



---

Thursday, July 7, 2022

Board Room – 2nd Floor

---

***The Public Portion Of The Meeting Will Begin At 3:00 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.*

*Meeting link: <https://portoakland.zoomgov.com/j/1602196184>*

*To join by Telephone:*

*US: +1 669 254 5252 or +1 669 216 1590*

*Webinar ID: 160 219 6184*

*If asked for a participant ID, press #.*

*Instructions on how to join a meeting by phone are available at:*

*<https://support.zoom.us/hc/en-us/articles/201362663> - *Joining-a-meeting-by-phone.**

*Instructions for raising your hand are available at:*

*<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>*

**ROLL CALL**

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

**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): 3:**

(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

(2) Capitol Corridor Joint Powers Authority v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009309

(3) Union Pacific Railroad Company v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009330

**File ID:** [\[233-22\]](#)

**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:** Two Food & Beverage Concession Units located at Oakland International Airport; #1 Airport Drive, Oakland

**Negotiating Parties:** (i) HG OAK F&B Concessionaires JV (Hudson Group, Albright International and Zaman Group); (ii) HFF OAK Venture LLC (High Flying Foods, Andale Management Group and RDJ Enterprises); and (iii) MAG US Lounge Management (MAG Escape, GTMS and JN&K Restaurants) and the Port of Oakland

**Agency Negotiator:** Nyika Allen, Assistant Director of Aviation and Linda Peng, Acting Manager of Aviation Properties

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

**File ID:** [\[234-22\]](#)

**OPEN SESSION/ROLL CALL**

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

**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:** Approve and Authorize the Executive Director to Execute an Amendment to the Temporary Rental Agreement with Pacific Gas & Electric to Extend the Term through December 31, 2023, and Increase the Monthly Rental Rate to \$6,461.00, for a Construction Staging Area on the Premises Located at Livingston and Embarcadero, Oakland **(CRE)**

**File ID:** [\[211-22\]](#)

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

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute a Grant of Underground Easement with the East Bay Municipal Utility District for the Premises Consisting of Portions of Land and Water Parcels Located Along the Southerly Extension of Fallon Street from Embarcadero West into the Oakland Estuary, for a Term of Sixty-Six (66) Years, With Automatic Renewal, for a One-Time Payment of \$79,464 **(CRE)**

**File ID:** [\[216-22\]](#)

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

- 2.3 Ordinance:** Approve and Authorize the Executive Director to Execute an Amendment to the Temporary License Agreement with California College of the Arts for Maintenance of the Buoyant Ecologies Float Lab in the Middle Harbor to Extend the Term for One (1) Year with Two, One-Year Options to Renew. **(Environmental)**

**File ID:** [\[207-22\]](#)

**Attachments:** [Agenda Report](#)  
[Attachment A](#)  
[Attachment B](#)  
[Attachment C](#)

- 2.4 Building Permit:** for CenterPoint Tenant Improvements for PCC Logistics, 1300 Maritime Street, Maritime Area (**Environmental/Maritime**)
- File ID:** [\[226-22\]](#)
- Attachments:** [5360 Permit](#)
- 2.5 Ordinance 4649,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment To The Lease With SSS Investment Group, LLC For The Premises Located At 1901-1995 Embarcadero Road, Oakland, To: Abate Delinquent Rent Totaling \$315,002.93; Allow For Reduced Payments Of Rents Through June 30, 2037, With Repayment Of Deferred Rent Commencing July 1, 2042; And Amend Requirements For Capital Expenditures And Eligible Rent Credits.
- File ID:** [\[217-22\]](#)
- Attachments:** [Ordinance 4649](#)
- 2.6 Ordinance 4650,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Third Amendment To Space/Use Permit With Civil Air Patrol To Extend The Term By One Year To June 30, 2023, At A Monetary Consideration Of \$1.00 Per Annum For Premises At Building L-105 At North Field At Oakland International Airport.
- File ID:** [\[236-22\]](#)
- Attachments:** [Ordinance 4650](#)
- 2.7 Ordinance 4651,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Fifth Amendment To Lease With Avis Budget Car Rental, LLC And A Fifth Amendment To Lease With DTG Operations, Inc. For Use Of Property At The North Field Of Oakland International Airport With Anticipated Total Revenues Of \$1,078,476 In Fiscal Year 2023.
- File ID:** [\[237-22\]](#)
- Attachments:** [Ordinance 4651](#)
- 2.8 Ordinance 4652,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into Amendments To The U.S. Government Lease For Real Property No. Gs-09b-02611 With The United States Of America, General Services Administration, On Behalf Of The Transportation Security Administration (“TSA”), To Extend The U.S. Government Lease For Leased Office Space Used By The TSA At Oakland International Airport By One-Year Increments For Up To Ten Years At The Then Current Rates And Charges Rental Rate For Category II: Office Space.
- File ID:** [\[238-22\]](#)
- Attachments:** [Ordinance 4652](#)

