



Thursday, March 9, 2023

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:30 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.zoom.us/j/95468088509>

To join by Telephone:

US: US: +1 669 900 9128 or +1 669 444 9171 or +1 719 359 4580

Webinar ID: 954 6808 8509

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 Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Butner, 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 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matters: 1**

File ID: [\[078-23\]](#)

- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 2:**

(1) East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009325, California Court of Appeal (First District, Division Four) Case No. A166221

(2) Jeans Parks v Port of Oakland, Worker's Compensation Appeals Board Case Nos. ADJ2972216, ADJ305206, ADJ6791006, ADJ1473386, ADJ6802477, ADJ8259539, ADJ15707218, ADJ8455709, ADJ8260362

File ID: [\[079-23\]](#)

- 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: [\[080-23\]](#)

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

Property: 1 Market Street, Oakland, CA (Howard Terminal)

Negotiating Parties: The Oakland Athletics and the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

File ID: [\[081-23\]](#)

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

Title(s): Port Attorney and Executive Director

File ID: [\[082-23\]](#)

OPEN SESSION/ROLL CALL

Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Butner, First Vice-President Lee and President Leslie.

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: (1) a Supplemental Agreement with Telos Identity Management Solutions, LLC (TelosID) to Extend the Term for Seven Additional Years through June 30, 2030 and (2) Add \$400,000 to the Maximum Compensation for a Total of \$1,329,551 to Continue Providing Designated Aviation Channeling (DAC) Services for Oakland International Airport (Airport); and (3) Waive Formal Competitive Procedures. **(Aviation)**

File ID: [\[068-23\]](#)

Attachments: [Agenda Report](#)

- 2.2 Ordinance 4691,** 2nd Reading Of An Ordinance Amending And Restating Port Of Oakland Environmental Ordinance No. 4345 And Adopting The Amended And Restated Ordinance No. 4345 As Chapter 9.01 Of The Port Of Oakland Administrative Code (POAC).

File ID: [\[073-23\]](#)

Attachments: [Ordinance 4691](#)

- 2.3 Ordinance 4692**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Space/Use Permit With The Marshall Retail Group, LLC For Nine Retail Units At Oakland International Airport For A Term Expiring At The Latest On June 30, 2033 With Anticipated \$10,230,567 Total Rent Payable To The Port Throughout The Term And With Potential Total Capital Contribution By The Port Not-To-Exceed \$2.5 Million, And Waiving Certain Requirements 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, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[074-23\]](#)

Attachments: [Ordinance 4692](#)

- 2.4 Ordinance 4693**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Space/Use Permit With HG Oak Retail Concessionaires JV For Four Retail & Duty Free Concession Units At Oakland International Airport For A Term Expiring At The Latest On June 30, 2033 With Anticipated \$15,023,549 Total Rent Payable To The Port Throughout The Term And With Potential Total Capital Contribution By The Port Not-To-Exceed \$800,000, And Waiving Certain Restrictions 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, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[075-23\]](#)

Attachments: [Ordinance 4693](#)

- 2.5 Ordinance 4694**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Space/Use Permit With Paradies Lagardère @ Oak, LLC For Three Retail Units At Oakland International Airport For A Term Expiring At The Latest On June 30, 2033 With Anticipated \$15,283,313 Total Rent Payable To The Port Throughout The Term And With Potential Total Capital Contribution By The Port Not-To-Exceed \$500,000, And Waiving Certain Requirements 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, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[076-23\]](#)

Attachments: [Ordinance 4694](#)

- 2.6 Ordinance 4695**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Create The Classification Of Chief Real Estate Officer.

File ID: [\[077-23\]](#)

Attachments: [Ordinance 4695](#)

2.7 Minutes: Approval of the Minutes of the Regular Meeting of February 9, 2023. **(Board)**

File ID: [\[072-23\]](#)

Attachments: [February 9, 2023 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.

5. STRATEGY & POLICY

This segment of the meeting is reserved for action or discussion on Strategy and Policy Issues.

5.1 Ordinance: Introduce an Ordinance (First Reading) Amending Section 1.02.010 (Definitions), Chapter 2.01 (By-Laws and Administrative Rules), Chapter 2.05 (Board Rules for Public Participation), and Chapter 2.06 (Port of Oakland Sunshine Ordinance) of the Port of Oakland Administrative Code (POAC) **(Legal & Board)**

File ID: [\[071-23\]](#)

Attachments: [Agenda Report](#)

[Attachment A](#)

[Attachment B](#)

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 Letter Agreement with the City of Oakland for Maintenance, Operating Reserve, and Capital Reserve Costs Related to Community Facilities District No. 2015-1, Providing for a Payment Not to Exceed \$410,582.20 for Fiscal Year 2022-23 **(Maritime)**

File ID: [\[056-23\]](#)

Attachments: [Agenda Report](#)

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute Parking Management Agreements with Douglas Parking, LLC for Self-Parking Services and with Valet Hospitality Services - Jack London Square, LLC for Valet Parking Services for Various Port-Owned Parking Facilities in Jack London Square for a Term of Three (3) Years with Two (2) One-Year Options to Extend for an Amount Not to Exceed \$12,304,398 Over Five Years, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(CRE)**

File ID: [\[043-23\]](#)

Attachments: [Agenda Report](#)
[Attachment](#)

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 March 23, 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

To receive Port Agendas and Agenda Related Materials by email, please email your request to: 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
(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.