

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4537

ORDINANCE AMENDING PORT OF OAKLAND
ORDINANCE 2610, AS AMENDED, TO
ESTABLISH EMPLOYEE TENANT PARKING RATES
EFFECTIVE JANUARY 1, 2020 THROUGH
DECEMBER 31, 2023 AT OAKLAND
INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1, dated October 24, 2019 ("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, that 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 parking rates for the use of airport parking facilities by employees of Port tenants at Oakland International Airport ("Employee Parking Rates") is hereby revised as follows:

Employee Parking Permit	Effective January 1, 2020	Effective January 1, 2021	Effective January 1, 2022	Effective January 1, 2023
Monthly Rate	\$35.00	\$38.00	\$42.00	\$47.00

Section 2. The Employee Parking Rates set forth above shall be discounted by 10%, (rounded up to the nearest dollar) for students, military personnel and seniors (age 55 and over).

Section 3. The Board hereby finds and determines that establishing rates under this ordinance is statutorily exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15273 (a), which provides that CEQA does not apply to the establishment,

modification, structuring, restructuring, or approval rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purpose of: (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 such intra-city transfers as are authorized by the city charter. The Board hereby finds that establishing rates under this ordinance are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits.

The Board of Port Commissioners, Oakland, California, October 24, 2019. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner - 7. Noes: 0.

Daria Edgerly

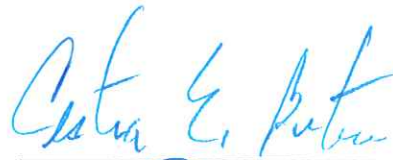
Secretary of the Board


Adopted at a Special Meeting held November 14, 2019
by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Story and
President Butner - 6

Excused: Commissioner Martinez - 1

Noes: 0



President.
Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4538

ORDINANCE AUTHORIZING AND APPROVING THE
EXTENSION OF SPACE ASSIGNMENT
AGREEMENTS THAT HAVE BEEN IN EFFECT FOR
MORE THAN ONE YEAR AS OF OCTOBER 24,
2019 AND THE EXTENSION OF CERTAIN SPACE
ASSIGNMENT AGREEMENTS THAT ARE LIKELY TO
BE IN EFFECT FOR MORE THAN ONE YEAR AS
OF DECEMBER 31, 2019.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the proposed extension of space assignment agreements in the Port of Oakland's ("Port") maritime area as set forth in the Agenda Report for Agenda Item 6.3, dated October 24, 2019, (the "Agenda Report") and related agenda materials, has received the expert testimony of 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. 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 extension of space assignments with maritime area tenants is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to the Port CEQA Guidelines, Section 15301(p), which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing. Extending the space assignments with existing tenants to continue their current business operations meets the criteria for this exemption.

B. Some of the space assignment premises are under regulatory agency oversight with deed restrictions on the property:

- The former Oakland Army Base ("OAB"), which is under the oversight of the State of California's Department of Toxic Substances Control ("DTSC") (EnviroStor site 01970016) due to a variety of historical contaminants in soil and groundwater, remaining from the OAB's former use as a military installation. Most of the sites have been remediated. Two deed restrictions¹ on the OAB prohibit certain land uses and activities, such as groundwater extraction and excavation or soil disturbance without DTSC review and approval, and compliance with the final Remedial Action Plan and Risk Management Plan, among other conditions.
- The former U.S. Navy Fleet and Industrial Supply Center Oakland site that is under the oversight of the DTSC (EnviroStor site CA4170090027) due to volatile organic compounds in shallow groundwater, remaining from its former use as a military installation. A deed restriction² on that portion of the site prohibits constructing wells and extracting groundwater.
- The former Union Pacific Railroad Roundhouse property that is under the oversight of the Regional Water Quality Control Board ("RWQCB") (Geotracker site SL18339759) due to petroleum products in soil and groundwater, remaining from the site's former use by Western Pacific and Union Pacific Railroads. A deed restriction³ on the Roundhouse site prohibits certain land uses and activities, such as groundwater extraction and excavation or soil disturbance without RWQCB review and approval, requires compliance with a Site Management Plan, and requires surface covers, among other conditions.
- A portion of the Howard terminal property that is under the oversight of DTSC (EnviroStor site 01440006) due to volatile organic compounds, polynuclear aromatic hydrocarbons, total petroleum hydrocarbons, lead, and cyanide in soil and groundwater, remaining from a former

¹

http://www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/7657270133/Land%20Use%20Covenant.pdf

http://www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/1262481510/P181921%20Land%20Use%20Covenant%20%5BRecorded%206-29-07%5D.pdf

²

http://www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/4256138443/Land%20Use%20Covenant%20%5BRecorded%202-22-01%5D.pdf

³

https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/7523511588/UPRR%20Roundhouse%20deed%20restriction.pdf

use as a manufactured gas plant. A deed restriction⁴ on that portion of the site prohibits certain land uses and activities, such as disturbance of the asphalt cover, groundwater extraction and excavation or soil disturbance without DTSC review and approval of a health and safety plan, among other conditions.

