



SUPPLEMENTAL BOARD AGENDA

Thursday, December 1, 2022

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:45 p.m.

COVID-19 Public Participation - In-person Participation Prohibited

In response to the ongoing COVID-19 pandemic, California Governor Gavin Newsom issued Executive Order N-1-22 on January 5, 2022, regarding public meetings. Pursuant to the Executive Order, all members of the Board of Port Commissioners ("Board") may participate in Board meetings via teleconference, and no teleconference locations for the public are required to be provided or noticed in the meeting agenda. The public must be given the opportunity to observe and address the meeting telephonically or otherwise electronically.

Given the continuing precautions necessary to respond to the ongoing and changing nature of the COVID-19 pandemic and associated public health emergency, Board meetings will be teleconferenced, and in-person participation at Board meetings is limited to essential Port personnel, including Port Commissioners and essential Port staff. The Board room meeting site is closed to members of the public and non-essential Port personnel. The public may participate in and address the Board in the meeting as follows:

To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. During your turn, you will be unmuted to make public comment, and re-muted after the allotted time.

*To comment by phone, please call on one of the phone numbers listed below. You will be prompted to "Raise Your Hand" by pressing "*9" to request to speak when Public Comment is being taken on the eligible Agenda Item. During your turn, you will be unmuted to make public comment, and re-muted after the allotted time. Please unmute yourself by pressing *6.*

<https://portoakland.zoomgov.com/j/1609017496>

To join by Telephone:

US: +1 669 254 5252 or +1 669 216 1590 or +1 646 828 7666 or +1 551 285 1373

Webinar ID: 160 901 7496

ROLL CALL

Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Butner, First Vice-President Lee and President Leslie.

1. CLOSED SESSION (1:00 p.m.)

Closed Session discussions and materials may not be disclosed to a person not entitled to receive it, unless the Board authorizes disclosure of that confidential information.

1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): Number of Matter(s): 2:

(1) East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009325, California Court of Appeal (First District, Division Four) Case No. A166221

(2) West Oakland Environmental Indicators Project v. Port of Oakland, et al., Alameda County Superior Court Case No. 22CV008905

File ID: [\[394-22\]](#)

1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - (Pursuant to California Government Code Section 54956.8)

Property: 1 Market Street, Oakland, CA (Howard Terminal)

Negotiating Parties: The Oakland Athletics and the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: 8735 Earhart Road, Oakland, CA 94621; 7843 Earhart Road, Oakland, CA 94621

Negotiating Parties: KaiserAir, Inc. and the Port of Oakland

Agency Negotiator: Bryant L. Francis, Director of Aviation, Nyika A. Allen Assistant Airport Director, and Teddy Young Jr., Supervising Property Manager

Under Negotiation: Price and Terms of Payment

Property: Two Retail Programs Totaling (16) Retail Units; 2 Wine Bar Units located at Oakland International Airport; #1 Airport Drive, Oakland

Negotiating Parties: HG OAK Retail Concessionaires JV (Hudson Group, Arandia Designs, Maj Collection); Paradies Lagardere @ OAK, LLC (Paradies Lagardere, JR Lester and Associates, LTD); MRG Oakland, LLC (The Marshall Retail Group, Oaklandish, LLC and Silver Dragon Cafe, LLC), and the Port of Oakland

Agency Negotiator: Nyika Allen, Assistant Airport Director, and Linda Peng, Supervising Property Manager

Under Negotiation: Price and Terms of Payment

File ID: [\[395-22\]](#)

1.3 CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to California Government Code Section 54957.6):

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21; Service Employees International Union, Local 1021; Western Council of Engineers; International Brotherhood of Electrical Workers, Local 1245
And

Unrepresented Employees: Port Employee Units H/M

File ID: [\[396-22\]](#)

1.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Pursuant to California Government Code Section 54957)

Title(s): Executive Director

File ID: [\[397-22\]](#)

OPEN SESSION/ROLL CALL

Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Butner, First Vice-President Lee and President Leslie.

CLOSED SESSION REPORT

The Port Attorney or Board Secretary will report on any final actions taken in Closed Session.

2. CONSENT ITEMS

Action by the Board under "Consent Items" means that all matters listed below have been summarized and will be adopted by one motion and appropriate vote. Consent Items may be removed for further discussion by the Board at the request of any member of the Board.

