



BOARD AGENDA

Thursday, July 25, 2024

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:00 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/1614014467>

To join by Telephone:

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

Webinar ID: 161 401 4467

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

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

(1) City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners v. Jack London Square (Oakland) Operator, LLC, et al., American Arbitration Association Case No. 01-22-0003-2422

File ID: [\[265-24\]](#)

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

Property: 1 Market Street, Oakland, CA

Negotiating Parties: Various developers and/or property owners around Howard Property and Port of Oakland

Agency Negotiator: Jonathan Veach, Chief Real Estate Officer, and Dorin Tiutin, Commercial Real Estate Manager

Under Negotiation: Price and Terms of Payment

File ID: [\[266-24\]](#)

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

File ID: [\[267-24\]](#)

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

Agency Designated Representative: Michael Mitchell

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: [\[268-24\]](#)

OPEN SESSION/ROLL CALL

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

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:** Approve and Authorize the Executive Director to Execute an Airline Operating Agreement and Annex “A” Space/Use Permit with Aeroenlaces Nacionales, S.A. de C.V. (d/b/a/ Viva Aerobus), with Anticipated Revenues of \$410,035.75, Based on FY2024/2025 Rates and Charges, Operating at San Francisco Bay Oakland International Airport and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

File ID: [\[255-24\]](#)

Attachments: [Agenda Report](#)

- 2.2 Resolution:** Approve and Authorize the Executive Director to Execute an Agreement with Magnetic Ticket and Label Corporation to Provide Airline Boarding Pass and Baggage Tag Paper Stock for a Three-Year Term and a Maximum Compensation Not to Exceed \$350,000. **(Technology and Innovation)**

File ID: [\[252-24\]](#)

Attachments: [Agenda Report](#)

- 2.3 Ordinance 4760**, 2nd Reading Of An Ordinance Approving The Extension Of Authority For The Port Of Oakland To Collect Customer Facility Charges At San Francisco Bay Oakland International Airport Through June 30, 2035; Establishing An Alternative Customer Facility Charge Of \$7.50 Per Day For On-Airport Rental Car Transactions And \$7.42 Per Day For Off-Airport Rental Car Transactions, Not To Exceed Five Total Contract Days, Effective October 1, 2024; And Making The Implementing Amendments To Appendix C-4 Of The Port Of Oakland Administrative Code.
- File ID:** [\[261-24\]](#)
- Attachments:** [Ordinance 4760](#)
- 2.4 Ordinance 4761**, 2nd Reading Of An Ordinance Approving The Utilities Rates And Charges And Master Utility Fee Schedule, And Adoption Into Chapter 10.03 And Appendix F Of The Port Of Oakland Administrative Code (POAC) By Amending And Restating Port Ordinance Nos. 3439, 3521, 3621, 3651, 3674, 3714, 3727, 2798, 3926, 3944, 3950, 3982, 4028, 4034, 4064, 4143, 4225, 4260, 4339, 4354, 4468 And Port Resolution Nos. 02410 And 05181, And Amendment Of Chapter 10.01 Of The POAC; And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.
- File ID:** [\[262-24\]](#)
- Attachments:** [Ordinance 4761](#)
- 2.5 Ordinance 4762**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Airline Operating Agreement And Its Annex "A" Space/Use Permit With Advanced Air, LLC, With Anticipated Revenues Of \$191,627.45, Operating At San Francisco Bay Oakland International Airport And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.
- File ID:** [\[263-24\]](#)
- Attachments:** [Ordinance 4762](#)
- 2.6 Ordinance 4763**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Airline Operating Agreement With Sun Country, Inc., With Anticipated Annual Revenues Of \$65,254.53 Based On Fy 2023/24 And Fy 2024/25 Rates And Charges, Operating At San Francisco Bay Oakland International Airport And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.
- File ID:** [\[264-24\]](#)
- Attachments:** [Ordinance 4763](#)
- 2.7 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2023-24 4th Quarter (April 1, 2024 - June 30, 2024). **(Finance & Admin)**
- File ID:** [\[253-24\]](#)
- Attachments:** [Report](#)

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:** Unaudited Financials for 11 months ended May 31, 2024. **(Finance & Admin)**

File ID: [\[245-24\]](#)

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

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 **Ordinance:** Approve and Authorize the Executive Director to Execute Amendment No. 1 to Space/Use Permit with Alclear, LLC. dba CLEAR to Provide Registered Traveler Services at San Francisco Bay Oakland International Airport to Extend the Term through June 30, 2025, for Approximately \$337,776.53 in Anticipated Revenue and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

File ID: [\[256-24\]](#)

Attachments: [Agenda Report](#)

6.2 **Resolution:** Approve and Authorize the Executive Director to Execute a Temporary License Agreement with HLT CA Hilton, LLC for Premises Consisting of Approximately 10 Acres Located at 1 Hegenberger Road, Oakland, for Demolition of Certain Improvements, for a Term of up to 18 Months, including a Proposed Port of Oakland Cost Share in an Amount Not to Exceed \$2,000,000 and Authorize an Additional Contingency Amount Not-to-Exceed \$400,000 (20%) and Finding that the Proposed Action is Exempt under the California Environmental Quality Act **(Commercial Real Estate).**

File ID: [\[260-24\]](#)

Attachments: [Agenda Report](#)

- 6.3 Resolution:** Approve and Authorize the Executive Director to Execute a Professional Services Agreement for Federal Advocacy Services with Van Scoyoc Associates Incorporated for a Three-Year Term, with Two, One-Year Extension Options, for a Maximum Compensation Not to Exceed \$762,500. **(Public Engagement)**

File ID: [\[259-24\]](#)

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

- 6.4 Resolution:** Approve and Authorize the Executive Director to Waive Formal Competitive Procurement Procedures and Execute a Second Supplemental Agreement to the Professional Services Agreement with CorVel Healthcare Corporation for Medical Bill Review and Payment Utilization Review Services to Increase the Maximum Compensation from \$150,000 to \$300,000 and Extend the Term Through August 2, 2026 **(Finance & Admin)**

File ID: [\[254-24\]](#)

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 September 12, 2024.

PUBLIC PARTICIPATION

To Speak on an Agenda Item

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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
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(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.