

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4791

**ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE AN AMENDMENT TO THE TEMPORARY
LICENSE AGREEMENT WITH VALLEY HUMANE SOCIETY, INC.
TO EXTEND THE TERM FOR THREE YEARS, AND FINDING THAT
THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated May 8, 2025, ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, the Port executed a Temporary License Agreement ("TLA") with Valley Humane Society, Inc. ("Valley Humane") with a one year term of June 3, 2024 to June 2, 2025 that permits Valley Humane to provide canine comfort pet therapy to passengers and employees at Oakland Airport; and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby approves and authorizes the Executive Director to:

A. Execute the proposed Amendment to the TLA ("Amendment") with Valley Humane to extend the term for three years to June 2, 2028, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Make any additions, modifications, or corrections as necessary to implement the Amendment, provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, May 8, 2025.
Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Dominguez Walton, Lee, Leslie, Martinez, Myres and President Colbruno - 7. Noes: 0.

Daria Edgerly,

Secretary of the Board

Adopted at a Regular Meeting held May 22, 2025
by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno - 6
Excused: Commissioner Lee - 1
Noes: - 0


President.

Attest: 
Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4792

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SECOND SUPPLEMENTAL AGREEMENT TO THE LEASE WITH PACIFIC LAYBERTHING SOUTH, LLC, FOR WATER AND LAND AREA AT BERTH 68, TO EXTEND THE AGREEMENT MAXIMUM TERM BY SIX MONTHS THROUGH OCTOBER 31, 2025, WHICH PROVIDES APPROXIMATELY \$276,000 ADDITIONAL REVENUE; AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.2, dated May 8, 2025, (the "Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

WHEREAS, the proposed action will provide important services for customers of the Port, and is consistent with the Port's duty to use and manage Port property in trust for the people of the State of California (the "Tidelands Trust"), and the private use of Port property in the form of a lease will not interfere with the Tidelands Trust; and

WHEREAS, the Port has an existing lease dated March 1, 2021 with Pacific Layberthing South, LLC, a California limited liability company ("Lessee"), as amended by a First Supplemental Agreement to the lease (together, the "Lease") to use a certain portion of Port owned property commonly referred to as Berth 68 of the Howard Terminal area ("Premises") for the layberthing of the USNS John Glenn; and

WHEREAS, the Port and Lessee have agreed that it is to their mutual benefit to amend certain provisions of the Lease;

NOW, THEREFORE, BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

Section 2. The Board hereby finds and determines as follows:

A. The proposed Second Supplemental Agreement to the Lease with Lessee is exempt from the requirements of the California Environmental Quality Act ("CEQA") because the proposed action consists of leasing of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, as further defined in Section 15301 of the CEQA Guidelines.

B. Port staff have negotiated and recommend entering into the Second Supplemental Agreement to the Lease, which:

1. Term: Extends the term of the Lease by a six-month extension, expiring on October 31, 2025; and
2. Compensation and Performance Deposit: Fixed monthly rent remains at \$1,500/day and the performance deposit remains at \$90,000.

Other terms and conditions of the Lease remain unchanged.

Section 3. The Board hereby authorizes the Executive Director or her designee to execute the Second Supplemental Agreement to the Lease with Lessee, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 4. This Ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 5. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, May 8, 2025.
Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Dominguez Walton, Lee, Leslie, Martinez, Myres and President Colbruno - 7. Noes: 0.

Daria Edgerly,

Secretary of the Board

Adopted at a Regular Meeting held May 22, 2025
by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno - 6

Noes: - 0

Excused: Commissioner Lee - 1



President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4793

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SECOND AMENDMENT TO TEMPORARY RENTAL AGREEMENT WITH DELUX PUBLIC CHARTER, LLC DBA JSX OPERATING AT OAKLAND AIRPORT FOR A TOTAL TERM OF JUST OVER SEVEN YEARS FROM MAY 7, 2021 THROUGH JUNE 30, 2028, AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated May 8, 2025, ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, in May 2021, the Port executed a Temporary Rental Agreement ("TRA") with Delux Public Charter, LLC dba JSX ("JSX") with a term of May 7, 2021 to May 6, 2022 that allowed for JSX to occupy a portion of the parking lot ("L-142 Lot") that is located across the street from Port Building L-142 ("L-142") where JSX operates its passenger service as a based subtenant to Signature Flight Support; and