- 2.1 Ordinance:** Approval of Amendments to *Space Use Permit for Non-Exclusive Rental Car Concession* with Avis Budget Car Rental, LLC; Enterprise Rent A Car Company of San Francisco, LLC; Fox Rent A Car, Inc.; and, The Hertz Corporation to Extend the Term of the Agreements for an Additional Sixty (60) Months and Temporarily Reduce the Minimum Annual Guarantee for the First Year of the Extended Term. **(Aviation)**

File ID: [\[378-22\]](#)

Attachments: [Agenda Report](#)
[Ordinance Item 2.1](#)

- 2.2 Ordinance:** Amendment and Adoption of the Authority for the Port of Oakland to Collect Customer Facility Charges, not to Exceed \$10 Per Contract from On-Airport and \$8 Per Contract from Off-Airport Rental Car Companies, at Oakland International Airport for One Additional Year from January 1, 2023, to December 31, 2023, Into Chapter 5.05 and Appendix C-4 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Port Ordinance Nos. 4079, 4246, 4388, and 4465. **(Aviation)**

File ID: [\[379-22\]](#)

Attachments: [Agenda Report](#)
[Attachment A](#)
[Attachment B](#)
[Ordinance Item 2.2](#)

- 2.3 Ordinance:** Approve and Authorize the Executive Director to Execute Amendment No. 4 to the Lease with I Scream Scoops, LLC, dba Ben & Jerry's Ice Cream and Frozen Yogurt for the Premises Located at 505 Embarcadero, Oakland, for a Fourth Extended Term of Five (5) Years, With One (1) Five (5) Year Option to Extend, for an Initial Monthly Rent of \$4,133.81 (CRE)

File ID: [\[377-22\]](#)

Attachments: [Agenda Report](#)
[Ordinance Item 2.3](#)

- 2.4 Resolution:** Authorization to Renew the Owner Controlled Insurance Program ("OCIP") Arranged and Paid Through a Prime Insurance Broker for a Three-Year Term and in an Amount Not to Exceed \$6,400,000 Plus Posting of \$38,000 Escrow and \$464,000 in Collateral (Subject to Audit Adjustment) and Related Actions. (Finance & Admin)

File ID: [\[382-22\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 2.4](#)

- 2.5 Resolution:** Waive Competitive Bidding Requirements and Approve and Authorize the Executive Director to Enter Into a Supplemental Agreement With Cambridge Systematics, Inc. to Extend the Agreement Through December 31, 2024 for an Additional Amount of \$250,000 to Support Port Staff Efforts to Evaluate, Prepare, Apply for, and Manage Grants and Related Technical and Management Consulting Services for a Total Amount Not to Exceed Amount of \$400,000 and find that the proposed action is exempt under the California Environmental Quality Act (Environmental Programs and Planning)

File ID: [\[385-22\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 2.5](#)

- 2.6 Resolution:** Resolution Determining That Conducting In-Person Meetings Of The Board Of Port Commissioners Would Present Imminent Risks To Attendees' Health And Safety And Electing To Continue Conducting Meetings Using Teleconferencing In Accordance With California Government Code Section 54953 (e). (Board)

File ID: [\[392-22\]](#)

Attachments: [Resolution Item 2.6](#)

- 2.7 Ordinance 4677**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute Amendment No. 8 To Space/Use Permit For Specialty Retail/Wine Bar Concession With Taste, Inc. Dba Vino Volo (I) To Extend The Term Through December 31, 2023 For Approximately \$266,710 In Anticipated Revenues, And (Ii) To Waive Certain Restrictions In Resolution No. 16-144 - Resolution Approving A Restatement, Affirmation And Update To The Board's Policy For Awarding Concession And Customer Service Privileges At The Terminal Complex.

File ID: [\[398-22\]](#)

Attachments: [Ordinance 4677](#)

- 2.8 Ordinance 4678**, 2nd Reading Of An Ordinance Amending And Adopting The Airport Rules And Regulations As Chapter 8.01 And Appendix C-3 Of The Port Of Oakland Administrative Code (POAC) By Amending And Restating Port Ordinance No. 4579.

File ID: [\[399-22\]](#)

Attachments: [Ordinance 4678](#)

3. MAJOR PROJECTS

This segment of the meeting is reserved for action and discussions regarding the status of Major Projects and issues of special importance.

4. BUDGET & FINANCE

This segment of the meeting is reserved for action or discussion regarding the status of Budget and Finance issues.

5. STRATEGY & POLICY

This segment of the meeting is reserved for action or discussion on Strategy and Policy Issues.

