



## PORT OF OAKLAND

### SUPPLEMENTAL BOARD AGENDA

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Thursday, November 9, 2023

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 2:30 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/1606987634>*

*To join by Telephone:*

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

*Webinar ID: 160 698 7634*

*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 THREAT TO PUBLIC SERVICES OR FACILITIES - (Pursuant to California Government Code Section 54957 (a)): Number of Matters: 1.**

Consultation with Craig Simon, Interim Director of Aviation and Douglas Mansel, Aviation Security Manager

**File ID:** [\[342-23\]](#)

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

**Property:** Retail Program Totaling 16 Retail Units

**Negotiating Parties:** HG OAK Retail Concessionaires JV (Hudson Group, Arandia Designs, Maj Collection); MRG Oakland, LLC (The Marshall Retail Group, Oaklandish, LLC and Silver Dragon Cafe, LLC); Paradies Lagardere @ OAK, LLC (Paradies Lagardere, JR Lester and Associates, LTD), and the Port of Oakland

**Agency Negotiator:** Nyika Allen, Assistant Director of Aviation; Linda Peng, Manager of Aviation Properties

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

**Property:** Billboards on Burma Road, South of the Eastern span of the Bay Bridge approach to Oakland

**Negotiating Parties:** Clear Channell Outdoor, LLC, Outfront Media, LLC, and the Port of Oakland

**Agency Negotiator:** Dorin Tiutin, Acting Director of Commercial Real Estate

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

**File ID:** [\[343-23\]](#)

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

**Title:** Executive Director

**File ID:** [\[344-23\]](#)

**OPEN SESSION/ROLL CALL**

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

**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 a Third Amendment to the License and Concession Agreement with Bank of America, National Association, located at 101 Washington Street, Oakland to Allow for Various Lighting Upgrades, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act **(CRE)**

**File ID:** [\[338-23\]](#)

**Attachments:** [Agenda Report](#)  
[Exhibit 1](#)  
[Exhibit 2](#)  
[Ordinance Item 2.1](#)

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute a Second Amendment to the Temporary Rental Agreement with Pacific Gas & Electric Company to Extend the Term through December 31, 2024, and Increase the Initial Monthly Rental Rate to \$7,872.76, for a Construction Staging Area on the Premises Located at Livingston Street and Embarcadero Road, Oakland **(CRE)**

**File ID:** [\[335-23\]](#)

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

- 2.3 Resolution:** Approve and Authorize the Executive Director to Waive Formal Competitive Procurement Procedures and Execute an Amendment to the Agreement with City Health Urgent Care for Additional COVID-19 Testing Services and Expenditures Incurred in FY 2021-2023 in an Additional Amount Not to Exceed \$110,646. **(Finance & Admin)**

**File ID:** [\[340-23\]](#)

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

- 2.4 Resolution:** Approve and Authorize the Executive Director to Reimburse the City of Oakland \$2,959,686 for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2023 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Finance & Admin)**

**File ID:** [\[337-23\]](#)

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

- 2.5 Ordinance 4722,** 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 Ratifying And Setting The Compensation For Certain Employees Of The Port Department Represented By The International Brotherhood Of Electrical Workers, Local 1245 And Providing Professional Development Benefits.

**File ID:** [\[341-23\]](#)

**Attachments:** [Ordinance 4722](#)

### 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.*

### 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 Execute a Supplemental Agreement with the Alameda County Sheriff's Office to (1) Extend the Term of the Port's Current Agreement for Seven Years and (2) Increase Maximum Compensation by \$221,270,241. **(Aviation)**

**File ID:** [\[325-23\]](#)

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

- 6.2 Ordinance:** Amendment to Appendix C-1 of the Port of Oakland Administrative Code to Adjust the North Field General Aviation T-Hangar, Ramp Space, and Tiedown Rates. **(Aviation)**

**File ID:** [\[291-23\]](#)

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

- 6.3 Ordinance:** Approve and Authorize the Executive Director to Execute a First Amendment to the Lease with Port Transfer, Inc. on the Former Oakland Army Base to Defer a Scheduled Rent Increase and to Modify the Tenant's Obligations to Complete Certain Maintenance Responsibilities, Resulting in a Total Revenue Loss of Approximately \$488,172 in FY 2024; a Total Expense Savings of up to \$464,000 in FY 2024; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime)**

**File ID:** [\[252-23\]](#)

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

- 6.4 Ordinance:** Approve and Authorize the Executive Director to Execute Amendments to the Non-Exclusive Preferential Assignment Agreements with SSA Terminals (Oakland), LLC for the Oakland International Container Terminal (Berths 55-60) to (a) Extend the Deadline by Which They Must Complete Certain Deferred Pavement Maintenance, and (b) Correct an Error in the Agreements Regarding the Port's Reimbursement for Crane Removal Work; and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime)**

**File ID:** [\[276-23\]](#)

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

- 6.5 Ordinance:** Enactment of the Ordinance Necessary to Ratify and Set the Annual Salaries for the 1) Chief Real Estate Officer Job Classification at \$298,000 and 2) Director of Environmental Programs and Planning Job Classification at \$263,616. **(Finance & Admin)**

File ID: [\[339-23\]](#)

Attachments: [Agenda Report](#)  
[Ordinance Item 6.5](#)

## 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 November 30, 2023.*

## 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.