



Thursday, December 15, 2022

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 3:30 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/1608650965>

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: 160 865 0965

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 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: 2800 7th Street, Oakland, CA

Negotiating Parties: TraPac, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

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: [\[418-22\]](#)

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

(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

File ID: [\[417-22\]](#)

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: [\[419-22\]](#)

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

Title: Executive Director

File ID: [\[420-22\]](#)

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 Resolution: Approve and Authorize the Executive Director to Execute a Sixth Supplemental Agreement with Oakland Fire Services Administration to Extend the Existing Memorandum of Understanding (MOU) for Aircraft Rescue and Fire Fighting (ARFF) for Two Years through December 31, 2024. **(Aviation)**

File ID: [\[393-22\]](#)

Attachments: [Agenda Report](#)

2.2 Resolution: Approve and Authorize the Executive Director to Extend the Existing As-Needed Planning Services Contracts To December 31, 2024 For An Additional Not-To-Exceed Amount Of \$1,000,000, For A Total Combined Not-To-Exceed Amount Of \$3,500,000. **(Aviation)**

File ID: [\[406-22\]](#)

Attachments: [Agenda Report](#)

- 2.3 Resolution:** Approve and Authorize the Executive Director to Enter Into a Cooperative Agreement With the Agricultural Marketing Service of the United States Department of Agriculture to Obtain Up to \$1,777,557 For the Start Up Costs Related to the Pop-Up Container Yard Located at 1 Market Street, Oakland **(Maritime)**
- File ID:** [\[412-22\]](#)
- Attachments:** [Agenda Report](#)
- 2.4 Resolution:** Authorize the Executive Director to Enter into a Supplemental Agreement to the Professional Services Agreement with Mott MacDonald Group, Inc. formerly Mott MacDonald, LLC to extend the term of the contract from December 31, 2022 to December 31, 2026 for Support During Construction of the 7th Street Grade Separation East Project **(Engineering)**
- File ID:** [\[380-22\]](#)
- Attachments:** [Agenda Report](#)
- 2.5**
- Building Permit:** for TraPac Inc. Installation of Back-up Generator, 2800 7th Street, B25-33, Maritime Area **(Environmental/Maritime)**
- File ID:** [\[389-22\]](#)
- 2.6 Building Permit:** for Southwest Airlines for Tenant Improvements for Tech Services at Air Cargo Building, Alan Shepard Way, OAK **(Environmental/Aviation)**
- File ID:** [\[390-22\]](#)
- 2.7 Building Permit:** for Southwest Airlines Installation of Tire Shed near end of Terminal 1, 1 Airport Drive, OAK **(Environmental/Aviation)**
- File ID:** [\[391-22\]](#)
- 2.8 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:** [\[425-22\]](#)
- Attachments:** [Resolution](#)
- 2.9 Ordinance 4679,** 2nd Reading of An Ordinance Approving And Authorizing The Executive Director To Execute 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 For Sixty (60) Months And Temporarily Reduce The Minimum Annual Guarantee For The First Year Of The Extended Term.
- File ID:** [\[421-22\]](#)
- Attachments:** [Ordinance 4679](#)

- 2.10 Ordinance 4680**, 2nd Reading of An Ordinance Amending And Adopting The Authority For The Port Of Oakland To Collect Customer Facility Charges, Not To Exceed \$10 Per Contract From On-Airport Rental Car Companies 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.

File ID: [\[422-22\]](#)

Attachments: [Ordinance 4680](#)

- 2.11 Ordinance 4681**, 2nd Reading of An Ordinance Approving And Authorizing 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.

File ID: [\[423-22\]](#)

Attachments: [Ordinance 4681](#)

- 2.12 Ordinance 4682**, 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 10, 2022, And/Or Are Likely To Be In Effect For More Than One Year As Of December 31, 2022 Through December 31, 2023, Resulting In An Annual Revenue Of Approximately \$30 Million, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[424-22\]](#)

Attachments: [Ordinance 4682](#)

- 2.13 Minutes:** Approval of the Minutes of the Regular Meetings of October 27, 2022 and November 10, 2022. **(Board)**

File ID: [\[411-22\]](#)

Attachments: [October 27, 2022 Minutes](#)
[November 10, 2022 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, 2022 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[381-22\]](#)