- The former McGuire property that is under the oversight of the DTSC (EnviroStor site 01280092) due to volatile organic compounds in shallow groundwater, remaining from a former use as a marine chemical terminal and hazardous materials bulk storage and processing facility. A deed restriction⁵ on that portion of the site prohibits certain land uses and activities, such as groundwater extraction and excavation or soil disturbance without DTSC review and approval of a soil management plan.

Continued use of these deed-restricted sites for maritime support purposes is not subject to CEQA under Section 15061(b)(3) of the CEQA Guidelines, which states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that extending the existing space assignments with existing tenants for the same uses on these sites will result in a physical change in the environment, and therefore this action is not subject to CEQA.

SECTION 3. The Board approves the extensions set forth in the Agenda Report and authorizes the Executive Director of the Port ("Executive Director") to extend (i) those Space Assignment Agreements set forth in Table 1 in Attachment A to this Ordinance that have been in effect for more than one (1) year as of October 24, 2019 and (ii) those Space Assignment Agreements set forth in Table 2 of Attachment A to this Ordinance that are likely to be in effect for more than one year as of December 31, 2019. The Board authorizes and approves extension of said agreements on a month-to-month basis under the same terms and conditions and at such rates as are set forth in Port Tariff 2-A, as the same may be amended from time to time by the Board. Each of the month-to-month Space Assignment Agreements herein authorized shall be subject to further Board review and approval in the event that any such Space Assignment Agreements continue for more than one (1) year.

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www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/4891050040/Howard%20Terminal%20Land%20Use%20Covenant.pdf
http://www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/8129270255/Howard%20Terminal%20Land%20Use%20Covenant%20Amendment.pdf

5

www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/4540135025/LUC.Port.Final.Execu.record.pdf

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 Board. This resolution approves and authorizes the execution of an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

The Board of Port Commissioners, Oakland, California, October 24, 2019. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Lee, Leslie, Martinez, Story and President Butner - 6. Excused: Commissioner Cluver - 1. Noes: 0.


Daria Edgerly

Secretary of the Board

Adopted at a Special Meeting held November 14, 2019
by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Story and
President Butner - 6
Excused: Commissioner Martinez - 1
Noes: 0

Attest:



President.

Secretary.

Approved as to form and legality:



Port Attorney

ATTACHMENT A
APPROVAL OF EXTENSION OF SPACE ASSIGNMENTS

Table 1: Space Assignment Agreements That Have Been In Effect for More than One Year as Of October 24, 2019

Company	Agreement	Type of Use	Current Lease Start Date	Monthly Rent
AAA Express	1487MMJ1	Trucking operations	4/1/2018	\$6,690.00
Academy of Truck Drivin	1182MMJ1	Parking of training vehicles	8/1/2006	\$697.79
Academy of Truck Drivin	1185MMJ1	Office and training space	8/1/2006	\$1,580.60
Amnav Maritime Services	1172MMJ1	Tug boat operations	7/1/2006	\$8,655.08
Ariana Hot Dog	1368MMJ3	Food vendor	10/15/2013	\$171.00
Bay Area Rapid Transit	1478MMJ1	Construction laydown	5/21/2018	\$9,713.28
Bay City Express	1511MMJ1	Trucking operations	12/1/2018	\$11,820.75
Best Bay Trucking	1389MMJ4	Trucking operations	9/29/2014	\$27,942.35
Bridgeport Transportation	1504MMJ4	Trucking operations	10/13/2018	\$29,891.14
California Freight Sale	1318MMJ1	Trucking operations	7/1/2006	\$10,146.50
Calport and Rail	1501MMJ1	Trucking operations	9/1/2018	\$11,613.84
CMI Transportation	1476MMJ5	Trucking operations	12/1/2017	\$33,825.29
CPX Carrier	1138MMJ1	Office space/trucking ops	5/1/2017	\$1,429.26
CPX Carrier	1246MMJ1	Office space/trucking ops	5/1/2017	\$10,146.50
CTS Tires and Recycling	1363MMJ1	Truck repairs	9/25/2013	\$6,192.66
Digital Realty Trust	1280MMJ3	Storage and auto parki	7/13/2010	\$2,930.40
DNH Carriers	1485MMJ1	Trucking operations	1/8/2018	\$5,536.42
El Patron Lonchera	1229MMJ3	Food vendor	6/1/2008	\$171.00
Fast Way Xpress	1458MMJ1	Office space/trucking ops	4/15/2017	\$12,515.30
Fred's Truck Service	1404MMJ1	Truck repairs	7/1/2015	\$4,981.50
Fundis Company	OHQ932	Truck scale	12/1/2000	\$5,112.00
Fundis Company	1245MMJ1	Trucking operations	2/1/2009	\$14,484.00
GST Transport	1494MMJ4	Trucking operations	7/20/2018	\$25,434.94
Impact Transportation	1500MMJ1	Fumigation	12/1/2018	\$540.00
Isaac Logistics	1489MMJ4	Trucking operations	5/1/2018	\$6,302.00

