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Thursday, May 11, 2023

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 3:30 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/1610377303>

*To join by Telephone:*

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

*Webinar ID: 161 037 7303*

*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 - EXISTING LITIGATION -** (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 1:**

(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

**File ID:** [\[170-23\]](#)

**1.2 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:** [\[171-23\]](#)

**1.3 THREAT TO PUBLIC SERVICES OR FACILITIES -** (Pursuant to California Code Section 54957 (a): Consultation with Kyle Mobley, Director of Info Technology and Chris Hanna, IT Security Manager.

**File ID:** [\[172-23\]](#)

**1.4 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:** [\[173-23\]](#)

**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 Ordinance:** Approve and Authorize the Executive Director to Execute a Five-Year Term Extension of Multiple Agreements with Airport Tenants and Service Providers at Oakland International Airport. **(Aviation)**

**File ID:** [\[126-23\]](#)

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

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute a First Amendment to the License and Concession Agreement with Hanwen Investment Inc, a California Corporation, dba Dragon Gate Oakland, for the Premises Located at 1 Franklin Street, Oakland to Adjust the Rent Payment Schedule and Extend the Term by Two Months and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(CRE)**

**File ID:** [\[141-23\]](#)

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

- 2.3 Ordinance:** Approve and Authorize the Executive Director to Execute a License and Concession Agreement with Moussa Group LLC, for the Premises Located at 7717 Oakport Street, Oakland, for a Term of Seven (7) Years, for an Initial Monthly Rent of \$7,669.00 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act **(CRE)**

**File ID:** [\[140-23\]](#)

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

- 2.4 Ordinance 4700**, 2nd Reading Of An Ordinance Approving And Authorizing (1) The Executive Director To Execute A Second Supplement To The Non-Exclusive Preferential Assignment Agreement With Trapac, LLC For The Berths 25-33 Marine Terminal To Remove Trapac's Obligation To Raise Cranes; Require Trapac To Use Best Efforts To Deploy Near-Zero Emissions Equipment And Other Equipment; Require The Port To Perform Certain Sewer Improvements; Increase Fixed Rent; And Lower The Breakpoint For Variable Rent; (2) Capital Budget Of Approximately \$4.3 Million; And (3) Expenditure Of Approximately \$1.2 Million Of Port Funds To Offset Certain Trapac Costs For Said Equipment; And Finding The Proposed Action Is Exempt Under The California Environmental Quality Act.

**File ID:** [\[174-23\]](#)

**Attachments:** [Ordinance 4700](#)

- 2.5 Ordinance 4701**, 2nd Reading Of An Ordinance Amending Port Of Oakland ("Port") Ordinance No. 2833 Amending Tariff Number 2-A To: (A) Increase Containerized Cargo Wharfage Effective June 1, 2023; (B) Increase Rates For Space Assignments Effective July 1, 2023; And (C) Modify Certain Definitions And Make Minor Administrative Updates, Effective June 1, 2023.

**File ID:** [\[175-23\]](#)

**Attachments:** [Ordinance 4701](#)

- 2.6 Ordinance 4702**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Create The Classification Of Chief Public Engagement Officer.

**File ID:** [\[176-23\]](#)

**Attachments:** [Ordinance 4702](#)

- 2.7 Minutes:** Approval of the Minutes of the Regular Meetings of April 13, 2023 and April 27, 2023. **(Board)**

**File ID:** [\[163-23\]](#)

**Attachments:** [April 13, 2023 Minutes](#)

[April 27, 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.*

- 4.1 **Report:** Unaudited Financials for 9 months ended March 31, 2023 including Capital Expenditure Report. **(Finance & Admin)**

**File ID:** [\[099-23\]](#)

**Attachments:** [Report](#)

- 4.2 **Report:** FY 2024 Operating and Capital Budget Update #2. **(Finance & Admin)**

**File ID:** [\[100-23\]](#)

**Attachments:** [Report](#)

## 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 **Ordinance:** Adoption Of An Ordinance Approving *Oakland International Airport Hangar/Ramp Space Agreements* With Multiple General Aviation Tenants, for Terms Commencing On Various Dates And All Expiring June 30, 2026, With Anticipated Annual Revenues of \$8,538 for FY 2023, Operating At The North Field Of Oakland International Airport and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[125-23\]](#)

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

- 6.2 **Ordinance:** Adoption of an Ordinance Approving a Space/Use Permit with SP Plus OAK RCC Joint Venture for Use of 51,770 Square Feet of Partially Paved Land to Support Rental Car Shuttle Bus Storage and Operations at Oakland International Airport and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

**File ID:** [\[127-23\]](#)

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

- 6.3 **Resolution:** Approve the Renewal and Amendment of Air Service Incentive Program Available to All Airlines Serving Oakland International Airport Until June 30, 2026, and Authorize the Executive Director to execute the Cooperative Advertising Agreements and any other documents to implement the Air Service Incentive Program. **(Aviation)**

**File ID:** [\[167-23\]](#)

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

- 6.4 Resolution:** Approve and Authorize the Executive Director to Enter Into a Contract with TBD in an Amount Not-To-Exceed TBD for Construction of Taxiway W Pavement Rehabilitation Project (Phase 1) and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-To-Exceed TBD and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering / Aviation)**

**File ID:** [\[138-23\]](#)

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

- 6.5 Resolution:** Authorize the Executive Director to Enter Into a Contract with SilMan Venture Corp. dba SilMan Industries in an Amount Not-To-Exceed \$350,320 for the Installation of Large Trash Capture Devices, Phase 1; Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$70,000; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering /Aviation)**

**File ID:** [\[111-23\]](#)

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

- 6.6 Resolution:** Authorization to Execute a Professional Services Agreement with Allied Universal Security Services for Port Security Operations Center Staffing and Security Patrol Services for an Initial Term of Two Years with Two, 2-Year Options to Extend at the Port's Discretion, for a Maximum Term of Six Years and a Total Amount Not to Exceed \$6,900,000 **(Maritime)**

**File ID:** [\[129-23\]](#)

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

- 6.7 Resolution:** Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with Enterprise Risk Management, Inc., d.b.a. ERM Protect ("ERM") to Provide Cybersecurity Vulnerability Assessment Services for Seven (7) Years in an Amount Not to Exceed \$681,296.00 **(Information Technology)**

**File ID:** [\[139-23\]](#)

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

## 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 May 25, 2023.*

## PUBLIC PARTICIPATION

### To Speak on an Agenda Item

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### 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  
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(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.