- 2.9 Ordinance 4653**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 4430 Relating To Landing And Tenant Terminal Space Rental Fees At Oakland International Airport, And Waiving Aircraft Parking Fees For Certain Signatory Airlines At Oakland International Airport.

**File ID:** [\[239-22\]](#)

**Attachments:** [Ordinance 4653](#)

- 2.10 Ordinance 4654**, 2nd Reading Of An Ordinance Approving Oakland International Airport Hangar/Ramp Space Agreements With Multiple General Aviation Tenants, For Terms Commencing On Various Dates And Expiring June 30, 2026, With Anticipated Annual Revenues Of \$25,824 For FY 2022, Operating At The North Field Of Oakland International Airport.

**File ID:** [\[240-22\]](#)

**Attachments:** [Ordinance 4654](#)

- 2.11 Ordinance 4655**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A First Amendment To Temporary Rental Agreement With Delux Public Charter, LLC DBA JSX Operating At Oakland International Airport For Customer Parking For A Total Term Of Just Over Four Years From May 7, 2021 Through June 30, 2025, With Total Consideration Of \$113,465 For The Extended Term (May 7, 2022 To June 30, 2025).

**File ID:** [\[241-22\]](#)

**Attachments:** [Ordinance 4655](#)

- 2.12 Minutes:** Approval of the Minutes of the Regular Meetings of May 12, 2022 and May 26, 2022 and the Special Meetings of May 25, 2022 and June 16, 2022. **(Board)**

**File ID:** [\[230-22\]](#)

**Attachments:** [May 12, 2022 Minutes](#)

[May 26, 2022 Minutes](#)

[May 25, 2022 Minutes](#)

[June 16, 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.*

## 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 a Space/Use Permit with HG OAK F&B Concessionaires JV for a Food & Beverage Concession for Two Units at Oakland International Airport for a Term Expiring at the Latest on March 31, 2035 with Anticipated \$19.4 Million Total Rent, Payable to the Port Throughout the Term and with Potential Total Capital Contribution by the Port Not to Exceed \$1.2 Million **(Aviation)**.

**File ID:** [\[219-22\]](#)

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

- 6.2 Resolution:** Approval to Issue a Request for Qualifications for On-Call Prime Builder Services for Improvement Projects at Oakland International Airport by Dispensing with Standard Bidding Procedures and Soliciting Proposals from Interested Prime Builder Entities and Authorizing the Executive Director to Resolve Any Protests Resulting from the Process. **(Engineering/Aviation)**

**File ID:** [\[176-22\]](#)

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

- 6.3 Resolution:** Approve and Authorize the Executive Director to 1) Enter into a Professional Services Contract with Burns & McDonnell in an Amount Not-to-Exceed \$1,524,556 for Design Services for the Seaport Logistics Complex Switchgear SS-R-14 Replacement (New SS-R-10 or "Army") and Renewable and Resiliency Resource Systems (New Fuel Cell, Solar, Battery Storage, and East Bay Municipal Utility District Biomass Generation Connection) Projects and 2) Design Contingency in an Amount Not-to-Exceed \$500,000. **(Engineering/Maritime)**

**File ID:** [\[206-22\]](#)

**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*

## 9. ELECTION OF OFFICERS

*The President, First Vice-President and Second Vice-President shall be elected by majority vote of the Board from among members of the Board at the first meeting held in the month of July in each year.*

### 9.1 Resolution: Election of Officers (Board)

File ID: [\[228-22\]](#)

Attachments: [Election of Officers](#)

## 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 July 21, 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](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  
[dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)  
(510) 627-1337



## **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.