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Thursday, September 29, 2022

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:45 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.*

<https://portoakland.zoomgov.com/j/1606541254>

*To join by Telephone:*

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

*Webinar ID: 160 654 1254*

*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 Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Butner, 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:** 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:** 2800 7th Street, Oakland, CA

**Negotiating Parties:** TraPac, LLC and the Port of Oakland

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

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

**Property:** 1700 Maritime Street; 2440 W 14th Street; 6805 Tobruk Street; 2498 W 19th Street, and adjacent areas - all in Oakland, CA - on the portion of the former OAB north of 14th Street, generally bounded by Maritime Street on the West, 14th Street on the South, Outer Harbor Intermodal Terminal (OHIT) on the East, and Admiral Toney Way and West Grand Ave (elevated roadway) on the North.

**Negotiating Parties:** CVAG, Impact, PCC, PTI, and the Port of Oakland

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

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

**Property:** Two Retail Programs Totaling (16) Retail Units; 2 Wine Bar Units located at Oakland International Airport; #1 Airport Drive, Oakland

**Negotiating Parties:** HG OAK Retail Concessionaires JV (Hudson Group, Arandia Designs, Maj Collection); Paradies Lagardere @ OAK, LLC (Paradies Lagardere, JR Lester and Associates, LTD); MRG Oakland, LLC (The Marshall Retail Group, Oaklandish, LLC and Silver Dragon Cafe, LLC), and the Port of Oakland

**Agency Negotiator:** Nyika Allen, Assistant Airport Director, and Linda Peng, Supervising Property Manager

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

**File ID:** [\[299-22\]](#)

**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:** [\[298-22\]](#)

**1.3 CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54957.6):

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21; Service Employees International Union, Local 1021; Western Council of Engineers; International Brotherhood of Electrical Workers, Local 1245 And Unrepresented Employees: Port Employee Units H/M

**File ID:** [\[300-22\]](#)

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

**Title:** Executive Director

**File ID:** [\[301-22\]](#)

## **OPEN SESSION/ROLL CALL**

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

## **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 4660**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Fourth Amendment To Temporary Rental Agreement With City Health, A Medical Corporation, To Extend The Term To August 31, 2023, With Anticipated Annual Revenues Of \$42,000, Operating At Oakland International Airport.

**File ID:** [\[302-22\]](#)

**Attachments:** [Ordinance 4660](#)

- 2.2 Ordinance 4661**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Third Amendment To Lease With DHL Express (USA), Inc. To Extend The Term For Five Years To December 31, 2027 At Annual Consideration Of \$563,995 For Premises At North Field At Oakland International Airport.

**File ID:** [\[303-22\]](#)

**Attachments:** [Ordinance 4661](#)

- 2.3 Ordinance 4662**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A License And Concession Agreement With Gaiaca, LLC, Doing Business As Gaiaca Waste Revitalization, For Premises Located At 424 Pendleton Way, Oakland, For A Term Of Five (5) Years, With One (1) Five-Year Mutual Option To Extend, For An Initial Monthly Rent Of \$9,500.

**File ID:** [\[304-22\]](#)

**Attachments:** [Ordinance 4662](#)

- 2.4 Ordinance 4663**, 2nd Reading Of An Ordinance Approving And Authorizing 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.

**File ID:** [\[305-22\]](#)

**Attachments:** [Ordinance 4663](#)

- 2.5 Ordinance 4664**, 2nd Reading Of An Ordinance Approving And Authorizing A Space/Use Permit With Boutique Air, Inc. For A Term For Over Three Years From May 16, 2022 To June 30, 2025, With Annual Consideration Of \$88,852 For Premises At Port Building L-210 (Hangar 2) And Port Building L-230c At North Field At Oakland International Airport.

**File ID:** [\[307-22\]](#)

**Attachments:** [Ordinance 4664](#)

### 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 Information Report:** Proposed Adoption of Various Policies Into Title 2 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Prior Port Ordinances **(Port Attorney)**

**File ID:** [\[296-22\]](#)

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

#### 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: (1) a Professional Services Agreement with Intellisoft, Inc. to provide a comprehensive and automated Identity Management System (IdMS) software at the Oakland International Airport (Airport) and Provide System Updates for a Term of 7 Years for a Total Cost Not to Exceed \$2,830,000; and (2) a Professional Services Agreement with Faith Group, LLC to Provide Project Coordination Implementation Support Services for a Term of 2 Years for a Total Cost Not to Exceed \$250,000, and Waive Formal Competitive Procedures. **(Aviation)**

**File ID:** [\[293-22\]](#)

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

- 6.2 Ordinance:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute an Amendment to Space/Use Permit for Retail and Duty Free Concession with WDFG North America LLC to (i) Extend the Term through January 31, 2023 for approximately \$520,454.85 in Anticipated Revenues; (ii) Grant the Executive Director the Authority to Extend the Term on an As-Needed Basis for Up to an Additional Five Months from February 1, 2023 through June 30, 2023 for approximately \$130,113.71/Month in Anticipated Revenues; and (iii) 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:** [\[294-22\]](#)

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

- 6.3 Ordinance:** Enactment of An Ordinance to Amend Port Ordinance No. 867 to Reassign the Salary Grade for the Senior Maritime Commercial Representative Classification from Salary Grade 586.2 to Salary Grade 515.1. **(Finance & Admin)**

File ID: [\[297-22\]](#)

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 Regular Meeting of the Board will be held on October 13, 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.

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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.