



SUPPLEMENTAL BOARD AGENDA

Thursday, June 23, 2022

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 2:00 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/1610133746>

To join by Telephone:

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

Webinar ID: 161 013 3746

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 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

File ID: [\[187-22\]](#)

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): 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: [\[204-22\]](#)

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:** Adoption of an Ordinance to Approve and Authorize the Executive Director to Execute a Third Amendment to Extend the Space/Use Permit with Civil Air Patrol Operating at Oakland International Airport for one (1) year to June 30, 2023, with annual consideration of \$1. **(Aviation)**

File ID: [\[175-22\]](#)

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

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute the Fifth Amendment to Lease with Avis Budget Car Rental, LLC and the 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. **(Aviation)**

File ID: [\[182-22\]](#)

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

- 2.3 Ordinance:** Approve and Authorize the Executive Director to Execute Amendments to the U.S. Government Lease for Real Property-Lease No.GS-09B-02611 (“2011 Lease”) with the United States of America, General Services Administration (“GSA”), on behalf of the Transportation Security Administration (“TSA”), to Extend the Term of the 2011 Lease By One-Year Increments for up to Ten Years at the Then Current Rates & Charges Rental Rate for Category II: Office Space. **(Aviation)**

File ID: [\[180-22\]](#)

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

- 2.4 Building Permit:** for Customs and Border Protection Upgrades to RPM Equipment at Trapac, 1300 Maritime Street, Berths 25-33 **(Environmental/Maritime)**

File ID: [\[146-22\]](#)

Attachments: [5351 Permit](#)
[Resolution Item 2.4](#)

- 2.5 Building Permit:** for Customs and Border Protection Upgrades to RPM Equipment at ETS/Ben Nutter Terminal, 5190 7th Street, Berths 35-38 **(Environmental/Maritime)**

File ID: [\[147-22\]](#)

Attachments: [5352 Permit](#)
[Resolution Item 2.5](#)

- 2.6 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: [\[210-22\]](#)

Attachments: [Resolution](#)
[Resolution Item 2.6](#)

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 Resolution:** Approval of the Annual Operating and Capital Budgets for Fiscal Year Ending June 30, 2023; Authorize the Payment of Operating and Other Expenses, the Payment of Debt Service of the Port for the Fiscal Year Ending June 30, 2023; Authorize the Payment of Approximately \$112.4 Million of Total Capital Expenditures, as Provided in the Capital Budget for the Fiscal Year Ending June 30, 2023; and Authorize FY 2022 Carryover Spending in FY 2023. **(Finance & Admin.)**

File ID: [\[120-22\]](#)

Attachments: [Agenda Report](#)
[Attachment A](#)
[Attachment B](#)
[Resolution Item 4.1](#)

- 4.2 Ordinance:** Approval of Proposed Fiscal Year 2023 Airline Landing Fee Rates, Terminal Space Rental Rates, and Other Fees Generating \$94.3 Million in Revenue, and Amending Port Ordinance No. 4430 to Eliminate Aircraft Parking Fees for Certain Signatory Airlines at Oakland International Airport. **(Aviation)**

File ID: [\[196-22\]](#)

Attachments: [Agenda Report](#)
[Ordinance Item 4.2](#)

- 4.3 Resolution:** Approval and Authorization for the Port Attorney to Enter into Fiscal Year 2023 Outside Counsel and Consultant Retention Agreements with Selected Law Firms and Consultants and Related Actions in an initial total amount of \$3,456,000, subject to adjustments under the Port Attorney's contracting authority. **(Port Attorney)**

File ID: [\[208-22\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 4.3](#)

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:** Adoption of an Ordinance Approving Oakland International Airport Hangar/Ramp Space Agreements with Multiple General Aviation Tenants, for Terms Commencing On Various Dates and All Expiring June 30, 2026, with Anticipated Annual Revenues of \$25,824 for FY 2022, Operating at the North Field Of Oakland International Airport. **(Aviation)**

File ID: [\[155-22\]](#)

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

- 6.2 Ordinance:** Adoption 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). **(Aviation)**

File ID: [\[177-22\]](#)

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

- 6.3 Resolution:** Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with ARCOS LLC, DBA in California as Automated Roster Callout System Company LLC (ARCOS) to Implement an Automated Shift Callout System (ASCS) for the Oakland International Airport for Five Years in an Amount Not to Exceed \$300,000. **(Aviation)**

File ID: [\[186-22\]](#)

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

- 6.4 Resolution:** Authorize and Approve (1) the Executive Director to Procure Vehicles for Use by Aviation and Maritime Divisions at a Total Cost Not-to-Exceed \$1,047,200; (2) the Designation of Certain Other Existing Vehicles as No Longer Used, Inadequate, Obsolete or Worn-Out, and the Sale, Donation, and/or Other Disposition of Such Other Existing Vehicles; and (3) the Executive Director to Dispose of Such Other Existing Vehicles through a Variety of Means, Including Sale, Donation, Scrapping, Recycling, Destruction, and Abandonment in Accordance with Port Ordinance 4576. **(Maritime)**

File ID: [\[172-22\]](#)

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

- 6.5 Resolution:** Approve and Authorize the Executive Director to Approve a Supplemental Agreement with D&A Communications to Expand The Scope Of Work For The ‘Everyone’s Port’ Public Education Campaign **(Communications)**

File ID: [\[205-22\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.5](#)

- 6.6 Resolution:** Adoption of a Resolution to Appoint Ric Jazaie as the Chief Audit Officer at an Annual Salary of \$225,000 per year Effective Upon Successful Completion of the Transportation Security Administration Background Check and Issuance of the Appointment Letter; to Authorize the President of the Board of Port Commissioners to Execute the Appointment Letter; and, to Direct Audit Services Staff to Report to the Port Attorney While the Appointment is Pending. **(Finance & Admin.)**

File ID: [\[209-22\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.6](#)

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 July 7, 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
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.

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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.