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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 21-16**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE  
DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES  
AGREEMENT WITH KITTLESON & ASSOCIATES, INC., IN AN  
AMOUNT NOT TO EXCEED \$400,000 FOR THE LONG-TERM  
SEAPORT TRANSPORTATION AND CIRCULATION STUDY.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 5.1 dated April 8, 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;

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

**Section 1.** Based upon the information contained in the Agenda Report, the Board hereby finds and determines that:

A. The proposed action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. This project is categorically exempt pursuant to Section 15306, Information Collection, which exempts basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource, including when performed as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. Any transportation project(s) proposed as part of the proposed study would be subject to specific CEQA review.

B. The proposed Professional Services Agreement ("Agreement") with Kittleson & Associates, Inc. ("Kittleson") for the long-term seaport transportation and circulation study ("Study") 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 these services from Kittleson.

**Section 2.** The Board hereby approves and authorizes the Executive Director of the Port ("Executive Director") to:

A. Execute for and on behalf the Board the Agreement, upon terms and consideration consistent with the Agenda Report and providing that Kittleson shall be compensated for the Study in an amount not to exceed \$400,000. Execution of the Agreement is subject to approval as to form and legality by the Port Attorney; and

B. Make any additions, modifications, or corrections necessary to issue the Agreement or to correct errors, subject to the limitations set forth herein provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report and 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 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 the contracting party, there shall be no valid or effective agreement(s).

At the regular meeting held on April 8, 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**

**RESOLUTION NO. 21-17**

**RESOLUTION APPROVING A FIRST PORT OF CALL  
("FPOC") INCENTIVE PROGRAM FOR CALENDAR  
YEAR 2021, PROVIDING FOR AN INCENTIVE IN  
THE AMOUNT OF \$100,000 PER EACH FPOC  
SERVICE.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.1 dated April 8, 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;

**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 below the annual total throughput analyzed in the 2002 Oakland Army Base Area Redevelopment Environmental Impact Report as addended ("OAB EIR"). None of the conditions that would trigger the need for subsequent or supplemental environmental impact report per Section 21166 of the California Environmental Quality Act ("CEQA") would occur, and no further environmental review is required.

**Section 2.** The Board hereby:

**A.** Establishes a First Port of Call ("FPOC") Incentive Program for Calendar Year 2021, at a cost of \$100,000 per each new FPOC and providing up to approximately \$4.4 million in incremental revenue, as further described in the Agenda Report.

**B.** Authorizes the Executive Director of the Port ("Executive Director") to execute an incentive agreement, subject to approval as to form and legality by the Port Attorney, which shall be required with each ocean carrier prior to the first vessel call of the FPOC service to be eligible for the incentive ("Incentive Agreement"), with the exception of FPOC services starting between January 1 and March 31, 2021, during which time this requirement will be waived.

**C.** Authorizes the Executive Director to make such additions, modifications, or corrections as necessary to issue the Incentive 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 and is 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 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 the contracting party, there shall be no valid or effective agreement(s).

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

At the regular meeting held on April 8, 2021

Passed by the following vote:

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

Noes: – 0