K&W Trucking Group	1427MMJ4	Trucking operations	3/1/2016	\$10,146.50
La Chole	MHQ1031	Food vendor	9/1/2003	\$171.00
Legner and Sons	1173MMJ1	Office space/trucking ops	7/1/2006	\$10,642.05
Longdo Trucking	1499MMJ1	Trucking operations	9/1/2018	\$7,961.10
Maritech Equipment	1089MMJ1	Office space and repair	1/1/2005	\$4,452.20
MC&PL Tire	1105MMJ5	Truck tire repair	4/1/2005	\$451.56
Metritech	1268MMJ1	RFID center	12/17/2009	\$133.80
North Central Truck Supply	1311MMJ1	Truck parts	8/1/2011	\$7,987.50
North Central Truck Supply	1464MMJ1	Truck parking	7/1/2017	\$3,037.50
Occupational Testing	1371MMJ1	Trucker physicals	1/1/2014	\$1,580.00
Olivia's Catering	1475MMJ1	Food vendor	10/1/2017	\$171.00
Pacific Maritime Association	1378MMJ4	ILWU training	2/24/2014	\$59,677.20
Pena's Trucking Service	1351MMJ1	Trucking operations	4/15/2013	\$10,146.50
PG&E	1490MMJ4	Construction laydown	6/20/2018	\$10,338.28
Pinnacle Ag Services	1449MMJ1	Trans-loading operation	11/1/2016	\$31,188.96
PRO-SE Services	1452MMJ3	Trucking operations	2/1/2017	\$3,715.49
R&G Express	1352MMJ1	Trucking operations	4/1/2013	\$5,352.00
Ranokx Logistics	1400MMJ4	Trucking operations	4/1/2015	\$11,613.84
Rick's Portable Welding	1375MMJ1	Equipment repair	1/15/2014	\$1,288.56
SAI Trucking	1438MMJ1	Trucking operations	8/22/2016	\$15,984.64
Schnitzer Steel	1231MMJ3	Steel export operation	1/16/2011	\$4,760.06
Schnitzer Steel	1284MMJ3	Steel export operation	4/1/2011	\$1,800.00
Sea Road Transportation	1469MMJ1	Trucking operations	7/1/2017	\$12,951.84
Sea-Logix	1433MMJ1	Container operations	4/30/2016	\$7,261.00
Sincere Hardware	1241MMJ4	Product storage	12/1/2008	\$2,619.90
Singh Express	1437MMJ1	Trucking operations	8/1/2016	\$25,087.50
S-Line Transportation	1393MMJ4	Trucking operations	12/3/2014	\$33,550.35
Star J Trucking	1440MMJ1	Trucking operations	8/1/2016	\$12,956.30
Sunny Trucking	1450MMJ1	Trucking operations	11/1/2016	\$11,214.44
Tacos Los Cuates	1253MMJ4	Food vendor	6/1/2009	\$171.00
Tran Kim Muoi	1333MMJ2	Food vendor	6/1/2012	\$171.00

Unicold	1388MMJ5	Container storage	6/1/2012	\$2,319.57
United Bridge Transport	1472MMJ1	Trucking operations	9/1/2017	\$14,049.00
Villegas Diesel Tech	1418MMJ1	Truck repairs	2/1/2016	\$3,616.80
Westar Marine Services	1165MMJ1	Water taxi services	4/1/2006	\$745.50
Wings Century Trucking	1307MMJ1	Trucking operations	7/1/2011	\$21,370.09
World Transportation	1447MMJ1	Trucking operations	9/1/2016	\$7,916.50
XPO Drayage	1379MMJ4	Trucking operations	3/1/2014	\$34,923.82
Xtreme Intermodal	1508MMJ1	Trucking operations	12/3/2018	\$7,961.10

