Aldrich, Inc. ("Haley")** 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 **Haley**.

**Section 2.** The Board hereby:

A. Approves the Agreement with **Haley** to provide professional services support for Berth Maintenance Dredging for an amount not to exceed \$1,137,500 for a period of three (3) years, and as further described in the Agenda Report.

B. Authorizes the Executive Director of the Port ("Executive Director") to execute such Agreement, subject to approval as to form and legality by the Port Attorney.

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

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

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 20-92**

**RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH MOFFAT & NICHOL IN AN AMOUNT NOT TO EXCEED \$1,020,500 FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE BERTHS 55 THROUGH 59 WHARF UPGRADES PROJECT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.6, dated December 17, 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 hereby finds and determines that:

A. The proposed action was reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines. This project is categorically exempt from the requirements of CEQA 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 existing or former use.

B. The Professional Services Agreement ("Agreement") with **Moffat & Nichol ("Moffat")** 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 **Moffat**.

**Section 2.** The Board hereby:

A. Approves the Agreement with **Moffat** to provide professional services for design and construction support services for the Berths 55 through 59 Wharf Upgrades Project for an amount not to exceed \$1,020,500, and as further described in the Agenda Report.

B. Authorizes the Executive Director of the Port ("Executive Director") to execute such Agreement, subject to approval as to form and legality by the Port Attorney.

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

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

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

12/17/2020  
Item No. 2.7  
MCR/msr

*MA*

**RESOLUTION NO. 20-93**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO:**  
**(1) ENTER INTO A CONTRACT WITH POWER ENGINEERING**  
**CONSTRUCTION COMPANY IN AN AMOUNT OF \$921,750; AND**  
**(2) EXECUTE CONTRACT CHANGE ORDERS TO THE EXTENT**  
**NECESSARY IN AN AMOUNT NOT TO EXCEED \$200,000**  
**CONCERNING THE DEMOLITION AND REMOVAL OF PORT OF**  
**OAKLAND CRANES X402, X403, AND X404 AT BERTHS 20**  
**AND 21 PROJECT.**

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**WHEREAS,** the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.7 dated December 17, 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. The proposed actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The removal of Cranes X402, X403, and X404 would not result in a physical change in the environment, and 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. Therefore, no further environmental review is required.

B. It is in the best interest of the Port to authorize the Demolition and Removal of Port of Oakland Cranes X402, X403, and X404 at Berths 20 and 21 Project ("Crane Demolition 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 the Crane Demolition Project.

**Section 2.** The Board hereby approves the following concerning the Crane Demolition Project:

A. Award of a contract for construction to Power Engineering Construction Company, the lowest responsible responsive bidder, in a total amount not to exceed \$921,750.

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

**Section 3.** The Board hereby authorizes the Executive Director of the Port ("Executive Director") to do the following concerning the Crane Demolition Project:

A. Finally resolve bid protests pursuant to the Port Purchasing Ordinance.

B. Enter into a contract for construction with Power Engineering Construction Company, the lowest responsible responsive bidder, in a total amount not to exceed \$921,750.

C. Execute contract change orders to the extent necessary in an amount not to exceed \$200,000.

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

A. The Chief Engineer is authorized to approve the project manual and plans for the Crane Demolition 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.** This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

**Section 6.** This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

12/17/2020  
Item No. 2.8  
MCR/msr

*MA*

**RESOLUTION NO. 20-94**

RESOLUTION AUTHORIZING THE EXECUTIVE  
DIRECTOR TO: (1) ENTER INTO A CONTRACT  
WITH BAY CONSTRUCTION COMPANY IN AN AMOUNT  
NOT TO EXCEED \$1,593,410; AND (2) EXECUTE  
CONTRACT CHANGE ORDERS TO THE EXTENT  
NECESSARY IN AN AMOUNT NOT TO EXCEED  
\$240,000 CONCERNING THE SANITARY SEWER  
REHABILITATION OUTER HARBOR BERTHS 20-24  
PROJECT.

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.8 dated December 17, 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. The proposed actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The proposed project is categorically exempt from the California Environmental Quality Act ("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 existing or former use.

B. It is in the best interest of the Port to authorize the **Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project ("Berths 20-24 Sewer 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 the Crane Demolition Project.

**Section 2.** The Board hereby approves the following concerning the **Berths 20-24 Sewer Project**:

A. Award of a contract for construction to Bay Construction Company, the lowest responsible responsive bidder, in a total amount not to exceed \$1,593,410.

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

**Section 3.** The Board hereby authorizes the Executive Director to do the following concerning the **Berths 20-24 Sewer Project**:

A. Finally resolve bid protests pursuant to the Port Purchasing Ordinance.

B. Enter into a contract for construction with Bay Construction Company, the lowest responsible responsive bidder, in a total amount not to exceed \$1,593,410.

