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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 21-01**

**RESOLUTION APPROVING AND RE-CERTIFYING THE  
PORT OF OAKLAND'S SEWER SYSTEM MANAGEMENT  
PLAN DATED SEPTEMBER 2020.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item No. 5.1 dated January 28, 2021, 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; and

**WHEREAS**, on May 2, 2006, the State Water Resources Control Board ("State Water Board") adopted the Statewide General Waste Discharge Requirements ("WDR") Order No. 2006-0003 for all publicly owned sanitary sewer collection systems; and

**WHEREAS**, the intent of the WDR is to collect information on the causes and sources of sanitary sewer overflows ("SSO") statewide to determine the full impact on public health and the environment; and

**WHEREAS**, an SSO occurs when sewage spills onto a public right of way and/or private property because sewer lines are blocked, clogged, or obstructed; and

**WHEREAS**, under the terms of the WDR, publicly owned collection systems that own and operate more than one mile of pipes are required to take necessary steps to prevent SSOs, to comply with the reporting requirements, and to implement a Sewer System Management Plan ("SSMP") which must be updated every five years following the original adoption date and must include any significant program changes and re-certification by the governing board when significant updates to the SSMP are made; and

**WHEREAS**, on May 18, 2010, the Port adopted its first Sewer System Management Plan ("2010 SSMP") pursuant to the requirements of the State Water Board's WDR; and

**WHEREAS**, on July 9, 2015, the Board, by Port Resolution No. 15-073, approved an Update to the 2010 SSMP ("2015 SSMP") in compliance with the WDR requirements including the amended Monitoring and Reporting Plan ("MRP") which became effective on September 9, 2013; and

**WHEREAS**, in 2020, Port staff performed the required five-year update to the 2015 SSMP including program changes since 2015, resulting in the finalization of the Sewer System Management Plan dated September 2020 ("2020 SSMP");

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

**Section 1.** The proposed updates to the SSMP as documented in the 2020 SSMP have been determined to be exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. Updating the SSMP itself will not result in a physical change in the environment, and therefore this action is not subject to CEQA and no further environmental review is required. In addition, continuing administrative or maintenance activities, personnel-related actions, and general policy and procedure making, such as the proposed administrative and procedural changes to implementation of the 2020 SSMP, are not projects under CEQA pursuant to Section 15378(b)(2) of the CEQA Guidelines. Individual rehabilitation and maintenance projects proposed for implementation pursuant to the 2020 SSMP would be subject to CEQA review at the time they are proposed.

**Section 2.** The Board hereby approves and re-certifies the 2020 SSMP in compliance with the WDR and authorizes the Executive Director to make necessary administrative and procedures changes to implement the 2020 SSMP program elements.

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

At the regular meeting held on January 28, 2021

Passed by the following vote:

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

Noes: – 0

Excused: Commissioner Leslie – 1



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 21-02**

**RESOLUTION (1) APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$3,800,000 AND (2) APPROVING AN INCREASE OF \$2,000,000 TO THE PROJECT BUDGET RESULTING IN A TOTAL PROJECT BUDGET OF \$5,000,000 CONCERNING THE OAKLAND HARBOR TURNING BASINS WIDENING FEASIBILITY STUDY.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.1, dated January 28, 2021 ("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. The hiring of a consultant to conduct environmental and technical studies is not a project as defined in the CEQA Guidelines under Public Resources Code Section 21065 because CEQA defines projects as activities that have the potential for causing significant effect on the environment. Further, executing the proposed professional service agreement ("Agreement") with AECOM Technical Services, Inc. ("**AECOM**") to conduct environmental planning and perform technical studies does not commit the Port to a project and as such does not require environmental review under CEQA.

B. The Agreement with **AECOM** 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 **AECOM**.

**Section 2.** The Board hereby:

A. Approves the Agreement with **AECOM** to provide

professional services for environmental planning and technical support services for the Oakland Harbor Turning Basins Widening Feasibility Study in the amount not to exceed \$3,800,000, 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.

D. Approves an increase of \$2,000,000 to the project budget resulting in a total project budget of \$5,000,000.

**Section 3.** This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the 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 4.** This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on January 28, 2021

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**

1/28/2021  
Item No. 6.2  
MCR/msr

MH

**RESOLUTION NO. 21-03**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO:  
(1) ENTER INTO A CONTRACT WITH SILMAN VENTURE  
CORPORATION DBA SILMAN INDUSTRIES IN AN AMOUNT NOT  
TO EXCEED \$1,178,000; AND (2) EXECUTE CONTRACT  
CHANGE ORDERS TO THE EXTENT NECESSARY IN AN AMOUNT  
NOT TO EXCEED \$176,700 CONCERNING THE  
REHABILITATION OF SANITARY SEWER LIFT STATIONS  
B31P AT BERTH 20 AND D04P AND D05P AT BERTHS 55-  
56 PROJECT.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2 dated January 28, 2021 ("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 Port has determined that the proposed project is categorically exempt from 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 topographical features, involving negligible or no expansion of existing or former use.

B. It is in the best interest of the Port to authorize the Rehabilitation of Sanitary Sewer Lift Stations B31P at Berth 20 and D04P and D05P at Berths 55-56 Project ("Sewer Rehabilitation 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 Sewer Rehabilitation Project:

A. Award of a contract for construction to SilMan Venture Corporation doing business as SilMan Industries ("SilMan"), the lowest responsible responsive bidder, in a total amount not to exceed \$1,178,000.

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 Sewer Rehabilitation Project:

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

B. Enter into a contract for construction with SilMan, the lowest responsible responsive bidder, in a total amount not to exceed \$1,178,000.

C. Execute contract change orders to the extent necessary in an amount not to exceed \$176,700.

**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 Sewer Rehabilitation 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 January 28, 2021

Passed by the following vote:

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

Noes: – 0

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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 21-04**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF  
AN AGREEMENT WITH WESTERN AREA POWER  
ADMINISTRATION TO PROVIDE ELECTRIC SERVICE BASE  
RESOURCES, FOR THE PERIOD BETWEEN JANUARY 1, 2025,  
THROUGH DECEMBER 31, 2054, AND IN AN AMOUNT NOT TO  
EXCEED \$25,700,000.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3, dated January 28, 2021("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 acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

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

**Section 1.** Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the Electric Service Base Resource Contract ("Agreement") with Western Area Power Administration ("Western") was reviewed in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. This Agreement does not have the potential for causing a significant effect on the environment and as such falls under CEQA Guidelines, Section 15061(b)(3) ("common sense exemption").

**Section 2.** The Board hereby:

A. Approves the Agreement with Western, whereby the Port agrees to purchase, and Western agrees to provide a percentage of the Electric Service Base Resource for the period between January 1, 2025 through December 31, 2054, for an amount not to exceed \$25,700,000, 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 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 4.** This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on January 28, 2021  
Passed by the following vote:

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