WHEREAS, pursuant to Port Ordinance No. 4655 (July 7, 2022), the Board approved extending the TRA to June 30, 2025; and

WHEREAS, JSX has requested a further extension of the TRA; and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 of the CEQA Guidelines because the proposed action consists of activities that involve negligible or no expansion of an existing use.

Section 2. The Board hereby approves and authorizes the Executive Director to:

A. Execute the proposed Second Amendment to TRA ("Amendment") with JSX for a portion of L-142 Lot to operate a parking lot for monthly rent of \$7,786 during the extended term of July 1, 2025

through June 30, 2028, subject to rent adjustments of 3% annually on July 1, 2026 and each July 1 thereafter and subject to termination by either party upon 30 days written notice, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Make any additions, modifications, or corrections as necessary to implement the Amendment, provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, May 8, 2025.
Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Dominguez Walton, Lee, Leslie, Martinez, Myres and President Colbruno - 7. Noes: 0.

Daria Edgerly,

Secretary of the Board

Adopted at a Regular Meeting held May 22, 2025
by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno - 6

Noes: - 0

Excused: Commissioner Lee - 1


President.

Attest: 
Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4794

ORDINANCE AMENDING PORT OF OAKLAND ("PORT")
TARIFF NUMBER 2-A (ORDINANCE NO. 2833) TO:
(A) MODIFY SPACE ASSIGNMENT RATES; (B) MODIFY
WHARFAGE RATES FOR CONTAINERIZED CARGO NOT
OTHERWISE SPECIFIED; AND (C) MAKE VARIOUS
MINOR ADMINISTRATIVE UPDATES, EFFECTIVE JULY
1, 2025; AND FINDING THAT THE PROPOSED ACTION
IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated May 8, 2025 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that:

A. This Ordinance is adopted pursuant to the authority under Article 7 of the Charter of the City of Oakland, including but not limited to Section 706(10) of the Charter, and the rates, dockage, rentals, tolls, wharfage, and charges are reasonable for the use of Port properties, appliances, and facilities or to recover costs of services rendered; and

B. The proposed amendments to Port Tariff No. 2-A were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15273 of the CEQA Guidelines because the proposed action is for the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges for: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for capital projects, necessary to maintain service within existing service areas; or (5) obtaining funds necessary to maintain intra-city transfers as authorized under the City charter. Therefore, the proposed action is not subject to CEQA.

Section 2. References in this ordinance to an Item Number, or to a Tariff Section number, mean the Item Number or the Tariff Section number, respectively, in Port Tariff Number 2-A, adopted by Port Ordinance No.

2833, as amended. Underlined words and phrases indicate modified language to the portions of the Item Numbers referenced in this ordinance.

Section 3. The following pages, items, and sections shall be amended as set forth herein:

A. Section VI, Item 06400 is revised to increase Containerized Cargo Not Otherwise Specified ("N.O.S.") rates by ten percent (10%).

B. Section X-B, Item 10155(b) is revised to (a) update the minimum charge by three and one-half percent (3.5%).

C. Section X-B, Item 10160 is revised to increase each rate in this by three and one-half percent (3.5%).

D. Miscellaneous other administrative or less substantive updates are made throughout the Tariff, including updates to staff names, Board appointments, and typographical errors among other minor edits to Port Tariff 2-A to ensure accuracy and consistency.

Section 4. This Ordinance shall take effect on July 1, 2025; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, May 8, 2025.
Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Dominguez Walton, Lee, Leslie, Martinez, Myres and President Colbruno - 7. Noes: 0.

Daria Edgerly,

Secretary of the Board

Adopted at a Regular Meeting held May 22, 2025
by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and
President Colbruno - 6

Noes: - 0

Excused: Commissioner Lee - 1



President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney