

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

11/30/2023
Item No. 6.5
RS/msr



ORDINANCE AUTHORIZING AND APPROVING THE EXECUTIVE DIRECTOR TO EXECUTE EXTENSIONS OF SPACE ASSIGNMENT AGREEMENTS, TEMPORARY RENTAL AGREEMENTS, AND TEMPORARY LICENSE AGREEMENTS THAT HAVE BEEN IN EFFECT FOR MORE THAN ONE YEAR AS OF NOVEMBER 30, 2023, AND/OR ARE LIKELY TO BE IN EFFECT FOR MORE THAN ONE YEAR AS OF DECEMBER 31, 2023 THROUGH DECEMBER 31, 2024, RESULTING IN AN ANNUAL REVENUE OF APPROXIMATELY \$20 MILLION, AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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 6.5, dated November 30, 2023 (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 this action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. The proposed extension of Space Assignment Agreements, Temporary Rental Agreements, and Temporary License Agreements ("Space Assignment Agreements") with continued uses is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Extending the Space Assignment Agreements with existing tenants to continue their current business operations meets the criteria for this exemption.

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 November 30, 2023, (ii) those Space Assignment Agreements set forth in Table 2 of Attachment A to this Ordinance that are expected to be in effect for more than one year as of December 31, 2023, (iii) those Temporary Rental Agreements set forth in Table 3 of Attachment

A in place longer than one (1) year as of November 30, 2023, (iv) those Temporary License Agreements set forth in Table 4 of Attachment A expected to be in place longer than one year as of November 30, 2023, and (v) those Temporary License Agreements set forth in Table 5 of Attachment A expected to be in place longer than one year as of December 31, 2023 through December 31, 2024. 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.

SECTION 4. This Ordinance is not evidence of and does not create or constitute (a) a contract(s), 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 Port. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

SECTION 5. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

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President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney

ATTACHMENT A
APPROVAL OF EXTENSION OF SPACE ASSIGNMENTS

Table 1. Space Assignments in place longer than one year as of 11/30/2023

Company	Agreement	Type of Use	Current Lease Start Date	Monthly Rent¹
Academy of Truck Driving	1182MMJ1	Parking of training vehicle	8/1/2006	\$868.14
Academy of Truck Driving	1185MMJ1	Office and training space	8/1/2006	\$1,398.29
American Tongren	1644MMJ1	Trans-loading operations	11/21/2021	\$18,853.13
Amnav Maritime Services	1172MMJ1	Tugboat operations	7/1/2006	\$12,091.56
Ariana Hot Dog	1368MMJ3	Food vendor	10/15/2013	\$250.00
AV Trucking	1663MMJ4	Trucking Operations	2/12/2022	\$12,326.80
Bay City Express	1511MMJ1	Trucking operations	12/1/2018	\$15,039.69
Bridgeport Transportation	1504MMJ4	Trucking operations	10/13/2018	\$37,665.52
Cal Lift	1565MMJ1	Equipment repairs	8/1/2020	\$9,856.14
Centerline Logistics	1575MMJ4	Tugboat operations	6/1/2020	\$8,097.38
CPX Carrier	1138MMJ1	Office space/trucking ops	5/1/2017	\$1,802.80
CTS Tires and Recycling	1363MMJ1	Truck repairs	9/25/2013	\$7,874.32
Digital Realty Trust	1280MMJ3	Storage and auto parking	7/13/2010	\$3,729.60
E&H 24-Hour Road Svcs	1529MMJ4	Truck repairs	8/1/2019	\$2,818.00
El Patron Lonchera	1229MMJ3	Food vendor	6/1/2008	\$250.00
Everport Terminal Services	1637MMJ2	Marine terminal ops	2/2/2022	\$239,970.53
Flex Intermodal	1572MMJ1	Trucking operations	8/1/2020	\$9,352.24
Fred's Truck Service	1635MMJ1	Truck repairs	10/1/2021	\$4,639.80
Fundis Company	1245MMJ1	Trucking operations	2/1/2009	\$18,020.00
Fundis Company	1571MMJ1	Truck Scales	4/1/2020	\$6,600.00
Geneva Refrigerated	1595MMJ1	Warehouse operations	2/6/2021	\$7,192.56
Gill Freightline	1562MMJ1	Trucking operations	7/7/2020	\$6,207.57

