



**PORT OF
OAKLAND**

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, May 23, 2024

2:00 PM

Board Room – 2nd Floor

www.portofoakland.com

ROLL CALL

President Cluver called the Regular Meeting of May 23, 2024 to order at the hour of 1:03 p.m. and the following Commissioners were in attendance:

Present: 6 - Commissioner Michael Colbruno, Commissioner Stephanie Dominguez Walton, Commissioner Arabella Martinez, Commissioner Jahmese Myres, Second Vice-President Andreas Cluver and First Vice-President Yui Hay Lee

Excused: 1 - President Barbara Leslie

1. CLOSED SESSION

President Cluver convened the Board in Closed Session at 1:05 p.m. to hear the following Items:

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

President Cluver called the Regular Meeting of May 23, 2024 to order in Open Session at the hour of 2:32 p.m.

Present: 6 - Commissioner Michael Colbruno, Commissioner Stephanie Dominguez Walton, Commissioner Arabella Martinez, Commissioner Jahmese Myres, Second Vice-President Andreas Cluver and First Vice-President Yui Hay Lee

Excused: 1 - President Barbara Leslie

CLOSED SESSION REPORT

Christine Tam, Deputy Port Attorney, reported that the Board had taken no final action in Closed Session.

2. CONSENT ITEMS

Secretary of the Board, Daria Edgerly, introduced the Consent Items.

A motion was made by Commissioner Colbruno, seconded by First Vice-President Lee, to approve the Consent Agenda. The motion carried by the following vote:

Ayes: 6 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

- 2.1 Ordinance 4749:** 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: [\[180-24\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4750:** 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: [\[181-24\]](#)

This Ordinance was approved.

- 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: [\[187-24\]](#)

This Ordinance was approved.

- 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: [\[188-24\]](#)

This Ordinance was approved.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

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

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

Chief Financial Officer, Julie Lam, presented Item 4.1.

Maritime Director, Bryan Brandes and Chief Real Estate Officer, Jonathan Veach, addressed the Board on Item 4.1.

This Report was received and filed.

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 Resolution 24-34:** 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: [\[163-24\]](#)

Interim Aviation Director, Craig Simon, introduced Item 6.1.

A motion was made by First Vice-President Lee, seconded by Commissioner Colbruno, that the Resolution be approved. The motion carried by the following vote:

Ayes: 6 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

- 6.2 Ordinance 4751 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: [\[178-24\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.2.

A motion was made by Commissioner Colbruno, seconded by First Vice-President Lee, that the Ordinance be approved. The motion carried by the following vote:

Ayes: 6 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

- 6.3 Ordinance 4752:** 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: [\[145-24\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.3.

A motion was made by Commissioner Dominguez Walton, seconded by Commissioner Myres, that the Ordinance be approved. The motion carried by the following vote:

Ayes: **6 -** Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: **1 -** President Leslie

- 6.4 Resolution 24-35:** 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: [\[158-24\]](#)

Director of Engineering, Emilia Sanchez, introduced Item 6.4.

A motion was made by Commissioner Colbruno, seconded by Commissioner Myres, that the Resolution be approved. The motion carried by the following vote:

Ayes: **6 -** Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: **1 -** President Leslie

- 6.5 Resolution 24-36:** 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: [\[159-24\]](#)

Director of Engineering, Emilia Sanchez, introduced Item 6.5.

A motion was made by First Vice-President Lee, seconded by Commissioner Dominguez Walton, that the Resolution be approved. The motion carried by the following vote:

Ayes: **6 -** Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: **1 -** President Leslie

- 6.6 Resolution 24-37:** 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: [\[057-24\]](#)

Director of Engineering, Emilia Sanchez, introduced Item 6.6.

A motion was made by First Vice-President Lee, seconded by Commissioner Myres, that the Resolution be approved. The motion carried by the following vote:

Ayes: **6 -** Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: **1 -** President Leslie

7. UPDATES/ANNOUNCEMENTS

Commissioner Dominguez Walton reported out on her recent trip to Mexico to attend meetings with Mexican carriers Viva Aerobus and Volaris Airlines regarding continued business and growth in air travel from the Mexico region into the San Francisco Bay Oakland International Airport.

In honor of AAPI Month, Commissioner Colbruno recognized former Port Commissioners from the AAPI community.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 3:49 p.m.

Approved:

Daria Edgerly
Secretary of the Board