C. Execute contract change orders to the extent necessary in an amount not to exceed \$240,000.

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

A. The Chief Engineer or Principal Engineer is authorized to approve the project manual and plans for the **Berths 20-24 Sewer 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.** This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

**Section 6.** This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0

MA

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 20-95**

**RESOLUTION APPROVING A LETTER AGREEMENT WITH  
THE CITY OF OAKLAND FOR REFORMATION AND  
MAINTENANCE COSTS RELATED TO COMMUNITY  
FACILITIES DISTRICT NO. 2015-1 FOR AN AMOUNT  
NOT TO EXCEED \$152,281.73 FOR CERTAIN COSTS  
FOR FISCAL YEARS 2019-20 AND 2020-21.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.9, dated December 17, 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**, the City of Oakland (the "City") has established Community Facilities District No. 2015-1 (Gateway Industrial District)(the "CFD") to provide funds to maintain certain City-owned and City-maintained public improvements within the former Oakland Army Base ("OAB"); and

**WHEREAS**, the City and the Port staff have been in discussions for the CFD to annex certain Port owned OAB property, whereby the Port tenants on such Port-owned property would be assessed a special tax; and

**WHEREAS**, for Fiscal Year 2019-20, the City budgeted \$638,028.54 for maintenance costs, and for Fiscal Years 2018-19 and 2019-20 combined, the City budgeted \$100,000 for reformation costs. The City requested the Port contribute 50% of these costs. In November 2019, Port staff recommended and the Board approved this request and the Port paid the City \$369,014.27. As of June 30, 2020, the City had spent \$227,792.59 on maintenance (underspent) and \$116,402.41 on reformation (overspent); and

**WHEREAS**, the City anticipates that the total CFD maintenance cost for Fiscal Year 2020-21 will be approximately \$623,396.99 and \$75,000

for reformation costs, and has requested that the Port pay half of such costs; and

**WHEREAS**, the City has requested a total of \$152,281.73 for reformation and maintenance costs related to the CFD for Fiscal Years 2019-20 and 2020-21, which is comprised of \$37,500.00 for Fiscal Year 2020-21 reformation costs, plus \$311,698.50 for Fiscal Year 2020-21 maintenance costs, plus \$8,201.21 for Fiscal Year 2019-20 reformation costs, less \$205,117.98 credit from unspent Fiscal Year 2019-20 maintenance costs;

**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. Authorizes the payment of an amount not to exceed \$152,281.73 for reformation and maintenance costs related to the CFD for Fiscal Years 2019-20 and 2020-21; and

B. Authorizes the Executive Director to enter into a letter agreement with the City to pay reformation and maintenance costs related to the CFD for an amount not to exceed \$152,281.73 for Fiscal Years 2019-20 and 2020-21, 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.

**Section 3.** This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

12/17/2020  
Item No. 2.10  
CF/msr

NA

**RESOLUTION NO. 20-96**

**RESOLUTION ADOPTING A RENEWABLE ENERGY RESOURCES  
PROCUREMENT PLAN AND A RENEWABLE PORTFOLIO STANDARD  
ENFORCEMENT PROGRAM WITH AN ASSOCIATED OVERALL  
INCREASE IN PORT OF OAKLAND UTILITIES EXPENSES FROM  
FISCAL YEAR 2021 THROUGH FISCAL YEAR 2030 OF  
APPROXIMATELY \$7.4 MILLION.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 2.10 dated December 17, 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 that the adoption of a Renewable Energy Resources Procurement Plan and a Renewable Portfolio Standard Enforcement Program were 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. Adopting a Renewable Energy Resources Procurement Plan and a Renewable Portfolio Standard Enforcement Program will not have 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 adopts the Renewable Energy Resources Procurement Plan and the Renewable Portfolio Standard Enforcement Program.

**Section 3.** This resolution shall be effective immediately upon adoption by the Board.

**At the regular meeting held on December 17, 2020**

**Passed by the following vote:**

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

**Noes: – 0**

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

12/17/2020  
Item No. 5.2  
CF/msr



**RESOLUTION NO. 20-97**

**RESOLUTION AMENDING PORT OF OAKLAND ("PORT")  
RESOLUTION NO. 19-41 TO: 1) REMOVE THE REQUIREMENT  
FOR A YEAR 2019 EMISSIONS INVENTORY FOR OCEAN-GOING  
VESSELS, TUGS, AND RAIL; AND 2) UPDATE THE PORT'S  
SEAPORT AIR QUALITY 2020 AND BEYOND PLAN  
INTERMEDIATE-TERM EQUIPMENT AND INFRASTRUCTURE GOAL  
I-2 TO ACCELERATE THE ZERO-EMISSIONS TRUCK  
DEPLOYMENT TO 17 ZERO-EMISSIONS DRAYAGE TRUCKS BY  
2021.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 5.2 dated December 17, 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**, on June 13, 2019, the Board of Port Commissioners ("Board") approved the Port of Oakland Seaport Air Quality 2020 and Beyond Plan - The Pathway to Zero Emissions ("2020 and Beyond Plan") pursuant to Port Resolution Number 19-41; and

