



Thursday, May 26, 2022

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 5:00 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/1615362646>

To join by Telephone:

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

Webinar ID: 161 536 2646

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 - ANTICIPATED LITIGATION** - (Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 1 (additional information provided on the Closed Session Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [Zero (0) Matters]," attached hereto)**

File ID: [\[167-22\]](#)

- 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): 4:**

(1) West Oakland Environmental Indicators Project v. Port of Oakland, et al., Alameda County Superior Court Case No. 22CV008905

(2) 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

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

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

File ID: [\[168-22\]](#)

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: 1901-1995 Embarcadero Road, Oakland, CA

Negotiating Parties: SSS Investment Group, LLC and the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

File ID: [\[169-22\]](#)

1.4 CONFERENCE WITH LABOR NEGOTIATOR - (Pursuant to California Government Code Section 54957.6):

Unrepresented Employee: Unit H

File ID: [\[170-22\]](#)

1.5 PUBLIC EMPLOYEE APPOINTMENT - (Pursuant to California Government Code Section 54957):

Title: Chief Audit Officer

File ID: [\[171-22\]](#)

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:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute an *Amendment No. 4 to Space/Use Permit* with WDFG North America LLC (i) to Extend the Term through September 30, 2022 for \$1.2 Million in Anticipated Revenues; (ii) to Provide Access to Six Units in Terminals 1 and 2 at Oakland International Airport for Planning Purposes; (iii) to Adjust the Calculation of Minimum Annual Guarantee; and, (iv) 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 **(Aviation)**.

File ID: [\[138-22\]](#)

Attachments: [Agenda Report](#)

- 2.2 Ordinance:** Adoption of an Ordinance to Approve and Authorize the Executive Director to Execute Amendments to Space/Use Permits with Twelve Concessionaires Operating at Oakland International Airport to Reduce for FY2023 the Amount of Minimum Annual Guarantee to Recognize the Continuing Loss of Sales Revenue from the Ongoing COVID-19 Pandemic Resulting in an Estimated Loss of approximately \$577,424 in Rent Payable to the Port for FY2023 **(Aviation)**.

File ID: [\[154-22\]](#)

Attachments: [Agenda Report](#)

[Ordinance 4604](#)

- 2.3 Ordinance:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute an Amendment No. 7 to Space/Use Permit for Specialty Retail/Wine Bar Concession with Taste, Inc. dba Vino Volo (i) to Extend the Term through December 31, 2022 for approximately \$140,000 in Anticipated Revenues; (ii) to Adjust the Calculation of Minimum Annual Guarantee; and, (iii) 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 **(Aviation)**.

File ID: [\[159-22\]](#)

Attachments: [Agenda Report](#)

- 2.4 Ordinance:** Approve and Authorize a 5% Increase for FY 2023 and Consumer Price Index Increases in Each of the Following two (2) Fiscal Years to the Target Rental Rates for Short-Term Rental Agreements and the Holdover Rental Rates for Certain Existing Property Rental Agreements within the Commercial Real Estate Division Portfolio **(CRE)**

File ID: [\[161-22\]](#)

Attachments: [Agenda Report](#)

[Attachment](#)

- 2.5 Resolution:** Approve and Authorization for the Executive Director to Enter into a Supplemental Amendment to Professional Services Agreement with David L. Gates & Associates, Inc. for an additional Amount Not to Exceed \$200,000 (Contract Total Amount Not to Exceed \$349,249) for Three (3) Years And Waive Formal Competitive Solicitation Procedures. **(Environmental)**
- File ID:** [\[156-22\]](#)
- Attachments:** [Agenda Report](#)
- 2.6 Resolution:** Approval and Authorization (i) to Pre-Pay the Port's Proportionate Share of the FY 2023 Unfunded Accrued Liability for the City of Oakland Miscellaneous Plan for which the Port is a Participant, in Lieu of 12 Monthly Payments and (ii) for the Chief Financial Officer to Enter into a Letter Agreement with the City of Oakland Outlining Certain Procedures for FY 2023 as a Result of the City of Oakland Participating in the CalPERS Pre-Pay Program. **(Finance & Admin.)**
- File ID:** [\[119-22\]](#)
- Attachments:** [Agenda Report](#)
- 2.7 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:** [\[173-22\]](#)
- Attachments:** [Resolution](#)
- 2.8 Ordinance:** An Ordinance Adopting A Procedure To Allow Members Of The Public To Effectuate Electronic Service Of Process Of Certain Claims And Actions In Accordance With SB 1473 **(Board)**
- File ID:** [\[157-22\]](#)
- Attachments:** [Agenda Report](#)
- 2.9 Building Permit:** for Customs and Border Protection Upgrades to RPM Equipment at SSA, 1717 Middle Harbor Road, Berths 55-59 **(Environmental/Maritime)**
- File ID:** [\[145-22\]](#)
- Attachments:** [Building Permit](#)
- 2.10 Minutes:** Approval of the Minutes of the Regular Meeting of April 24, 2022. **(Board)**
- File ID:** [\[174-22\]](#)
- Attachments:** [April 28, 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 Resolution:** Approve and Authorize the Executive Director to Execute a Second Supplemental Agreement to the Sponsorship Agreement with Cal Bears Sports Properties, LLC to Extend the Term by Five Years (through FY2027) to Include Additional Post Season Playoff Opportunities in an Amount Not to Exceed \$775,000 For the Five-Year Extension. **(Aviation)**

File ID: [\[139-22\]](#)

Attachments: [Agenda Report](#)

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute Professional Services Agreements with WJ Advisors LLC and Ricondo and Associates, Inc. To Provide Strategic, Financial and Business Planning Services for Five Years in an Amount Not to Exceed \$2,000,000. **(Aviation)**

File ID: [\[162-22\]](#)

Attachments: [Agenda Report](#)

- 6.3 Ordinance:** Approve and Authorize the Executive Director to Execute a License and Concession Agreement with Hanwen Investment Inc, a California Corporation, Doing Business as Dragon Gate Oakland, for the Premises Located at 1 Franklin Street, Oakland, for a Term of Ten (10) Years, With One (1) Five-Year Option to Extend, for an Initial Minimum Monthly Rent of \$15,745.50. **(CRE)**

File ID: [\[163-22\]](#)

Attachments: [Agenda Report](#)

- 6.4 Resolution:** Approve and Authorize the Executive Director to Execute Three Professional Services Agreements for On-Call Stormwater Compliance, Planning, and Support Services for a Total Combined Amount Not to Exceed \$1,500,000, for a Five (5)-Year Contract Term. (Environmental)

File ID: [\[164-22\]](#)

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 Special Meeting of the Board will be held on June 16, 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.