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**SUPPLEMENTAL BOARD AGENDA**

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Thursday, December 19, 2024

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:45 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/1612579116>

*To join by Telephone:*

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

*Webinar ID: 161 257 9116*

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

**Property:** Various space assignment and short term tenancy areas located in the outer harbor terminal area, the former Oakland Army Base and throughout the Seaport

**Negotiating Parties:** Various space assignment and short term tenants located in the outer harbor terminal area, the former Oakland Army Base and throughout the Seaport and the Port of Oakland

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

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

**Property:** Seaport Area, Oakland, CA

**Negotiating Parties:** Existing and Future Tenants and The Port of Oakland

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

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

**Property:** Seaport Area, Oakland, CA

**Negotiating Parties:** City of Alameda, Future Maritime Tenants, and The Port of Oakland

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

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

**File ID:** [\[393-24\]](#)

**1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: Number of Matter(s): 2**

**File ID:** [\[394-24\]](#)

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

**Title:** Executive Director

**File ID:** [\[395-24\]](#)

**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:** [\[396-24\]](#)

**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 Resolution:** Approve and Authorize the Executive Director to Execute an Eighth Supplemental Agreement with Oakland Fire Services Administration to Extend the Existing Memorandum of Understanding for Aircraft Rescue and Fire Fighting for Two Years through December 31, 2026, for an Additional \$16.2 Million and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[365-24\]](#)

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

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute a Temporary License Agreement with Building & Construction Trades Council of Alameda County Effective January 1, 2025 Through December 31, 2029. **(Aviation)**

**File ID:** [\[373-24\]](#)

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

- 2.3 Ordinance:** Approve and Authorize the Executive Director to Execute an Amendment No. 2 to the Space/Use Permit for Security Checkpoint Customer Service Enhancement Program with Security Point Media, LLC to Extend the Term through June 30, 2027 and Modify Rent and Premises at Oakland Airport with Anticipated Revenues of \$728,125 over the Proposed Extended Term, Waive the Restriction 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 at Oakland Airport, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[374-24\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 2.3](#)

- 2.4 Ordinance:** Approve and Authorize the Executive Director to Extend Space Assignment Agreements, Temporary Rental Agreements, and Temporary License Agreements that (a) Have Been In Effect For More Than One Year As of December 5, 2024, and/or (b) Are Likely To Be In Effect For More Than One Year As of December 31, 2024, Through December 31, 2025, Resulting In Annual Revenue of Approximately \$8.6 Million, and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime)**

**File ID:** [\[338-24\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 2.4](#)

- 2.5 Ordinance:** Approve and Authorize the Executive Director to Execute a First Supplemental Agreement to the Lease with Pacific Layberthing South, LLC, for Water and Land Area at Berth 68, to Extend the Maximum Term by Six Months through April 30, 2025, Resulting in Additional Revenue of \$271,500, and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime)**

**File ID:** [\[357-24\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 2.5](#)

- 2.6 Resolution:** Approve and Authorize the Executive Director to Execute a Restated Administrative Services Agreement with Empower Annuity Insurance Company of America for Recordkeeping and Administrative Services for the Port's Deferred Compensation Plan, for a Five-Year Term with Three Two-Year Extension Options; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Finance & Admin)**

**File ID:** [\[375-24\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.6](#)

- 2.7 Resolution:** Approve and Authorize the Executive Director to Execute a Professional Services Agreement with Enterprise Risk Management, Inc. for Payment Card Industry Data Security Standards Consulting Services for a Term Not to Exceed Seven Years with a Maximum Compensation Not to Exceed \$413,770; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Technology & Innovation)**
- File ID:** [\[388-24\]](#)
- Attachments:** [Agenda Report](#)  
[Resolution Item 2.7](#)
- 2.8 Resolution:** Approve and Authorize the Executive Director to Execute a Professional Services Agreement with AeroCloud Systems, Inc. to Implement a Cloud Based Common Use Solution and Provide Hosting/Support at the Oakland International Airport for a Five-Year Term with Two, One-Year Options to Extend for a Maximum Compensation Not to Exceed \$870,000 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Technology & Innovation)**
- File ID:** [\[358-24\]](#)
- Attachments:** [Agenda Report](#)  
[Resolution Item 2.8](#)
- 2.9 Resolution:** Approve and Authorize the Executive Director to Execute a Professional Services Agreement for Strategic Communications and Media/Public Relations Services with Full Court Press Communications for a Three-Year Term and a Maximum Compensation Not To Exceed \$525,000 **(Communications)**.
- File ID:** [\[377-24\]](#)
- Attachments:** [Agenda Report](#)  
[Resolution Item 2.9](#)
- 2.10 Building Permit** for MRG Oakland LLC Tenant Improvements for Roll East, 1 Airport Drive, Space T1-R-G12, OAK **(Environmental/Aviation)**
- File ID:** [\[380-24\]](#)
- Attachments:** [Permit 2024d RE](#)  
[Resolution Item 2.10](#)
- 2.11 Building Permit** for MRG Oakland LLC Tenant Improvements for Oakland Supply Company, 1 Airport Drive, Space T2-R-G22, OAK **(Environmental/Aviation)**
- File ID:** [\[381-24\]](#)
- Attachments:** [Permit 2024e OS](#)  
[Resolution Item 2.11](#)