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:** Authorize the Executive Director To Execute A Lease With Central Valley Ag Grinding, LLC, For Approximately 7.1 Acres Of Land On The Former Oakland Army Base Through December 31, 2027, Resulting In Average Annual Rent Of Approximately \$854,000 **(Maritime)**

File ID: [\[371-22\]](#)

Attachments: [Agenda Report](#)

- 6.2 **Ordinance:** Authorize (a) The Executive Director To Execute Lease Agreements With Three Tenants On The Former Oakland Army Base Through December 31, 2027, As Follows: (i) Impact Transportation, LLC, For Approximately 18 Acres Of Warehouse And Yard Space, Resulting In Average Annual Rent Of Approximately \$3.1 Million; (ii) Pacific Coast Container, Inc., DBA PCC Logistics, For Approximately 19 Acres Of Warehouse And Yard Space, Resulting In Average Annual Rent Of \$3.3 Million; And, (iii) Port Transfer, Inc., For Approximately 14 Acres Of Warehouse And Yard Space, Resulting In Average Annual Rent Of Approximately \$2.4 Million; And, (b) Approximately \$1.96 Million Of Port Funds To Reimburse These Tenants For Certain Improvements And/Or Deferred Maintenance During The Term Of The Leases, As Follows: \$991,000 For Impact Transportation, LLC; \$502,000 For PCC Logistics; And, \$464,000 For Port Transfer, Inc. **(Maritime)**

File ID: [\[372-22\]](#)

Attachments: [Agenda Report](#)

- 6.3 **Resolution:** Authorization for The Executive Director to Award Two On-Call Public Works Contracts (1) with Industrial Railway Company for Maintenance of Railroad Track and Crane Rail in the amount of \$990,000 and (2) with Pipe and Plant Solutions for Sanitary Sewer and Storm Water Lines Inspection and Cleaning, Each for A Term Up to Three Years. **(Maritime)**

File ID: [\[383-22\]](#)

Attachments: [Agenda Report](#)

- 6.4 Resolution:** Approve and Authorize the Executive Director to (1) Enter into a Contract with xxxx. in an Amount Not-To-Exceed \$x,xxx,xxx for the Construction of OAB SS-R-14 Circuit 2 Upgrades, Oakland, California and (2) Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an amount Not-to-Exceed \$xxx,xxx. **(Maritime/Engineering)**
- File ID:** [\[407-22\]](#)
- Attachments:** [Agenda Report](#)
- 6.5 Resolution:** Authorize The Executive Director To Dispense With Standard Bidding Procedures And Enter Into A Sole Source Professional Services Agreement With Burns & McDonnell In An Amount Not-To-Exceed \$2,294,000 For Design Services For The Replacement Of Airport Substation, SS-1. **(Aviation/Engineering)**
- File ID:** [\[404-22\]](#)
- Attachments:** [Agenda Report](#)
- 6.6 Resolution:** Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with Environmental Science Associates (ESA) for Gas Insulated Equipment (GIE) Reporting for a Total Amount Not to Exceed \$600,000 for an Initial Term of Three (3) Years with Two (2), One-Year Options to Extend, Not to Exceed a Total Period of Five (5) Years. **(Environmental)**
- File ID:** [\[384-22\]](#)
- Attachments:** [Agenda Report](#)
- 6.7 Resolution:** Adoption of a Resolution to Approve and Authorize the President of the Board of Port Commissioners (“Board”) to Execute an “Agreement for Temporary Employment as a Retired Annuitant” with Michele Heffes and to Certify that: Ms. Heffes has Specialized Skills Needed in Performing Work of a Limited Duration to fill a Critically Needed Position; Ms. Heffes has Not Accepted Any Retirement Related Incentive; Ms. Heffes will Not receive Any Other Benefit, Incentive, Compensation in Lieu of Benefit, or Other Form of Compensation in Addition to Her Hourly Pay Rate; and, Ms. Heffes’s Hourly Rate will be \$128.48. **(Finance & Admin.)**
- File ID:** [\[415-22\]](#)
- Attachments:** [Agenda Report](#)
- 6.8 Ordinance:** Amend Port Ordinance No. 867 to Increase the Hourly Rate for the Youth Aide, Class “C” Classification to \$25.00 for College Interns in Connection With the Port of Oakland Summer Internship Program and Increase Such Hourly Rate by the Increase to San Francisco Bay Area Consumer Price Index Annually Thereafter **(SRD)**.
- File ID:** [\[410-22\]](#)
- 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 26, 2023.

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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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.