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Thursday, December 14, 2023

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:00 p.m.***

## **PUBLIC PARTICIPATION**

*To Speak on an Agenda Item via Teleconference*

*To participate via teleconference please click the link below.*

*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. All speakers will be allotted a minimum of one minute.*

*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/1605624095>

*To join by Telephone:*

*US: US: +1 669 254 5252 or +1 669 216 1590 or +1 415 449 4000*

*Webinar ID: 160 562 4095*

*To Speak on an Agenda Item In-person*

*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 the conclusion of Closed Session. You may submit a Speaker Card for Open Forum any time prior to Open Forum. All speakers will be allotted a minimum of one minute.*

**ROLL CALL**

*Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver, 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**:

City of Oakland, etc. v. Singh Express, Inc.; Alameda County Superior Court Case No.: 21CV003181

City of Oakland, etc. v. Compass Container Group, et al.; Alameda County Superior Court Case No.: RG13662516

File ID: [\[394-23\]](#)

- 1.2 THREAT TO PUBLIC SERVICES OR FACILITIES** - (Pursuant to California Code Section 54957 (a))

**Consultation with:** *Kyle Mobley, Director of Information Technology and Chris Hanna, IT Security Manager.*

File ID: [\[396-23\]](#)

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

**Title(s):** Port Attorney, Executive Director

File ID: [\[397-23\]](#)

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

**Property:** Billboards on Burma Road, South of the Eastern span of the Bay Bridge approach to Oakland

**Negotiating Parties:** Clear Channel Outdoor, LLC, Outfront Media, LLC, and the Port of Oakland

**Agency Negotiator:** Dorin Tiutin, Acting Director of Commercial Real Estate

**Under Negotiation:** Price and Terms of Payment

**Property:** Outer Harbor Terminal Berths 23-24

**Negotiating Parties:** Glovis America, Inc. and the Port of Oakland

**Agency Negotiator:** Bryan Brandes, Director of Maritime

**Under Negotiation:** Price and Terms of Payment

**File ID:** [\[395-23\]](#)

**OPEN SESSION/ROLL CALL**

*Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver, First Vice-President Lee and President*

**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 Resolution:** Approve and Authorize the Executive Director to Award and Execute a Contract with KR Surface Industries, Inc. for the On-Call Removal Of Rubber Deposits and Painted Ground Markings on Airport Pavements for the Period Commencing January 1, 2024 and Ending December 31, 2024, 2025, or 2026 in an Amount Not-to-Exceed \$370,425 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act (Aviation).

**File ID:** [\[377-23\]](#)

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

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute Amendments to Agreements with Avis-Budget Car Rental, LLC, DTG Operations, Inc., Fox Rent A Car Company, and Gitibin & Associates, Inc., D/B/A Go Rentals, Operating at Oakland International Airport and Finding that the Proposed Actions are Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[353-23\]](#)

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

- 2.3 Resolution:** Approve and Authorize the Executive Director to Execute a Supplemental Agreement to the Professional Services Agreement, Dated March 31, 2022, with Moore Iacofano Goltsman, Incorporated to Increase the Maximum Compensation in an Amount Not to Exceed \$751,600 for a New Total Not to Exceed Amount of up to \$1,789,600. **(Technology and Innovation)**

**File ID:** [\[378-23\]](#)

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

- 2.4 Resolution:** Approve and Authorize the Executive Director to Enter into Three Professional Services Agreements with SCA Environmental, Inc., ACC Environmental Consultants Inc., and Aurora Environmental Services, Inc. for As-Needed Asbestos and Lead Paint Consulting Services for a Total Combined Amount Not to Exceed \$750,000 for a Three-year Term with Two One-Year Options to Extend. **(Environmental)**

**File ID:** [\[348-23\]](#)

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

- 2.5 Ordinance:** Adopt Utility Purchasing Authority as Chapter 10.02 of the Port of Oakland Administrative Code. **(Utilities)**

**File ID:** [\[393-23\]](#)

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

[Attachment A](#)

- 2.6 Ordinance 4729,** 2nd Reading Of An Ordinance Amending The Expiration Date In Section B Of Appendix C-4 Of The Port Of Oakland Administrative Code (Poac) To Extend The Authority Of 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, 2024, Through December 31, 2024.

**File ID:** [\[387-23\]](#)

**Attachments:** [Ordinance 4729](#)

- 2.7 Ordinance 4730**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment No. 9 To Space/Use Permit For Specialty Retail/Wine Bar Concession With Taste, Inc., dba Vino Volo (I) To Extend The Term Through December 31, 2024 For Approximately \$339,770.33 In Anticipated Revenues, (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, And (III) Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

**File ID:** [\[388-23\]](#)

**Attachments:** [Ordinance 4730](#)

- 2.8 Ordinance 4731**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment To The Temporary License Agreement With The Center For Independent Living, Inc. To Extend The Term For Two Years From February 1, 2024 Through January 31, 2026.

**File ID:** [\[389-23\]](#)

**Attachments:** [Ordinance 4731](#)

- 2.9 Ordinance 4732**, 2nd Reading Of An Ordinance Adopting The Utilities Rules And Regulations As Chapter 10.01 Of The Port Of Oakland Administrative Code (POAC).