- 2.12 Building Permit** for MRG Oakland LLC Tenant Improvements for Oaklandish Retail, 1 Airport Drive, Space T2-R-C2-1, OAK (**Environmental/Aviation**)

**File ID:** [\[382-24\]](#)

**Attachments:** [Permit 2024f OR](#)  
[Resolution Item 2.12](#)

- 2.13 Building Permit** for MRG Oakland LLC Tenant Improvements for In Motion, 1 Airport Drive, Space T2-R-C2-3, OAK (**Environmental/Aviation**)

**File ID:** [\[383-24\]](#)

**Attachments:** [Permit 2024g IM](#)  
[Resolution Item 2.13](#)

- 2.14 Building Permit:** for BNSF Railway Installation of Gate Controls at the Truck Gate, 333 Maritime Street (**Environmental/Maritime**)

**File ID:** [\[389-24\]](#)

**Attachments:** [Permit 50 BNSF.pdf](#)  
[Resolution Item 2.14](#)

- 2.15 Minutes:** Approval of the Minutes of the Regular Meetings of October 24, 2024 and November 7, 2024. (**Board**)

**File ID:** [\[387-24\]](#)

**Attachments:** [October 24, 2024 Minutes](#)  
[November 7, 2024 Minutes](#)

### 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 3 months ended September 30, 2024, including Capital Expenditure Report. (**Finance & Admin**)

**File ID:** [\[369-24\]](#)

**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 Resolution:** Approve and Authorize the Executive Director to: (1) Award and Execute a Contract with Oliver de Silva Inc. dba Gallagher & Burk Inc. in an Amount Not to Exceed \$9,876,876.00 for the Everport Terminal Services Pavement Project and (2) Execute Change Orders in an Amount Not to Exceed \$1,975,375.00; and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering/Maritime)**

**File ID:** [\[378-24\]](#)

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

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute Professional Services Agreements with Consolidated Engineering Laboratories and Construction Testing Services for On-Call Material Testing and Construction Inspection Services for Non-Federally Funded Projects and Inspection Services, Inc. and Ninyo & Moore Geotechnical & Environmental Science Consultants for On-Call Material Testing and Construction Inspection Services for Federally Funded Projects, for Three-Year Terms with an Aggregate Maximum Compensation for All Agreements Not to Exceed \$3,000,000 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering)**

**File ID:** [\[368-24\]](#)

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

- 6.3 Resolution:** Approve and Authorize the Executive Director to: (1) Execute a Grant Agreement with the United States Environmental Protection Agency to Accept a \$322,167,584 Clean Ports Program Grant with \$145,588,614 of Matching Funds, Including \$7,569,953 of Port Funds and (2) Execute Ancillary Agreements such as Individual Sub-Grant Agreements with Project Partners to Enable Grant Funding; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Environmental)**

**File ID:** [\[367-24\]](#)

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



- 6.4 Resolution:** Approve and Authorize the Executive Director to: (1) Apply for and, if Awarded, Accept and Execute a Grant Agreement with the U.S. Environmental Protection Agency for the Clean Heavy-Duty Vehicles Grant Program for a Grant Amount Not to Exceed \$10,499,274 and (2) Execute All Ancillary Agreements such as Individual Sub-Grant Agreements with Project Partners to Enable Grant Funding; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Environmental)**

File ID: [\[391-24\]](#)

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

## 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 January 30, 2025.*

## 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.

Daria Edgerly, Secretary of the Board  
530 Water Street, Oakland, CA 94607  
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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.