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**SUPPLEMENTAL BOARD AGENDA**

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Thursday, May 23, 2024

Board Room – 2nd Floor

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***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/1618758159>

*To join by Telephone:*

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

*Webinar ID: 161 875 8159*

*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 - EXISTING LITIGATION -** (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 1:**

(1) City and County of San Francisco v. City of Oakland, etc., et al, U.S. District Court (N.D. Cal.) Case No. 3:24-cv-02311

**File ID:** [\[190-24\]](#)

**1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR -** (Pursuant to California Government Code Section 54956.8)

**Property:** 5190 7th Street, Oakland, CA

**Negotiating Parties:** Everport Terminal Services, Inc. and the Port of Oakland

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

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

**File ID:** [\[191-24\]](#)

**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:** [\[192-24\]](#)

**OPEN SESSION/ROLL CALL**

*Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver, 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:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute a Separate Amendment No. 2 to Space/Use Permit for Automated Teller Machines with Bank of America, National Association and Wells Fargo Bank, N.A. to Extend the Term of the Agreement for Two Years and Two Months with One One-Year Option to Extend Through December 31, 2027 for Approximately \$397,332.18 in Anticipated Revenues and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[180-24\]](#)

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

- 2.2 Ordinance:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute a Space/Use Permit for Ground Support Equipment - Service and Maintenance with Alvest Equipment Services (USA) LLC for Four Years for approximately \$517,680.00 in Anticipated Revenue and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[181-24\]](#)

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

- 2.3 Ordinance 4747**, 2nd Reading of Ordinance Amending Port Of Oakland (“Port”) Tariff Number 2-A (Ordinance No. 2833) To: (A) Effectuate A General Rate Increase With Limited Exceptions; (B) Modify Various General Rules And Regulations Regarding Insurance, Shore Power, Drayage Trucks, And Use Of Port Property; (C) Update Hazardous Materials Rules And Regulations; (D) Modify Various Rules And Regulations For Dockage, Wharfage, Container Cranes, Wharf Assignments, And Space Assignments; (E) Modify Truck Parking/Container Depot Rates To Recover Payment Transaction Fees; And (F) Make Various Minor Administrative Updates, Effective July 1, 2024; And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

**File ID:** [\[187-24\]](#)

**Attachments:** [Ordinance 4747](#)

- 2.4 Ordinance 4748**, 2nd Reading of Ordinance Approving and Authorizing The Executive Director To Execute Agreements Necessary To Assign A Lease And Operating Agreement From Oakland Marinas, L.P. To Smi Oakland Holdco, LLC, For The Marina Premises Located Along The Oakland Estuary, For An Assignment Fee Of \$10,000, Including New License And Concession Agreements With Smi Oakland Holdco, LLC For Premises Located At 1853 Embarcadero Road And 38 Webster Street, Oakland, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

**File ID:** [\[188-24\]](#)

**Attachments:** [Ordinance 4748](#)

### 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 Report:** FY 2025 Operating and Capital Budget Update #2. **(Finance & Admin)**

**File ID:** [\[156-24\]](#)

**Attachments:** [Report](#)  
[Budget Update #2](#)

### 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 Waive Formal Competitive Procurement Procedures and Execute a Supplemental Agreement to the Professional Services Agreement, Dated January 1, 2020, with Transcore, LP to Extend the Term by Five Years with Two, Two-Year Options and Increase the Maximum Compensation by an Amount Not to Exceed \$400,600; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[163-24\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.1](#)

- 6.2 Ordinance and Resolution:** Approve and Authorize the Executive Director to Execute a Non-Exclusive Preferential Assignment Agreement with Everport Terminal Services, Inc. for an Approximate 90-Acre Marine Terminal Located at 5190 7th Street, Oakland, CA, with an Initial Term Through June 30, 2029, Providing Average Annual Total Rent of Approximately \$16.9 Million and Committing the Port to Incur Approximately \$38.6 Million of Expenditure; Approve a Budget of Approximately \$38.6 Million for Maintenance and Improvements, of which Approximately \$10.5 Million would be Spent in FY 2025; and Find that the Proposed Action is Exempt Under the California Environmental Quality Act **(Maritime)**

**File ID:** [\[178-24\]](#)

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

- 6.3 Ordinance:** Approve and Authorize the Executive Director to Execute a Second Amendment to the Lease with Sea-Logix, LLC to Extend the Term by Five Years Through June 30, 2029, with a Partial Early Termination Right; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act **(Maritime)**

**File ID:** [\[145-24\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 6.3](#)

- 6.4 Resolution:** Approve and Authorize the Executive Director to Execute Professional Services Agreements with One or More Consultants for On-Call Electrical and Systems Technology Design Services for Non-Federally Funded Projects for Terms Commencing July 1, 2024, and Terminating June 30, 2028, Renewable Up to Two Years with an Aggregate Maximum Compensation Not to Exceed \$16,000,000. **(Engineering)**

**File ID:** [\[158-24\]](#)

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

- 6.5 Resolution:** Approve and Authorize the Executive Director to: (1) Negotiate and Execute a Professional Services Agreement with Hollins Consulting for On-Call Geographic Information System Support for a Maximum Compensation Not to Exceed \$3,000,000 for a Three-Year Term with Two, One-Year Options to Extend; and (2) if Negotiations with Hollins Consulting are Unsuccessful, to Negotiate and Execute a Professional Services Agreement with the Next Highest Rated Firm for a Maximum Compensation Not to Exceed \$3,000,000. **(Engineering)**

**File ID:** [\[159-24\]](#)

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

- 6.6 Resolution:** Approve and Authorize the Executive Director to: (1) Negotiate and Execute a Professional Services Agreement with Hill International for Engineering Program Management Office Services for a Maximum Compensation Not to Exceed \$5,000,000 for a Three-Year Term with Two, One-Year Options to Extend; and (2) if Negotiations With Hill International are Unsuccessful, to Negotiate and Execute a Professional Services Agreement with the Next Highest Ranked Firm for a Maximum Compensation Not to Exceed \$5,000,000. **(Engineering)**

**File ID:** [\[057-24\]](#)

**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 June 13, 2024.*

## 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.