Table 2: Space Assignment Agreements Likely to be in Effect for More than One Year as of December 31, 2019

Company	Agreement	Type of Use	Current Lease Start Date	Monthly Rent
AV Trucking	1527MMJ4	Trucking operations	6/17/2019	\$9,031.50
E&H 24-Hour Road Svcs	1502MMJ1	Truck repairs	8/1/2019	\$2,230.00
Harley Marine Services	1493MMJ4	Tug and barge operatio	5/1/2019	\$3,500.00
Hercules Trucking	1512MMJ4	Trucking operations	1/3/2019	\$11,952.80
Intermodal Logistics	1526MMJ1	Trucking operations	8/1/2019	\$11,820.86
Oakland Port Trans	1523MMJ4	Trucking operations	5/13/2019	\$17,030.35
Seaport Intermodal	1513MMJ4	Trucking	2/15/2019	\$7,961.10
Shimmick	1517MMJ1	Construction laydown	5/15/2019	\$4,602.05

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4539

ORDINANCE AUTHORIZING AND APPROVING A
SECOND AMENDMENT TO THE TEMPORARY RENTAL
AGREEMENT WITH WEST OAKLAND PACIFIC
RAILROAD LLC FROM JANUARY 1, 2020, THROUGH
DECEMBER 31, 2020, WITH ONE ADDITIONAL
ONE-YEAR EXTENSION OPTION FOR RAIL
SWITCHING SERVICES AT THE RAILYARD AT A
FIXED COMPENSATION OF \$5,350 PER CALENDAR
YEAR QUARTER AND VARIABLE COMPENSATION OF
\$133.75 PER RAIL CAR IN EXCESS OF THE
BREAKPOINT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.4, dated October 24, 2019 (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. 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 Port has an existing Temporary Rental Agreement ("TRA") with West Oakland Pacific Railroad LLC ("WOPR") for interim rail switching services at the newly-constructed Oakland Harbor Intermodal Terminal ("OHIT") Phase 1 Yard, located on the Port-owned former Oakland Army Base property, that will expire on December 31, 2019 pursuant to a Board-approved First Amendment to the TRA.

B. The Port and WOPR have reached agreement on the following

key terms of a Second Amendment to the TRA:

- i. Term: January 1, 2020 through December 31, 2020 with one additional 1-year extension option exercisable at the sole discretion of the Executive Director of the Port ("Executive Director");
- ii. Monthly Rent: \$5,350 fixed rent per Calendar Year quarter plus variable rent of \$133.75 per railcar in excess of a breakpoint of 240 railcars per quarter;
- iii. Security Deposit: \$30,000;
- iv. Use of Premises: Interim rail switching services;
- v. Environmental: WOPR will comply with the most recent form of the Port's Environmental Exhibit; and
- vi. Business Development Plan: Within sixty (60) days of the effective date of the Second Amendment, WOPR will submit a business development plan to increase throughput on the OHIT in the near, medium and long-term.

C. The proposal to authorize the Executive Director to execute a Second Amendment to the TRA with WOPR has been reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port's CEQA Guidelines. The proposed Second Amendment to the TRA is categorically exempt from CEQA pursuant to Section 15301(p) of the Port's CEQA Guidelines which exempts renewals, extensions or amendments to leases or license or concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

SECTION 3. The Board approves the Second Amendment to the TRA as set forth in the Agenda Report and authorizes the Executive Director to execute the Second Amendment to the TRA with WOPR with a maximum term not to extend beyond December 31, 2021 (which includes exercise of one 1-year option), at a quarterly fixed rent of \$5,350, a variable rent of \$133.75 per railcar for any railcar above a breakpoint of 240 railcars per quarter and as further set forth in the Agenda Report.

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 Board. This ordinance approves and authorizes the execution of an agreement in accordance with the terms

of this ordinance. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

The Board of Port Commissioners, Oakland, California, October 24, 2019. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Leslie, Martinez, Story and President Butner - 5. Recused: Commissioner Lee - 1. Excused: Commissioner Cluver - 1. Noes: 0.

Daria Edgerly

Secretary of the Board

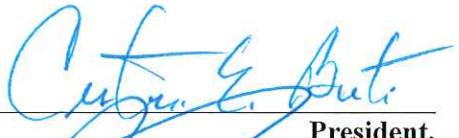

Adopted at a Special Meeting held November 14, 2019
by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Story and
President Butner - 5
Recused: Commissioner Lee - 1
Excused: Commissioner Martinez - 1
Noes: 0

Approved as to form and legality:


Port Attorney

Attest:


President.

Secretary.