



## SUPPLEMENTAL BOARD AGENDA

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Thursday, January 26, 2023

Board Room – 2nd Floor

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### ***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/1607401166>*

*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: 160 740 1166*

#### **ROLL CALL**

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

- 0.1 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 Teleconferences in Accordance with California Government Code Section 54953 (e).

**File ID:** [\[027-23\]](#)

**Attachments:** [Resolution Item 0.1](#)

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

**Title:** Executive Director

**File ID:** [\[023-23\]](#)

- 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:** [\[024-23\]](#)

**1.3 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:** Retail Program Totaling (16) Retail Units

**Negotiating Parties:** HG OAK Retail Concessionaires JV (Hudson Group, Arandia Designs, Maj Collection); MRG Oakland, LLC (The Marshall Retail Group, Oaklandish, LLC and Silver Dragon Cafe, LLC); Paradies Lagardere @ OAK, LLC (Paradies Lagardere, JR Lester and Associates, LTD), 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:** [\[025-23\]](#)

**1.4 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:** [\[026-23\]](#)

**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 4683**, 2nd Reading Of An Ordinance Authorizing And Approving 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 With A Five-Year Term Beginning On January 1, 2023 Through December 31, 2027, Resulting In Average Annual Rent Of Approximately \$854,000.
- File ID:** [\[020-23\]](#)
- Attachments:** [Ordinance 4683](#)
- 2.2 Ordinance 4684**, 2nd Reading Of An Ordinance Authorizing And Approving (A) The Executive Director To Execute Five-Year Lease Agreements With Three Tenants On The Former Oakland Army Base Through December 31, 2027, As Follows (1) Impact Transportation, LLC, For Approximately 18 Acres Of Warehouse And Yard Space, Resulting In Average Annual Rent Of Approximately \$3.1 Million; (2) 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, (3) 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 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.
- File ID:** [\[021-23\]](#)
- Attachments:** [Ordinance 4684](#)
- 2.3 Ordinance 4685**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Increase The Hourly Rate For The Youth Aide, Class "C" Classification To \$25.00 For College Interns In The Port Of Oakland Summer Internship Program.
- File ID:** [\[022-23\]](#)
- Attachments:** [Ordinance 4685](#)
- 2.4 Minutes:** Approval of the Minutes of the Regular Meeting of December 1, 2022. **(Board)**
- File ID:** [\[005-23\]](#)
- Attachments:** [December 1, 2022 Minutes](#)
- 2.5 Report:** Annual Comprehensive Financial Report for Year Ended June 30, 2022. **(Finance & Admin)**
- File ID:** [\[011-23\]](#)
- Attachments:** [Report](#)  
[Attachment](#)

- 2.6 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2022-23, 2nd Quarter (October 1, 2022 - December 31, 2022). **(Finance & Admin)**

**File ID:** [\[010-23\]](#)

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

### **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.*

### **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:** (1) Authorize an Additional Not-to-Exceed Amount of \$1M of Reimbursement to Food and Beverage Concessionaires for Additional Port Infrastructure Improvements Constructed by the Food and Beverage Concessionaires on Behalf of the Port; and (2) Amend the Space/Use Permits with the Food and Beverage Concessionaires to Delete the \$100,000 per Unit Cap and Establish a Combined Port Infrastructure Reimbursement Fund for Infrastructure Improvements Constructed by the Food and Beverage Concessionaires on Behalf of the Port for a Not-to-Exceed Amount of \$3.8 Million for the 18 Food and Beverage Units. **(Aviation)**

**File ID:** [\[018-23\]](#)

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

- 6.2 Ordinance:** Approve and Authorize the Executive Director to Execute a Cooperative Agreement with City of Oakland and Alameda County Transportation Commission that Outlines Ownership, Operations, and Maintenance Obligations Associated with the 7th Street Grade Separation East Project, and Find that the Proposed Action Complies with the California Environmental Quality Act as it was Analyzed in the 2012 Addendum to the 2002 Oakland Army Base Area Redevelopment Plan Environmental Impact Report **(Maritime)**

**Resolution:** Authorize the Executive Director to Execute an Amendment to a Memorandum of Understanding with City of Oakland and Alameda County Transportation Commission that Outlines Roles and Responsibilities During Construction of the 7th Street Grade Separation East Project **(Maritime)**

**File ID:** [\[003-23\]](#)

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

- 6.3 Resolution:** Authorize the Executive Director to Enter Into a Contract with D-Line Constructors, Inc. in an Amount Not-To-Exceed \$444,666 for the Demolition of Building L619 and North Field Bunkers (L921, L922, L923, and L924); and Authorize the Executive Director to Execute to Execute Contract Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$90,000 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation/Engineering)**

**File ID:** [\[009-23\]](#)

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

- 6.4 Resolution:** Approve and Authorize the Executive Director to (1) Enter into a Contract with (to be determined) in an Amount Not-To-Exceed (to be determined) for the Middle Harbor Sanitary Sewer Lift Stations D06P and D10P Rehabilitation, Oakland, California and (2) Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an amount Not-to-Exceed (to be determined); and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime/Engineering)**

**File ID:** [\[004-23\]](#)

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

- 6.5 Ordinance:** Enactment of the Ordinance Necessary to Ratify and Set the Annual Salary for the Secretary of the Board to \$210,080 Retroactive to the First Day of the Pay Period Containing October 26, 2022. **(Finance & Admin)**

**File ID:** [\[017-23\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 6.5](#)

## **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 February 9, 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](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  
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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.