**WHEREAS**, pursuant to Port Resolution Number 19-41, the Board directed Port staff to conduct a set of additional studies, reports, and plans in relation to the 2020 and Beyond Plan including preparation of a 2019 Emissions Inventory ("EI") for ocean-going vessels ("OGVs"), tugboats, and rail tenants, as well as a feasibility analysis of replacing all drayage trucks at the Port with zero-emissions ("ZE") trucks including the feasibility of related goals and metrics; and

**WHEREAS**, on July 23, 2020, pursuant to Port Resolution Number 20-59, the Board directed Port staff to prepare an implementation plan to accelerate the existing Intermediate Term Equipment Goal I-2 Zero-Emissions Truck Deployment; 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 this action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed action, to amend Port Resolution No. 19-41 to remove the requirement for a Year 2019 EI for OGVs, tugs, and rail, as well as the update to the Intermediate-Term Equipment and Infrastructure Goal I-2 to accelerate the ZE truck deployment, will not have a significant effect on the environment and therefore is not a project under CEQA. No further review under CEQA is required for the proposed action.

**Section 2.** The Board authorizes and hereby amends Port Resolution No. 19-41 to: (1) remove the requirement for the Year 2019 EI limited to OGVs, tugs, and rail; and (2) revise the Intermediate-Term Equipment and Infrastructure Goal I-2 to accelerate ZE drayage truck deployment to deploy 17 ZE drayage trucks by 2021 instead of deploying 21 ZE drayage trucks by 2027.

**Section 3.** This resolution shall become effective immediately upon adoption by the Board.

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0



*MA*

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 20-98**

**RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTIVE DIRECTOR TO ENTER INTO AN  
AMENDMENT NO. 3 TO MAPLA WITH THE BUILDING  
AND CONSTRUCTION TRADES COUNCIL OF ALAMEDA  
COUNTY, AFL-CIO TO EXTEND THE TERM FOR FIVE  
YEARS.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 5.3, dated December 17, 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**, the Port and Building and Construction Trades Council of Alameda County, AFL-CIO (and its affiliated unions), entered into: the Port of Oakland Maritime and Aviation Project Labor Agreement ("MAPLA") dated February 1, 2016; the MAPLA Clerical Amendment to Duration Clause dated February 23, 2016; and MAPLA Amendment No. 2 Regarding Substance Abuse Testing Policy dated August 29, 2017; and

**WHEREAS**, Port staff will undertake various best practices within the existing mechanisms of the MAPLA, including identifying best practices to develop a small, local, and minority-owned participation outreach and education plan, that were identified through discussions with stakeholders and with the Board; 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 Section 15061(b)(3) of the CEQA Guidelines, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The requested action does not involve a commitment to any specific project that may result

in a potentially significant physical impact on the environment and therefore is not a "project" under CEQA.

**Section 2.** The Board hereby approves and authorizes the Executive Director to execute all agreements necessary to enter into an Amendment No. 3 to MAPLA with the **Building and Construction Trades Council of Alameda County, AFL-CIO** to extend the term for five years, 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 Port. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

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

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Recused: President Cluver – 1

Noes: – 0

MA

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 20-99**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT TO THE TRUCK PARKING MANAGEMENT AGREEMENT WITH ABM INDUSTRY GROUPS, LLC DOING BUSINESS AS ABM PARKING SERVICES FOR THE SEAPORT TRUCK PARKING/CONTAINER DEPOT EXTENDING THE TERM FOR 89 DAYS FROM FEBRUARY 1, 2021, THROUGH APRIL 30, 2021.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1, dated December 17, 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; and

**WHEREAS**, the Port entered into a Parking Management Agreement ("Agreement") with AMPCO Systems Parking ("AMPCO") on August 1, 2007, for approximately 15 acres of truck parking at the former Oakland Army Base, with the leased area moving to the Howard Terminal and Berths 20-21 terminal areas in January 31, 2021; and

**WHEREAS**, on December 8, 2016, AMPCO changed its name to **ABM Industry Groups, LLC, doing business as ABM Parking Services ("ABM")**, with the operations and management of the Port's truck parking unchanged;

**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") pursuant to CEQA Guidelines Section 15301, which exempts 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 existing or former use.

**Section 2.** The Board hereby approves and authorizes the Executive Director of the Port ("Executive Director") to execute a Supplemental Agreement and any other documents necessary to effectuate an eighty-nine (89) day extension to the Agreement with **ABM** for the Seaport Truck Parking/Container Depot through April 30, 2021, at an estimated total cost of \$975,000, an estimated total gross revenue of \$1,800,000, and

an estimated net revenue of \$825,000, and 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 Port. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

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

At the regular meeting held on December 17, 2020

Passed by the following vote:

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

Noes: – 0