- 5.1 Report:** Seaport Air Quality 2020 & Beyond Plan, Year 3 Progress Report (**Environmental & Maritime**)

File ID: [\[264-22\]](#)

Attachments: [Agenda Report](#)
[Presentation](#)

6. REMAINING ACTION ITEMS

Remaining Action Items are items not previously addressed in this Agenda that may require staff presentation and/or discussion and information prior to action by the Board.

- 6.1 Ordinance:** Adoption of an Ordinance to Approve and Authorize the Executive Director to Execute a *Lease* with KaiserAir, Inc. Operating at Oakland International Airport for Three (3) Years from January 1, 2023 to December 31, 2025, with Annual Fixed Rent Consideration of \$1,749,840 and find that the proposed action is exempt under the California Environmental Quality Act. **(Aviation)**

File ID: [\[373-22\]](#)

Attachments: [Agenda Report](#)
[Ordinance Item 6.1](#)

- 6.2 Ordinance:** Approve and Authorize the Executive Director to Extend Space Assignment Agreements, Temporary Rental Agreements, and Temporary License Agreements that (a) Have Been in Effect for More than One Year as of November 10, 2022, and/or (b) Are Likely To Be In Effect For More Than One Year as of December 31, 2022 through December 31, 2023, Resulting in Annual Revenue of Approximately \$30 Million and find that the proposed action is exempt under the California Environmental Quality Act. **(Maritime)**

File ID: [\[348-22\]](#)

Attachments: [Agenda Report](#)
[Ordinance Item 6.2](#)

- 6.3 Resolution:** Approve and Authorize the Executive Director to Enter Into a Contract with Koffler Electrical Mechanical Apparatus Repair, Inc. for On-Call Container Cranes Large Electric Motors; Maintenance, Repair, Reconditioning, Overhaul, and Replacement Services for Port of Oakland Owned Cranes for a Not-To Exceed Total of \$900,000 Over Three Years with Two One-Year Extensions and find that the proposed action is exempt under the California Environmental Quality Act. **(Engineering)**

File ID: [\[358-22\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.3](#)

- 6.4 Resolution:** Approve and Authorize the Executive Director to Enter into an Agreement with UBEO West LLC for Managed Print Services for Eight Years in an Amount Not to Exceed \$785,000 Based on a Cooperative Purchasing Agreement **(Information Technology)**

File ID: [\[370-22\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.4](#)

7. UPDATES/ANNOUNCEMENTS

The President, Members of the Board and the Executive Director will report on noteworthy events occurring since the last Board Meeting.

8. SCHEDULING

This segment of the meeting is reserved for scheduling items for future Agendas and/or scheduling Special Meetings

OPEN FORUM

The Board will receive public comment on non-agenda items during this time.

ADJOURNMENT

The next Regular Meeting of the Board will be held on December 15, 2022.

PUBLIC PARTICIPATION

To Speak on an Agenda Item

You may speak on any item appearing on the Agenda. Please fill out a Speaker's Card and give it to the Board Secretary **before the start of the meeting** or immediately after conclusion of Closed Session. Cards received after the start of the meeting will be treated as a single request to speak in Open Forum. All speakers will be allotted a minimum of one minute.

To Receive Agendas & Related Materials

Should you have questions or concerns regarding this Agenda, or wish to review any of the Agenda Related Materials, please contact the Board Secretary, Daria Edgerly, at: (510) 627-1337, or visit our web page at: www.portoakland.com

To receive Port Agendas and Agenda Related Materials by email, please email your request to: dedgerly@portoakland.com

Disability Related Modifications

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, may submit a written request, electronic request, or telephone request [via the California Relay Service (telephone) for the hearing impaired at (800) 735-2922], to the Secretary of the Board **no later than five working days** prior to the scheduled meeting date.

Daria Edgerly, Secretary of the Board
530 Water Street, Oakland, CA 94607
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(510) 627-1337

Language & Interpretive Services

As a grantee of federal aid grant funds from the US Department of Transportation, the Port is responsible for ensuring equal access to its programs, services, and benefits. To request bilingual interpreters or materials in alternate formats, please contact the Secretary of the Board **no later than five working days** prior to the scheduled meeting date.

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Commissioners' Statement of Intention

We are a governing Board whose authority lies with the entirety of the Board.

We govern in accordance with our fiduciary duty to the Port of Oakland.

We conduct ourselves with clarity and transparency, grounded in the principles of integrity, trust and respect.

We reach our decisions through candid, open and deliberative debate and hold both staff and ourselves accountable for implementing them.