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Thursday, November 30, 2023

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 3:30 p.m.***

## **PUBLIC PARTICIPATION**

*To Speak on an Agenda Item via Teleconference*

*To participate via teleconference please click the link below.*

*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. All speakers will be allotted a minimum of one minute.*

*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/1606975732>

*To join by Telephone:*

*US: US: +1 669 254 5252 or +1 669 216 1590 or +1 415 449 4000*

*Webinar ID: 160 697 5732*

*To Speak on an Agenda Item In-person*

*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 the conclusion of Closed Session. You may submit a Speaker Card for Open Forum any time prior to Open Forum. All speakers will be allotted a minimum of one minute.*

**ROLL CALL**

*Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver, 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:** 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 Director of Aviation; Linda Peng, Manager of Aviation Properties

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

**Property:** Billboards on Burma Road, South of the Eastern span of the Bay Bridge approach to Oakland

**Negotiating Parties:** Clear Channell Outdoor, LLC, Outfront Media, LLC, and the Port of Oakland

**Agency Negotiator:** Dorin Tiutin, Acting Director of Commercial Real Estate

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

**Property:** Rail yard located directly east of Maritime Street, parallel to I-880, on the former Oakland Army Base property owned by the Port, Oakland, CA

**Negotiating Parties:** West Oakland Pacific Railroad, LLC and the Port of Oakland

**Agency Negotiator:** Bryan Brandes, Director of Maritime

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

**File ID:** [\[375-23\]](#)

**1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - (Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matters: 1.****

**File ID:** [\[374-23\]](#)

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

**Title:** Executive Director

**File ID:** [\[376-23\]](#)

**OPEN SESSION/ROLL CALL**

*Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver, First Vice-President Lee and President*

**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:** Amendment and Adoption Into Chapter 5.05 and Appendix C-4 of the Port of Oakland Administrative Code Authority for the Port of Oakland to Collect Customer Facility Charges, not to Exceed \$10 Per Contract from On-Airport and \$8 Per Contract from Off-Airport Rental Car Companies, at Oakland International Airport for One Additional Year from January 1, 2024, to December 31, 2024. **(Aviation)**

**File ID:** [\[352-23\]](#)

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

- 2.2 Ordinance:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute an Amendment No. 9 to Space/Use Permit for Specialty Retail/Wine Bar Concession with Taste, Inc, dba Vino Volo to (1) Extend the Term through December 31, 2024 for approximately \$339,770.33 in Anticipated Revenues; and (2) 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 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act **(Aviation)**.

**File ID:** [\[358-23\]](#)

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

- 2.3 Ordinance:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute an Amendment to the Temporary License Agreement with the Center for Independent Living, Inc. to Extend the Term for Two Years, from February 1, 2024 through January 31, 2026. (Aviation)
- File ID:** [\[359-23\]](#)
- Attachments:** [Agenda Report](#)
- 2.4 Resolution:** Approve and Authorize the Executive Director to Execute Project Supplement No. 3 with the California State Transportation Agency, Authorizing \$144,246,480 in State Funding to be Distributed to the Port of Oakland for Various Design and Construction Projects, and Finding That the Proposed Action is Exempt Under the California Environmental Quality Act (**Executive Office**)
- File ID:** [\[364-23\]](#)
- Attachments:** [Agenda Report](#)  
[Attachment A](#)  
[Attachment B](#)
- 2.5 Resolution:** Approve and Authorize the Executive Director to Submit an Attestation of the Veracity of the Port's Power Source Disclosure Report and the Power Content Label to the California Energy Commission for Calendar Year 2022 (**Executive Office**)
- File ID:** [\[218-23\]](#)
- Attachments:** [Agenda Report](#)  
[Attachment](#)
- 2.6 Ordinance 4723,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Third Amendment To The License And Concession Agreement With Bank Of America, National Association, Located At 101 Washington Street, Oakland To Allow For Various Lighting Upgrades, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.
- File ID:** [\[367-23\]](#)
- Attachments:** [Ordinance 4723](#)
- 2.7 Ordinance 4724,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Second Amendment To The Temporary Rental Agreement With Pacific Gas & Electric Company To Extend The Term Through December 31, 2024, And Increase The Initial Monthly Rental Rate To \$7,872.76, For A Construction Staging Area On The Premises Located At Livingston Street And Embarcadero Road, Oakland.
- File ID:** [\[368-23\]](#)
- Attachments:** [Ordinance 4724](#)

