



Thursday, September 28, 2023

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 2:00 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/1600059514>

To join by Telephone:

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

Webinar ID: 160 005 9514

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 LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Significant Exposure to Litigation Pursuant to Paragraph (4) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matters: 2.**

File ID: [\[304-23\]](#)

- 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: [\[305-23\]](#)

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

Title(s): Port Attorney

File ID: [\[306-23\]](#)

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.

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute a Seventh Supplemental Agreement to a Lease with DASL, LLC for Premises Located at the Cost Plus Parking Lot Located at 101 Clay Street, Oakland to Extend the Term Through October 31, 2026, at an Initial Monthly Rental Rate of \$10,737 During the Extension Term, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Commercial Real Estate)**

File ID: [\[302-23\]](#)

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

- 2.3 Resolution:** Authorization to Accept and Execute All Necessary Documents for \$663,000 of Port Security Grant Program Funds from the Federal Emergency Management Agency for Port Cybersecurity Infrastructure Improvements and Vulnerability Assessments. **(Information Technology)**

File ID: [\[265-23\]](#)

Attachments: [Agenda Report](#)

- 2.1 Building Permit:** for Eagle Rock Aggregates, Site Improvements, Maritime Street at 17th Street, B20-22, Maritime Area **(Environmental/Maritime)**

File ID: [\[300-23\]](#)

Attachments: [Building Permit](#)

- 2.4 Ordinance 4718,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Sixth Supplemental Agreement To The Wireless Telecommunications Lease Agreement With Crown Castle Gt Company LLC For Premises Located Near The Bay Bridge Plaza On Burma Road To Extend The Term For Five (5) Years With One (1) Five (5) -Year Option To Extend, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[307-23\]](#)

Attachments: [Ordinance 4718](#)

- 2.5 Ordinance 4719,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Second Amendment To The Lease With Shippers Transport Express, Inc. To Modify The Premises And Rent And Provide A One-Time Credit Or Reimbursement For Adjustment To Monthly Rent, Resulting In A Revenue Loss Of Approximately \$208,000 In FY 2024.

File ID: [\[308-23\]](#)

Attachments: [Ordinance 4719](#)

- 2.6 Ordinance 4720**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amended And Fully Restated Non-Exclusive Preferential Assignment Agreement (“NEPAA”) With Eagle Rock Aggregates, Inc., For A Bulk Marine Terminal Comprising Approximately 18 Acres Of Land And 3 Acres Of Water At Berths 20-22, Providing For An Initial Term Of 12 Years During Which Annual Fixed (Minimum) Rent Increases From Approximately \$1.4 Million To \$6.4 Million; Two Options To Extend The Term Up To An Additional 15 Years To A Maximum Of 27 Years; And Approximately \$11.4 Million Of Port Of Oakland Expenditures To Implement Certain Improvements During The Initial Term; And Finding That The Proposed Action Complies With The California Environmental Quality Act As Analyzed In The Final Supplemental Environmental Impact Report To The 2002 Oakland Army Base Area Redevelopment Plan Environmental Impact Report.

File ID: [\[309-23\]](#)

Attachments: [Ordinance 4720](#)

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 Professional Services Agreements with Five Consultant Teams for As-Needed Aviation Planning Consulting Services for Five-Year Terms with an Aggregate Maximum Compensation Not to Exceed \$15,000,000 (**Aviation**).

File ID: [\[297-23\]](#)

Attachments: [Agenda Report](#)

- 6.2 Resolution:** Approve and Authorize the Executive Director to: (1) Waive Formal Competitive Procurement Procedures and Execute a Single Source Professional Services Agreement with Parsons Transportation Group, Inc. for Operations and Maintenance Support for the Freight Intelligent Transportation System for an Initial Term of Three Years , with One Two-Year Option Subject to Mutual Agreement and a Maximum Compensation Not to Exceed \$10,322,600 over Five Years; and (2) Execute a Cooperative Agreement with the City of Oakland that Outlines Operations and Maintenance Responsibilities for the Freight Intelligent Transportation System **(Maritime)**

File ID: [\[210-23\]](#)

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

- 8.1 Resolution:** Adopting the Regular Board Meeting Schedule for Calendar Year 2024.
(Board)

File ID: [\[303-23\]](#)

Attachments: [Regular Board Meeting Calendar 2024](#)

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 October 26, 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

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.