**File ID:** [\[390-23\]](#)

**Attachments:** [Ordinance 4732](#)

- 2.10 Ordinance 4733**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Fourth Amendment To The Temporary Rental Agreement With West Oakland Pacific Railroad, LLC (WOPR) To Provide Interim Rail Switching Services At The Port's Outer Harbor Intermodal Terminal (OHIT) Phase 1 Yard For One Additional Year Through December 31, 2024 With One, One-Year Option To Extend, Resulting In Fixed Rent Of Approximately \$6,021 Per Calendar Year Quarter And Variable Rent Of Approximately \$151 Per Rail Car In Excess Of Breakpoint; And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

**File ID:** [\[391-23\]](#)

**Attachments:** [Ordinance 4733](#)

- 2.11 Ordinance 4734**, 2nd Reading Of An Ordinance Authorizing And Approving The Executive Director To Execute Extensions Of Space Assignment Agreements, Temporary Rental Agreements, And Temporary License Agreements That Have Been In Effect For More Than One Year As Of November 30, 2023, And/Or Are Likely To Be In Effect For More Than One Year As Of December 31, 2023 Through December 31, 2024, Resulting In An Annual Revenue Of Approximately \$20 Million, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

**File ID:** [\[392-23\]](#)

**Attachments:** [Ordinance 4734](#)

- 2.12 **Minutes:** Approval of the Minutes of the Regular Meeting of November 9, 2023. **(Board)**

File ID: [\[386-23\]](#)

Attachments: [November 9, 2023 Minutes](#)

### 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.*

- 4.1 **Report:** Unaudited Financials for 3 months ended September 30, 2023 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[250-23\]](#)

Attachments: [Report](#)  
[Attachment](#)

### 5. STRATEGY & POLICY

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

### 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:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute an Amendment No. 2 to Amended and Restated Space/Use Permit with HFF OAK Venture LLC to Remove Unit No. T2-FB-1 from the Premises with Anticipated Reduction of \$692,022.13 in Rent Payable to the Port Throughout the Term and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

File ID: [\[385-23\]](#)

Attachments: [Agenda Report](#)

- 6.2 Ordinance:** Adopt an Ordinance to Approve and Authorize the Executive Director to: (1) Execute an Amendment to Space/Use Permit for Retail and Duty Free Concession with WDFG North America LLC to Extend the Term for an Additional Twelve Months from July 1, 2023 through June 30, 2024 for approximately \$937,582.87 in Anticipated Revenues and on an As-Needed Basis for up to an Additional Six Months to December 31, 2024; and (2) Execute Space/Use Permits with MRG Oakland, LLC, HG OAK Retail Concessionaire JV and Paradies Lagardere @ OAK, LLC Effective January 1, 2024 through February 28, 2035 for approximately \$1,503,160.00 in Anticipated Additional Revenues for the Additional 14 Months Term and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[383-23\]](#)

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

- 6.3 Resolution:** Approve and Authorize the Executive Director to Execute a Cost Reimbursement Agreement for the Replacement of Ship-to-Shore Crane Components with: (1) SSA Terminals (Oakland), LLC at the Oakland International Container Terminal in an Amount Not to Exceed \$8,609,000; and (2) TraPac, LLC at the TraPac Terminal in an Amount Not to Exceed \$3,232,000. **(Maritime)**

**File ID:** [\[362-23\]](#)

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

- 6.4 Ordinance:** Approve and Authorize the Executive Director to Execute a Second Amendment to a License and Concession Agreement with Clear Channel Outdoor LLC for Premises Located on Burma Road, Oakland to Increase Minimum Annual Rent by \$500,000 Per Year through December 31, 2025 and Extend the Term for an Initial Five (5) Years Through December 31, 2030 at an Initial Minimum Annual Rent of \$700,000 During the Extension Term, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(CRE)**

**File ID:** [\[382-23\]](#)

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

- 6.5 Ordinance:** Approve and Authorize the Executive Director to Execute a Third Amendment to a Multi-Year License and Concession Agreement with Outfront Media, LLC for Premises Located on Burma Road, Oakland to Extend the Term for an Initial Five (5) Years Through July 28, 2031, at an Initial Minimum Annual Rent of \$500,000 as well as \$390,000 of In-Kind Billboard Space, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(CRE)**

**File ID:** [\[381-23\]](#)

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

- 6.6 Resolution:** Approve and Authorize the Executive Director to Execute Pre-Construction Phase Work Authorizations and Construction Phase Work Authorizations with Guaranteed Maximum Prices Not Exceeding \$10,000,000 for Projects Delivered Under the Contract for On-Call Prime Builder Services, Dated March 10, 2023, with Turner Construction Company and the Contract for Prime Builder Services, Dated August 18, 2023, with Webcor Construction LP. **(Engineering)**

**File ID:** [\[384-23\]](#)

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

- 6.7 Resolution:** Approve and Authorize the Executive Director to Execute Professional Services Agreements with One or More Consultants for On-Call Construction Management Support Services for Non-Federally Funded and Federally Funded Projects for Terms of Three Years, Renewable Up to Two Additional Years with an Aggregate Maximum Compensation Not to Exceed \$26,000,000; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering)**

**File ID:** [\[363-23\]](#)

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

- 6.8 Resolution:** Approve and Authorize the Executive Director to Waive Formal Competitive Procurement Procedures and Enter Into a Third Supplemental Agreement to the Professional Services Agreement with Cambridge Systematics, Inc. to Extend the Term Through December 31, 2026 and Add \$500,000 to the Maximum Compensation for a Total Amount Not to Exceed of \$1,400,000 to Provide Grant Management Consulting Services. **(Environmental Programs and Planning)**

**File ID:** [\[350-23\]](#)

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

## 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 January 25, 2024.*



## 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](http://www.portoakland.com)

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

Daria Edgerly, Secretary of the Board  
530 Water Street, Oakland, CA 94607  
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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.