- 2.8 Ordinance 4725**, 2nd Reading Of An Ordinance Amending Appendix C-1 Of The Port Of Oakland Administrative Code (POAC) To Adjust The North Field General Aviation T-Hangar, Ramp Space, And Tiedown Rates.
- File ID:** [\[369-23\]](#)
- Attachments:** [Ordinance 4725](#)
- 2.9 Ordinance 4726**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A First Amendment (First Supplemental Agreement) To The Lease With Port Transfer, Inc. To Defer A Scheduled Rent Increase And To Modify Tenant Obligations To Complete Certain Maintenance Responsibilities Resulting In A Total Revenue Loss Of Approximately \$488,172 In Fiscal Year (FY) 2024; A Total Expense Savings Of Up To \$464,000 In FY 2024; And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.
- File ID:** [\[370-23\]](#)
- Attachments:** [Ordinance 4726](#)
- 2.10 Ordinance 4727**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute Amendments To The Non-Exclusive Preferential Assignment Agreements With SSA Terminals (Oakland), LLC For Oakland International Container Terminal (Berths 55-60) To (A) Extend The Deadline By Which They Must Complete Certain Deferred Pavement Maintenance; (B) Correct An Error In The Agreements Regarding The Port's Reimbursement For Crane Removal Work; And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.
- File ID:** [\[371-23\]](#)
- Attachments:** [Ordinance 4727](#)
- 2.11 Ordinance 4728**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Set The Annual Salary For The Chief Real Estate Officer At \$298,000 And For The Director Of Environmental Programs And Planning At \$263,616.
- File ID:** [\[372-23\]](#)
- Attachments:** [Ordinance 4728](#)
- 2.12 Minutes:** Approval of the Minutes of the Regular Meetings of September 28, 2023 and October 26, 2023. **(Board)**
- File ID:** [\[373-23\]](#)
- Attachments:** [September 28, 2023 Minutes](#)  
[October 26, 2023 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.*

- 5.1 Ordinance:** Adopt Utility Rules and Regulations as Chapter 10.01 of the Port of Oakland Administrative Code (**Executive Office**)

**File ID:** [\[357-23\]](#)

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

- 5.2 Report:** Proposed Utility Purchasing Authority Ordinance (**Executive Office**)

**File ID:** [\[356-23\]](#)

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

#### 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: (1) the Executive Director to Waive Formal Competitive Procurement Procedures and Execute Contracts to Procure Vehicles for Use by Aviation and Maritime Divisions at a Total Cost Not to Exceed \$4,746,500; (2) the Designation of Certain 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 Surplus Sale, Donation, Scrapping, Recycling, Destruction, and Abandonment in Accordance with Port of Oakland Administrative Code Section 5.12.160. (**Aviation**)

**File ID:** [\[351-23\]](#)

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

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute an Agreement with Tom Lopes Distributing Inc., dba Western States Oil Company to Procure Unleaded Gasoline and Renewable Diesel Fuel for an Amount Not to Exceed \$2,750,000 over a Five-Year Term. (**Maritime**)

**File ID:** [\[327-23\]](#)

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

- 6.3 Resolution:** Approve and Authorize the Executive Director to Execute a Professional Services Agreement with WMH Corporation, Inc. to Provide Engineering Design Services for the Everport Terminal Services Pavement Project at Ben E. Nutter Terminal for a Three-Year Term with a Maximum Compensation Not-to-Exceed Value of \$550,000.00. **(Engineering)**
- File ID:** [\[360-23\]](#)
- Attachments:** [Agenda Report](#)
- 6.4 Ordinance:** Approve and Authorize the Executive Director to Execute a Fourth Amendment to the Temporary Rental Agreement with West Oakland Pacific Railroad, LLC, to Provide Interim Rail Switching Services at the Port's Outer Harbor Intermodal Terminal (OHIT) Phase 1 Yard for One Additional Year Through December 31, 2024, with One, 1-Year Option to Extend; Resulting in Fixed Rent of Approximately \$6,021 per Calendar Year Quarter and Variable Rent of Approximately \$151 per Rail Car in Excess of the Breakpoint, Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime)**
- File ID:** [\[333-23\]](#)
- Attachments:** [Agenda Report](#)
- 6.5 Ordinance:** Authorization To Extend Space Assignment Agreements, Temporary Rental Agreements, and Temporary License Agreements That (a) Have Been In Effect For More Than One Year As of November 30, 2023, and/or (b) Are Likely To Be In Effect For More Than One Year As Of December 31, 2023, Through December 31, 2024, Resulting In Annual Revenue of Approximately \$20 Million, And Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime)**
- File ID:** [\[334-23\]](#)
- Attachments:** [Agenda Report](#)
- 6.6 Resolution:** Approve and Authorize the Executive Director to: (1) Enter into Contract with Teichert Construction in an Amount Not-To-Exceed \$14,576,255 for Construction of Infrastructure for Electric Bus Charging Stations - Phase 1 at Oakland International Airport, (2) Execute Contract Change Orders to the Extent Necessary in an Amount Not to Exceed \$3,644,064 and; (3) Execute a Supplemental Agreement with YEI Engineers, Inc. in an Amount Not to Exceed \$385,000 for Design Support Services During Construction; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering/Aviation)**
- File ID:** [\[349-23\]](#)
- Attachments:** [Agenda Report](#)

- 6.7 Resolution:** Approve and Authorize the Executive Director to: (1) Waive Formal Competitive Procurement Procedures; (2) Execute a Professional Services Agreement with Cambridge Systematics, Inc. to Prepare a Micro and Macro-Economic Development Opportunities Assessment and the Oakland Seaport Plan for a Term Not to Exceed Three Years and a Maximum Compensation of \$880,000; and (3) Execute a Professional Services Agreement with WSP USA, INC. to Update the Seaport Land Use Study for a Term Not to Exceed Three Years and a Maximum Compensation of \$220,750. **(Environmental Programs and Planning and Maritime)**

File ID: [\[346-23\]](#)

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 December 14, 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  
[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.

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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.