¹ Rent includes a common area electric utility assessment

GSC Logistics	1630MMJ1	Trucking operations	8/9/2021	\$195,932.88
GSC Logistics	1646MMJ1	Office space	11/15/2021	\$551.71
Impact Transportation	1545MMJ1	Trucking operations	5/1/2020	\$16,799.40
Impact Transportation	1500MMJ1	Fumigation	12/1/2018	\$640.80
Intermodal Logistics	1526MMJ1	Trucking operations	8/1/2019	\$15,039.69
Isaac Logistics	1489MMJ4	Trucking operations	5/1/2018	\$7,958.00
JD Trucking Services	1573MMJ1	Trucking operations	8/1/2020	\$11,098.38
JS Container Services	1569MMJ1	Trucking operations	8/1/2020	\$9,103.28
La Chole	MHQ-1031	Food vendor	9/1/2003	\$250.00
Maritech Equipment	1089MMJ1	Office space and repairs	1/1/2005	\$5,009.88
MC&PL Tire	1105MMJ5	Truck tire repair	4/1/2005	\$561.80
Metritech	1268MMJ1	RFID center	12/17/2009	\$168.60
North Central Truck Supply	1311MMJ1	Truck parts	8/1/2011	\$9,937.50
North Central Truck Supply	1464MMJ1	Trucking operations	7/1/2017	\$3,834.32
Oakland Port Trans	1609MMJ4	Office space	4/4/2021	\$1,395.48
Oakland Port Trans	1664MMJ4	Trucking operations	2/12/2022	\$11,689.50
Olivia's Catering	1475MMJ1	Food vendor	10/1/2017	\$250.00
PCC Logistics	1670MMJ1	Trucking operations	10/15/2022	\$44,461.69
Pacific Maritime Association	1378MMJ4	ILWU training	2/24/2014	\$61,201.80
PRO-SE Services	1452MMJ3	Trucking operations	2/1/2017	\$4,721.77
Ranokx Logistics	1655MMJ1	Trucking operations	2/5/2022	\$13,267.98
Rick's Portable Welding	1375MMJ1	Equipment repair	1/15/2014	\$1,638.31
Schnitzer Steel	1231MMJ3	Steel export operations	1/16/2011	\$9,617.75
Schnitzer Steel	1284MMJ3	Steel export operations	4/1/2011	\$2,287.50
SGS Transportation	1555MMJ1	Trucking operations	6/1/2020	\$10,935.40
Sincere Hardware	1241MMJ4	Storage and auto parking	12/1/2008	\$3,333.30
S-Line Transportation	1611MMJ1	Trucking operations	4/15/2021	\$37,950.00
STG Drayage	1416MMJ4	Trucking operations	12/1/2015	\$29,901.80

Streetline Technology	1651MMJ1	Office space	1/1/2022	\$550.00
Tacos Los Cuates	1253MMJ4	Food vendor	6/1/2009	\$250.00
Tran Kim Muoi	1333MMJ2	Food vendor	6/1/2012	\$250.00
TraPac	1607MMJ1	Marine terminal ops	5/24/2021	\$257,959.64
US Army Corps of Engineers	1672MMJ1	Vessel layberth	6/13/2022	As needed
Villegas Diesel Tech	1418MMJ1	Truck repairs	2/1/2016	\$4,601.90
Westar Marine Services	1165MMJ1	Water taxi services	4/1/2006	\$927.50

Table 2. Space Assignments expected to be in place longer than one year as of 12/31/2023

Company	Agreement	Type of Use	Current Lease Start Date	Monthly Rent ²
Amnav Maritime Services	1684MMJ1	Tugboat operations	7/1/2023	\$5,486.21
California Engineering Contractors	1691MMJ1	Construction Laydown	11/1/2023	\$10,436.34
Baha West Coast Express	1690MMJ1	Trucking repairs	9/23/2023	\$9,180.27
CMI Transportation	1476MMJ5	Trucking operations	7/1/2023	\$45,034.03
Ghilotti Construction	1687MMJ1	Construction laydown	8/1/2023	\$21,609.76
GSC Logistics	1682MMJ1	Trucking operations	3/3/2023	\$16,324.27
Lengner & Sons Produce	1683MMJ1	Office space	7/21/2023	\$3,593.58
Safari Truck Lines	1689MMJ1	Office space	9/19/2023	\$3,005.52
Sea-Logix	1680MMJ1	Trucking operations	1/14/2023	\$3,217.80

Table 3. Temporary Rental Agreements in place longer than one year as of 11/30/2023

Company	Agreement	Type of Use	Current Agreement Start Date	Monthly Rent
City of Oakland	TRA	Construction access	7/1/2022	\$0.00

² Rent includes a common area electric utility assessment

Table 4. Temporary License Agreements in place longer than one year as of 11/30/2023

Company	Agreement	Type of Use	Current Agreement Start Date	Monthly Rent
Central Valley Ag Grinding	TLA	Rail access	10/1/2022	\$0.00
Pacific Crane Maintenance Company	TLA	Container Storage	2/14/2022	\$344,654.48 ³
Pasha Stevedoring	TLA	Vessel line handling	4/1/2022	\$0.00

Table 5. Temporary License Agreements expected to be in place longer than one year as of 12/31/2023

Company	Agreement	Type of Use	Current Agreement Start Date	Monthly Rent
FirstElement Fuel	TLA	Mobile hydrogen fueling	8/1/2023	\$0.00

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³ Rent includes a common area electric utility assessment